

I hereby give notice that the public deliberations for a Special Consultative Procedure will be held on:

**Date:** **Tuesday, 19 October 2021 (Local Board feedback)**  
**Wednesday, 20 October 2021 (public deliberations)**

**Time:** **9.30am (19 October 2021)**  
**9.00am (20 October 2021)**

**Meeting Room:** **Online via MStTeams**

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## **DELIBERATION REPORT**

# **TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE Ā-ROHE TAUHOKOHOKO, WHAKAHAERENGA ME TE TANGO KIRIATA TŪMATANUI 2022 / AUCKLAND COUNCIL PUBLIC TRADING, EVENTS AND FILMING BYLAW 2022**

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### **PANEL MEMBERS**

**Chairperson** Cr Linda Cooper, JP  
**Members** Cr Shane Henderson  
Cr Tracy Mulholland  
IMSB Glenn Wilcox

**Julie McKee**  
**HEARINGS MANAGER / KAIWHAKAHAERE**  
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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should panel members require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE PUBLIC DELIBERATION**

At the start of the meeting, the Chairperson will introduce the panel members and council staff and will briefly outline the procedure.

The hearing panel have attended a series of Have Your Say events to hear from the public and have read the officers report and written submissions.

The hearing panel will now deliberate on what they have heard and read and will make a recommendation to the Governing Body.

**Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022**

**Tuesday, 19 October 2021 (Local Board feedback), and  
Wednesday, 20 October 2021 (public deliberations)**

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**SPECIAL CONSULTATIVE PROCEDURE - TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE Ā-ROHE TAUHOKOHOKO, WHAKAHAERENGA ME TE TANGO KIRIATA TŪMATANUI 2022 / AUCKLAND COUNCIL PUBLIC TRADING, EVENTS AND FILMING BYLAW 2022**

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Reporting Officers, Magda Findlik, Senior Policy Advisor and Sam Bunge, Policy Advisor

Reporting on the Have Your Say events and written submissions on the proposed Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

**Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022**

**Tuesday, 19 October 2021 (Local Board feedback), and  
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# Deliberations on the proposed new Public Trading, Events and Filming Bylaw 2022

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## Te take mō te pūrongo

### Purpose of the report

1. To assist Bylaw Panel deliberations on public feedback to the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

## Whakarāpopototanga matua

### Executive summary

2. To assist Bylaw Panel deliberations on public feedback to the proposal, staff have summarised the feedback and provided a structure for the deliberations (Attachment A).
3. The proposal helps to minimise safety risks, nuisance and the misuse of council-controlled public places (for example local parks and civic spaces) by continuing to regulate trading, event and filming activities.
4. Council received responses from 78 people and organisations, including late feedback from one organisation after the close of the public consultation period on 16 July 2021. All feedback is summarised into the following topics:

| Topic          | Description  |
|----------------|--|
| Proposal One   | Continue to regulate trading, events and filming in a similar way to the current Bylaw.  |
| Proposal Two   | Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.   |
| Proposal Three | Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw. |
| Proposal Four  | Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.            |
| Other          | Other bylaw-related matters raised in public feedback and other additional matters.  |

5. Staff recommend that the Panel accept the late feedback, consider all feedback received on the proposal and make the necessary recommendations to the Governing Body.
6. This approach will help complete the statutory process the council must follow. This includes considering with an open mind the views of people and organisations interested in the proposal before making a final decision.
7. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.
8. The final step in the statutory process is for the Governing Body to approve the Bylaw Panel recommendations. If approved, staff will publicly notify the decision and publish the Bylaw.

## Ngā tūtohunga

### Recommendation/s

That the Bylaw Panel:

- a) thank those persons and organisations who gave public feedback on the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui / Auckland Council Public Trading, Events and Filming Bylaw 2022.

- b) accept and consider the late feedback from the Rosebank Business Association alongside all other public feedback received.
- c) request that staff as delegated by the Chief Executive prepare a decision report to the Governing Body for approval of the Panel.

## Horopaki Context

### The proposal makes a new Public Trading, Events and Filming Bylaw 2022

- 9. On 27 May 2021, the Governing Body adopted a [proposal](#) (Attachment B) to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 (Bylaw) for public consultation (GB/2021/51).
- 10. The proposal arose from a statutory review of the Auckland Council Trading and Events in Public Places Bylaw 2015 which is due to expire on 26 February 2022 (see figure below).

Process to make a new Public Trading, Events and Filming Bylaw 2022



- 11. The proposal seeks to better minimise public safety risks, nuisance and misuse of council-controlled public places, by:
  - continuing to regulate trading, events and filming in a similar way to the current Bylaw
  - clarifying the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
  - clarifying which activities require an approval, don't require an approval as long as certain conditions are met, and which activities are not addressed in the Bylaw
  - updating the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.
- 12. The proposed new Bylaw is one part of a wider regulatory framework that includes the:

- Reserves Act 1997, Resource Management Act 1991, Food Act 2014, Road User Rule 2004, Trespass Act 1980, Fair Trading Act 1986, Customer Guarantees Act 1993, Electricity (Safety) Regulations 2010 and Auckland Unitary Plan
- Auckland Council Public Safety and Nuisance Bylaw 2013, Signage Bylaw 2015, Alcohol Control Bylaw 2014 and Waste Management and Minimisation Bylaw 2019
- Auckland Transport Trading and Events in Public Places Bylaw 2015.

### Bylaw Panel was appointed to deliberate on public feedback to the proposal

13. On 11 May 2021, the Regulatory Committee appointed a Bylaw Panel to attend public consultation events, deliberate and make recommendations to the Governing Body on public feedback to the proposal (REG/2021/31).
14. When deliberating, the Panel:<sup>1</sup>
  - must receive public feedback with an open mind and give it due consideration
  - must provide the decisions and reasons to submitters who gave feedback
  - must ensure all meetings are open to the public
  - may consider or request comment or advice from staff or any other person to assist their decision-making.

### Feedback on the proposal was received from 78 people and organisations

15. The proposal was publicly notified for feedback from 8 June to 16 July 2021. Council received [feedback](#) from 59 individuals and 19 organisations from across Auckland during that period, including late feedback from one organisation, (see table below).

#### Summary of public notification and feedback

| Public consultation initiatives   |
|---|
| <ul style="list-style-type: none"> <li>• creation of an 'AK Have Your Say' webpage</li> <li>• public notice in all local suburban papers in June 2021</li> <li>• article on 'Our Auckland' website in June 2021</li> <li>• promotion through social media pages (Twitter and Facebook) in June 2021</li> <li>• promotion through the People's Panel consultation webpages in June 2021</li> <li>• in-person presentation at the Business Improvement District (BID) meeting on 24 May 2021</li> <li>• promotion to all 50 Business Improvement Districts through a monthly newsletter in June 2021</li> <li>• in-person presentation to the Seniors Advisory Panel on 14 June 2021</li> <li>• virtual presentation to the Disability Advisory Panel on 28 June 2021</li> <li>• virtual presentation to the Youth Advisory Panel on 29 June 2021</li> <li>• virtual presentation to programme managers of the City Centre Programmes on 30 June 2021</li> <li>• promotion in a newsletter to members of the Auckland City Centre Advisory Board in June 2021<sup>2</sup></li> <li>• promotion through the Screen Auckland networks to Film Auckland and New Zealand Advertising Producers Group (NZAPG) by email, newsletter and Facebook in June 2021<sup>3</sup></li> <li>• email notification to all local board members, advisors, senior advisors and local area managers, and the Chair of the Independent Māori Statutory Board in June 2021</li> <li>• email notification to stakeholders (including current licence and permit holders), business networks and industry representatives; mana whenua; advisory panels and community interest groups; and internal stakeholders (administrative and technical departments) in June 2021<sup>4</sup></li> </ul> |

<sup>1</sup> Sections 82(1)(e), 82(1)(f) and 83(3) of the Local Government Act 2002 and sections 46 and 47 of the Local Government Official Information and Meetings Act 1987.

<sup>2</sup> This included an article and links to public consultation material to 18 members of the Auckland City Centre Advisory Board.

<sup>3</sup> This included an email to 13 members of the board, newsletter to 730 individuals and Facebook post to 1,700 followers.

<sup>4</sup> This included 1,031 emails to external stakeholders (licence and permit holders, industry representatives, business networks); 19 to mana whenua; 17 to community interest groups; 6 to advisory panels; and 68 to internal stakeholders.

|  |
|--|
| <ul style="list-style-type: none"> <li>• website and email reminder notification to stakeholders, business networks and industry representatives; mana whenua; and advisory panels and community interest groups in July 2021.</li> </ul>  |
| <b>Public feedback opportunities</b>   |
| <ul style="list-style-type: none"> <li>• in writing online, by email or by post from Tuesday, 8 June to Friday, 16 July 2021</li> <li>• in-person at a 'Stakeholder Day' on Friday, 11 June 2021</li> <li>• in-person at a 'Have Your Say' event<sup>5</sup> at the Central Library on Friday, 2 July 2021</li> <li>• at a virtual drop-in 'Have Your Say' event on Monday, 5 July 2021</li> <li>• in-person at one-on-one sessions for mana whenua (by request)</li> <li>• verbally by phone.</li> </ul>  |
| <b>Consultation reach (number of responses)</b>  |
| <ul style="list-style-type: none"> <li>• the 'AK Have Your Say' webpage received 525 'hits'<sup>6</sup></li> <li>• feedback received from 78 people and organisations (59 individuals and 19 organisations) as follows: <ul style="list-style-type: none"> <li>○ 62 submissions received digitally (by completing an online feedback form or submitting an email, including one email received after the public consultation period)</li> <li>○ six members of the Disability Advisory Panel opted to give feedback at the virtual Panel meeting</li> <li>○ one individual and three organisations opted to present at the 'Stakeholder Day' (in addition to this, two of these stakeholders also submitted feedback via email – to prevent double counting, their feedback was included in the 62 submissions received digitally)</li> <li>○ one person opted to attend the online 'Have Your Say' event</li> <li>○ seven people opted to attend the in-person 'Have Your Say' event<sup>7</sup></li> </ul> </li> <li>• no mana whenua opted to attend any one-on-one session.</li> </ul> |

16. Attachments A to G in this report contain a deliberations table, proposal, summary and full copy of public feedback and a summary of operational and non-bylaw-related feedback.
17. All local boards had an opportunity to provide views on the public feedback by resolution and present those views in person to the Bylaw Panel prior to deliberations. All local boards resolved formal views (Attachment H).

## Tātaritanga me ngā tohutohu Analysis and advice

18. To assist the Bylaw Panel in its deliberations, staff have summarised bylaw-related public feedback into topics in Attachment A. This enables the Panel to deliberate and record its recommendations on each topic to meet statutory requirements.
19. The majority of public feedback supported the proposal as shown in the table below.

| Topic          | Support     | Description  |
|----------------|-------------|--|
| Proposal One   | 63 per cent | Continue to regulate trading, events and filming in a similar way to the current Bylaw.  |
| Proposal Two   | 72 per cent | Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.   |
| Proposal Three | 72 per cent | Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw. |
| Proposal Four  | 80 per cent | Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.            |

<sup>5</sup> The 'Have Your Say' event was a drop-in opportunity for the public to learn more about the proposal, ask questions and provide feedback to council officers and panel members.

<sup>6</sup> 'AK Have Your Say' webpage 'hits' comprised of 54 'engaged' participants (people who completed the online survey), 134 'informed' participants (people who downloaded a document, visited an FAQ page or multiple project pages, or completed the survey) and 337 'aware' participants (people who visited at least one page).

<sup>7</sup> No members of the public came specifically to the event, all attendees were approached by Bylaw Panel members or staff.



|       |  |   |
|-------|--|---|
| Other |  | Other bylaw-related matters raised in public feedback and other additional matters. |
|-------|--|---|

20. Key matters for deliberations include clarifying:
- the application of the proposed Bylaw to trading, events and filming on the Auckland transport system
  - the definition of ‘micromobility’
  - that events and art installations remain allowed without an approval.
21. Staff have forwarded feedback on operational and non-bylaw matters (summarised in Attachment G) to relevant council units.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

22. There are no implications for climate change arising from decisions sought in this report.

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

23. The proposal impacts the operation of several council departments and council-controlled organisations. This includes Auckland Council’s Licensing and Regulatory Compliance Unit, Events in Regional Service Planning, Investment and Partnerships Unit, Alcohol Licensing and Environmental Health Unit, Auckland Unlimited (previously known as Auckland Tourism, Events and Economic Development), and Screen Auckland. These teams are aware of the impacts of the proposal and their implementation role.
24. The proposal may also impact the Auckland Transport Trading and Events in Public Places Bylaw 2015 which expires in March 2022. Auckland Transport is currently developing a new consolidated bylaw to regulate several activities within the road corridor.<sup>8</sup> The core components of the *Activities in the Road Corridor Bylaw* will be based on existing bylaw rules in, on, under and above the road corridor to ensure safety without damaging Auckland Transport assets. The bylaw will detail approvals required for trading, events and filming (in alignment with the Auckland Council Public Trading, Events and Filming Bylaw 2022), including the licencing of rental micromobility devices.
25. Auckland Transport proposes a rapid development of its bylaw, with public consultation planned for February 2022 and adoption of the new bylaw occurring as soon as possible.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

26. The proposed new bylaw impacts on local governance as it regulates trading, event and filming activities in council-controlled public places, for example local parks.
27. In September 2021, all local boards had the opportunity to provide formal views by resolution on how the Bylaw Panel should address matters raised in public feedback to the proposal. In addition, local boards could also choose to present those views to the Bylaw Panel at the hearing on 19 October 2021.
28. All local boards provided their views by resolution (Attachment H) and in addition, 11 local boards requested to present their views directly to the Bylaw Panel:
- ten local boards fully supported the proposal
  - ten local boards supported the proposal, noted additional views and requested:

<sup>8</sup> There are five bylaws related to activities in the road corridor that require an approval from Auckland Transport: Trading and Events in Public Places Bylaw 2015, Public Safety and Nuisance Bylaw 2013, Rodney District Council General Bylaw 1998 Chapter Six Stock on Roads, Franklin District Council Stock on Roads Bylaw and the Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places 2015.

- a specific reference to compliance with Reserve Management Plans
- more specific rules for the parking of micromobility devices
- stronger protection of pedestrian and vehicular access, including access and safety for frail and disabled people
- ability to impose controls on commercial activities in parks and public places
- that outdoor fitness classes be controlled
- that the Bylaw explicitly ban trading in tobacco products, weapons and discriminatory or hate promoting materials
- the Waitākere Ranges Local Board did not support the proposal and expressed concerns that some trading activities may be able to operate unregulated from a council-controlled public place, on both casual and semi-permanent basis, if the financial / booking transactions are made online.

## **Tauākī whakaaweawe Māori**

### **Māori impact statement**

29. Māori have strong bonds to the land as kaitiaki. The proposal supports the Independent Māori Statutory Board Plan for Tāmaki Makaurau by minimising the misuse of council-controlled public places and facilitating opportunities for Māori business owners.
30. The proposed rules for trading, events and filming in council-controlled public places apply to activities undertaken by Māori, particularly major or international events.
31. Mana whenua and mataawaka were notified of the proposal and given the opportunity to provide feedback through face-to-face meetings, in writing, online and in-person.
32. Those submitters who identified as Māori supported Proposals One, Three and Four which is consistent with the overall percentage of the Auckland-wide feedback. Comments included that the proposed regulation is sensible and provides appropriate balance between mitigating risks and enabling businesses to operate. While the support for Proposal Two was split (retaining current licencing of rental micromobility under a mobile shop category versus regulating rental devices under their own licence), submitters agreed that rental micromobility should remain regulated.

## **Ngā ritenga ā-pūtea**

### **Financial implications**

33. There are no financial implications arising from decisions sought in this report. The cost of the Bylaw Panel recommendations will be met within existing budgets.

## **Ngā raru tūpono me ngā whakamaurutanga**

### **Risks and mitigations**

34. The following risks have been identified:

| <b>If...</b>  | <b>Then...</b>  | <b>Mitigation</b>  |
|---|---|--|
| Some people or organisations feel the feedback they provided was not addressed. | There may be a negative perception about the legitimacy of the deliberations. | The Bylaw Panel considers all public feedback contained in this report and in its decision report to the Governing Body. |

## **Ngā koringa ā-muri**

### **Next steps**

35. Staff will prepare a report from the Bylaw Panel to the Governing Body to implement the Panel directions on public feedback from its deliberations meeting. The report will be circulated to the Panel for approval and if necessary, the Panel can reconvene.

36. The final step in the statutory process is for the Governing Body to approve recommendations from the Panel. If approved, council staff will publicly notify the decision and publish the new Bylaw.

## Ngā tāpirihanga Attachments

| No. | Title   | Page |
|-----|---|------|
| A   | Deliberations table                               |      |
| B   | <a href="#">Statement of Proposal</a>             |      |
| C   | Summary of public feedback                        |      |
| D   | <a href="#">Online and written feedback</a>       |      |
| E   | 'Stakeholder Day' feedback                        |      |
| F   | 'Have Your Say' event feedback                    |      |
| G   | Operational and non-bylaw-related public feedback |      |
| H   | Local Board views on public feedback              |      |

## Ngā kaihaina Signatories

|             |  |
|-------------|--|
| Authors     | Magda Findlik – Senior Advisor, Regulatory Practice<br>Sam Bunge – Policy Advisor, Regulatory Practice |
| Authorisers | Paul Wilson – Senior Policy Manager, Regulatory Practice   |



**ATTACHMENT A**  
**DELIBERATIONS TABLE**



## Attachment A – Deliberations Table

This attachment provides a structure for deliberations. It contains a summary of public feedback on the proposal and local board views.

The Bylaw Panel will have read all the feedback and views in Attachments C to H to ensure that all matters raised receive due consideration.

### Important:

- This Bylaw only applies to public places owned or controlled by Auckland Council (for example, parks and civic places).
- The extent to which Auckland Council has statutory powers to regulate activities on the Auckland transport system is limited to non-transport-related purposes. The Auckland transport system includes roadways and footpaths within a road reserve, such as Queen Street.
- Auckland Transport is responsible for the management of trading activities, events and filming on the Auckland transport system for transport-related purposes. These activities are regulated by the Auckland Transport Trading and Events in Public Places Bylaw 2015.
- The Bylaw Panel must during its deliberations consider the matters raised in the context of council’s statutory powers.

### Note:

- The number of comments for key themes may not equal the total number of comments stated for the proposal because they include general comments or exclude operational and non-bylaw related matters.
- Public feedback about operational and non-bylaw related matters is summarised in Attachment G and will be referred to other council departments and council-controlled organisations where relevant.
- Public feedback related to ‘micromobility devices to be regulated by Auckland Transport’ has been captured both in the deliberations table (see Proposal 2) and operational and non-bylaw related feedback in Attachment G.

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation  |
|---|---|---|
| <p><b>Continue to regulate trading, events and filming in a similar way to the current Bylaw</b></p> <p>63 feedback responses: <b>40 support (63 per cent)</b>, 8 oppose (13 per cent), 15 other (24 per cent) and 41 comments.</p> <p><b>Key themes in support (16):</b></p> <ul style="list-style-type: none"> <li>• Proposal is responsive and common sense (12): <ul style="list-style-type: none"> <li>○ rules are sensible; reasonable; fair; evidence-based; responsive; provide a clear picture of what is or what is not allowed; excellent (7)</li> </ul> </li> </ul> | <p><b>Current Bylaw:</b></p> <ul style="list-style-type: none"> <li>• requires operators to obtain approvals for trading, events and filming in public places [cl 6]</li> <li>• provides for exemptions to obtaining approvals [cl 7]</li> <li>• specifies information applicants must submit, approval fees, requirements to display approvals, and mechanisms to review approvals [cl 9, 10, 12, 13, 14]</li> </ul> | <p>Not applicable. Recommendations made only in relation to ‘key changes sought’ below.</p> |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
|---|---|----------------------|
| <ul style="list-style-type: none"> <li>○ rules mitigate health and safety risks; keep public order; allow use of controls and conditions (5)</li> <li>● Agrees partially (does not want a separate micromobility bylaw). (1)</li> </ul> <p><b>Key themes opposed (8):</b></p> <ul style="list-style-type: none"> <li>● Public spaces need to be considered as public spaces (parks and public spaces belong to us, not council; exist for public use and enjoyment). (2)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>● Support proposal (16)</li> <li>● Support proposal and provided additional views (4) about: <ul style="list-style-type: none"> <li>○ a lack of reference to local parks management plans (2)</li> <li>○ stronger protection of pedestrian and vehicular access, including access and safety for frail and disabled people (2)</li> <li>○ compliance with broadcasting standards, advertising standards and classification law (1)</li> <li>○ notifying business and resident associations of significant trading, event or filming activities in their area (1)</li> <li>○ banning the trade of certain products (2)</li> <li>○ supporting street dining and business use of public footpaths as it has positive benefits for town centres (1)</li> <li>○ opposing additional exemptions for filming applications due to the relatively high level of complaints, compliance issues, and disruptions (1)</li> <li>○ respectful use of drones (1).</li> </ul> </li> <li>● Waitākere Ranges Local Board does not support proposal due to: <ul style="list-style-type: none"> <li>○ its urban focus (does not consider diversity of Auckland's public places)</li> <li>○ potential impact of inappropriate trading activities in the Waitākere Ranges Heritage Area council-controlled public places and its significant destinations</li> <li>○ lack of reference to Waitākere Ranges Heritage Area Act 2008</li> <li>○ consideration of environmental and heritage impacts</li> <li>○ no alignment of policies for managing carparking.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>● sets general and specific conditions on approvals [cl 11, 15 - 24].</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>● clarify the meaning of a 'council-controlled public place' and other definitions</li> <li>● require an approval for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events and filming [cl 7]</li> <li>● allow for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown [cl 6]</li> <li>● allow council to grant applications for approval and stipulate conditions [cl 10 to 14]</li> <li>● clarify the duration of an approval (12-months unless otherwise specified in the approval), requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]</li> <li>● allow additional rules in a 'control', for example conditions on activities that do not require a bylaw approval; how a bylaw approval will be considered [cl 9].</li> </ul> <p><b>About 'separate micromobility bylaw' feedback:</b></p> <ul style="list-style-type: none"> <li>● the proposal does not suggest a separate bylaw to regulate micromobility</li> <li>● the proposal aims to ensure that micromobility devices are regulated under their own approval (they are currently licensed as mobile shops) in accordance with relevant controls and approval conditions.</li> </ul> <p><b>About 'public spaces need to be considered as public spaces' feedback:</b></p> <ul style="list-style-type: none"> <li>● under the Local Government Act 2002, Local Government (Auckland Council) Act 2009 and Land Transport Act</li> </ul> |                      |



| Public feedback topic (Proposal 1)<br>(Number of comments in brackets) | Staff comment (information to assist deliberations)   | Panel recommendation |
|--|---|----------------------|
|  | 2009, council has bylaw making powers and a legislative mandate as a public body (as opposed to a private body) to regulate the use of public places under its control to help minimise public safety risks, nuisance and misuse. |                      |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)  | Panel recommendation  |
|--|--|---|
| <p><b>Key changes sought (filming to be fully exempt) (2)</b></p> <ul style="list-style-type: none"> <li>Filming to be fully exempt (industry is well-organised, less red tape).</li> </ul>  | <ul style="list-style-type: none"> <li>Filming activities continue to pose issues with 48 complaints reported since 2018 related to safety risks, parking nuisance, environmental impacts, public inconvenience, noise or lighting, general disruption or location overuse.</li> <li>Proposal (cl 6(4) and 7(1)(c)): <ul style="list-style-type: none"> <li>builds on the current regulatory approach requiring some filming to obtain an approval (permit) to mitigate safety risks, nuisance and misuse of council-controlled public places and is consistent with the <a href="#">Auckland Film Protocol</a></li> <li>already provides exemption for filming that is a private celebration or event (cl (6)(4)(a)) and for the purpose of current affairs or news (cl (6)(4)(b))</li> <li>clarifies existing exemptions relating to recordings of property for property sale and rental purposes (cl (6)(4)(c)) and for building inspection purposes in line with requirements for drone usage (cl (6)(4)(d))</li> <li>contains no new exemptions.</li> </ul> </li> </ul> | <p>That the proposal about <a href="#">continuing to regulate trading, events and filming in a similar way to the current Bylaw</a> <b>Either [Panel to decide]</b> <b>be adopted as publicly notified.</b> <b>OR</b> <b>be amended to [Panel to insert].</b> <b>OR</b></p> |
| <p><b>Key changes sought (low-impact filming to be exempt) (3)</b></p> <ul style="list-style-type: none"> <li>Exemption for private filming, small independent filming (if no impact on safety) and 'low impact filming' in accordance with the Auckland Film Protocol.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal already provides exemption for filming that is a private celebration or event (cl (6)(4)(a)) and for the purpose of current affairs or news (cl (6)(4)(b)).</li> <li>In addition, under the Auckland Film Protocol a film permit may or may not be required for low impact filming referred by Screen Auckland as 'agile' activity. In practice (as an operational matter), Screen Auckland staff will clarify that the notice that a film permit is not required is in effect the approval under this Bylaw.</li> </ul>   | <p><b>be rejected and the proposal amended to [Panel to insert].</b> <b>AND</b> <b>Reasons include to [Panel to insert].</b></p>  |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <p><b>Key changes sought (no additional exemptions for filming applications) (1)</b></p> <p>Devonport-Takapuna Local Board does not support any additional exemptions for filming applications, noting that filming activities generate a relatively high level of complaints and compliance issues, and the numerous potentially disruptive elements of filming including vehicles, lights, noise, and limiting public access to the public spaces where filming is taking place.</p> | <ul style="list-style-type: none"> <li>• Proposal does not contain any additional exemptions for filming.</li> <li>• Proposal (cl 6(4) and 7(1)(c)): <ul style="list-style-type: none"> <li>○ builds on the current approach requiring filming to obtain a permit</li> </ul> </li> <li>• provides for and clarifies existing exemptions for filming that is a private celebration or event, for the purpose of current affairs or news, relates to recordings of property for property sale and rental purposes and for building inspection purposes (cl (6)(4)).</li> </ul>                              |                      |
| <p><b>Key changes sought (compliance with broadcasting standards and classification law) (1)</b></p> <p>Waitematā Local Board requests that conditions are added to filming permits requiring that any product made be legal to screen or distribute under New Zealand law.</p>  | <ul style="list-style-type: none"> <li>• Proposal already allows for conditions to be imposed on applications such as compliance with a control (cl 14(2)(n)), compliance with any relevant Act, regulation or guideline (cl 14(2)(o)) including the Broadcasting Act 1989, The Films, Videos, and Publications Classification Act 1993 and any Act that restricts advertising and compliance with relevant Auckland Council policies (cl 14(2)(p)).</li> <li>• Note the <a href="#">Auckland Film Protocol</a> may place extra scrutiny on content deemed to be injurious to the public good.</li> </ul> |                      |
| <p><b>Key changes sought (respectful use of drones) (1)</b></p> <ul style="list-style-type: none"> <li>• Waitematā Local Board recommends including a requirement that the use of drones for filming does not compromise people's privacy, safety, or right to quiet enjoyment.</li> </ul>   | <ul style="list-style-type: none"> <li>• Proposal already allows for conditions to be imposed on applications such as compliance with a control (cl 14(2)(n)) (the <a href="#">Auckland Film Protocol</a>) and any relevant Act, regulation or guideline (cl 14(2)(o)) (for example, the Civil Aviation (Offences) Regulations 2006 and Privacy Act 1993).</li> <li>• The <a href="#">Auckland Film Protocol</a> provides conditions on the use of drones concerning the need to obtain necessary permissions and respectful use.</li> </ul>  |                      |
| <p><b>Key changes sought (sellers of information to be exempt) (1)</b></p> <ul style="list-style-type: none"> <li>• Exempt sellers of information in public places (books, magazines, periodicals), but still require compliance with conditions (to prevent excess litter and congestion, and to ensure a person has requested the information).</li> </ul>   | <ul style="list-style-type: none"> <li>• The proposed Bylaw (cl 7) seeks to manage the use of public space by regulating the activity, not the content of whatever is being sold or given away.</li> </ul>  |                      |
| <p><b>Key changes sought (Mr Whippy) (2)</b></p>   | <ul style="list-style-type: none"> <li>• Proposal already requires mobile shops to obtain an approval to operate in council-controlled public places (cl 7(1)(a)(ii)) in accordance with controls (cl 9(1)(b)) and compliance with approval conditions (cl 14(2)). Mobile shops include Mr Whippy.</li> </ul>   |                      |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <ul style="list-style-type: none"> <li>Mr Whippy to be licenced and seek approval from the Business Association / Business Improvement District (BID) for that area before a licence is granted</li> <li>Any licences taking place within 500m of a commercial area, should seek permission of the Businesses Association / BID of that area.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal allows for applications to be considered against any potential nuisance or safety impacts the activity has on the public, council-controlled public places and surrounding environment (cl 12(2)(c)) including the impact on nearby businesses (cl 12(2)(c)(vi)). This is similar to the current Bylaw approach.</li> <li>Proposal does not preclude the notification of business or resident associations as an operational decision as part of the approval process. Council however cannot restrict mobile traders for anti-competitive reasons or in a way that is contrary to the intent of the Commerce Act 1989.</li> <li>The existing 'control' (<i>Trading and Events in Public Places Guidelines 2015</i>) provides council with the ability to control the location of mobile operators if they may unreasonably impact on local businesses to mitigate safety risks or nuisance.</li> <li>The proposed conditions in the Bylaw provide council with the ability to mitigate actual or potential issues on nearby business areas in relation to public safety, nuisance and misuse (cl 14(2)(e)). The Commerce Act 1986 prohibits anticompetitive behaviour (as indicated in the Bylaw Summary). The proposal is similar to the current Bylaw approach.</li> </ul> |                      |
| <p><b>Key changes sought (business and resident association notification) (1)</b></p> <ul style="list-style-type: none"> <li>Waitematā Local Board requests any approval for significant street trading, events or filming be notified to any known business or residents' association for the area.</li> </ul>  | <ul style="list-style-type: none"> <li>Proposal allows for applications to be considered against any potential nuisance or safety impacts the activity has on the public, council-controlled public places and surrounding environment (cl 12(2)(c)) including the impact on nearby businesses (cl 12(2)(c)(vi)).</li> <li>Council however cannot restrict applicants for anti-competitive reasons or in a way that is contrary to the intent of the Commerce Act 1989</li> <li>Proposal does not preclude the notification of business or resident associations.</li> </ul>  |                      |
| <p><b>Key changes sought (licence outdoor display) (2)</b></p> <ul style="list-style-type: none"> <li>Regulate outdoor display of goods (just like outdoor dining).</li> </ul>   | <ul style="list-style-type: none"> <li>While the proposal does not require outdoor displays of goods to obtain an approval (cl 6(2)(a)), it specifies that the activity must comply at all times with any conditions in a control made under clause 9 (cl 9(1)(a)).</li> <li>In contrast, outdoor dining requires an approval (cl 7(1)(a)(ii)) in accordance with controls (cl 9(1)(b)) and compliance with approval conditions (cl 14(2)).</li> <li>There is no evidence that current approach to regulating outdoor display of goods is ineffective. Council has received lower complaint numbers for outdoor display of goods than outdoor dining (since 2017, outdoor display of goods complaints average 20 a year compared to 60 for outdoor dining). Requiring such approval</li> </ul>  |                      |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation |
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|  | under the proposed Bylaw will create more administrative work and compliance cost (council is obliged to inspect every site where approval is issued).  |                      |
| <p><b>Key changes sought (controls) (1)</b></p> <ul style="list-style-type: none"> <li>Set controls for outdoor dining furniture (furniture continues to invade footpaths).</li> </ul>   | <ul style="list-style-type: none"> <li>Proposal allows council to make controls about outdoor dining (cl 9 (1)(b)) (for example, the <i>Trading and Events in Public Places Guidelines 2015</i>) in addition to requirements to obtain an approval and comply with approval conditions.</li> <li>The Universal Design Forum is currently working on development of the <i>Universal Design Café and Restaurant Checklist</i> related to outdoor dining.<sup>1</sup> The Urban Design Unit aims to complete the guidelines by the end of this year.</li> </ul>   |                      |
| <p><b>Key changes sought (displays and outdoor dining) (1)</b></p> <ul style="list-style-type: none"> <li>Displays and trading on footpaths should not impede pedestrians particularly those with vision or mobility impairments (for example, those using wheelchairs or walking frames) or walking with children: <ul style="list-style-type: none"> <li>replace current requirement of minimum 1.8m width of unobstructed footpath (inadequate) with an obstacle free through route of a minimum 2.4m wide (as in the <i>Pedestrian Planning and Design Guide</i> by Waka Kotahi)</li> <li>outdoor display of goods or services ‘adjacent to premises’ may obstruct the building line or the preferred line of travel (route) for blind citizens using a cane, and placement on the kerbside would be preferable (as with signage boards).</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>It is noted that the matters raised here typically relate to road-side footpaths which is a matter for Auckland Transport to address (not Auckland Council).</li> <li>Proposal in the approval conditions ensures a continuous accessible path of travel for pedestrians and vehicles that is free of nuisance, obstruction or hazards by maintaining a minimum of unobstructed footpath width of no less than 1.8 meters (cl 14(2)(f)(iii)).</li> <li>This is similar to the current Bylaw approach and is consistent with the existing control (<i>Trading and Events in Public Places Guidelines 2015</i>).<sup>2</sup></li> <li>Feedback received from operational staff indicates that the requirement of 1.8m of unobstructed footpath operates well and is assessed on case-by-case basis.</li> <li>Where appropriate, a condition can require a greater unobstructed footpath width.</li> <li><i>Pedestrian Planning and Design Guide, 2009 (s 14.3)</i> by Waka Kotahi refers to a vertical (overhead) clearance over an entire width (including the street furniture) that is free of all obstructions, such as vegetation, signs and shop awnings as ideal clearance of 2.4m and absolute minimum of 2.1m.</li> </ul> |                      |
| <p><b>Key changes sought (distribution of information) (1)</b></p> <ul style="list-style-type: none"> <li>Stricter controls for distribution of any information to prevent spreading of anti-vaccination propaganda.</li> </ul>  | <ul style="list-style-type: none"> <li>Proposal allows council to set conditions for the type, quality and standard of goods and materials sold or distributed (cl 14(2)(i)) to ensure that any goods or materials sold or distributed are not discriminatory, defamatory and objectionable, and do not cause any widespread or serious offence, threaten harm or incite offence (cl 14(2)(h)). These matters are also regulated under the Films, Videos, and</li> </ul>  |                      |

<sup>1</sup> Universal Design Forum comprises approximately 30 stakeholders, the majority of which are non-governmental organisations, with some key representatives from within council and AT.

<sup>2</sup> Council policies and processes are based on the NZS 4121:2001 New Zealand Standard Design for Access and Mobility – Buildings and Associated Facilities.

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
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|   | <p>Publications Classification Act 1993, Human Rights Act 1993 and Broadcasting Act 1989.</p> <ul style="list-style-type: none"> <li>This is similar to the current Bylaw approach.</li> <li><b>Panel could if it wishes consider amending the Summary to specifically refer to the above Acts as part of the wider framework that the Bylaw does not seek to duplicate.</b></li> </ul>   |                      |
| <p><b>Key changes sought (controls are too broad) (1)</b></p> <ul style="list-style-type: none"> <li>Proposed controls in clause 9 are too broad.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposed controls (cl 9) clarify the nature and extent of the matters contained in the current Bylaw that council determines as part of the administration of the Bylaw. This includes for example, conditions of use (cl 7 of <b>current</b> Bylaw), requirements in relation to the approval process (cl 10 and 11 of <b>current</b> Bylaw) and prohibition of trading activities (cl 8 of <b>current</b> Bylaw).</li> <li>Council must be satisfied that the matters to be determined are not unreasonable. The proposal seeks to address this by: <ul style="list-style-type: none"> <li>limiting those matters to only those stated in the proposed cl 9</li> <li>improving transparency by consolidating them in a single clause and using the special consultative procedure to adopt the use of controls</li> <li>noting in the related information note that any decision must still comply with the decision-making requirements under the Local Government Act 2002</li> <li>relying on the statutory requirements about delegations to ensure decisions are made at the appropriate level, which will vary depending on the matter.</li> </ul> </li> </ul> |                      |
| <p><b>Key changes sought (exempt more activities) (1)</b></p> <ul style="list-style-type: none"> <li>Allow more activities to operate without approvals and fees (for example, set additional rules in a 'control' pending consultation with town centre managers). No examples of specific activities included.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal already allows some activities to operate without approval from council (cl 6) and it specifies that those activities must comply at all times with any conditions in a control made under clause 9 (cl 9(1)(a)). The existing 'control' (<i>Trading and Events in Public Places Guidelines 2015</i>) provides council with the ability to control the location of activities if they may unreasonably impact on local businesses to mitigate safety risks or nuisance (but not trade competition).</li> </ul>  |                      |
| <p><b>Key changes sought (reference to parks management plans) (2)</b></p> <ul style="list-style-type: none"> <li>Kaipatiki and Devonport-Takapuna Local Boards request specific reference to the need to comply with local parks management plans and not just the Reserves Act.</li> </ul>                                | <ul style="list-style-type: none"> <li>Specific reference to local parks management plans and the Reserves Act 1977 is contained in the summary. A related information note under clause 6(4) however, only refers to "Acts, regulations, bylaws and rules".</li> <li><b>Panel could if it wishes consider amending the information note under clause 6 to specifically refer to local and regional park management plans.</b></li> </ul>   |                      |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <p><b>Key changes sought (access protections and reference to UNCRPD) (2)</b></p> <ul style="list-style-type: none"> <li>Waitemata and Albert-Eden Local Boards request stronger protection of pedestrian and vehicular access, access and safety for frail and disabled people and a reference to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).</li> </ul>  | <ul style="list-style-type: none"> <li>Proposal does not directly refer to the United Nations Convention on the Rights of Persons with Disabilities, however, it ensures that council considers applications for approval based on actual and potential impacts of the activity on the public (cl 12(2)(c)) and puts in place conditions on approvals granted to mitigate actual and potential impacts from the activity on the public (cl 14(2)(e)).</li> <li><b>Panel could if it wishes consider including a reference to the UN CRPD in the Summary of the proposed Bylaw.</b></li> </ul> |                      |
| <p><b>Key changes sought (banning the trade of certain products) (2)</b></p> <ul style="list-style-type: none"> <li>Waitemata and Albert-Eden Local Boards request that the Bylaw explicitly ban trading in tobacco products, contemporary weapons of war, illegal weapons, material promoting the hatred of, or discrimination against, any people by reason of their personal characteristics, and any trading contrary to Auckland Council's Local Alcohol Policy or Gambling Policies.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal already sets conditions for the type, quality and standard of goods and materials sold or distributed (cl 14(2)(i)) to ensure that any goods or materials sold or distributed are not discriminatory, defamatory and objectionable, and do not cause any widespread or serious offence, threaten harm or incite offence (cl 14(2)(h)).</li> <li>Proposal also allows for conditions requiring compliance with council policies (cl 14(2)(p)).</li> </ul>  |                      |
| <p><b>Key changes sought (bylaw is urban focussed and does not consider the diversity of Auckland's public places) (1)</b></p> <ul style="list-style-type: none"> <li>Waitakere Ranges Local Board assesses that the Bylaw is principally written with urban public places in mind and does not take into account the diversity of public places across Auckland.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposal clarifies the definition of a 'council-controlled public place' (cl 5(1)) to be wide-ranging and applies to any place that is under control of council or a council-controlled organisation.</li> </ul>   |                      |
| <p><b>Key changes sought (Waitakere Ranges Heritage Act) (1)</b></p> <ul style="list-style-type: none"> <li>Waitakere Ranges Local Board requests the Bylaw include a specific reference to the Waitakere Ranges Heritage Area Act 2008 in approval considerations.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposal provides references to the Waitakere Ranges Heritage Area Act 2008. In addition, all applications for approvals may consider relevant requirements in any Act (cl 12(2)(h)) and similarly include conditions (cl 14(2)(o)).</li> </ul>  |                      |
| <p><b>Key changes sought (environmental and heritage impacts) (1)</b></p> <ul style="list-style-type: none"> <li>Waitakere Ranges Local Board requests environmental and heritage impacts in the Waitakere Ranges Heritage</li> </ul>   | <ul style="list-style-type: none"> <li>The proposal allows for applications for approvals to be considered against actual or potential impacts of the activity on the environment (cl 12(2)(c)(iii)) and conditions may be placed on granted approvals to mitigate impacts on flora and fauna (cl 14(2)(e)).</li> </ul>   |                      |

| Public feedback topic (Proposal 1)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)  | Panel recommendation |
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| Area be included as approval considerations, approval conditions and approval review considerations.   | <ul style="list-style-type: none"> <li>The proposal provides references to the Waitākere Ranges Heritage Area Act 2008. In addition, all applications for approvals may consider relevant requirements in any Act (cl 12(2)(h)) and similarly include conditions (cl 14(2)(o)).</li> <li>The proposal allows for approval reviews to be considered against misuse and damage (cl 18(1)(b)).</li> </ul> |                      |
| <p><b>Key changes sought (align policies for managing carparking) (1)</b></p> <ul style="list-style-type: none"> <li>Waitākere Ranges Local Board requests alignment of policies for managing carparking with the adjacent parkland particularly in rural coastal communities to ensure integrated decision-making.</li> </ul> | <ul style="list-style-type: none"> <li>The proposal allows for approval consideration (cl 12(2)(j)) and approval conditions (cl14 (2)(p)) to be consistent with relevant Auckland Council policies and plans.</li> </ul>   |                      |

| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation  |
|--|---|---|
| <p><b>Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are</b></p> <p>65 feedback responses: <b>47 support (72 per cent)</b>, 9 oppose (14 per cent), 9 other (14 per cent) and 45 comments.</p> <p><b>Key themes in support (22):</b></p> <ul style="list-style-type: none"> <li>Strongly agrees with proposal due to safety risks (12)</li> <li>Devices require clear, strong and tight control. (6)</li> </ul> <p><b>Key themes selected as ‘other’ (neither supports / opposes) (17):</b></p> <ul style="list-style-type: none"> <li>Agrees with a stand-alone regulation (not as mobile shops) and alternative low emission mode of transport for short journeys (1)</li> <li>Proposal does not go far enough (offers better solution than currently exists, e-scooters / e-bikes are the future of transport). (3)</li> </ul> <p><b>Key themes opposed (6):</b></p> <ul style="list-style-type: none"> <li>Council oversteps its mandate (current approach works, proposal is too heavy-handed; too many bylaws) (3)</li> <li>Proposal is impractical (in its management and enforceability) (1)</li> </ul> | <p><b>Current Bylaw:</b></p> <ul style="list-style-type: none"> <li>does not refer to micromobility as it was introduced in 2018 (after Bylaw creation)</li> <li>regulates rental micromobility under a mobile shop licence [cl 6]</li> <li>stipulates assessment criteria and approval conditions [cl 10, 11].</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>define ‘micromobility’ and provide examples such as rental e-scooters and e-bikes</li> <li>clarify that rental micromobility devices are to be approved under their own licence</li> <li>provide a ‘related information note’ to relevant websites, forms, codes of practice</li> <li>specify information required from applicants and approval conditions, for example a limit on the number of micromobility devices that may be offered for rent.</li> </ul> <p><b>Central government responsibilities:</b></p> | <p>Not applicable. Recommendations made only in relation to ‘key changes sought’ below.</p> |

| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <ul style="list-style-type: none"> <li>Operators demonstrate no regard for council/government rules. (1)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>Support proposal (16)</li> <li>Support proposal and provided additional views (4) about: <ul style="list-style-type: none"> <li>addressing safety issues related to road use, parking and litter (4)</li> <li>future-proof definition of micromobility devices (remove reference to 'small' and clarify that examples are indicative) (1)</li> <li>parking of devices in assigned parking or to prevent hazards</li> <li>restrictions on number of devices (1)</li> </ul> </li> <li>Waitākere Ranges Local Board does not support proposal for the same reasons stated in <b>Proposal 1</b>.</li> </ul> <p><b>Note:</b> Feedback about changes to legislation and transportation are summarised in Attachment G. These matters are outside the scope of this proposed Bylaw.</p> | <ul style="list-style-type: none"> <li>central government legislation (not a bylaw) sets rules in relation to where users ride micromobility devices such as rental e-scooters and e-bikes, the use of helmets, speed and suitability of hardware</li> <li>the upcoming Accessible Streets Regulatory Package proposes to improve footpath users' safety and encourage active modes of transport by clarifying the types of micromobility devices allowed on footpaths, and conditions for footpath use like maximum speed limits (council supported the use of cycle lanes and footpaths by e-scooters but requested speed limit reduction for footpath use from 15 km/h to 10 km/h)</li> <li>Waka Kotahi is currently reviewing submissions and is preparing a Disability Impact Assessment based on the consultation outcomes to inform its advice to Government on what, if any, changes are required. A Road User Rule 2004 amendment is expected to come into force in 2021.</li> </ul> |                      |

| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation  |
|---|---|---|
| <p><b>Key changes sought (number of devices) (2)</b></p> <ul style="list-style-type: none"> <li>Restrict number of devices available (1)</li> <li>Should not restrict number of devices (1)</li> <li><b>Devonport-Takapuna Local Board</b> considers that council will need to have mechanisms available to include geo-fencing and/or restricting the number of licensed operators, or the number of devices.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal allows council to put in place conditions on approvals about limits on number of devices that may be offered for rent (cl 14(2)(c)) but does not set out the actual limits.</li> <li>Council determines operationally the total number of rental e-scooters and the maximum number of e-scooters deployed by an operator in each tier across the city. This approach balances convenient access to e-scooters for users with managing excessive clutter, obstruction and potential nuisance. For example, the total number of rental e-scooters was reduced from 3200 to 2490 during the latest allocation (September 2020) to reflect the realities of COVID-19 and the volume of construction work. Council also issued licences for a total of 900 e-bikes and 50 bikes (no limits apply).</li> <li>Geo-fencing (areas where e-scooters slow down to 15km/h) is one of the negotiated incentives that enables council to enhance safety, reduce nuisance and have potential to influence rider behaviour for matters that are currently regulated by central government legislation (cannot be regulated by a bylaw).</li> </ul> | <p>That the proposal about <a href="#">clarifying the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are</a></p> |



| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation   |
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| <p><b>Key changes sought (UN CRPD) (2)</b></p> <ul style="list-style-type: none"> <li>Provide reference the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in the Bylaw.</li> </ul>   | <ul style="list-style-type: none"> <li>Proposal does not directly refer to the United Nations Convention on the Rights of Persons with Disabilities, however, it ensures that council considers applications for approval based on actual and potential impacts of the activity on the public (cl 12(2)(c)) and puts in place conditions on approvals granted to mitigate actual and potential impacts from the activity on the public (cl 14(2)(e)).</li> <li><b>Panel could if it wishes consider provision of a reference to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in the Summary.</b></li> </ul>  | <p>Either [Panel to decide]<br/>be <b>adopted as publicly notified.</b><br/><b>OR</b><br/>be amended to [Panel to insert].<br/><b>OR</b></p> |
| <p><b>Key changes sought (docking stations) (1)</b></p> <ul style="list-style-type: none"> <li>Include requirement for permanent docking stations in conditions (to mitigate parking issues; stop the ‘dump and run’ approach).</li> </ul>  | <ul style="list-style-type: none"> <li>Proposal provides no reference to permanent docking stations (such physical infrastructure currently does not exist).</li> <li>Proposal, however, allows council to consider applications for approval based on actual and potential impacts of the activity (cl 12(2)(c)) and put in place approval conditions to mitigate actual and potential impacts from the activity on the public, public place and the surrounding environment (cl 14(2)(e)).</li> <li>Operationally, provision of permanent docking stations would require an installation of permanent infrastructure within the road corridor and therefore be the responsibility of Auckland Transport.</li> </ul>      | <p>be <b>rejected and the proposal amended to</b> [Panel to insert].<br/><b>AND</b><br/>Reasons include to [Panel to insert].</p>            |
| <p><b>Key changes sought (duration and transfer) (4)</b></p> <ul style="list-style-type: none"> <li>Extend duration of an approval (a minimum of 24-months duration of approval, preferably 3 years to allow for better planning) (2)</li> <li>Introduce tight limit on duration of approvals (1)</li> <li>Ensure no transfer of approvals. (1)</li> </ul>  | <ul style="list-style-type: none"> <li>While proposal provides for approval period of no more than 12 months (just like the current Bylaw), it also enables operational flexibility to be specified in the approval (cl 16(1)).</li> <li>Proposal clarifies that transfer of approvals is not allowed (this is currently captured only in a control).</li> </ul>   |  |
| <p><b>Key changes sought (definition) (3)</b></p> <ul style="list-style-type: none"> <li>Include more agile definition of ‘micromobility’ due to dynamic changes (suggests use of controls to amend definition when necessary, or changing what is meant by ‘small’ or lightweight’ through controls; use of ‘geo-fencing’ in conditions (as means of self-regulating)</li> <li><b>Waitematā Local Board</b> requests that the definition of ‘micromobility’ be phrased in a way</li> </ul> | <ul style="list-style-type: none"> <li>Proposal defines micromobility (cl 5) as small, lightweight devices personally driven by users (without reference to size, weight or power) and provides examples of devices in its definition to reflect the innovation and pace of changes that industry offers.</li> <li><b>Panel could if it wishes consider removing reference to ‘small’ from the definition of micromobility devices to reflect the pace of changes and future trends.</b></li> <li><b>Panel could if it wishes consider clarifying that the list of examples is not exclusive and be included in a new related information note (may be inserted, changed or removed without any formality).</b></li> </ul> |  |

| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation |
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| <p>that will include new types of devices likely to emerge in future by taking the word “small” out of the definition and making it clear that the list of devices is indicative and not exclusive.</p>   | <ul style="list-style-type: none"> <li>• Geo-fencing (areas where e-scooters slow down to 15km/h) is one of the negotiated incentives (or value-add initiatives) that enables council to enhance safety, reduce nuisance and have potential to influence rider behaviour for matters that are currently regulated by central government legislation (cannot be regulated by a bylaw). Operators indicate in their applications any initiatives they are willing to implement and are expected to take all reasonable steps to enact them during the duration of their licence.</li> </ul>  |                      |
| <p><b>Key changes sought ('litter') (1)</b></p> <ul style="list-style-type: none"> <li>• Prevent 'littering' of micromobility devices</li> <li>• <b>Hibiscus and Bays Local Board</b> recommends that 'littering' issues be addressed.</li> </ul>   | <ul style="list-style-type: none"> <li>• Proposal allows council to consider applications for approval based on actual and potential impacts of the activity (cl 12(2)(c)). It also allows council to put in place approval conditions to mitigate actual and potential impacts from the activity on the public, public place and the surrounding environment (cl 14(2)(e)) in relation to public safety, nuisance and misuse of public places (cl 14(2)(e)) and ensure a continuous path of travel for pedestrians and vehicles free of nuisance, obstruction or hazards (cl 14(2)(f)).</li> <li>• Specific detail about deployment and rebalancing of devices is included in the <a href="#">E-scooter shared services code of practice</a>, for example this includes imposing a curfew in certain locations (this requires all e-scooters to be remotely locked or removed from identified locations before a specified time); no more than six scooters from an operator being deployed in any one location; the operator must provide a plan to prevent / resolve brunching of devices.</li> </ul> |                      |
| <p><b>Key changes sought (use of road by devices) (1)</b></p> <ul style="list-style-type: none"> <li>• <b>Hibiscus and Bays Local Board</b> recommends that health and safety issues related to the use of roads by micromobility devices be addressed.</li> </ul>  | <ul style="list-style-type: none"> <li>• Central Government legislation (not a bylaw) sets rules in relation to where users can ride micromobility devices.</li> </ul>   |                      |
| <p><b>Key changes sought (parking of devices in assigned parking or to prevent hazards) (3)</b></p> <ul style="list-style-type: none"> <li>• <b>Waitematā Local Board, Albert-Eden Local Board and Devonport-Takapuna Local Board</b> recommend to park micromobility devices in assigned parking spaces for them or, if none are available nearby, to park them in a way that does not constitute a hazard to other footpath and road users including those who are frail, have mobility issues or are visually impaired.</li> </ul> | <ul style="list-style-type: none"> <li>• It is noted that transport-related concerns on the Auckland transport system are for Auckland Transport to address (not Auckland Council).</li> <li>• Proposal allows council to put in place approval conditions to mitigate actual and potential impacts from the activity on the public, public place and the surrounding environment in relation to public safety, nuisance and misuse of public places (cl 14(2)(e)) and ensure a continuous path of travel for pedestrians and vehicles free of nuisance, obstruction or hazards (cl 14(2)(f)).</li> <li>• Proposal, however, does not specify where devices should be parked and instead refers to the ability to put conditions on location of the activity, including multiple sites (cl 14(2)(a)).</li> </ul>   |                      |

| Public feedback topic (Proposal 2)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
|---|---|----------------------|
| <ul style="list-style-type: none"> <li>Hibiscus and Bays Local Board recommend that health and safety issues related to parking of micromobility devices be addressed.</li> </ul> | <ul style="list-style-type: none"> <li>Panel could if it wishes consider adding a specific condition for micromobility devices to be parked in assigned parking spaces, and if none are available nearby, to park them in a manner and location that does not create or constitute a hazard.</li> </ul> |                      |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation  |
|---|--|---|
| <p><b>Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw</b></p> <p>61 feedback responses: <b>44 support (72 per cent)</b>, 6 oppose (10 per cent), 11 (18 per cent) and 30 comments.</p> <p><b>Key themes in support (15):</b></p> <ul style="list-style-type: none"> <li>Proposal increases clarity (14): <ul style="list-style-type: none"> <li>reasonable, common sense; positive; sends a clear picture of what is or is not allowed; sensible revision of the old bylaw; approval process is easier and more efficient for applicants; has potential to reduce non-compliance; controls activities that are large or noisy; New Zealand Bill of Rights supersedes any local bylaw; strongly support the right to protest without council regulation</li> <li>strongly supports removing protest from event definition. (2)</li> </ul> </li> </ul> <p><b>Key themes opposed (5):</b></p> <ul style="list-style-type: none"> <li>Council oversteps its mandate (none should be regulated). (2)</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>Support proposal (17)</li> <li>Support proposal and provided additional views (3) about: <ul style="list-style-type: none"> <li>street performance licence to be broadened (1)</li> <li>ability to impose controls and conditions on commercial activities in parks and public places, particularly for fitness classes, to be included in the Bylaw (3)</li> </ul> </li> </ul> | <p><b>Current Bylaw:</b></p> <ul style="list-style-type: none"> <li>specifies that trading, events and filming in public places require an approval [cl 6]</li> <li>specifies activities which are exempt from holding an approval, for example outdoor display of goods (subject to conditions), art installed by council, goods or services delivered to a premise, outdoor fitness classes, regular organised amateur sport and the sale of produce adjacent to where it was grown [cl 7]</li> <li>specifies in the definitions which activities require approval to operate in public places and which are excluded from needing to obtain an approval, for example indoor private function, the recording of a private celebration or news [cl 5].</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>clarify the meaning of trading, event and filming in the clause instead of in definitions</li> <li>clarify that the occasional sale of homemade goods by children outside the house where the goods were made is allowed</li> <li>clarify that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event</li> <li>remove 'protest' from definition of event to reflect the nature of the activity</li> <li>allow the use of controls to impose conditions on activities that do not require a bylaw approval, for example for fitness training by outdoor fitness operators in parks.</li> </ul> <p><b>About 'council overstepping its mandate' feedback:</b></p> | <p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p> |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <ul style="list-style-type: none"> <li>○ environmental impacts including climate change to be considered when making decisions on applications (1)</li> <li>○ fitness training and similar commercial activities in parks to be required to register, like buskers (1)</li> <li>○ process by which controls are adopted to be clarified. (1)</li> <li>● Waitākere Ranges Local Board does not support proposal due to <ul style="list-style-type: none"> <li>○ potential impact of inappropriate trading activities in the Waitākere Ranges Heritage Area council-controlled public places and its significant destinations</li> <li>○ potential of some trading activities being allowed to operate from a council-controlled public place without an approval, on both a casual and a semi-permanent basis, if the financial / booking transactions are made / carried out online</li> <li>○ some exemptions in cl 6 being potentially too permissive</li> <li>○ fitness training, hire of recreational equipment and professional dog walkers in parks to be required to apply for a licence.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>● proposal does not exceed council’s mandate under the Local Government Act 2002 (LGA2002), Local Government (Auckland Council) Act 2009 (LGACA2009) and Land Transport Act 2009 (LTA2009)</li> <li>● under the above Acts, council has bylaw making powers and a legislative mandate as a public body (as opposed to a private body) to regulate the use of public places under its control to help minimise public safety risks, nuisance and misuse.</li> </ul> |                      |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation   |
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| <p><b>Key changes sought (garage sales should be exempt) (1)</b></p> <ul style="list-style-type: none"> <li>● Garage sales should be exempt.</li> </ul> | <ul style="list-style-type: none"> <li>● Proposal does not require an approval (licence) for garage sales because they take place in a private land. This is similar to the current Bylaw (only applies to council-controlled public places not private land).</li> <li>● If goods from a garage sale were to spill over into a public space this Bylaw would apply and an approval (licence) would be required.</li> <li>● Note: The proposed new Signs Bylaw 2022 contains provisions for the advertising of ‘garage sales’ on public places.</li> </ul> | <p>That the proposal about clarifying which activities require an approval, don’t require an approval as long as certain conditions are met, and are not</p> |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation  |
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|   |   | <p>addressed in the Bylaw</p> <p>Either [Panel to decide]</p> <p>be <b>adopted as publicly notified.</b></p> <p><b>OR</b></p> <p>be <b>amended</b> to [Panel to insert].</p> <p><b>OR</b></p> <p>be <b>rejected and the proposal amended</b> to [Panel to insert].</p> <p><b>AND</b></p> <p>Reasons include to [Panel to insert].</p> |
| <p><b>Key changes sought (licencing of street performance to be broadened) (1)</b></p> <ul style="list-style-type: none"> <li>• <b>Waitematā Local Board</b> requests that a street performance licence include any person, group or organisation that regularly or frequently uses a microphone or other sound amplification devices to broadcast music or speeches in public places to better control public nuisance.</li> </ul> | <ul style="list-style-type: none"> <li>• Street performance under the proposed Bylaw requires a licence (cl 7(1)(a)(ix)) and compliance with conditions of use (cl 14(2)). This includes restrictions of the use of amplified sound (cl 14(2)(g)).</li> <li>• The definition of street performance means the provision of entertainment in a council-controlled public place, for example by playing an instrument or performing acts of theatrical or visual forms. This does not include broadcasting music or speeches using amplified sound.</li> <li>• The Resource Management Act 1991 enables council to address noise affecting private property from a public place. Other noise in a public place is addressed by the Public Safety and Nuisance Bylaw 2013 (cl 6(1)).</li> </ul> |   |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
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| <p><b>Key changes sought (protests should be permitted) (3)</b></p> <ul style="list-style-type: none"> <li>Protest on council spaces should require a permit (high likelihood to cause nuisance, damage and health and safety risks to participants and other users; should not be able to hand out propaganda / information (for example, anti-vaccination information) to the public under a 'protest' guise).</li> </ul> | <ul style="list-style-type: none"> <li>Proposal excludes 'protests' from the 'event' definition (cl 7(1)(b)(ii)) to reflect the rights to protest under the New Zealand Bill of Rights 1990 and align the proposed regulation with council's operational practice (council has never granted approvals for protests despite existing requirement under the current Bylaw).</li> <li>Disorder associated with 'protests' is regulated using the Summary Offences Act 1981 or Public Safety and Nuisance Bylaw 2013.</li> </ul>   |                      |
| <p><b>Key changes sought (environmental impacts including climate change to be considered when making decisions on applications) (1)</b></p> <ul style="list-style-type: none"> <li><b>Waitematā Local Board</b> requests a requirement for climate change considerations and other environmental impacts to be taken into account in decision-making where relevant.</li> </ul>  | <ul style="list-style-type: none"> <li>When deciding on an application council has the ability to consider any matter relevant and reasonably necessary in relation to the Bylaw's purpose (cl 12(1)(a)). This includes whether the activity is consistent with any relevant Auckland Council policies and plans (cl 12(2)(j)) and complies with relevant requirements in any Act or Bylaw, for example by requiring compliance with an approved waste plan or food safety legislation (cl 12(2)(h)).</li> <li>In addition, the related information about applications for approval (page 12) lists council policies and plans including a link to the Auckland's Climate Plan and the Waste Management and Minimisation Plan.</li> </ul>   |                      |
| <p><b>Key changes sought (fitness activities should be controlled) (2)</b></p> <ul style="list-style-type: none"> <li>Fitness operators should be licensed (just like other businesses).</li> </ul>   | <ul style="list-style-type: none"> <li>Proposal exempts fitness operators subject to conditions in control (cl 6(2)(e)).</li> <li>There are currently no controls (conditions) set for this activity</li> <li>There are, however, non-regulatory conditions in the current <a href="#">Code of Conduct for Fitness Training on Auckland Council Parkland</a> which include a prohibition on sales of any products or use of amplified music; class sizes at a maximum of 15 participants; any equipment to be portable and free standing (not be pegged into the ground or hung from trees).</li> <li>Note: If the activity involves a transaction or stall in the same public place, under the proposed Bylaw approval would be required (cl 7(1)).</li> <li>The changes raise the issue of when an activity is considered to be a form of 'trade' at a threshold that justifies regulation. Fitness operators do use public space to provide their service, but, no transaction, collection of 'goods' (for example rental equipment), 'stall', advertisement or exclusive use occurs on the public place.</li> </ul> |                      |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation |
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|  | <ul style="list-style-type: none"> <li>Panel could if it wishes consider amending the definition of trading to clarify what commercial activities (for example fitness training) require an approval (licence).</li> </ul>  |                      |
| <p><b>Key changes sought (ability to impose controls and conditions on commercial activities in parks and public places, particularly for fitness classes, to be included in the Bylaw) (2)</b></p> <ul style="list-style-type: none"> <li><b>Waitematā Local Board</b> requests that the ability to impose appropriate controls and conditions on commercial activities in parks and public places not currently covered be added to this Bylaw or otherwise applied and enforced, particularly for fitness classes, that can create public safety and access issues</li> <li><b>Waitākere Ranges Local Board</b> requests a definition of outdoor fitness operators to be included and for them to follow conditions and for professional dog walkers require approval to operate in public places.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal allows council to regulate trading if that involves <i>the sale or hire of goods or services for payment, reward or otherwise</i> (cl 7(1)(a)). This excludes fitness operators subject to conditions in control (cl 6(2)(e)).</li> <li>Proposal provides for a future control of fitness operators to better define the activity (including to provide a definition). This information could be linked to the proposed Bylaw in the future in the related information note.</li> <li>There is an existing non-regulatory <a href="#">Code of Conduct for Fitness Training on Auckland Council Parkland</a> which states that fitness training activities may include but shall not be limited to gym sessions or circuit training (with or without equipment), bootcamps, boxing and pad training, and organised aerobic activity and running groups.</li> <li><b>The Panel could if it wishes consider amending the definition of trading to clarify what commercial activities (for example fitness training and professional dog walkers) require an approval (licence).</b></li> </ul> |                      |
| <p><b>Key changes sought (fitness training and similar commercial activities in parks to be required to register, like buskers) (1)</b></p> <ul style="list-style-type: none"> <li><b>Albert-Eden Local Board</b> requests that fitness training by outdoor fitness operators and other similar commercial activities in parks are required to register, similar to buskers, noting commercial activity in parks is inconsistent with the Reserves Act and can create disruption and access issues for other park users and neighbouring residents.</li> </ul>   | <ul style="list-style-type: none"> <li>Buskers are required to obtain a street performance licence (not registration).</li> <li>As an operational initiative, these licences are granted automatically upon applying with no fees.</li> <li>Proposal exempts fitness operators subject to conditions in control (cl 6(1)(b)). There are currently no controls (conditions) set for this activity</li> <li>There are, however, non-regulatory conditions in the current <a href="#">Code of Conduct for Fitness Training on Auckland Council Parkland</a> which include a prohibition on sales of any products or use of amplified music; class sizes at a maximum of 15 participants; any equipment to be portable and free standing (not be pegged into the ground or hung from trees).</li> <li><b>The Panel could if it wishes consider amending the definition of trading to clarify what commercial activities require an approval (licence).</b></li> </ul>   |                      |

| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)   | Staff comment (information to assist deliberations)   | Panel recommendation |
|--|---|----------------------|
| <p><b>Key changes sought (process by which controls are adopted to be clarified) (1)</b></p> <ul style="list-style-type: none"> <li>• <b>Ōrākei Local Board</b> requests further clarification of controls to impose conditions on activities like the fitness classes or training provided by outdoor fitness operators in parks including the nature of the said controls and whether this involves consultation with and endorsement by the board</li> <li>• <b>Ōrākei Local Board</b> requests transparency, consultation, and involvement in the interpretation of ‘control.’</li> </ul>  | <ul style="list-style-type: none"> <li>• The process to make this control is yet to be determined. Any process, however, must comply with Subpart 1 of Part 6 of the Local Government Act 2002 and would seek to comply with the ‘Local Board Involvement in Regional Policy, Plans and Bylaws Agreed Principles and Processes 2019’ which includes consideration of community local board views where appropriate.</li> </ul>  |                      |
| <p><b>Key changes sought (trading activities operating from a council-controlled public place where financial / booking transactions are online to be required an approval in consultation with local boards) (1)</b></p> <ul style="list-style-type: none"> <li>• <b>Waitākere Ranges Local Board</b> does not support proposal due to potential impact of inappropriate trading activities in the Waitākere Ranges Heritage Area council-controlled public places and its significant destinations</li> <li>• <b>Waitākere Ranges Local Board</b> expresses concern that the proposed new Bylaw may allow goods and services to be provided on both a casual and a semi-permanent basis, from a council-controlled public place, including public carparks and road corridors, if the financial and / or booking transactions are made and / or carried out online</li> <li>• <b>Waitākere Ranges Local Board</b> requests the Bylaw tightens up requirements for hiring of recreational goods in public places so that they require approval with conditions under this Bylaw</li> <li>• <b>Waitākere Ranges Local Board</b> requests that the proposed new Bylaw ensure that this form of trading requires an approval (a licence) to be considered by the local board.</li> </ul> | <ul style="list-style-type: none"> <li>• Proposal allows council to regulate trading if that involves <i>the sale or hire of goods or services for payment, reward or otherwise</i> (cl 7(1)(a)).</li> <li>• Trading activities are either allowed subject to conditions or require a licence.</li> <li>• The hiring of recreational goods in public places currently requires an approval (cl7(1)(a)(vi)).</li> <li>• The definition of trading however, is not considered to extend to trading activities that ‘use’ public places where no transaction, collection of ‘goods’ (for example rental equipment), ‘stall’ or exclusive use occurs on the public place. For example, fitness operators and commercial dog walkers.</li> <li>• <b>Panel could if it wishes consider clarifying the definition of trading to clarify what commercial activities require an approval (licence).</b></li> </ul> |                      |



| Public feedback topic (Proposal 3)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation |
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| <p><b>Key changes sought (exemptions to approval in clause 6 are too permissive) (1)</b></p> <ul style="list-style-type: none"> <li>• <b>Waitakere Ranges Local Board</b> is concerned that the exemptions for outdoor display of goods, goods or services delivered to premises next to council controlled public places and outdoor fitness operators are too permissive when applied to visitor destinations in the Waitakere Ranges Heritage Area.</li> </ul> | <ul style="list-style-type: none"> <li>• Proposal only allows outdoor display of goods on the footpath adjacent to a business premises subject to conditions (cl 6(2)(a)).</li> <li>• Proposal allows goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) (cl 6(2)(c)).</li> <li>• Refer previous row for comments about outdoor fitness operators.</li> </ul> |                      |

| Public feedback topic (Proposal 4)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation  |
|---|--|---|
| <p><b>Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with</b></p> <p>60 feedback responses: <b>48 support (80 per cent)</b>, 1 oppose (2 per cent), 11 other (18 per cent) and 28 comments.</p> <p><b>Key themes in support (18):</b></p> <ul style="list-style-type: none"> <li>• Proposal is reasonable and improves clarity: <ul style="list-style-type: none"> <li>○ easier to read, understand and comply with; sensible; helpful; excellent; simple; positive; supports understanding; 'one-stop-shop' is the way to go; sends a clear picture of what is or is not allowed; should make the application process easier and more efficient for applicants; recognises the importance of filming; has potential to reduce non-</li> </ul> </li> </ul> | <p><b>Current Bylaw:</b></p> <ul style="list-style-type: none"> <li>• considers events and filming as one in the Bylaw title and approval conditions</li> <li>• uses outdated language and terminology that can be difficult to understand</li> <li>• uses structure that is repetitive, for example in relation to restating conditions</li> <li>• provides no reference to wider regulatory framework or existing controls.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>• reflect in its title and structure that events and filming are considered differently</li> <li>• reflect that busking / pavement art are considered as street performance</li> <li>• explain wider regulatory framework (other rules and regulations)</li> <li>• act as a 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages, forms and other rules and permissions</li> <li>• remove repetition and provide examples of approval conditions and information required when submitting application, and clarify controls.</li> </ul> <p><b>About 'rules hindering spontaneous activities' feedback:</b></p> <ul style="list-style-type: none"> <li>• Street performance licences (including for busking) are issued on-line, are instant and free. A licence is required to more easily enable council to address any problems that may arise.</li> </ul> <p><b>About 'how rules apply to food outlets extended to footpath' feedback:</b></p> <ul style="list-style-type: none"> <li>• proposal regulates exclusive use of a council-controlled-public place for outdoor dining on the footpaths (in civic spaces and parks) for the purpose of providing food and drink by requiring</li> </ul> | <p>Not applicable. Recommendations made only in relation to 'key changes sought' below.</p> |

| Public feedback topic (Proposal 4)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)   | Panel recommendation |
|---|---|----------------------|
| <p>compliance because people can simply comprehend what is required of them (14)</p> <ul style="list-style-type: none"> <li>Seeks clarification how likely rules will hinder spontaneous busking by kids, community enhancing events such as flash mobs or choral performances (1)</li> <li>Seeks clarification how rules apply to food outlets extended to footpath. (1)</li> </ul> <p><b>Key themes opposed (1):</b></p> <ul style="list-style-type: none"> <li>Council oversteps its mandate (stop regulating every aspect of our lives).</li> </ul> <p><b>Local board views</b></p> <ul style="list-style-type: none"> <li>Support proposal (20)</li> <li>Waitākere Ranges Local Board does not support proposal for the same reasons stated in <b>Proposal 1</b>.</li> </ul> | <p>approval (a licence) (cl 7(1)(a)(iii)) and compliance with controls (cl 9(1)(b)) and conditions (cl 14(2)). For example, at least 1.8 meters width of the footpath must remain unobstructed. The proposal is similar to the current Bylaw approach.</p> <ul style="list-style-type: none"> <li>proposal allows outdoor display of goods without a bylaw approval (cl 6(2)(a)) provided compliance with conditions in a control at all times (cl 6(1)(b)). For example, displays must not extend more than 600mm from shop front. The proposal is similar to the current Bylaw approach.</li> </ul> <p><b>About 'council overstepping its mandate' feedback:</b></p> <ul style="list-style-type: none"> <li>proposal does not exceed council's mandate under the Local Government Act 2002 (LGA2002), Local Government (Auckland Council) Act 2009 (LGACA2009) and Land Transport Act 2009 (LTA2009)</li> <li>under LGA2002, LGACA 2009 and LTA2009, council has bylaw making powers and a legislative mandate as a public body (as opposed to a private body) to regulate the use of public places under its control to help minimise public safety risks, nuisance and misuse.</li> </ul> |                      |

| Public feedback topic (Proposal 4)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation  |
|---|--|---|
| <p><b>Key changes sought (exemption for busking) (1)</b></p> <ul style="list-style-type: none"> <li>Busking should be exempt from requiring a license.</li> </ul>   | <ul style="list-style-type: none"> <li>Busking continues to pose issues (since 2016, council received 46 street performance complaints related to obstruction, aggressive solicitation of donations, noise, nuisance, disruption to adjacent premises and safety concerns).</li> <li>As an operational initiative, street performance licences are granted automatically upon applying (valid for 12 months) to mitigate safety risks and nuisance. There are no fees.</li> </ul>  | <p>That the proposal about <a href="#">updating the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with</a> <b>Either [Panel to decide]</b></p> |
| <p><b>Key changes sought (impact of native wildlife from filming) (1)</b></p> <ul style="list-style-type: none"> <li>Risk to native wildlife from filming should be reflected in the 'format, structure and wording' of the Bylaw.</li> </ul> | <ul style="list-style-type: none"> <li>Proposal in the Bylaw Summary highlights the importance of protection of wildlife, flora and fauna by providing reference (and links) to wider regulatory framework. The proposed Bylaw is not inconsistent with those requirements.</li> <li>In addition, applications for approvals are considered against actual or potential impacts of the activity on the environment (cl 12(2)(c)(iii)) and conditions may be placed on granted approvals to mitigate impacts on flora and fauna (cl 14(2)(e)).</li> </ul> |   |

| Public feedback topic (Proposal 4)<br>(Number of comments in brackets)  | Staff comment (information to assist deliberations)  | Panel recommendation  |
|---|--|---|
| <p><b>Key changes sought (definitions / exemptions) (1)</b></p> <ul style="list-style-type: none"> <li>Rules to regulate events (proposed clause 7) should be more certain: <ul style="list-style-type: none"> <li>define what 'protest' is (agrees with exclusion from events);</li> <li>exemption of 'protests' should be drafted in separate sub-clause (7)(iii) rather than along with the exclusion of an indoor private function and picnic in a park (both relate to private activities);</li> <li>term 'temporary installation' should be added as a separate definition under 'events' to mitigate operational confusion (refers to a temporary art installation such as a lighting installation or Christmas tree, and not 'art installation' as defined in clause 6).</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Proposal, just like the current Bylaw, does not define what 'protest' is.</li> <li>Proposal deems explanation of this term unnecessary because the right to public protest is guaranteed under the New Zealand Bill of Rights Act 1990.<sup>3</sup></li> <li>Proposal does not specifically provide reference to 'temporary art installation' as an activity requiring approval under the definition of 'event' (cl 7(1)(b)).</li> <li>Proposal instead relies on the meaning of 'event' as a 'temporary organised activity taking place on one or more days for the purpose of entertainment' to require a temporary art installation to obtain approval. In addition, proposal exempts without the need for approval the 'installation of art by council' (cl 6(2)(b)) under trading clause.</li> <li>The matters in feedback identify a more general issue with the structure of clause 6 (no approval required) and 7 (approval required) due to exceptions in clause 7.</li> <li><b>The Panel could consider redrafting clauses 6 and 7 so it is clearer what activities require an approval and which do not. This includes for example exclusions for certain events in clause 7(b)(ii).</b></li> <li><b>Panel could if it wishes also consider:</b> <ul style="list-style-type: none"> <li><b>inclusion of a 'temporary art installation' in the examples of activities that require approval under 'events' to provide certainty and reflect operational practice</b></li> <li><b>clarifying the exemption for the 'installation of art by council' in cl 6(2)(b) under 'events' with the clarification that this relates to permanent art installations commissioned by council.</b></li> </ul> </li> </ul> | <p>be <b>adopted as publicly notified.</b><br/> <b>OR</b><br/> be <b>amended</b> to [Panel to insert].<br/> <b>OR</b><br/> be <b>rejected and the proposal amended</b> to [Panel to insert].<br/> <b>AND</b><br/> Reasons include to [Panel to insert].</p> |

| Other Matters from Staff   | Staff comment (information to assist deliberations)  | Panel recommendation  |
|--|--|---|
| <p><b>Key comments / changes recommended (application of Bylaw)</b></p> <ul style="list-style-type: none"> <li>Clarify that the Bylaw does not apply to the Auckland transport system <b>OR</b> that it only applies on the Auckland transport system for non-transport related purposes.</li> </ul> | <ul style="list-style-type: none"> <li>This Bylaw only applies to public places owned or controlled by Auckland Council (for example, parks and civic places).</li> <li>The extent to which Auckland Council has statutory powers to regulate activities on the Auckland transport system is limited to non-transport-related purposes. The Auckland transport system includes roadways and footpaths within a road reserve, such as Queen Street.</li> <li>Auckland Transport is responsible for the management of activities on the Auckland transport system for transport-related purposes. Public trading,</li> </ul> | <p>That the changes recommended by staff <b>Either</b> [Panel to decide] be <b>accepted.</b><br/> <b>OR</b> be <b>accepted in part</b> to [Panel to insert].<br/> <b>OR</b> be <b>rejected.</b></p> |

<sup>3</sup> Every New Zealander has the right to freedom of association, freedom of peaceful assembly and freedom of expression.

| Other Matters from Staff   | Staff comment (information to assist deliberations)   | Panel recommendation   |
|--|---|--|
|  | events and filming on the Auckland transport system is currently regulated by the Auckland Transport Trading and Events in Public Places Bylaw 2015.  | AND Reasons include to [Panel to insert].  |
| <p><b>Key comments / changes recommended (delegations)</b></p> <ul style="list-style-type: none"> <li>• Update how the Bylaw and delegations interact by: <ul style="list-style-type: none"> <li>○ revoking GB/2015/4 and instead relying on the existing delegations contained in current and future Governing Body Terms of Reference (currently in GB/2019/109), regulatory delegations to local boards and Chief Executive Delegations Register</li> <li>○ endorsing an update to the Chief Executive Delegations Register to clarify delegations to staff.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• The Governing Body confirmed delegations for the 2015 Bylaw at the time it was made (GB/2015/4). Overtime, however, delegations become less current with changes to committee and staff structures and names.</li> <li>• Staff suggest a more flexible approach which uses existing delegatory methods. Legislative criteria ensure that matters are delegated appropriately. The Bylaw in a related information note under the definition of Council in cl 5 describes the approach to delegations for transparency.</li> </ul> | <p>That the changes recommended by staff <b>Either [Panel to decide]</b> be <b>accepted</b>.</p> <p><b>OR</b> be <b>accepted in part</b> to [Panel to insert].</p> <p><b>OR</b> be <b>rejected</b>.</p> <p>AND Reasons include to [Panel to insert].</p>   |
| <p><b>Key comments / changes recommended (Attachment G)</b></p> <p>Panel could if it wishes deliberate on any of the matters in Attachment G categorised as follows:</p> <ul style="list-style-type: none"> <li>• Central Government legislation</li> <li>• Auckland Transport (AT) jurisdiction to regulate micromobility</li> <li>• Bylaw implementation</li> <li>• More effective resourcing and enforcement</li> <li>• Non-regulatory measures (General comments, Filming and events comments, Outdoor dining and outdoor display comments)</li> <li>• Education.</li> </ul>       | <ul style="list-style-type: none"> <li>• This is an opportunity for the Bylaw Panel to deliberate on any matters contained in Attachment G that it considers require more direction from elected members.</li> <li>• The matters in Attachment G contain detail considered by staff to be outside the scope of the proposal and are therefore more appropriately referred to relevant council departments / council-controlled organisations for their consideration.</li> </ul>  | <p><b>Either [Panel to decide]</b></p> <p>That matters contained in Attachment G be referred to relevant council departments / council-controlled organisations for consideration.</p> <p><b>OR</b></p> <p>That in relation to the matters contained in Attachment G:</p> <ul style="list-style-type: none"> <li>• [Panel to insert recommendations]</li> <li>• for any matters not referred to above be referred to relevant council departments / council-controlled organisations for consideration.</li> </ul> |

| Other Matters from Staff   | Staff comment (information to assist deliberations)  | Panel recommendation  |
|--|--|---|
| <p><b>Key comments / changes recommended (Any other matters)</b></p> <p>Panel should deliberate on any matters contained in public feedback and local board views it considers has not been adequately addressed in this Attachment A.</p> | <ul style="list-style-type: none"> <li>This is an opportunity for the Bylaw Panel to deliberate on any matters contained in public feedback and local board views it considers have not been adequately addressed in this Attachment A.</li> </ul> | <p>Either [Panel to decide]</p> <p>Consider that all matters raised in public feedback and local board views have been given adequate consideration.</p> <p><b>OR</b></p> <p>That in relation to the matters raised in public feedback and local board views, the Panel:</p> <ul style="list-style-type: none"> <li>[Panel to insert recommendations, suggestions, notes].</li> </ul> |



**ATTACHMENT B**  
**STATEMENT OF PROPOSAL**

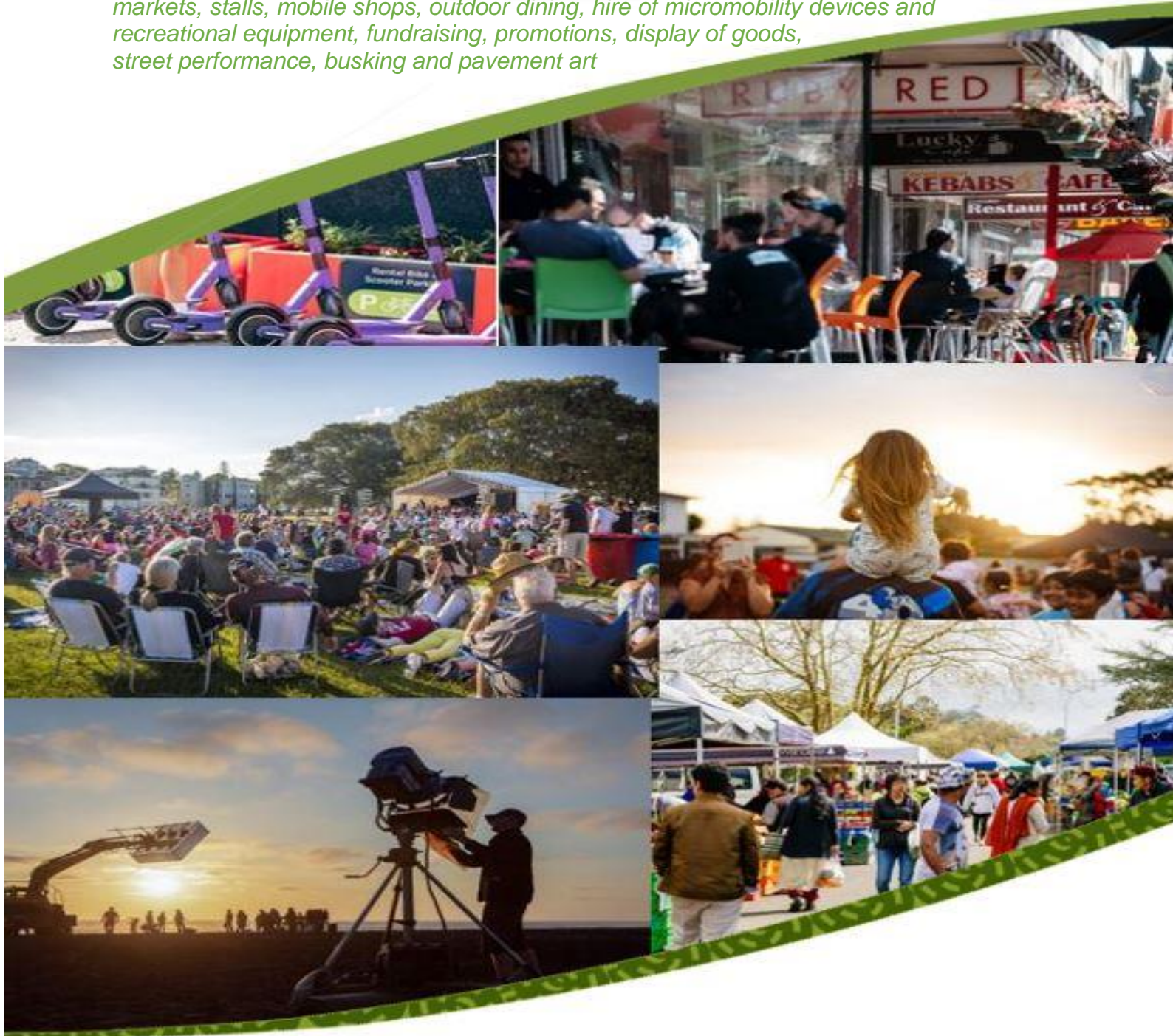




# Helping to manage trading, events and filming in public places

## Minimising public safety risks, nuisance and the misuse of council-controlled public places

*Setting rules for trading, events and filming in council-controlled public places, including markets, stalls, mobile shops, outdoor dining, hire of micromobility devices and recreational equipment, fundraising, promotions, display of goods, street performance, busking and pavement art*



Statement of Proposal to make a new Auckland Council Public Trading, Events and Filming Bylaw 2022.  
Public consultation takes place from **Tuesday, 8 June** to **Friday, 16 July**.

# 1 Have your say

## Helping to protect the public

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits.

These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

## How Auckland Council protects you

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval or comply with conditions of use, for example when, where and how the activity is allowed. The current Bylaw:

- requires permits for events and filming
- requires licences for trading activities such as markets, mobile shops, outdoor dining, fundraising, promotional materials, street performances and hiring of micromobility or recreational equipment
- requires all activities to comply with relevant conditions, including those which don't need approval such as outdoor display of goods
- contains exemptions for some activities that are not commercial or are below certain threshold such as sale of produce from the property it was grown or training provided by outdoor fitness operators.

The current rules are in Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the [Trading and Events in Public Places Bylaw 2015](#).

## Improving trading, events and filming rules

We recently checked how the rules are working and identified improvements. We propose a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

## We want to know what you think

Starting on **Tuesday, 8 June** through to **Friday, 16 July**, we want you to tell us what you think about the proposed new Auckland Council Public Trading, Events and Filming Bylaw 2022.

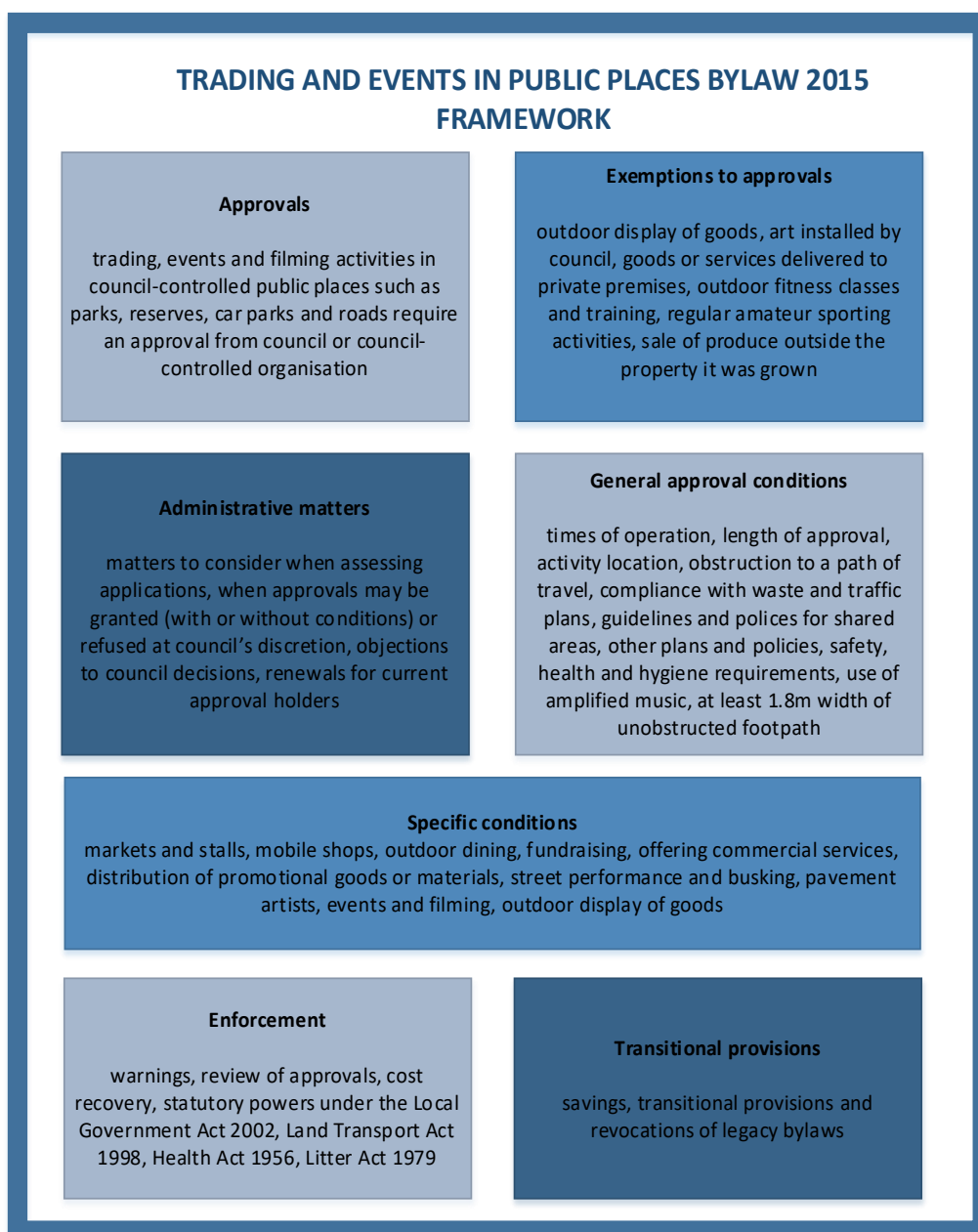
Visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information, to give your feedback and to find out where you can drop in to a 'have your say' event.

# 2 What is the Bylaw

Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / the [Auckland Council Trading and Events in Public Places Bylaw 2015](#) was made on 26 February 2015.

The purpose of the Bylaw is to regulate trading, events and filming in council-controlled public places to protect public safety, minimise public nuisance and misuse of council-controlled public places.

## Trading and Events in Public Places Bylaw 2015 Framework



# 3 What council proposes to change

## Improving public trading, event and filming rules

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

We are proposing to better minimise safety risks, nuisance and the misuse of council-controlled public places by creating a new Auckland Council Public Trading, Events and Filming Bylaw 2022.

The main proposals in comparison to the current Bylaw are to:

| Main proposals   | Reasons for proposals  |
|--|--|
| <ul style="list-style-type: none"> <li>continue to regulate trading, events and filming in a similar way to the current Bylaw</li> </ul>   | <ul style="list-style-type: none"> <li>to retain a regulatory approach considered to be the most appropriate way to address public safety risks, nuisance and misuse caused by trading, events and filming in council-controlled public places.</li> <li>the current approach requires Bylaw approval for most activities; allows certain limited activities without an approval; allows council to process applications for approval; and allows council to make additional rules in a 'control' (for example, conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered).</li> </ul> |
| <ul style="list-style-type: none"> <li>clarifying the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are</li> </ul>   | <ul style="list-style-type: none"> <li>to reflect the significance of potential issues from rental of power-assisted devices from council-controlled public places</li> <li>to better reflect the information, assessment criteria and conditions considered when processing these applications.</li> </ul>  |
| <ul style="list-style-type: none"> <li>clarifying which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw</li> </ul> | <ul style="list-style-type: none"> <li>to clarify that the occasional sale of homemade goods by children outside their house is allowed (for example, the sale of lemonade)</li> <li>to clarify that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed</li> <li>to reflect the right to protest under the New Zealand Bill of Rights Act<sup>1</sup></li> <li>to allow council to use controls to impose conditions on activities that do not require a bylaw approval.</li> </ul>  |
| <ul style="list-style-type: none"> <li>updating the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with</li> </ul>             | <ul style="list-style-type: none"> <li>to make a new bylaw easier to understand and comply with</li> <li>to align a new bylaw with council bylaw drafting standards</li> <li>to explain the wider regulatory framework (other rules and permissions)</li> <li>to reflect that busking / pavement art are considered in a similar way</li> <li>to reflect that events and filming are considered differently</li> <li>to clarify and streamline the approval framework</li> <li>to clarify the matters council may address in a 'control'.</li> </ul>   |

If you want to know more, **Appendix A** shows what the proposed new bylaw would look like. **Appendix B** provides a copy of the current Bylaw. **Appendix C** provides a summary of the differences between the current and proposed new bylaw.

<sup>1</sup> Freedom of expression (s14), Freedom of peaceful assembly (s16) and Freedom of association (s17).

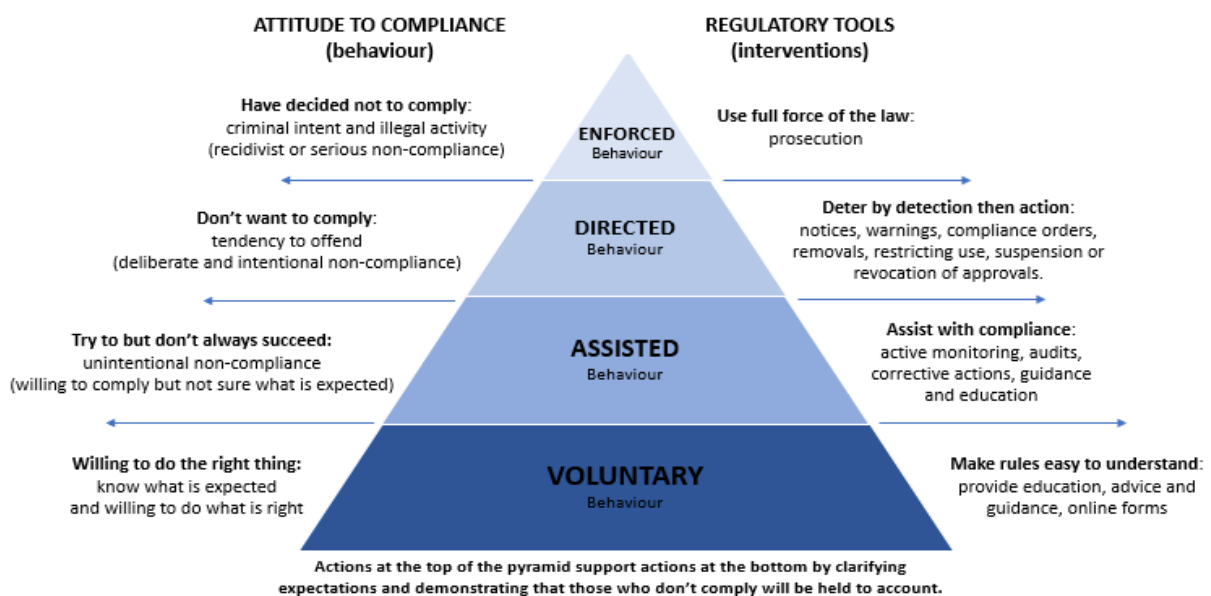
# 4 How we implement the Bylaw

## Several departments administer this Bylaw

The Bylaw is administered by several council departments and council-controlled organisations. For example, the Licensing and Regulatory Compliance unit (licences all trading activities), Regional Service Planning, Investment and Partnerships unit (permits small/large community and commercial events), Alcohol Licensing and Environmental Health unit (oversees administration of rental micromobility devices), Auckland Unlimited (permits major events) and Screen Auckland (permits filming).

## Graduated enforcement approach

The Bylaw is enforced reactively for most activities as a result of service requests or complaints using a graduated compliance model (information-education-enforcement) as illustrated in the Figure below.



Council staff investigate complaints and identify the best remedy. In the first instance, they encourage voluntary compliance with the Bylaw through education and guidance or where appropriate, request the situation is rectified within a specified timeframe. If this approach fails, they use the least coercive enforcement such as a verbal or written warning, notice or seizure of equipment.

Licensing and Regulatory Compliance officers are responsible for Bylaw enforcement. For activities in regional parks, enforcement is undertaken by parks staff and park rangers.

One-on-one approach to portfolio holding by event, filming and micromobility staff builds rapport with organisers and operators, and ensures effective complaint management (investigation, monitoring, auditing).

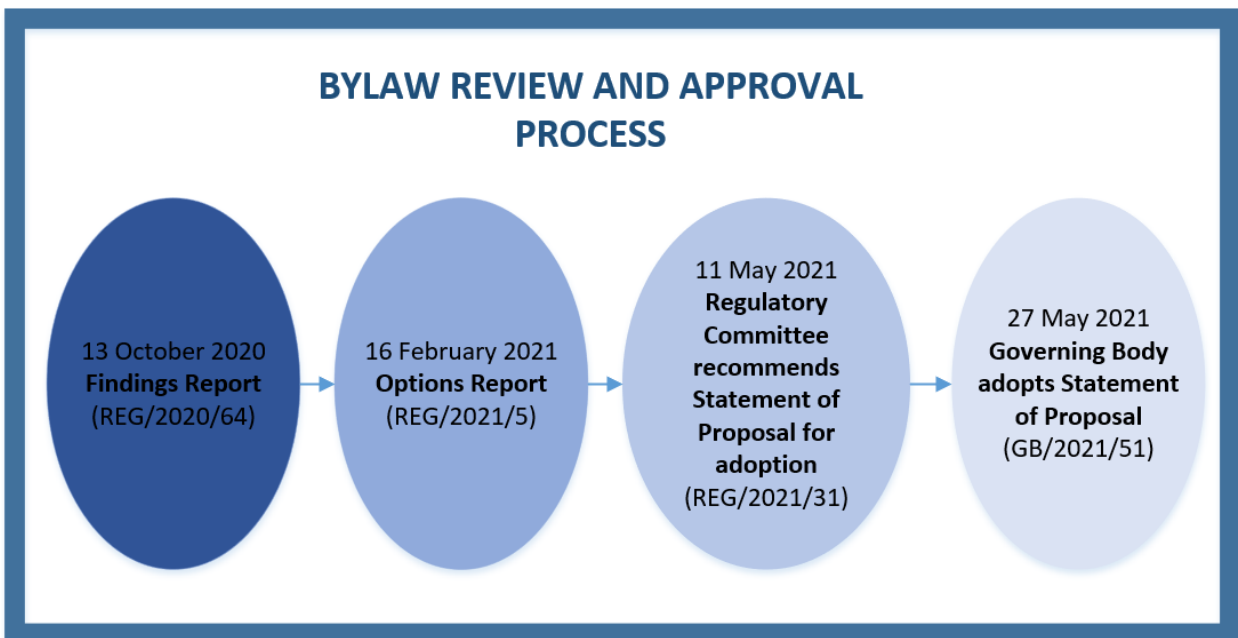
# 5 How we got here

## Decisions leading to the proposed changes

The [Local Government Act 2002](#) requires council to review its bylaws to determine whether they are effective, efficient and still necessary. The Bylaw must not be inconsistent with the [New Zealand Bill of Rights Act 1990](#).

Auckland Council reviewed the current Bylaw, reported its findings and considered the options at meetings in October 2020 and February 2021.

## Bylaw review and approval process



This Statement of Proposal was approved for public consultation by the Governing Body in May 2021 to commence the process of making a new Auckland Council Public Trading, Events and Filming Bylaw.

Go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for copies of the above decisions.

# 6 We want your input

## You have an opportunity to tell us your views

We would like to know what you think about a new Public Trading, Events and Filming Bylaw 2022.

### GIVE US YOUR FEEDBACK

Starting on **Tuesday, 8 June 2021** to **Friday, 16 July 2021** we are asking for feedback on the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

**You can give your feedback:**

- **online at our website – [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)**
- **at one of our 'Have Your Say' events (visit our website for details)**

Visit - [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information.

**Please note:** online services are available at our libraries. Your name and feedback will be available to the public in our reports and online. All other personal details provided by you will remain private.

Find out more: **phone 09 301 0101**  
or visit **[aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/)**







# Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022

(as at **xx xxxx** 2022)

Made by the Governing Body of Auckland Council

in resolution **xx/xx/xx**

on **xx xx xx**

Bylaw made under [sections 145, 146](#) and [149](#) of the Local Government Act 2002 and [section 22AB](#) of the Land Transport Act 1998.

## Summary

This summary is not part of the Bylaw but explains the general effects.

Every day across Auckland, a wide variety of trading, events and filming occur in public places controlled by Auckland Council. These activities can increase vibrancy and appeal of public places by enhancing amenity, and delivering social and economic benefits. These activities may also however increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of public places. For example, footpaths can become cluttered with furniture, goods or micromobility devices, or overuse public spaces for private gain.

The purpose of this Bylaw is to minimise public safety risks, nuisance and misuse of council-controlled public places caused by trading, events and filming, by –

- allowing limited trading, events and filming subject to conditions (clause 6)
- requiring prior approval from council for all other trading, events and filming (clause 7)
- enabling council to prohibit trading in specified places (clause 8)
- enabling council to prescribe conditions and requirements in relation to all trading, events and filming (clause 9).

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- providing transparency about how council makes controls and processes approvals (Part 3)
- referencing council's powers to enforce this Bylaw, including powers to cancel an approval, seize property, recover costs and seek monetary penalties up to \$20,000 (Part 4).

The Bylaw is part of a wider framework. The Bylaw does not seek to duplicate or be inconsistent with these requirements which include –

- [landowner approval](#) (including but not limited to a lease or licence), particularly on parks
- rules about activities on parks in any local or [regional parks management plan](#)
- rules about food safety addressed in the [Food Act 2014](#)
- additional rules about noise addressed in the [Auckland Council Public Safety and Nuisance Bylaw 2013](#) and [Resource Management Act 1991](#)
- rules about traffic and the sale of cars by the roadside addressed in the [Auckland Transport Traffic Bylaw 2012](#) and [Auckland Council Traffic Bylaw 2015](#), and the [Auckland Council and Auckland Transport Signage Bylaw 2015](#)
- rules about waste plans addressed in the [Waste Management and Minimisation Bylaw 2019](#)
- rules about protection of wildlife, flora, fauna, and significance of heritage areas addressed in the [Reserves Act 1977](#), [Resource Management Act 1991](#), [Waitakere Ranges Heritage Area Act 2008](#)
- rules about helmets and speed of micromobility devices (for example, e-scooters) and where they can be ridden addressed in the [Road Users Rule 2004](#) and enforced by the New Zealand Police
- rules about drones (UAVs) addressed in the [Auckland Council Public Safety and Nuisance Bylaw 2013](#), [Civil Aviation \(Offences\) Regulations 2006](#), [Privacy Act 1993](#) and by [Auckland Transport](#)
- rules about the health and safety of workers addressed in the [Health and Safety at Work Act 2015](#)
- the [Commerce Act 1986](#), which prohibits anti-competitive behaviour.

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## 1 Title

- (1) This Bylaw is the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

## 2 Commencement

- (1) This Bylaw comes into force on 26 February 2022.

## 3 Application

- (1) This Bylaw applies to Auckland.
- (2) For the avoidance of doubt, this Bylaw does not apply to any activity in clause 7(1)(b)(ii).

### Part 1

#### Preliminary provisions

## 4 Purpose

- (1) The purpose of this Bylaw is to help minimise public safety risks, nuisance and misuse of council-controlled public places by –
  - (a) allowing limited trading, events and filming to be undertaken without requiring a prior approval from council, subject to conditions;
  - (b) requiring prior approval from council for all other trading, events and filming;
  - (c) enabling council to prohibit trading in specified places; and
  - (d) enabling council to prescribe conditions and requirements in relation to all trading, events and filming.

## 5 Interpretation

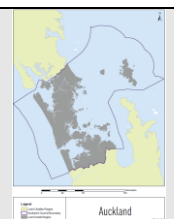
- (1) In this Bylaw, unless the context otherwise requires, –

**approval** means a licence, permit or other form of permission granted under this Bylaw and includes all conditions to which the approval is subject.

**Auckland** has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

#### Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



**council**, means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf. In relation to making a control in clause 9, the Governing Body of Auckland Council may only delegate this power to a committee and / or the Chief Executive of Auckland Council who may sub-delegate to a third-tier manager or above.

**Related information**

The Regulatory Committee makes decisions about controls as at November 2019 (GB/2019/109).

Auckland Council's Licensing and Regulatory Compliance process applications for trading and administer and enforce this Bylaw as at February 2021 (GB/2011/123).

Auckland Council's Regional Service Planning, Investment and Partnerships process applications and approvals for events as at November 2019 (GB/2019/109).

Auckland Unlimited process applications for events and filming as at February 2015 (GB/2015/4).

**council-controlled public place** means –

- (a) a place that is under the control of council or a council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and
- (b) to avoid doubt –
  - (i) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of those places; and
  - (ii) excludes any place under the control of the Tūpuna Maunga o Tāmaki Makaurau Authority.

**market** means the whole of the place and the whole of the activity that –

- has more than one stall at a common location;
- offers goods and / or services for sale and / or hire; and
- is for commercial and / or charitable purposes.

**micromobility** means small, lightweight devices personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles).

**mobile shop** means a vehicle or vessel (whether self-propelled or not) from which goods and / or services are offered for sale and / or hire.

**pavement art** means temporary images or drawings for a purpose other than advertising goods and / or services, created either directly on to the pavement or on a removable surface (for example, on paper or plastic) laid out on the pavement.

**person** includes an individual, a corporation sole, a body corporate, and an unincorporated body.

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

**stall** means a stand, awning, table, vehicle or other temporary structure from which goods and / or services are offered for sale and / or hire.

**street performance / busking** means the provision of entertainment in a council-controlled public place (for example, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, aerobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms).

- (2) Unless the context requires another meaning, a term or expression defined in the [Local Government Act 2002](#) or the [Land Transport Act 1998](#) and used in this Bylaw, but not stated in (1), has the meaning given by that Act.
- (3) Related information and links to webpages do not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (4) [The Interpretation Act 1999](#) applies to this Bylaw.
- (5) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, rules of law, and terms of any lease or licence.

## Part 2

### Trading, events and filming activities in council-controlled public places

#### 6 Certain trade, event or film activities allowed without an approval

- (1) A person may trade, hold an event or film in a council-controlled public place without an approval if –
  - (a) the activity is specified in (2), (3) or (4) of this clause; and
  - (b) the activity complies at all times with any conditions in a control made under clause 9.
- (2) **Trading** in this clause means –
  - (a) the outdoor display of goods and / or services adjacent to business premises from which the goods and / or services are usually provided;
  - (b) the installation of art by council or a substantive council-controlled organisation as defined in the [Local Government \(Auckland Council\) Act 2009](#);
  - (c) goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business);
  - (d) a mobile library service provided by council;
  - (e) a fitness class or training provided by an outdoor fitness operator; or

- (f) the sale of produce adjacent to the premises where it was grown.
  - (g) occasional sale of goods from a stall by a person under the age of 16 adjacent to the residential premises where the goods were made (for example, including the sale of cupcakes or lemonade made at home, but excluding sale of goods associated with a Home Occupation as defined in any [Unitary Plan](#) or [District Plan](#)).
- (3) **Events** in this clause means –
- (a) a regular sporting activity (for example, a practice, training or game) carried out by amateur organised sports clubs in accordance with their lease or licence.
- (4) **Filming** in this clause means recording of moving or still images –
- (a) of a private celebration or private event;
  - (b) for the purpose of current affairs or news;
  - (c) of premises for lawful property sale or rental purposes; or
  - (d) of premises for lawful building inspection purposes.

**Related information about trading, events and filming in council-controlled public places**

The Bylaw is part of a wider framework. Refer to Summary for examples of other applicable Acts, regulations, bylaws and rules that a person who wishes to trade, hold an event or film in a council-controlled public place must comply with.

**7 Approval required to trade, hold an event or film in most circumstances**

- (1) Except as provided for in clause 6, a person must obtain an approval (for example, a licence or permit) from council before conducting any of the following activities in a council-controlled public place –
- (a) **trading**, meaning the sale or hire of goods or services for payment, reward or otherwise, including but not limited to –
    - (i) markets and stalls;
    - (ii) mobile shops;
    - (iii) outdoor dining for the purpose of providing food or drink;
    - (iv) production and sale of personal portraits;
    - (v) hire of micromobility devices;
    - (vi) hire of recreational equipment;
    - (vii) fundraising for a charitable cause, soliciting of any subscription or collection of any one-off or on-going donation;
    - (viii) distribution of promotional goods and materials (for example a tasting, sampling or giveaway);
    - (ix) street performance (for example, busking and pavement art); and

- (x) any activity in clause 6(1)(a) to (g) that does not comply with any conditions in a control made under clause 9.
- (b) **event**, meaning a temporary organised activity that takes place on one or more days conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition –
  - (i) including a parade, wedding, private function, festival, concert, celebration, multi-venue sports event, fun run, marathon, duathlon, triathlon or the exclusive use of a place; but
  - (ii) excluding an indoor performance, indoor private function, protest or the non-exclusive use of a place for informal recreation (for example, a picnic in a park by an extended family); or
- (c) **filming**, meaning the recording of moving or still images as part of an organised activity whether or not for monetary gain (for example, recordings for a documentary, educational curriculum, television, feature or short film, social media or similar project).

#### Related information about applications for approval

For more information about how to apply view the following links:

- [Markets, mobile shops, outdoor dining, fundraising, offering commercial services, distribution of promotional goods or materials, street performance / busking, pavement art](#) and [outdoor display of goods](#) for trading activities.
- [E-scooter, e-bike and bike](#) for rental micromobility operators, including:
  - [Rental E-scooter licence assessment criteria](#) and [Rental Bike licence assessment criteria](#)
  - [Rental E-scooter Code of Practice](#) and [Rental Bike Code of Practice](#)

Note, currently the approval of a licence for the hire of e-scooters is limited by a tiered device cap up to a maximum of 3200 devices across three tiers.

- [Event permit](#) and [Standard conditions for an event permit application](#) for events.
- [Film permit](#) and [Auckland Film Protocol](#) for filming.

## 8 A person is prohibited from trading in specified circumstances

- (1) A person must not trade in a council-controlled place if prohibited in a control made under clause 9.

#### Related information about prohibited trading

There are currently no controls that prohibit trading in council-controlled public places.



## Part 3 Controls and Approvals

### Subpart 1 Controls

#### 9 Council may make controls about trading, events and filming

- (1) Council may make a control for one or more of the following purposes –
- (a) prescribing conditions in relation to trading, events and filming in council-controlled public places specified in clause 6.
  - (b) prescribing requirements in relation to the approval of trading, events and filming in council-controlled public places specified in clause 7.
  - (c) prohibiting trading in a council-controlled public place either generally or for any specified category of trading and / or any part of council-controlled public place.

#### Related information about controls

Current controls include:

- Kaupapa Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea 2015, Trading and Events in Public Places Guidelines 2015
- [Trading and Events in Public Places Shared Spaces Guidelines 2017](#)
- [Ngā Tikanga Hopu Whakaahua i te Rohe o Tāmaki Makaurau, Auckland Film Protocol.](#)

To make decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020).

### Subpart 2 Approvals

#### 10 This Subpart applies to people who must obtain or renew an approval

- (1) This Subpart applies to a person who must –
- (a) obtain an approval from council under clause 7; and
  - (b) renew an approval from council prior to its expiration.
- (2) For the purposes of (1)(b), this Subpart applies with all necessary modifications as if that renewal was an application for an approval.

#### 11 Applications for an approval must include required information and fees

- (1) A person to whom this Subpart applies must make an application that complies with the requirements of council, including –
- (a) the form and manner of the application;
  - (b) the information in the application;
  - (c) any further supporting information; and
  - (d) being accompanied by any fee.

- (2) Without limiting (1), council may require an application for an approval to include information on one or more of the following matters in this table

| <b>All applications for approvals may require the following information</b>   |
|---|
| (a) details of the applicant and person involved in the activity (for example, details of the person offering goods for sale, performing services, or responsible for liaising with council); |
| (b) description, plans and maps, photos of the location (including multiple sites), nature, scale, frequency and duration of the activity;  |
| (c) specifications of any furniture, structures, equipment, side awnings, vehicles, signs, displays and other items used or associated with the activity;                                     |
| (d) assessment of impacts and proposed mitigation (read clause 12(2) and 14(2) for examples);   |
| (e) the applicant's experience, reputation and track record;  |
| (f) public liability insurance; and   |
| (g) details of other approvals required / obtained (read clause 12(2) and 14(2) for examples).  |

## 12 Applications for an approval will be considered against relevant matters

- (1) Council when considering an application for an approval –
- (a) will have regard to any matter it considers relevant and reasonably necessary to determine the application in relation to this Bylaw's purpose
  - (b) will have particular regard to any controls in clause 9; and
  - (c) may inspect places related to the application for the purpose for which the approval is given.
- (2) Without limiting (1), council may consider an application for an approval against one or more of the following matters in this table.

| <b>All applications for approvals may consider the following matters</b>   |
|--|
| (a) location (including multiple sites), nature, scale, frequency and duration of the activity;  |
| (b) specifications of any furniture, structures, equipment, side awnings, vehicles, signs, displays and other items used or associated with the activity;  |
| (c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment, for example: <ul style="list-style-type: none"> <li>(i) impacts as a result of noise, glare, light spill, odour, anti-social behaviour;</li> <li>(ii) impacts on appearance and amenity;</li> <li>(iii) impacts to native fauna, flora and heritage features;</li> <li>(iv) obstruction or hazards to pedestrian or vehicular visibility, access or flow;</li> <li>(v) obstruction of access by emergency, maintenance or utility services;</li> <li>(vi) the impact on nearby business premises; and</li> <li>(vii) cumulative impacts of this approval in addition to other existing approvals;</li> </ul> |
| (d) how any actual or potential impacts may be mitigated, for example through waste management and minimisation, traffic management, safety and risk management, adverse weather, emergency, customer conduct plans;   |
| (e) whether the location is already approved for another activity under this Bylaw;  |
| (f) suitability of the applicant to hold an approval taking into account any known past operational issues and the applicant's experience and track record;  |
| (g) whether the applicant is a registered charity or a member of a registered organisation;  |
| (h) whether the activity complies with relevant requirements in any Act, regulation or Bylaw to enable the activity to occur for example, obtaining and complying with an approved waste management and minimisation plan or compliance with food safety legislation;  |

| All applications for approvals may consider the following matters  |
|--|
| (i) whether landowner approval (if required) has been obtained;  |
| (j) whether the activity is consistent with relevant <a href="#">Auckland Council policies and plans</a> . |

### 13 Applications may be granted or declined

- (1) Council may grant or decline an application for an approval having regard to matters in clause 12.

### 14 Conditions may be imposed if an application is granted

- (1) Council may impose any conditions on an approval it considers appropriate to achieve the purpose of this Bylaw.
- (2) Without limiting subclause (1), council may impose conditions about any one or more matters in this table.

| All approvals may include conditions about the following matters  |
|---|
| (a) location (including multiple sites), nature, scale, frequency and duration of the activity;   |
| (b) specifications on the use of any furniture, structures, equipment, side awnings, vehicles, signs, displays and other items used or associated with the activity;  |
| (c) limits on the number of items used or associated with the activity (for example, the number of micromobility devices that may be offered for rent);   |
| (d) times of operation (days and hours), including any 'set up' and 'pack down' times;  |
| (e) mitigating actual and potential impacts on the public, public place and surrounding environment (for example street, flora and fauna, heritage features, nearby residential or business areas) from the activity (for example in relation to public safety, nuisance and misuse of public places);  |
| (f) ensuring a continuous accessible path of travel for pedestrians and vehicles free of nuisance, obstruction or hazards:<br>(i) particularly near intersections, bus stops, vehicle crossings, traffic islands, driveways, grass verges and accessways;<br>(ii) by developing queue management strategies; and<br>(iii) by maintaining a minimum of unobstructed footpath width of no less than 1.8 meters; |
| (g) restrictions on the use of amplified sound;   |
| (h) ensuring that the activity or any goods or materials sold or distributed are not discriminatory, defamatory and objectionable, and do not cause widespread or serious offence, threaten harm, incite or counsel any person to commit any offence;   |
| (i) type, quality and standard of goods or materials sold or distributed or services offered;   |
| (j) ensuring materials used for pavement art are washable, leave no residue, are non-slippery, and are not an advertisement;  |
| (k) display and provision of identification and information;  |
| (l) the manner in which people undertaking the activity can approach the public for money;  |
| (m) compliance with approved impact mitigation plans (for example, a traffic management plan);  |
| (n) any relevant matters contained in a control in clause 9;  |
| (o) compliance with requirements in any other relevant Act, regulation or <a href="#">Bylaw</a> ;   |
| (p) compliance with relevant Auckland Council <a href="#">policies and plans</a> and any shared space guidelines or policies;   |
| (q) landowner approval is obtained before conducting the activity;  |
| (r) reporting and / or monitoring before, during and / or after the activity;   |
| (s) holding and maintaining appropriate public liability insurance;   |
| (t) payment of one or more bonds, fees and / or charges;  |

**All approvals may include conditions about the following matters**

- (u) a termination plan to remove any equipment or items used or associated with the activity in the event the approval is suspended or cancelled.

**15 Display of an approval is required at all times**

- (1) A person must prominently display an approval granted to them in a manner that is able to be read by the public at all times the approval is used.
- (2) However, (1) does not apply if the approval expressly provides otherwise.

**16 Duration of an approval is no more than 12 months**

- (1) The duration of an approval is for a period up to 12 months unless otherwise specified in the approval.

**17 Transfer of an approval is not allowed**

- (1) Any approval under this Bylaw attaches to the person who obtained it and is not transferable to any other person.
- (2) However, (1) does not apply if the approval expressly provides otherwise.

**18 Council may review approval in certain circumstances**

- (1) Council may review an approval granted under this Subpart –
- (a) to be consistent with any changes to legislation;
  - (b) to deal with any public safety, nuisance or misuse issues which arise from the exercise of the approval (for example, unsafe or hazardous conditions, unreasonable obstruction, damage); and
  - (c) if the activity is likely to interfere with any authorised works by council, Auckland Transport or a network utility operator.
- (2) For the purposes of Subclause (1), this Subpart applies with all necessary modifications as if that review was an application for an approval (for example, the conditions on the approval may be amended or the approval may be suspended or cancelled).

**Related information about applications for approval**

For more information about how to apply, matters considered and conditions, view the links in the related information note under clause 7.

Relevant council policies and plans may include the [Auckland Plan](#), [Auckland Unitary Plan](#), [Auckland's Climate Plan](#), [Events Policy](#), [Auckland's Major Events Strategy](#), [Smokefree Policy](#), [Waste Management and Minimisation Plan](#), [Provisional Local Alcohol Policy](#) and [Gambling Venue Policies](#).

## Part 4

### Enforcement powers, offences and penalties

#### 19 Council may take action for failure to comply with an approval

- (1) This clause applies to a person who has been granted an approval whom –
  - (a) fails to comply with the approval, including any condition of an approval; or
  - (b) provided inaccurate information on any application for an approval which materially influenced the decision made on the application.
- (2) Council may take any one or more of the following actions against a person to whom this clause applies –
  - (a) issue a written warning which may be used as evidence of a bylaw breach during any subsequent consideration of an approval or enforcement action;
  - (b) review of the approval which may result in its amendment, suspension or cancellation;
  - (c) forfeiture of any bond or security;
  - (d) the use of statutory powers in clause 20; or
  - (e) the use of statutory penalties in clause 21.
- (3) For the purposes of (2)(b), Subpart 2 of Part 3 applies with all necessary modifications as if a review was an application for an approval.

#### 20 Council can use statutory powers and other methods to enforce this Bylaw

- (1) Council may use its powers under the [Local Government Act 2002](#) or the [Land Transport Act 1998](#) to enforce this Bylaw.

##### Related information about enforcement

Council powers under the Local Government Act 2002 (as reprinted on 26 March 2020) and Land Transport Act 1998 (as reprinted on 1 December 2020) include court injunction ([section 162](#)), removal of works ([section 163](#)), seizure and disposal of property (sections [164](#), [168](#)), powers of entry (sections [171](#), [172](#), [173](#)), cost recovery for damage (section [176](#)) and power to request name and address (section [178](#)).

Council can also use other methods for example, audit, advice, information or warnings.

#### 21 Council may remove materials and recover costs

- (1) Council may under [section 163](#) of the Local Government Act 2002, remove or alter any material or thing in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

#### 22 A person can be penalised for not complying with this Bylaw

- (1) A person who fails to comply with this Bylaw commits an offence and is liable to a penalty under the [Local Government Act 2002](#) and the [Land Transport Act 1998](#).

- (2) However, a person does not commit an offence if the person proves that the failure to comply was due to compliance with the directions of council.

**Related information about penalties**

A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding:

- \$20,000 under [section 242](#) of the Local Government Act 2002 (as reprinted on 26 March 2020)
- \$500 under [section 22AB](#) of the Land Transport Act 1998 (as reprinted on 1 December 2020).

Alternatively, council may impose a penalty under [section 15](#) of the Litter Act 1979 where a breach of this Bylaw is also an offence under that Act (for example, an instant fine up to \$400).

**Part 5**

**Savings and Transactional Provisions**

**23 Existing controls, approvals and compliance action to continue**

- (1) This clause relates to the Auckland Council Trading and Events in Public Places Bylaw 2015 / Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea 2015 (2015 Bylaw).
- (2) Guidelines, protocols, controls, policies or codes of practice referred to in clauses 7(1), 10(2), 11(1)(h) and 25(1)(b)(i) of the 2015 Bylaw in (1) are –
- (a) deemed to be controls made under clause 9 of this 2022 Bylaw; and
- (b) continue to apply until amended, replaced or revoked by council.

**Related information about controls**

Guidelines, standards, controls, policies or codes of practice made under the Auckland Council Trading and Events in Public Places Bylaw 2015 are the:

- Kaupapa Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea 2015, Trading and Events in Public Places Guidelines 2015
- [Trading and Events in Public Places Shared Spaces Guidelines 2017](#)
- [Ngā Tikanga Hopu Whakaahua i te Rohe o Tāmaki Makaurau, Auckland Film Protocol.](#)

- (3) Every approval (for example, a licence or permit) made using the 2015 Bylaw in (1) continues to apply until the expiration date in that approval or until it is renewed, reviewed, suspended or cancelled.
- (4) Any existing compliance or enforcement action (including inquiry) by council under the 2015 Bylaw in (1) that was not completed before the date this Bylaw commences, will continue to be actioned under the 2015 Bylaw as if it were still in force and as if this Bylaw had not been made.

## 24 Existing applications and renewals of approvals to be processed under this Bylaw

- (1) Any application for an approval under the 2015 Bylaw in clause 23(1) not approved or declined before the date this Bylaw commences, will continue to be processed as if it had been applied for under this Bylaw.
- (2) Any application to renew an approval made using the 2015 Bylaw in clause 23(1), will be processed as if the approval had been applied for under this Bylaw.

## 25 Existing markets considered to have an approval under this Bylaw

- (1) This clause applies to all markets approved to operate in a council-controlled public place prior to the commencement of the 2015 Bylaw in a community lease, resource consent or landowner approval.
- (2) Every market in (1) is deemed to be approved under this Bylaw and this Bylaw applies (for example, offences and penalties) with all necessary modifications.

| <b>Related information about markets</b>  |   |                                 |   |
|---|---|---------------------------------|---|
| Auckland Council and legacy councils have in the past used various regulatory and non-regulatory tools to approve markets in public places. Examples include: |   |                                 |   |
| <b>Market</b>   | <b>Location</b>   | <b>Owner</b>                    | <b>Method of Approval</b>                               |
| Browns Bay Market   | Auckland Transport Carpark 29-31 Anzac Road Browns Bay            | Auckland Transport              | Landowner approval from Auckland Transport              |
| Clevedon Village Farmers Market   | Clevedon A & P Showgrounds  | Auckland Council                | Community Lease with Clevedon A & P Association         |
| Coatesville Market  | Coatesville Settlers Hall and carpark Coatesville                 | Auckland Council                | Pre-amalgamation resource consent                       |
| Grey Lynn Farmers Market  | Grey Lynn Community Centre and Carpark                            | Auckland Council                | Community Lease   |
| Mangere Market  | Auckland Transport Carpark at Mangere Town Centre                 | Auckland Transport              | Landowner approval from Auckland Transport              |
| Otara Market  | Auckland Transport Carpark at 1 Newbury Street Otara              | Auckland Transport              | Landowner approval from Auckland Transport              |
| Swanson Car Boot Market   | Swanson Train Station and Auckland Transport Carpark              | Auckland Transport and KiwiRail | Landowner approval from Auckland Transport and KiwiRail |
| Takapuna Market   | Auckland Transport Carpark at 40 Anzac Street, Takapuna           | Auckland Transport              | Landowner approval from Auckland Transport              |
| Titirangi Market  | Titirangi War Memorial Hall and Carpark, 500 South Titirangi Road | Auckland Council                | Operating as a permissible activity on reserve land     |

| <b>Related information, Bylaw history</b>  |  |
|--|--|
| <b>Date</b>  | <b>Description</b>   |
| 01 November 2010   | <b>Made</b> legacy bylaws about trading in public places <sup>1</sup> ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)   |
| 01 November 2010   | <b>Commencement</b> of legacy bylaws about trading in public places ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)   |
| 20 May 2014  | <b>Review</b> of legacy bylaws about trading in public places completed ( <a href="#">RBC/2014/20</a> )  |
| 29 May 2014  | <b>Proposal</b> to make new bylaw about trading, events and filming in council-controlled public places and to revoke legacy bylaws ( <a href="#">GB/2014/49</a> )   |
| 26 February 2015   | <b>Made</b> the Auckland Council Trading and Events in Public Places Bylaw 2015 ( <a href="#">GB/2015/4</a> )  |
| 5 June 2015  | <b>Public notice</b> of making of the Auckland Council Trading and Events in Public Places Bylaw 2015 and revocation of legacy bylaws  |
| 01 July 2015   | <b>Commencement</b> of Auckland Council Trading and Events in Public Places Bylaw 2015 and revocation of legacy bylaws (GB/2015/4)   |
| 22 August 2019   | <b>Amendment</b> of Auckland Council Trading and Events in Public Places Bylaw 2015 (clauses 10(3) and 11(1)) ( <a href="#">GB/2019/83</a> )   |
| 13 October 2020  | <b>Review</b> of Auckland Council Trading and Events in Public Places Bylaw 2015 completed ( <a href="#">REG/2020/64</a> )   |
| 27 May 2021  | <b>Proposal</b> to make a new bylaw about trading, events and filming in council-controlled public places ( <a href="#">GB/2021/###</a> )  |
| [TBC]  | <b>Made</b> the Auckland Council <b>Public Trading, Events and Filming Bylaw 2022</b> ( <a href="#">GB/2021/###</a> )  |
| [TBC]  | <b>Public notice</b> of making of the Auckland Council <b>Public Trading, Events and Filming Bylaw 2022</b>  |
| 26 February 2022   | <b>Commencement</b> of the Auckland Council <b>Public Trading, Events and Filming Bylaw 2022</b> ( <a href="#">GB/2021/###</a> ) and revocation of the Auckland Council Trading and Events in Public Places Bylaw 2015 ( <a href="#">section 160A</a> Local Government Act 2002) |
| <sup>1</sup> Legacy bylaws made: Auckland Regional Council Parks Bylaw 2007 (Part 2); Auckland City Council No 20 - Public Places Bylaw 2008 (clauses 20.6 – 20.7); Franklin District Council Trading in Public Places Bylaw 2008; Chapter 7 (Events and Trading in Parks and Public Places) of the Manukau City Consolidated Bylaw 2008; Part 3 (Trading in Public Places) of the North Shore City Council Bylaw 2000; Papakura District Council Trading in Public Places Bylaw 2008; Chapter 5 (Trading in Public Places) of the Rodney District Council General Bylaw 1998; Waitakere City Council Public Places Bylaw 2010 (Part 5). |  |
| <b>Related information, next bylaw review</b>  |  |
| This Bylaw must be reviewed by <b>26 February 2027</b> . If not reviewed by this date, the Bylaw will expire on <b>26 February 2029</b> .  |  |



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or visit **[aucklandCouncil.govt.nz](http://aucklandCouncil.govt.nz)**





**ATTACHMENT C**  
**SUMMARY OF PUBLIC FEEDBACK**



# PROPOSED NEW PUBLIC TRADING, EVENTS AND FILMING BYLAW 2022

## FEEDBACK OVERVIEW

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### Te take mō te pūrongo

#### Purpose of the report

The information in this report summarises feedback received during the consultation period of 8 June to 16 July 2021 on the proposed new Public Trading, Events and Filming Bylaw 2022.

#### Whakarāpopototanga matua

##### Executive summary

We consulted with the public on the proposed new Public Trading, Events and Filming Bylaw 2022. Submitters were asked their views on the proposal for a new Public Trading, Events and Filming Bylaw that will minimise:

- Public safety risks
- Nuisance
- Misuse of council-controlled public places
- Be easier to read and understand

We received public feedback via an online form, E-mail, Have Your Say Events and from other events which included a stakeholder day and a meeting with demographic advisory panels.

Overall:

- A total of 78 pieces of feedback were received
- 62 pieces of feedback (80%) was received digitally
- We heard from 19 organisations (24% of all submissions).

#### Consultation items

##### **Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw. What is your opinion on this proposal?**

Overall, submitters agreed with the proposal. The most favoured aspect was the regulations themselves. Also mentioned was that submitters want the rules of the bylaw enforced and this should be done by resourcing more officers.

##### **Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are. Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters. What is your opinion on Proposal 2?**

Overall, submitters agreed with the proposal to issue rental micromobility devices under their own licence. Submitters supported regulating micromobility devices by restricting numbers and clearly defining the rules. Comments also show that submitters have safety concerns of micromobility devices being used on footpaths.

##### **Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw. What is your opinion on Proposal 3?**

Overall, submitters agreed with the proposal to clarify which activities require approval if conditions are met and aren't in the bylaw. Comments support regulations and exemptions that were in the proposal as they make the bylaw clearer and help define the rules.

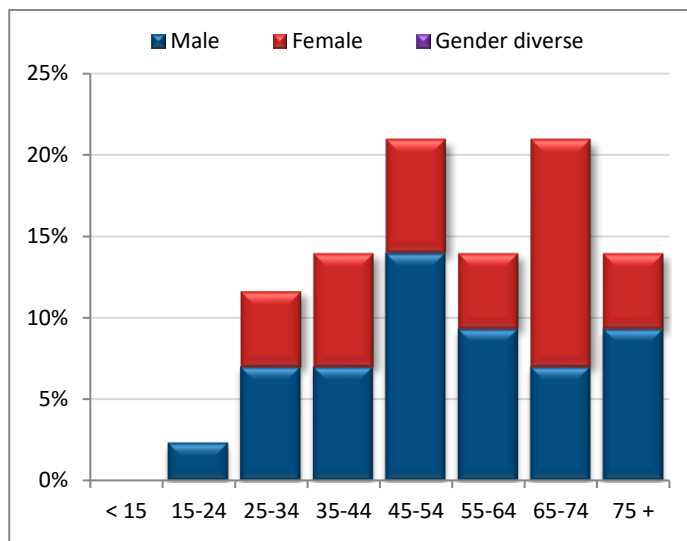
##### **Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with. What is your opinion on Proposal 4?**

Overall, submitters agreed with the proposal to make the bylaw easier to understand. Comments support use of lay rules and wording to make things simpler to understand for the person reading the bylaw.

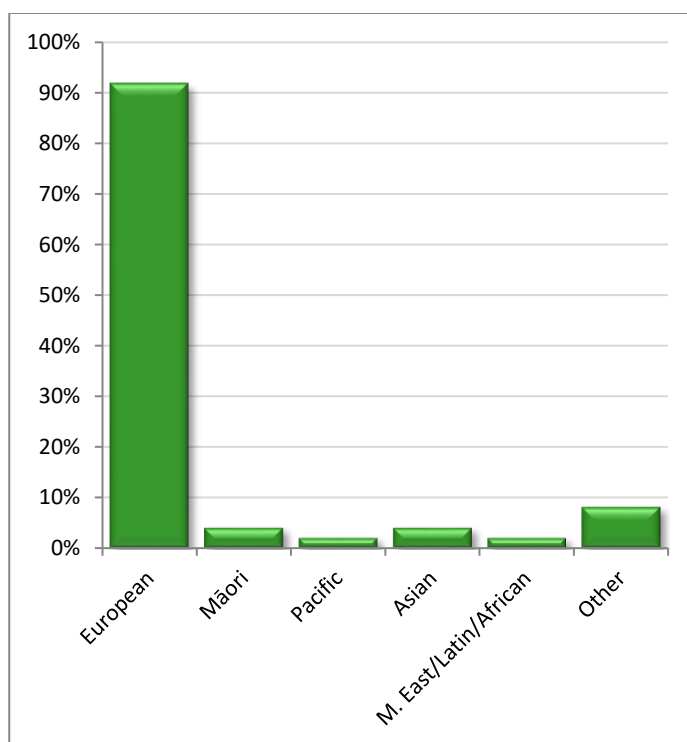
## Who we heard from

The tables below indicate the demographic profile of those that answered the demographic questions.

| AGE          | Male | Female | Diverse | Total     | %           |
|--------------|------|--------|---------|-----------|-------------|
| < 15         | 0    | 0      | 0       | 0         | 0%          |
| 15 – 24      | 1    | 0      | 0       | 1         | 2%          |
| 25 – 34      | 3    | 2      | 0       | 5         | 12%         |
| 35 – 44      | 3    | 3      | 0       | 7         | 16%         |
| 45 – 54      | 6    | 3      | 0       | 9         | 21%         |
| 55 – 64      | 4    | 2      | 0       | 6         | 14%         |
| 65 – 74      | 3    | 6      | 0       | 9         | 21%         |
| 75 +         | 4    | 2      | 0       | 6         | 14%         |
| <b>Total</b> |      |        |         | <b>43</b> | <b>100%</b> |



| ETHNICITY                                    | #         | %          |
|--|-----------|------------|
| <b>European</b>                              | <b>45</b> | <b>92%</b> |
| Pākehā/NZ European                           | 35        | 71%        |
| Other European                               | 10        | 20%        |
| <b>Māori</b>                                 | <b>2</b>  | <b>4%</b>  |
| <b>Pacific</b>                               | <b>1</b>  | <b>2%</b>  |
| Samoan                                       | 0         | 0%         |
| Tongan                                       | 1         | 2%         |
| Other Pasifika                               | 0         | 0%         |
| <b>Asian</b>                                 | <b>2</b>  | <b>4%</b>  |
| Chinese                                      | 1         | 2%         |
| Korean                                       | 1         | 2%         |
| South East Asian                             | 0         | 0%         |
| Indian                                       | 0         | 0%         |
| Other Asian                                  | 0         | 0%         |
| <b>Middle Eastern/Latin American/African</b> | <b>1</b>  | <b>2%</b>  |
| <b>Other (incl. Kiwi/New Zealander)</b>      | <b>4</b>  | <b>8%</b>  |
| <b>Total</b>                                 | <b>49</b> | <b>NA</b>  |



Feedback was received via an online form: 53 (68%), Email: nine (12%), Other: eight (10%) this included two responses at the stakeholder event and six responses from the three demographic advisory panel events and Have Your Say Event: eight (10%).

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

| <b>LOCAL BOARD</b>    | <b>Total</b> | <b>Percentage</b> |
|-----------------------|--------------|-------------------|
| Albert-Eden           | 4            | 5%                |
| Aotea/Great Barrier   | 0            | 0%                |
| Devonport-Takapuna    | 6            | 8%                |
| Franklin              | 2            | 3%                |
| Henderson-Massey      | 2            | 3%                |
| Hibiscus and Bays     | 3            | 4%                |
| Howick                | 1            | 1%                |
| Kaipātiki             | 3            | 4%                |
| Māngere-Ōtāhuhu       | 2            | 3%                |
| Manurewa              | 0            | 0%                |
| Maungakiekie-Tāmaki   | 4            | 5%                |
| Ōrākei                | 3            | 4%                |
| Ōtara-Papatoetoe      | 0            | 0%                |
| Papakura              | 0            | 0%                |
| Puketāpapa            | 0            | 0%                |
| Rodney                | 4            | 5%                |
| Upper Harbour         | 4            | 5%                |
| Waiheke               | 0            | 0%                |
| Waitākere Ranges      | 4            | 5%                |
| Waitematā             | 9            | 12%               |
| Whau                  | 2            | 3%                |
| Regional organisation | 0            | 0%                |
| Not supplied          | 24           | 31%               |
| Outside Auckland      | 1            | 1%                |
| <b>TOTAL</b>          | <b>78</b>    | <b>100%</b>       |

# Urupare

## Feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw. What is your opinion on this proposal?

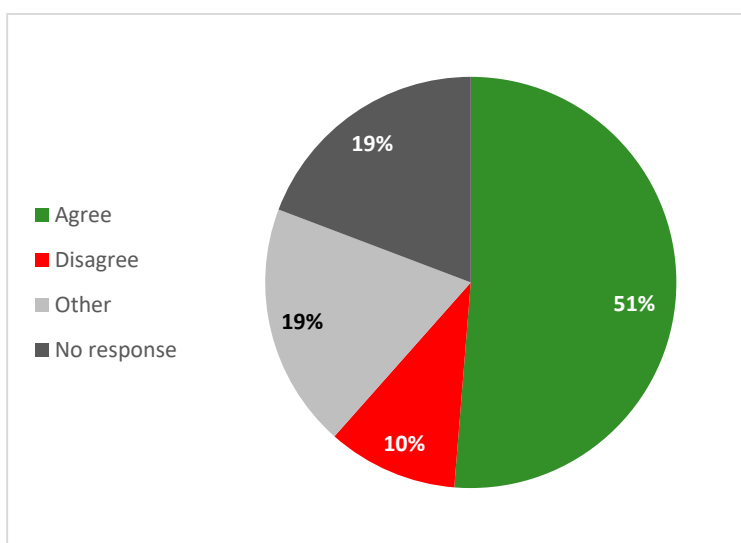
Submitters were asked to choose a response option and then to provide a comment in an open comment field.

(n=78 submitters made submissions whilst 63 selected a response to this question)

#### SUMMARY OF FEEDBACK

Over half of submitters **agreed** with the proposal to continue regulating trading, events, and filming in a similar way to the current bylaw. Nearly half of the comments supported the regulations within the proposal. The second highest theme was submitters advocating for more effective resourcing and enforcement.

| RESPONSE     | TOTAL     | %           |
|--------------|-----------|-------------|
| Agree        | 40        | 51%         |
| Disagree     | 8         | 10%         |
| Other        | 15        | 19%         |
| No response  | 15        | 19%         |
| <b>TOTAL</b> | <b>78</b> | <b>100%</b> |



#### Most common theme

#### 41% Support proposed regulations

(17 comments)



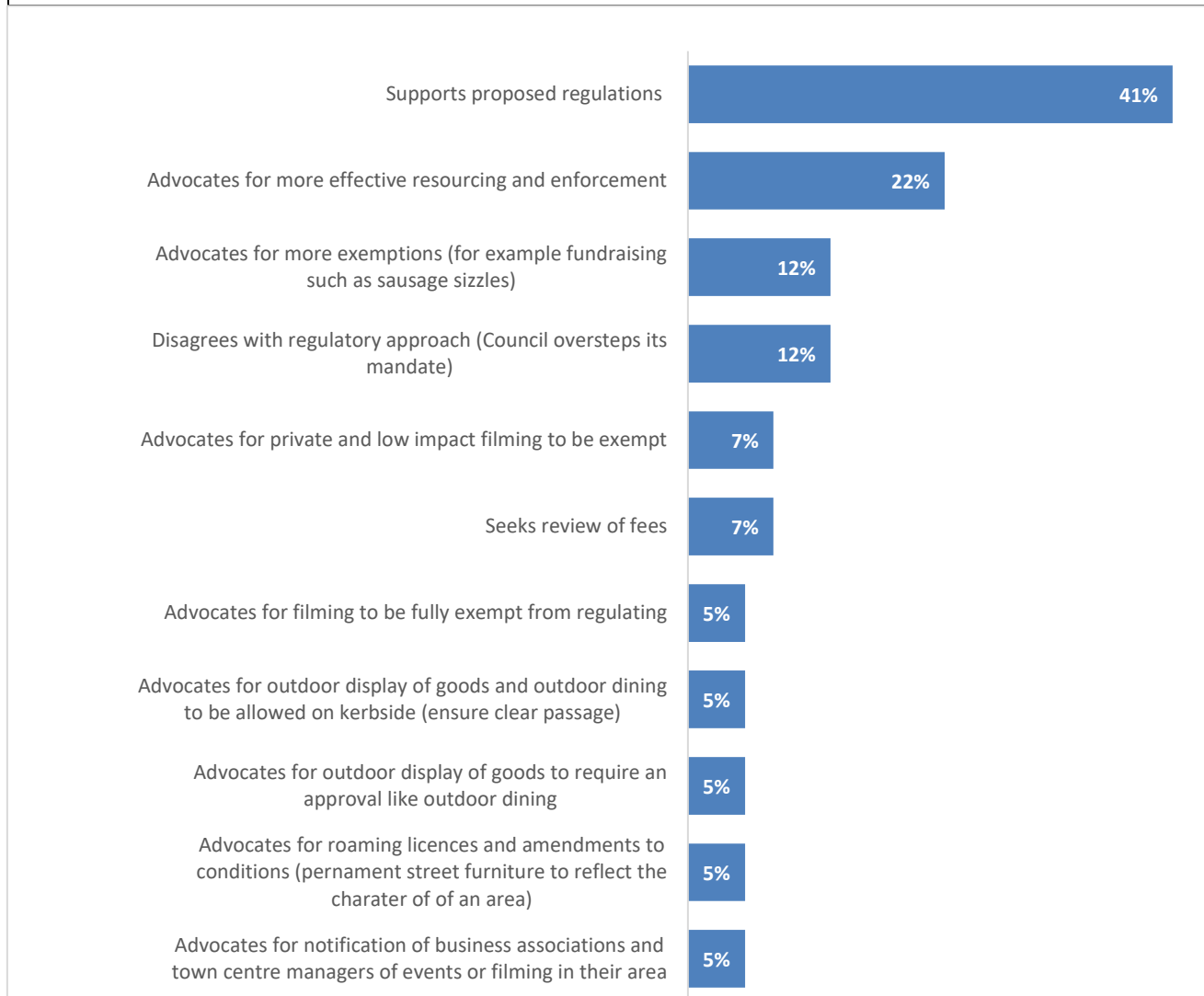
Comments included:

- Supports proposal because 'the bylaw is common sense'
- Seems fair so long as it is flexible and not used to discriminate against sectors of community
- Basically, I think the proposals are excellent.

| THEMES  | TOTAL | %   |
|---|-------|-----|
| Supports proposed regulations   | 17    | 41% |
| Advocates for more effective resourcing and enforcement                         | 9     | 22% |
| Advocates for more exemptions (for example fundraising such as sausage sizzles) | 5     | 12% |
| Disagrees with regulatory approach (Council oversteps its mandate)              | 5     | 12% |
| Advocates for private and low impact filming to be exempt                       | 3     | 7%  |
| Seeks review of fees  | 3     | 7%  |



|  |   |    |
|--|---|----|
| Advocates for filming to be fully exempt from regulating   | 2 | 5% |
| Advocates for outdoor display of goods and outdoor dining to be allowed on kerbside (ensure clear passage)                   | 2 | 5% |
| Advocates for outdoor display of goods to require an approval like outdoor dining  | 2 | 5% |
| Advocates for roaming licences and amendments to conditions (permanent street furniture to reflect the character of an area) | 2 | 5% |
| Advocates for notification of business associations and town centre managers of events or filming in their area              | 2 | 5% |



The following themes had one response: **Advocates for balanced approach to regulating events, Advocates that Screen Auckland be given more decision-making for filming, Advocates for protection of native wildlife from filming, Advocates to regulate distribution of information, Seeks exemption for sellers of information in public places (books, magazines, periodicals) and introduction of reasonable conditions, Advocates for more consideration on fixed businesses from temporary activities and Advocates for notification of business associations and town centre managers of events or filming in their area.**

**Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are. Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters. What is your opinion on Proposal 2?**

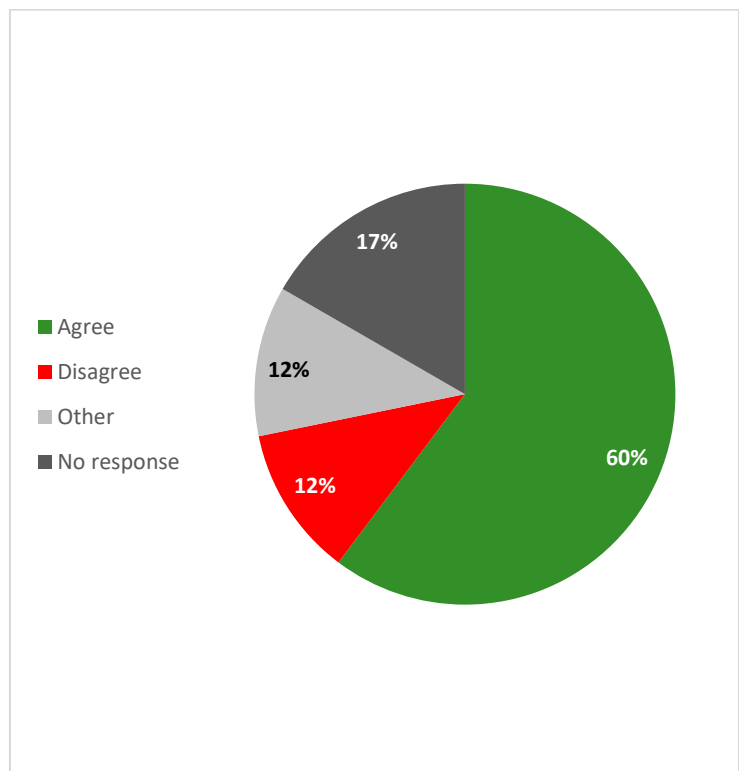
Submitters were asked to choose a response option and then to provide a comment in an open comment field.

(n=78 submitters made submissions whilst 65 selected a response to this question)

### SUMMARY OF FEEDBACK

Around two thirds of submitters **agreed** with the proposal for micromobility devices to be approved under their own licence. Over half the comments support regulating micromobility devices, these comments usually were in relation to safety of other users of the footpath.

| RESPONSE     | TOTAL     | %           |
|--------------|-----------|-------------|
| Agree        | 47        | 60%         |
| Disagree     | 9         | 12%         |
| Other        | 9         | 9%          |
| No response  | 13        | 17%         |
| <b>TOTAL</b> | <b>78</b> | <b>100%</b> |



### Most common theme

#### 56% Supports regulating micromobility devices

(25 comments)

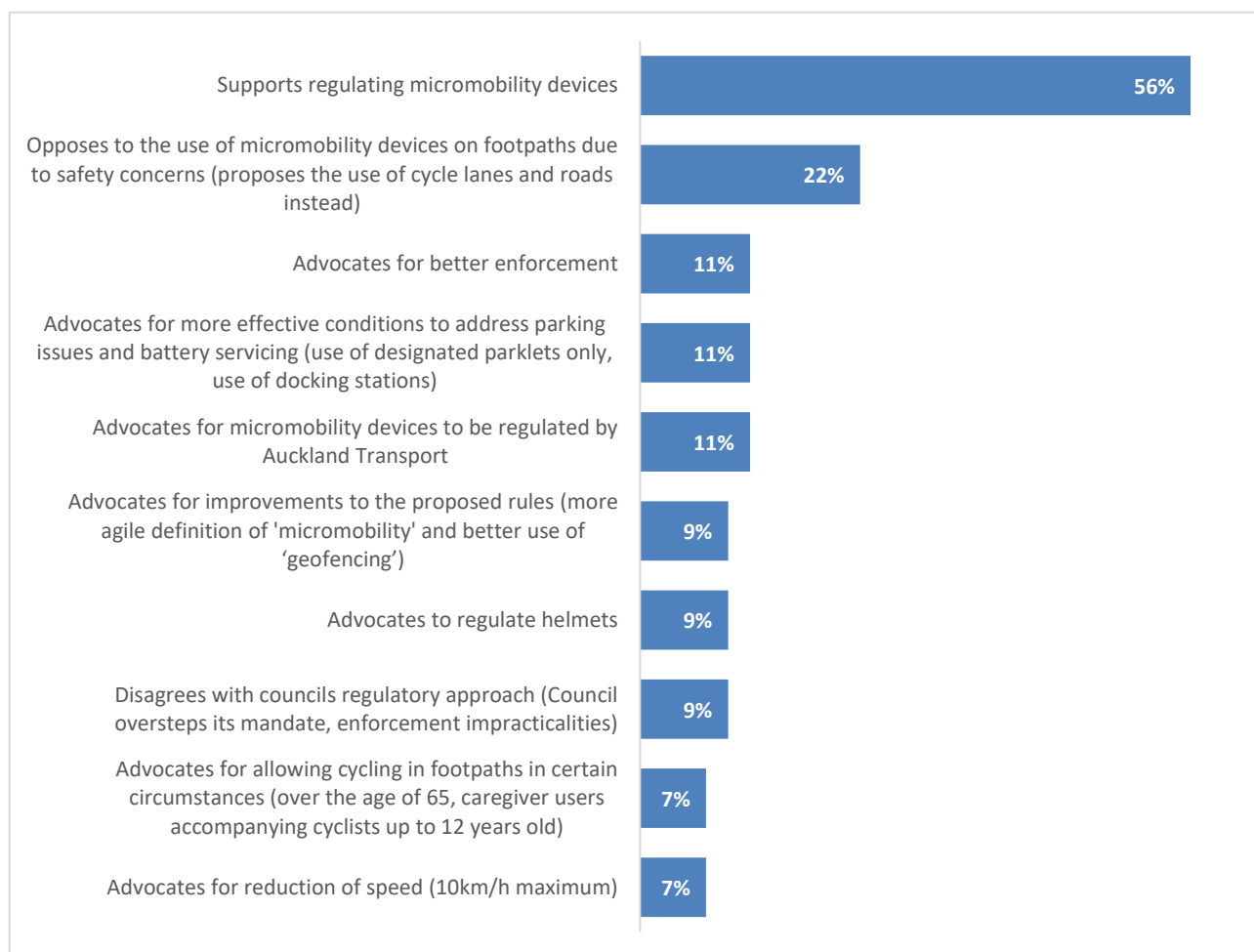


Comments included:

- Need to restrict numbers of micromobility devices as they are a hazard to pedestrians, and we want to encourage more pedestrians.
- Important to have clear rules with regard to electric scooter & bike use and accessibility to these regulations.
- Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

| THEMES                                    | TOTAL | %   |
|---|-------|-----|
| Supports regulating micromobility devices | 25    | 56% |

|   |    |     |
|---|----|-----|
| Opposes to the use of micromobility devices on footpaths due to safety concerns (proposes the use of cycle lanes and roads instead)                 | 10 | 22% |
| Advocates for better enforcement  | 5  | 11% |
| Advocates for more effective conditions to address parking issues and battery servicing (use of designated parklets only, use of docking stations)  | 5  | 11% |
| Advocates for micromobility devices to be regulated by Auckland Transport   | 5  | 11% |
| Advocates for improvements to the proposed rules (more agile definition of 'micromobility' and better use of 'geofencing')                          | 4  | 9%  |
| Advocates to regulate helmets   | 2  | 9%  |
| Disagrees with councils regulatory approach (Council oversteps its mandate, enforcement impracticalities)   | 2  | 9%  |
| Advocates for allowing cycling in footpaths in certain circumstances (over the age of 65, caregiver users accompanying cyclists up to 12 years old) | 2  | 7%  |
| Advocates for reduction of speed (10km/h maximum)   | 2  | 7%  |



The following themes had one response: **Advocates for educational initiatives to encourage parking of micromobility devices in designated parklets, Advocates for allowing cycling in footpaths in certain circumstances (over the age of 65, caregiver users accompanying cyclists up to 12 years old), Advocates for reduction of speed (10km/h maximum), Advocates for extended duration of approvals and their renewals (duration more than 12 months, renewal rather than reapplication process), Advocates for extension of operating hours and more partnership with micromobility operators, Advocates for no transfer of approvals and tight limits on duration of approvals, Strongly disagrees with allowing micromobility devices to continue to operate (safety concerns, demonstrated disregard for rules by operators) and Advocates for extended duration of approvals (preferably 3 years).**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw. What is your opinion on Proposal 3?**

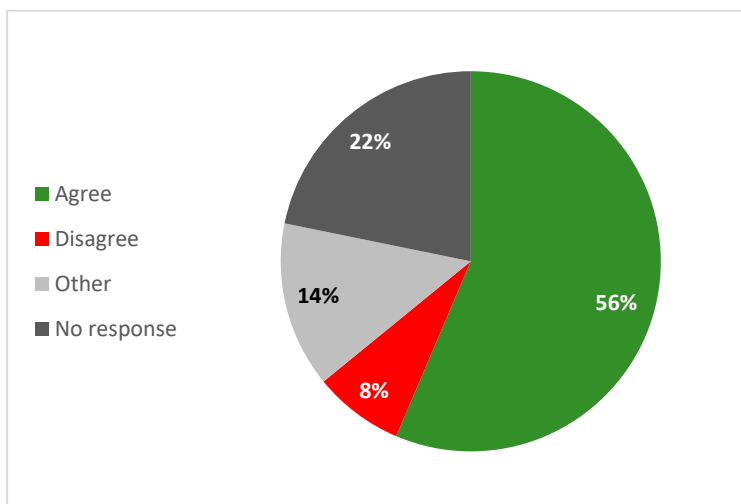
Submitters were asked to choose a response option and then to provide a comment in an open comment field.

(n=78 submitters made submissions whilst 61 selected a response to this question)

**SUMMARY OF FEEDBACK**

Over half of submitters **agreed** with the proposal to clarify which activities do and do not require approvals if conditions are met and aren't in the bylaw. Half of the comments supported the regulations and exemptions within the proposal, these comments were in relation to making the bylaw clearer in what is and isn't allowed.

| RESPONSE     | TOTAL     | %           |
|--------------|-----------|-------------|
| Agree        | 44        | 56%         |
| Disagree     | 6         | 8%          |
| Other        | 11        | 124%        |
| No response  | 17        | 22%         |
| <b>TOTAL</b> | <b>78</b> | <b>100%</b> |



**Most common theme**

**50% Supports proposed regulation and exemptions**

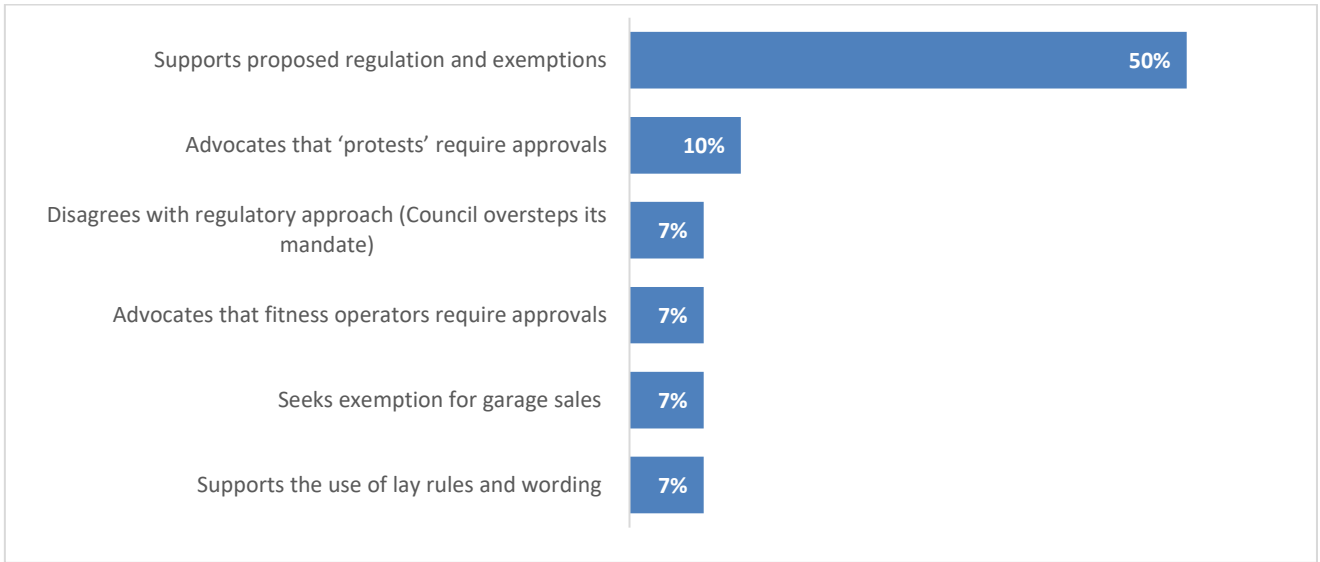
(15 comments)



Comments included:

- Sends a clear picture of what is or is not allowed
- All look reasonable
- Generally, I agree provided that does not include people using reserves for casual recreation

| THEMES   | TOTAL | %   |
|--|-------|-----|
| Supports proposed regulation and exemptions                        | 15    | 50% |
| Advocates that 'protests' require approvals                        | 3     | 10% |
| Disagrees with regulatory approach (Council oversteps its mandate) | 2     | 7%  |
| Advocates that fitness operators require approvals                 | 2     | 7%  |
| Seeks exemption for garage sales                                   | 2     | 7%  |
| Supports the use of lay rules and wording                          | 2     | 7%  |



The following themes had one response: ***Advocates for adequate booking system, privacy of information submitted and easily accessible guidelines, Advocates for more information on controls for fitness operators, Disagrees with controls for fitness operators and Seeks exemption for busking.***

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with. What is your opinion on Proposal 4?**

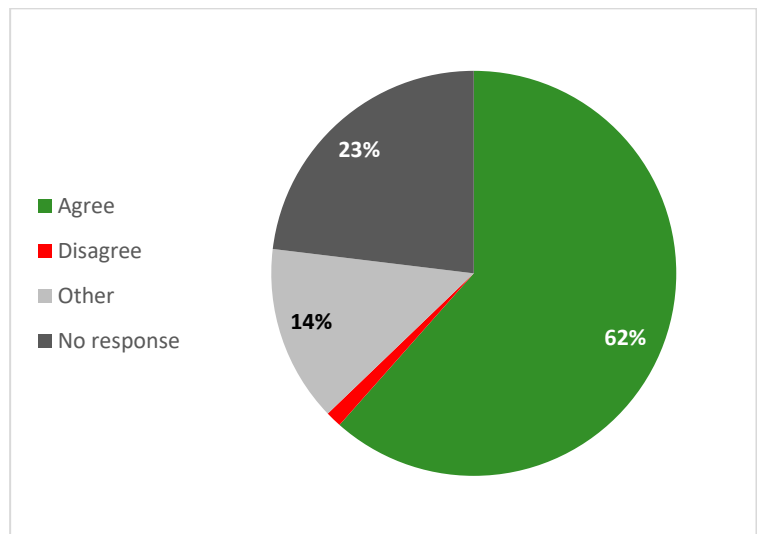
Submitters were asked to choose a response option and then to provide a comment in an open comment field.

(n=78 submitters made submissions whilst 60 selected a response to this question)

**SUMMARY OF FEEDBACK**

Nearly two thirds of submitters **agreed** with the proposal to update the title, structure, format, definitions, and wording to make the new bylaw easier to read and understand. Nearly half of the comments support the use of lay rules and wording. The reasons were that it makes the bylaw simpler and less confusing.

| RESPONSE     | TOTAL     | %           |
|--------------|-----------|-------------|
| Agree        | 48        | 62%         |
| Disagree     | 1         | 1%          |
| Other        | 11        | 14%         |
| No response  | 18        | 23%         |
| <b>TOTAL</b> | <b>78</b> | <b>100%</b> |



**Most common theme**

**39% Supports the use of lay rules and wording**

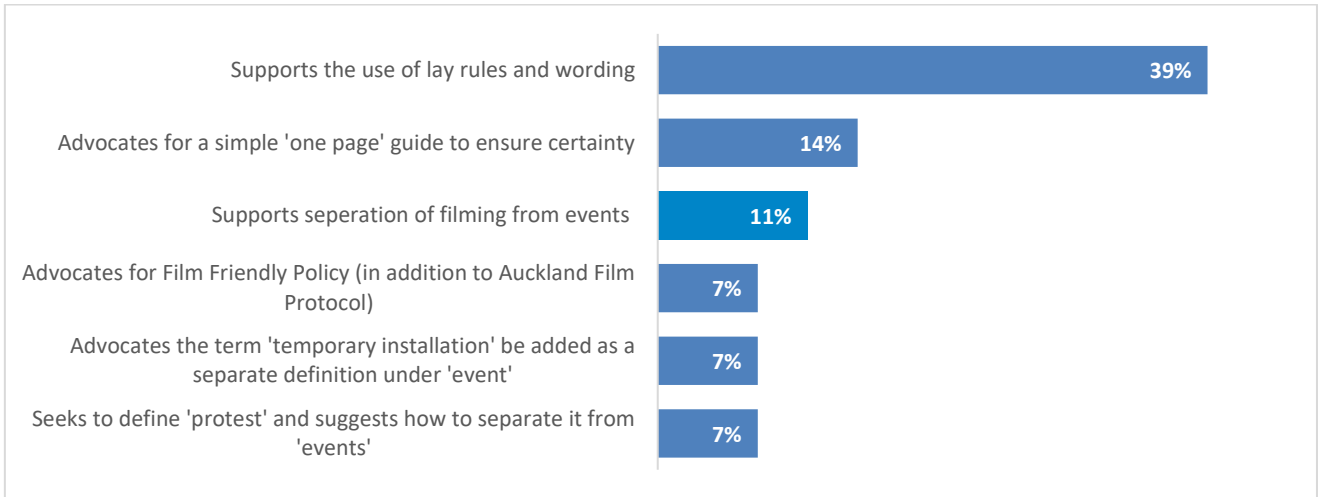
(11 comments)



Comments included:

- 'One-stop-shop' the way to go!
- Simpler, the better
- People will have a clear picture of what is or is not permitted

| THEMES  | TOTAL | %   |
|---|-------|-----|
| Supports the use of lay rules and wording   | 11    | 39% |
| Advocates for a simple 'one page' guide to ensure certainty                                 | 4     | 14% |
| Supports separation of filming from events  | 3     | 11% |
| Advocates for Film Friendly Policy (in addition to Auckland Film Protocol)                  | 2     | 7%  |
| Advocates the term 'temporary installation' be added as a separate definition under 'event' | 2     | 7%  |
| Seeks to define 'protest' and suggests how to separate it from 'events'                     | 2     | 7%  |



The following themes had one response: ***Advocates for more decision-making to Screen Auckland for low to medium impact filming, Advocates the term 'temporary installation' be added as a separate definition under 'event', Disagrees with regulatory approach (Council oversteps its mandate), Council should not be consulting on making rules clear (this should be a given), Seeks exemption for food outlets on footpaths, Seeks further clarification of controls, Seeks to define 'protest' and suggests how to separate it from 'events' and Advocates for more consultation with business associations.***

## **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Submitters were asked to provide their comments in an open comment field.  
(n=24 responses)

We received 24 comments in this section of the form, most comments were reiterating points of previous answers to the consultation questions and have been coded to the relevant question.

The two remaining comments were:

“Signage on footpaths also impacts pedestrians especially the vision impaired.”

“I am very concerned about commenting without being able to actually see the new Bylaw. I have searched everywhere and can find nothing. What is going on here? There should be a link on this page to the document we're commenting on. This feels like a dumbed down approach to consulting, and it is not okay.”



**ATTACHMENT D**  
**ONLINE AND WRITTEN FEEDBACK**



**Date:** Friday, 30 July 2021

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**Proposed New Public Trading Events  
and Filming Bylaw 2022**

**ALL SUBMISSIONS  
WRITTEN FEEDBACK Vol. 1  
(1–78)**

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| Sub # | Organisation name                       | Local board         |
|-------|---|---------------------|
| 9     | The Fringe District                     | Albert-Eden         |
| 25    |   | Albert-Eden         |
| 50    |   | Albert-Eden         |
| 75    | Lime                                    | Albert-Eden         |
| 16    |   | Devonport-Takapuna  |
| 32    |   | Devonport-Takapuna  |
| 38    |   | Devonport-Takapuna  |
| 41    |   | Devonport-Takapuna  |
| 49    |   | Devonport-Takapuna  |
| 74    |   | Devonport-Takapuna  |
| 6     |   | Franklin            |
| 34    |   | Franklin            |
| 22    |   | Henderson-Massey    |
| 23    |   | Henderson-Massey    |
| 19    |   | Hibiscus and Bays   |
| 31    |   | Hibiscus and Bays   |
| 40    |   | Hibiscus and Bays   |
| 11    |   | Howick              |
| 10    |   | Kaipātiki           |
| 17    |   | Kaipātiki           |
| 26    |   | Kaipātiki           |
| 13    |   | Māngere-Ōtāhuhu     |
| 53    | Otahuhu Business Association            | Māngere-Ōtāhuhu     |
| 20    |   | Maungakiekie-Tāmaki |
| 27    |   | Maungakiekie-Tāmaki |
| 35    |   | Maungakiekie-Tāmaki |
| 39    |   | Maungakiekie-Tāmaki |
| 1     | Kiwis For Good                          | Not supplied        |
| 2     | New Zealand Advertising Producers Group | Not supplied        |
| 3     |   | Not supplied        |
| 4     |   | Not supplied        |
| 5     |   | Not supplied        |
| 7     |   | Not supplied        |
| 37    |   | Not supplied        |
| 54    |   | Not supplied        |
| 55    |   | Not supplied        |
| 56    |   | Not supplied        |
| 57    |   | Not supplied        |
| 58    |   | Not supplied        |
| 59    |   | Not supplied        |
| 60    |   | Not supplied        |
| 61    | Beam Mobility                           | Not supplied        |
| 62    | Nextbike NZ                             | Not supplied        |
| 63    |   | Not supplied        |
| 64    |   | Not supplied        |
| 65    |   | Not supplied        |
| 66    |   | Not supplied        |
| 67    |   | Not supplied        |
| 68    |   | Not supplied        |
| 70    | Disabled Persons Assembly NZ            | Not supplied        |

| Sub # | Organisation name                            | Local board      |
|-------|--|------------------|
| 73    | LINK by Superpedestrian                      | Not supplied     |
| 29    |  | Ōrākei           |
| 33    |  | Ōrākei           |
| 71    | Blind Citizens NZ                            | Ōrākei           |
| 52    | Neuron Mobility NZ Ltd                       | Outside Auckland |
| 14    |  | Rodney           |
| 15    |  | Rodney           |
| 36    |  | Rodney           |
| 42    |  | Rodney           |
| 21    |  | Upper Harbour    |
| 24    |  | Upper Harbour    |
| 28    |  | Upper Harbour    |
| 48    | Business North Harbour                       | Upper Harbour    |
| 43    |  | Waitākere Ranges |
| 45    |  | Waitākere Ranges |
| 69    | Titirangi Residents & Ratepayers Association | Waitākere Ranges |
| 72    |  | Waitākere Ranges |
| 8     |  | Waitematā        |
| 12    | Darkhorse                                    | Waitematā        |
| 30    | Te Tai-awa o te Ora                          | Waitematā        |
| 44    |  | Waitematā        |
| 46    |  | Waitematā        |
| 47    |  | Waitematā        |
| 51    | Parnell Business Association                 | Waitematā        |
| 18    |  | Whau             |
| 76    | Newmarket Business Association               | Waitematā        |
| 77    | Rosebank Business Association                | Whau             |
| 78    | University of Auckland                       | Waitematā        |



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** The Fringe District

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**Your local board:** Albert-Eden

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** 1. Health and safety of the citizens

2. Notification of activity for businesses and residents

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Helmets need to be worn, and scooters need to be on the road - or in bike lanes - it a no brainer

### Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### What is your opinion on Proposal 3?

##### Agree

**Tell us why:** As long as there are adequate booking systems in place to do so, that information is kept private, and guidelines of activity are easily found and accessible.

### Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### What is your opinion on Proposal 4?

##### Agree

**Tell us why:** Lay terms with have more engagement and involvement from everyone.

### Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?

#### Important privacy information

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Albert-Eden

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Should provide exemption for small independent filming, provided it does not impact safety

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** Should not restrict the number of devices.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** Strongly agree with removing protest from classification of an event.

Should also clarify that garage sales and busking are allowed, if not already.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Busking should not require a license

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

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- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Albert-Eden

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** There needs to be more control for users over the area they are permitted on eg if someone sets up a stall at the event who isn't part of the event the permit holder should have the ability to remove them

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** All readers should be able to understand

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Whilst restricting the event provider is great to ensure public health and safety and wider good, there should also be provision for supporting event providers who have other people come in over the top of their events

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable): Lime

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Your local board: Albert-Eden

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** Micromobility should not be included under the same banner as coffee carts and food trucks. Simply, they are not mobile shops and the status quo not fit for purpose. If micromobility it is to make a meaningful contribution to helping support efforts against Auckland's climate change emergency, such as reducing car use and congestion, then it is better to be managed by Auckland Transport directly, similar to car share.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

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- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** This is a much better solution than currently exists, but doesn't go far enough to really make a place for micromobility in the future of Auckland.

E-scooters and e-bikes are the future of transport. As Auckland Council bylaws often mirror Auckland Transport's, there is no reason why micromobility devices should not be managed by Auckland Transport, similar to car share.

By delegating micromobility to AC, it will continue to be regulated more than any other mode of transport with far higher requirements to operate, making it also far more costly, when other forms of transport receive significant subsidies. The potential issues that can result from the rental of power-assisted devices are far less dangerous than car use, not only in terms of safety to pedestrians, but also in the longer term health of our city. Micromobility is a climate friendly form of transport, with significantly lower emissions, both through direct effects and manufacturing,

If Auckland Council is serious about wanting to reduce the number of cars on our streets then it must not over-regulate new, innovative forms of transport so that they cannot flourish. The current system does not recognise the benefits that micromobility can bring such as reducing the number of people driving to the city, first/last mile connections and this needs to change.





**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Only sensible

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Safety concerns

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:** Guarantees safety

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** As long as it doesn't make it difficult for fundraising sausage sizzles and the like - I am prepared to take my chances re food hygiene with the "pig-in-a-blanket" from the local netball club etc fundraiser

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** Council needs to be involved in more than this (re Central Government reg.s) as the Central reg.s are not dealing with it, especially speed on footpaths of the e-scooters. I like e-scooters and the footpath is safer for them but speed on footpaths is a problem. Fortunately I drive out of my driveway very, VERY slowly or I would have collected the same oblivious schoolboy shooting past at speed on his e-scooter on the footpath several times - & he was going so fast he hasn't even realised I was there let alone how close we came. I have been in busy pedestrian areas with witless riders e-scooting far too fast among all the pedestrians.....

### **Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### **What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

### **Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### **What is your opinion on Proposal 4?**

**Tell us why:**

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

### **Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** The last point on additional rules seems like a mandate to make justify any decision solely on whomever within council. So any decision cannot be challenged therefore based on this. There is no context here.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

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- setting speed limits
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** People will have a clear picture of what is or what is not allowed

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Will this allow easier tracking of micromobility devices if users break the law?

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:** Sends a clear picture of what is or is not allowed

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** People will have a clear picture of what is or is not permitted

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Not at this stage

**Important privacy information**

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### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

#### Tell us why: Issues -

Item 7 - Distribution of any information / propaganda to the public should be included in the bylaw. eg: Anti-Vaccination propaganda.

Item 11 - Approval conditions.

Any licenses taking place within 500m of a commercial area, should seek permission of the businesses association / BID, of that area if there is one operating

Mobile Trading license eg: Mr Whippy - Needs to come under this bylaw and seek approval from the Business Association/BID if there is one for that area before being granted.

Item 19 - Enforcement

Auckland Council needs to use car parking wardens to be able to enforce this bylaw. Currently the trading license bylaw enforcement team is drastically understaffed and it is extremely hard to get anyone to enforce the current bylaw. We need to use the teams we already have on the ground - Parking wardens

Instant fine should be increased to \$1000.

Fees - reduce license fees for businesses which have a lease on a building to help them with COVID19 and negative impacts on their businesses. EG: license fees for a cafe to have outdoor tables.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**



**What is your opinion on Proposal 2?**

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Disagree**

**Tell us why:** Do not agree that anyone can hand out propaganda / information to the public under a "protest" disguise - eg: Anti-vax. - They need to have a license.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Please consult with local business associations

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Devonport-Takapuna

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Displays and trading on footpaths should not impede pedestrians. There needs to be an obstacle free through route for pedestrians, particularly important for those with vision or mobility impairments (using wheelchairs or walking frames for example, or walking with children This through route should be a minimum 2.4m wide (see Pedestrian Planning and Design Guide, 2009, 14-3)<sup>1</sup>. The current 1.8m width requirement is inadequate.

"Adjacent to premises" may obstruct the building line, the preferred line of travel (route) for blind citizens using a cane. Placement on the kerbside, as with signage boards would be preferable.

To promote greater street vibrancy, Council should consider re-purposing road space, especially car parks. Turning car parks into parklets can provide outdoor dining space without impacting on the safety of pedestrians using the footpath. In response to the COVID-19 pandemic and the need for social distancing, such approaches have been taken in cities such as Melbourne. The Yarra City Council in Melbourne's north is considering making these parklets for dining a permanent feature (The Age, 25/5/2021)<sup>2</sup>. As cities strive to meet lower emissions targets, fewer vehicles parked in urban streets, more space allocated for pedestrians and street activities should be an aspirational goal.

1. Pedestrian planning and design guide, 2009, online at: <https://www.nzta.govt.nz/assets/resources/pedestrian-planning-guide/docs/chapter-14.pdf>

2. Plans for dining on parking spaces to be permanent in Melbourne's inner north, The Age, 25 May 2021, online at: <https://www.theage.com.au/national/victoria/plans-for-dining-on-parking-spaces-to-be-permanent-in-melbourne-s-inner-north-20210524-p57uj2.html>

Advocates that outdoor dining and outdoor displays should be placed on the kerbside of the footpath with the shopfront side left clear for the passage of pedestrians. Seeks clarification of the types of small events and activities which will not require approval

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

Agree

**Tell us why:** There should be a separate bylaw and associated licensing requirements in relation to the rental of micromobility devices in public spaces, including footpaths.

I find both the use of footpaths for both hiring and riding of e-scooters and other micromobility devices (excluding those used by disabled people) a hazard and nuisance to my enjoyment and use of the footpath as I am vision impaired.

The licensing rules should require that micromobility devices must be parked both before and after hiring, on the kerbside of footpaths, and only where there a 2.4m minimum through route remains unimpeded when the devices are parked, parked in parking spaces on the road.

Stricter monitoring of licensing conditions and use of incentives for hirers to park appropriately should be implemented.

This additional bylaw would also need to be endorsed by Auckland Transport to avoid jurisdictional confusion. Suggests that users of rental micromobility be required to park the devices in designated parklets.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Bylaws need to be clear that small groups of people can participate in walking tours, street activities and gatherings in public places and parks without a permit or licence where there is little impact on other uses of the space.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Signage on footpaths also impacts pedestrians especially the vision-impaired. Seeks clarification on how this proposed bylaw fits in with the Auckland Transport mirror bylaw. Notes the danger e-scooters pose to passengers stepping off buses. Advocates that council should consider educational initiatives to encourage parking of micromobility devices in designated parklets.

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## Proposed New Public Trading, Events and Filming Bylaw

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Franklin

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** Agree with all except imposing controls on certain fitness activities in parks. It really depends on what that control would look like and for whom

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Franklin

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** It's fine overall but micromobility devices can cause significant harm or damage so should be considered extra carefully

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** We need to make micromobility devices as safe for general public as possible

We should remember that sidewalks should be safe for pedestrians and children especially. Sidewalks is a place where people should walk without constant fear of being run over

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** I believe New Zealand Bill of Rights supersedes any local bylaws anyway

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Henderson-Massey

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Need to not only regulate but also encourage such events. Lack of good, quality social events is a very big downside of living in New Zealand and auckland in particular. Makes places like Australia a lot more attractive to go to where these events and much better organized and quality of service and goods significantly better.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Henderson-Massey

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** The proposal looks reasonable

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Micromobility devices definitely need strong control

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:** All look reasonable

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** Bylaws need to be clear and easy to understand. This proposal appears to address that.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

No

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Hibiscus and Bays

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Keeps watchers safe and assists the workers

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** It works now - too heavy-handed

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:** Seems sensible

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** Simpler, the better

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

No

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Hibiscus and Bays

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

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- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Clearly there are situations that require monitoring.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** There are significant Health & Safety issues related to the micro mobility devices that need more careful attention, monitoring and review to support the wellbeing of communities, particularly those living with disabilities and elders with ageing sensory perception and slower reactions that compromise their agency when self-managing their own safety.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** Increasing clarity in relation to applying regulations is helpful.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** One-stop-shop' the way to go!

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Hibiscus and Bays

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Hopefully the changes will give more clarity, consistency and control over what is expected as long as Council shows the same when controlling and monitoring trading, events and filming etc. It should make it easier for people to understand their responsibilities.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** Agree that it is a start but there does need to be further improvement. The problem with e-scooters is the littering of the footpaths with them on the ground. Also more control over the "juicers" who charge up the batteries who also park the e-scooters in dangerous positions on the footpath where the disabled and less mobile can't get around easily. E-scooters using roads with cars is a major issue - these vehicles aren't licensed and quite frankly, not practical for road use.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** In principle sounds OK though unsure about the removal of protest of the definition of an event - this could lead to ambiguity.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Until the wording is changed to make it easier to read for most people - can't really comment too much on this

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Howick

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Kaipātiki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### Submitter details

Organisation (if applicable):

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Your local board: Kaipātiki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Kaipātiki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** Public spaces need to be considered public spaces - I don't want to have to worry about people in the far background in a photo of a public space.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Māngere-Ōtāhuhu

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Otahuhu Business Association

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**Your local board:** Māngere-Ōtāhuhu

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Outdoor display of good needs to have an application process much like outdoor dining.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Representing the Otahuhu Town Centre we can't stress enough the ongoing and everyday issues of public safety and crime that is a result of the unregulated and unenforced display of goods has on our town center. The Otahuhu Business Association strongly advocates for the introduction of a paid and regulated display of goods license much like outdoor dining already has. This would give council the ability to put better structure around those businesses that would like a display of goods license on a case by case basis and then the rules of that license easier to enforce.

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

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### Submitter details

Organisation (if applicable):

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Your local board: Maungakiekie-Tāmaki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Keeps public order

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

All of the above make sense, all laws need to be easy to understand and follow whilst ensuring that nobody is created more equal than anyone else.

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Maungakiekie-Tāmaki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

This is too broad clause

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Maungakiekie-Tāmaki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Maungakiekie-Tāmaki

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Screen Auckland needs far more authority to manage filming applications as the Local Boards are slow to respond and frequently do not understand the specifics in terms of impact assessment.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Auckland needs to become a truly film friendly city in order to maximise the opportunities for both local and international productions. Wellington, Christchurch and Dunedin are way ahead here.

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### Submitter details

**Organisation (if applicable):** Kiwis For Good

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**Your local board:** Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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**What is your opinion on this proposal?**

**Tell us why:**

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**What is your opinion on Proposal 2?**

**Tell us why:**

### Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### What is your opinion on Proposal 3?

Tell us why:

### Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### What is your opinion on Proposal 4?

**Tell us why:** Seeks exemption for sellers of information in public places, for example, books, magazines, periodicals, newspapers to provide consistency with the NZ Bill of Rights Act 1990 (s14). Advocates that sellers would still need to meet certain conditions to be exempt to prevent excess litter and congestion. A person must request the information (not just have it shoved in their hand) and restrictions should apply on fixed stalls (allowing foot traffic to flow freely). Notes existing exemptions for people selling books in the UK Law and the Local Government Miscellaneous Act 1982 (provides exemption for trading as news vendors).

### Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?

I spoke with regard to the need for an exemption for sellers of information, for example, books, magazines, periodicals, newspapers etc to be included in the 2022 Auckland Trading and Events in Public Places Bylaw to provide consistency with section 14 of the New Zealand Bill of Rights Act 1990.

Certain reasonable conditions should need to be met for the exemption to apply such as conditions to prevent excess litter and congestion to the highways/footpaths such as that a person must request the information being imparted (not just have it shoved in their hand) and restrictions on fixed stalls (allowing foot traffic to flow freely)

It is apparent that if an exemption is not included for these activities in the new bylaw then any provisions of the new bylaw would become invalid and would be ultra vires of the local authority and "repugnant to the laws of New Zealand" - Section 17 Bylaws Act 1910

In the U.K where NZ adopt laws from, local bylaws: The Pedlars Act 1871 (Section 23 subsection 1); Local Government Miscellaneous Provisions Act 1982 (Schedule 4, Section 2, subsection D) all make exemptions for the sale of "Books" or

“News vendors” so as to uphold the constitutional rights and freedoms of the people (freedom of speech & freedom of information) The new Auckland bylaw should be no different.

By making an exemption this would make clear that these rights and freedoms are an acceptable activity and save any unnecessary proceedings by local agents of the council.

Please get in touch if you need anything else from myself and thank you once again for your invitation to speak today

### Important privacy information

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** New Zealand Advertising Producers Group

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**Your local board:** Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

### What is your opinion on this proposal?

Agree

**Tell us why:** Supports proposal because 'the bylaw is common sense'. Supports separation of filming from events including that filming is captured in the bylaw title. Seeks exemption for private filming and 'low impact filming' in the proposed new bylaw in accordance with the Film Protocol. Overall we have no issues with the bylaw revision, but we would like to reiterate our issues around the Screen Auckland permitting process that follows on from this bylaw. Auckland City is a large and very complex bureaucracy. This can often impede our ability to film in public spaces or take advantage of public resources controlled by various council departments or CCO's. Even the simplest permit has to go through multiple stakeholders and adhere to a myriad of bylaws (common sense or not...) before Screen Auckland can issue the permit. As far as we understand, Screen Auckland has no permitting approval - they are simply there to facilitate the process. This leaves us at the mercy of local board members where personal opinion and local politics, not council regulations, can impact on the success of an application. Other times we encounter council/CCO employees who like to suggest where we can film and what public property we are allowed to film. Barring major regulatory changes and a full delegation to Screen Auckland, we have two suggestions we feel might address most of the issues we face:

- Delegate decision-making for low and medium impact applications to Screen Auckland. This would make sense as Screen Auckland are the ones who have real knowledge of the requirements of film productions and the experience to assess the impact of the proposed filming. We believe this is definitely required for Local Boards, but ideally it should be extended to most council departments as well. We believe Screen Auckland are in the process of setting up a trial for this and we would appreciate any support that you can give them in this work.

- The council has no over-riding "Film Friendly" policy. Besides some lines in the Film Protocol, there doesn't seem to be a "from the top mandate" going out to all CCO's and council departments in regards to the economic importance of allowing filming to happen on public property. We often feel the lack of such a mandate when trying to get a filming permit, for example for a regional park or a Council or Panuku owned property. In comparison, Wellington has a reputation for being truly film friendly. Wellington Council provides location scouts with free parking passes for scouting, they even do the letter-drops on our behalf and they will if necessary tow any vehicles that are impeding on a planned inner city shoot (for free!). Wellington is of course a much smaller city with a less complicated structure, and we don't expect you to offer the above services. But the perception, and also our experience, is that Screen Wellington will actively support you coming to Wellington and then do everything possible to make the shoot happen. The industry perception of Screen Auckland is that they are at the mercy of stakeholders, and because of this are not in a position to actively make a shoot happen. They are simply there to facilitate the regulatory process. Given what's going on around the world we are very lucky to be in New Zealand. And lucky to be working in an industry that is exceptionally busy. In fact busier than ever. We can only see future growth for our industry and we'd like to keep contributing more to our region's economy. But issues around permitting are impacting on our ability to attract more of this work. And it's very frustrating and often expensive navigating the current system. More importantly, the complex bureaucracy is in-efficient and not making Screen Auckland as efficient as they could be. We understand that our short timeframes and often specific and odd requests can be tricky. But it is specifically for these reasons that the power to make permit decisions should be given to someone with the knowledge and experience to do so: Screen Auckland. Thank you for listening. And please let us know if you want to discuss any of the above further. Notes that permitting process is very complicated and can be simplified. Advocates for more delegated authority to Screen Auckland (specifically for low and medium impact

filming) to better utilize resources allocated to Screen Auckland ('spend a lot of time chasing stakeholders') and to enable timely processing of permits. Suggests that local boards give delegation to Screen Auckland for low and medium impact filming permits. Advocates for wider understanding and consistent implementation of the Film Protocol's goal of 'film friendly Auckland'. Notes that shared micromobility is operating in a planning vacuum in Auckland (no clear planning outcome). Public Transport Operating Model review does not mention shared micromobility. Notes that shared micromobility is better aligned with Auckland Transport. Notes that shared micromobility is being developed and backed by sophisticated tech companies and funders. Notes that a revised 'street trading licence' is unlikely to address the carbon debt accrued in New Zealand from transport, and advocates for new innovative ways of addressing this issue.

### **Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.**

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

**Tell us why:**



### **Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### **What is your opinion on Proposal 3?**

**Tell us why:**

### **Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### **What is your opinion on Proposal 4?**

**Tell us why:**

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

### **Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** The film industry is extremely well organised and any further conditions further than the already complicated and obtuse application system will only make the viability of a healthy industry unfeasible. Less red tape will increase efficiency on an all ready over complicated process.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** Too many bylaws.

### **Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### **What is your opinion on Proposal 3?**

##### **Disagree**

**Tell us why:** None of the above should be regulated. Why?

### **Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### **What is your opinion on Proposal 4?**

##### **Agree**

**Tell us why:** Agree with the below. Reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

### **Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### **What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

### **Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### **What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** In principle I agree, but as you mention a 'similar regulatory approach' rather than the same one, it would be good to know what the differences are in advance.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** This is excellent: defining that ... events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety).

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

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We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** No opinion on this aspect

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** Shared micro mobility is a transport project and needs to be managed by Auckland Transport, in particular:

Transport represents a significant percentage of the carbon debt accrued by New Zealand. New and innovative ways of addressing this must be found urgently, and these are unlikely to be easy to predict or manage through a revised Street Trading License.

Shared Micro Mobility has more in common with public transport than coffee carts. The city will get more from Shared Micro Mobility if it is managed through Auckland Transport. We also understand Auckland Transport directly manages the relationship with car share operators.

Shared Micro Mobility is currently operating without a clear planning outcome. We hope this will change shortly, either way it is primarily a transport offering and is better aligned to Auckland Transport.

Shared Micro Mobility is being developed and backed by sophisticated tech companies and funders. It is likely that new approaches will be developed that cannot be predicted or managed by a revised Street Trading License.

### Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

#### What is your opinion on Proposal 3?

##### Other

**Tell us why:** No opinion on this aspect

### Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

#### What is your opinion on Proposal 4?

##### Other

**Tell us why:** No opinion on this aspect

### Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?

#### Important privacy information

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** setting up rules that are easy to read, understand and comply with should be a given (no consultation should be required on such matters).

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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**What is your opinion on this proposal?**

**Tell us why:**

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

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**What is your opinion on Proposal 3?**

**Tell us why:**

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- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 6]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 7]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Beam Mobility

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**Your local board:** Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Notes that generally, the proposal makes sense and builds on the current Bylaw. Advocates for extended duration of approval (more than 12 months). Extended approval period would allow for better operational and financial long-term planning. Indicated that Wellington is now running a 3-year permit and Christchurch is looking at 1-year initially with a subsequent 2-year roll over. Notes that at the end of the licence process there should be a renewal rather than a reapplication process (for a totally new licence) which looks at the history of compliance. Suggests a minimum of 24-months duration of approval with a rollover period rather than a new application. Notes that treating micromobility as trading in public places is a missed opportunity (public transport and car sharing are managed by Auckland Transport). Notes that shared micromobility is constrained by its operating hours and advocates for extension to those hours, for example after 9pm on the weekends. Notes that the fee structure is expensive and should be tailored for micromobility (spent 15K on permit and currently pays a street rent and a per hourly charge as well as software licensing fees). Notes that while fees are lower in tiers 2 and 3, they do not necessarily meet the intended outcomes and other cities have per trip fees or standard fees. Advocates for a wider, more integrated partnership with micromobility operators (current conversation centre on 'are you meeting the conditions of your permit') and planning outcomes to better work for the city. Notes overall focus is on compliance and highlights operational challenges with varying parts of AT and other parts of council.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
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- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Nextbike NZ

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**Your local board:** Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Advocates for shared micromobility to be regulated and managed by Auckland Transport (Auckland Transport directly manages the relationship with car share operators). Notes that shared micromobility has more in common with public transport than coffee carts. Notes that a revised 'street trading licence' is unlikely to be responsive enough to new technological developments. Notes that shared micromobility is operating in a planning vacuum in Auckland (no clear planning outcome). Public Transport Operating Model review does not mention shared micromobility. Notes that shared micromobility is better aligned with Auckland Transport. Notes that shared micromobility is being developed and backed by sophisticated tech companies and funders. Notes that a revised 'street trading licence' is unlikely to address the carbon debt accrued in New Zealand from transport, and advocates for new innovative ways of addressing this issue

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Seeks clarification on how changes to the licensing of rental micromobility devices will improve their regulation. Advocates for council to actively lobby central government to use e-scooters on cycle lanes. Suggests that e-scooters and e-bikes not be allowed on footpaths.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

**Tell us why:**

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Seeks clarification on what aspects of rental micromobility council can influence through controls and conditions. Notes safety issues and concerns related to the use of micromobility devices on footpaths not only to the disabled community but also children and elderly.



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

**Tell us why:**

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Emphasizes that the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) needs to be followed when making regulations. Notes some disabled people now feel unsafe coming into the city and sharing the footpath with e-scooters. Notes poor monitoring and enforcement and questions the value of regulations when they are not monitored or enforced. Strongly advocates for banning micromobility devices from public places or forcing their use on roads. Suggests e-scooters be banned or required to be used on the road. Notes people who aren't disabled are not in a position to understand the impact that micromobility has on the disabled community.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Notes e-scooters and e-bikes are getting too fast and they should not be allowed to operate in the same spaces as pedestrians.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Questions if the United Nations Rights of Persons with Disabilities (UN CRPD) was considered in the review of the bylaw. Seeks reference to it in the bylaw summary or related information notes. Advocates for inclusion of docking stations as part of conditions to mitigate parking issues. Advocates for transfer of approvals not be allowed and tight limits on duration of approval. Questions if the United Nations Rights of Persons with Disabilities (UN CRPD) was considered in the review of the bylaw. Seeks reference to it in the bylaw summary or related information notes. Advocates for inclusion of docking stations as part of conditions to mitigate parking issues. Advocates for transfer of approvals not be allowed and tight limits on duration of approval. Advocates for the use of docking stations to force the correct parking of e-scooters. Raises ethical questions around creating a bylaw that goes against what the panel and community want.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

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We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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#### What is your opinion on this proposal?

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** Advocates that the panel welcomes low-carbon and accessible transport mode shifts but not at the expense of others using the footpath. Notes the panel is concerned that the adoption of e-scooters and other micromobility devices on footpaths is leading to serious accidents for vision impaired persons and those with hearing impairments. Suggests micromobility be moved to cycle lanes and be more well enforced.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

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**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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### Submitter details

**Organisation (if applicable):** Disabled Persons Assembly NZ

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## Your feedback

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**Tell us why:**

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**Tell us why:**

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**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

DPA is pleased to see that Auckland Council has decided to update its Trading and Events in Public Places By-Law. This is very timely given the many issues that the proposed by-law covers are those that concern the disability community, such as e-scooter company hiring rules and practises. However, we can only see the current 2015 by-law online and not the proposed one that Council is seeking to bring forward. On that basis, we will comment on the general ideas outlined on the Council's website with some reference to what has transpired in other parts of Aotearoa from a disability perspective. The UNCRPD Articles most relevant to our submission are:

- Article 5 – Equality and non-discrimination
- Article 9 – Accessibility
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility

The Disabled Person's Assembly strongly recommends that the new Street Trading By- Law promotes the very stringent regulation of e-scooter trading activity. Preferably, DPA would like to see e-scooters banned from our footpaths and made to use the streets or cycle ways (with appropriate safety measures in place) instead. However, we acknowledge that this is a central government decision via the NZ Transport Agency (NZTA) to change the regulatory environment to enable this to happen.



However, local authorities, such as Auckland Council as road regulating authorities have a responsibility to ensure the effective regulation of e-scooter hire operators as well as private users. Under the new by-law, e-scooter operators should be faced with strict conditions including the need to regulate e-scooter speeds, mandatorily provide safety equipment and the Council should establish collection points where e-scooters can be safely dropped off around the city rather than disposed of illiberally on footpaths where they become a safety hazard and an obstacle. The proposed by-law should allow for Auckland Council and other property owners to geofence e-scooter usage, thereby effectively enabling them to be either controlled or banned from use in certain areas. The by-law should also permit communities throughout the Auckland area (via local boards) to express a desire that geo-fencing happen in their communities. Hire operators should be charged a fee by Council which recognises the cost of enforcing such regulations and their impact on non-users.

DPA notes that similar provisions have been enacted by the Dunedin City Council (DCC) in their new street trading by-laws (effective January 1, 2021) in respect of micro-mobility vehicle licensing and hiring. This has led to the DCC running a tendering process for electronic micro-mobility hire companies which has seen Neuron awarded a council licence over Lime Scooters as they were judged to be more able to meet the conditions stipulated by the Dunedin Council. Anecdotally, since the new provisions came into effect and with Neuron being the new provider, our Dunedin-based Senior Kaitiuitui has seen more responsible behaviour from e-scooter users in that city due to the trading rules which Neuron have to operate within. Accordingly, if the licensed provider (in this case Neuron) fail to meet any of the conditions set out by the Dunedin Council, then they would have to forfeit their ability to operate entirely within the city's boundaries. Therefore, DPA would welcome Auckland Council following Dunedin's lead.

DPA would like to recommend that the current exemptions policy (Part 2, Section 7) be reviewed as, for example, the outdoor display of goods and the sale of produce from a produce stall may present barriers on essential pedestrian travel corridors such as footpaths and walkways.

The Disabled Person's Assembly also welcomes the fact that street fundraising, street performance and busking, touting, and the commercial use of footpaths are to remain within the remit of the updated by-law. In this regard, we would like to see the effective regulation of such activity and that where this is undertaken, that it supersedes the requirements of the New Zealand Pedestrian Planning and Design Guide in this respect.

The Disabled Persons Assembly, more specifically, would like to see in the conditions of approval for any street trading or event licence the retention of the need to provide a clear, continuous path of travel which is particularly important for people using wheelchairs, mobility aids and also for Blind people. Besides, we would like to see that as part of any traffic plan associated with the running of events that close proximity to mobility parking spaces and accessible public transport is added as another key condition for event holders and traders to be granted licenses/permits.

The Disabled Persons Assembly strongly recommends that, in terms of events, that quiet spaces be created by event organisers and that these be added into event plans so that members of the public, including autistic/neurodiverse people, people with psychosocial disabilities and, indeed, any other person needing a quiet time out space has access to one as, for example, excessive noise can cause sensory overloading issues for autistic people and for people with psychosocial disabilities/mental distress can sometimes contribute to increased anxiety. In fact, quiet spaces can benefit everyone at crowded events.

The Disabled Persons Assembly also strongly recommends that Part 4 (or similar clause) of the proposed by-law should stipulate that Auckland's streets and footpaths become more de-cluttered spaces, with sandwich boards and furniture (particularly around bars and cafes and outside of shops) being more tightly regulated to ensure that greater space is created in our pedestrian spaces. Any such move would benefit the blind and vision impaired community as well as those who experience mobility impairment and, in fact, anyone who walks or accesses Auckland's footpaths, walkways and other pedestrian spaces. In this respect, we would strongly urge more stringent conditions around the placement of street-based advertising such as sandwich boards so that any operator of markets or stalls, mobile shops, outdoor dining, fundraising or commercial services be limited to only one promotional sandwich board or ground-based marketing billboard per operator and that they be placed both safely and securely in a way that does not obstruct movement or present a hazard to other pedestrians.

DPA would welcome the retention of rules around the distribution of promotional materials which prevents the dissemination of promotional goods and materials do not contravene the Human Rights Act 1993 in terms of inciting or promoting discrimination against groups which are protected under that legislation. Overall, DPA welcomes the proposed by-law and we would like to discuss the proposed changes further with Council before it comes up for discussion and when the final draft appears.

- Article 30 - Participation in cultural life, recreation, leisure and sport

## Important privacy information

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interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** LINK by Superpedestrian

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**Your local board:** Not supplied

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Disagree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Please find attached letter

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Ōrākei

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** I object to scooters parked on the footpath. They hinder groups of walkers and are a danger to the frail. Scooters should also have to be ridden on the road. They are fast and quiet and are a danger to those who walk in the walking lanes near our harbour. The scooters should also pay road users charges with a Acc component included to pay for accidents caused by them.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Generally I agree provided that does not occlude people using reserves for casual recreation. It is lovely to see a father kicking a ball about with his child, or older people 'having a go 'in some casually organized sport.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Ōrākei

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

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### Have your say on a proposal to improve how we regulate trading, events and filming

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Blind Citizens NZ

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**Your local board:** Ōrākei

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

**Tell us why:** Outdoor dining furniture that invades footpaths continues to be a problem. We are very pleased that the Urban Design Unit is working on guidelines for outdoor dining that will assist everyone including retailers and customers.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:** We are very pleased that you intend to clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are. We ask you to limit the number of micromobility licences and require unused micromobility devices to be placed in permanent docking stations. It would stop the "dump and run" approach of some users.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Finally, and with everyone's health and safety in mind, to ensure your improved bylaw works as intended, please will you monitor and enforce its implementation.

**Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](http://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** Neuron Mobility NZ Ltd

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**Your local board:** Outside Auckland

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Neuron Mobility doesn't have an opinion on this topic

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
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- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Neuron Mobility doesn't have an opinion on this topic

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Feedback on proposed new Public Trading, Events and Filming Bylaw 2022

Neuron Mobility (New Zealand) Limited (Neuron) welcomes the opportunity to provide feedback on the proposed new bylaw for Public Trading, Events and Filming. Neuron has operated an e-scooter ride sharing business in Auckland since January 2020 and we feel we are in a good position to share our views on the proposal.

As a general comment, Neuron's position is that ride sharing micro mobility operations work best if regulated. While it is clear that micro mobility solutions, such as e-scooters, bring vast benefits to a city by replacing car journeys in the city centre with an environmentally friendly mode of transport and providing many with an accessible and affordable alternative for short distance transports, we are the first to acknowledge that there are potential concerns around micro mobility that need to be addressed. The foremost concerns are around safety, proper parking, and the accessibility for vulnerable groups such as the visually impaired.

We believe regulation is the best way to strike a balance between these different priorities. The Rental E-scooter Code of Practice that Auckland City Council has developed, does provide a regulatory baseline to balance these different interests. However, and as previously communicated to the City Council, we do feel there is ample room to optimise some of the provisions in the Code of Practice, foremost around the tier system, the too detailed regulations around the

deployment stations, and the too extensive curfews that are currently in place. We look forward to remaining a constructive partner to the City Council in discussing how the framework can be further improved to maximise the benefits of e-scooters while still providing for the interests of non-riders.

We welcome the inclusion of micro mobility into the bylaw as it adds clarity and marks an important step that Auckland City Council moves from trialing micro mobility to make it a permanent feature in the city. The proposed definition of what is a micro mobility device is clear and broad enough to cover the devices that should be covered. We believe it is eminently clear from the draft that an approval from Auckland City Council is required to operate a micro mobility ride sharing business.

However, the inclusion of micro mobility ride sharing into the bylaw doesn't replace the need for the Auckland City Council to run specifically designated tenders to select the operators that are best suited to deliver on the objectives that the City Council has for its micro mobility program. A tender is an important tool for any city to set expectations on companies seeking to do business in the city. In fact, tender processes have become international best practice for selecting micro mobility operators over the last few years. We don't think the intention of the bylaw is to replace the tenders that the City Council has been conducting to grant licenses but would nevertheless like to stress that we recommend the City Council to continue with the practice of running tenders.

While we strongly recommend Auckland City Council to maintain its practice of running tenders to grant licenses, we would like to recommend that each license is valid for a longer period of time than just one year. As the micro mobility industry is maturing, we are observing a trend both in New Zealand and internationally, the cities opt to grant licenses for multi-year periods. Earlier this year, the City Councils in Wellington, Dunedin and Brisbane decided to award three year contracts to the operators that were selected in the tenders respectively and in Calgary, Canada, a recent tender saw the two winning operators being awarded with five year permits. We believe the time is right for Auckland City Council to consider a longer license period. Our recommendation is to follow the example of Wellington and Brisbane and award three year contracts as part of the next tender.

In the draft bylaw, a reference is made on page 8 to the related information about applications for approval. In the text box, it is referenced that there is a cap on 3,200 e-scooters in Auckland. We have no objections to this cap being referenced but we believe there should be an established cap on the number of licenses that are being granted. During the first half of 2020, Auckland had four e-scooter operators being granted a license. It was clearly too many for the market to function as well as it could. The reduction in the number of granted licenses to the current three has been beneficial to everyone involved - for the City Council, for the individual riders, and for the ride sharing operators. We recommend that Auckland City Council maintain the number of approved licenses to maximum three.

We remain at the full disposal of Auckland City Council in case there are any questions on our feedback.

## Important privacy information

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Rodney

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Rodney

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Rodney

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** Seems fair so long as it is flexible and not used to discriminate against sectors of community

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** But how likely is this to stymie things like, kids spontaneously busking, a potentially "community enhancing" activity, or flash mobs doing a choral item etc

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Rodney

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Upper Harbour

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** Parks and public spaces belong to us - the public. Not the Council. The spaces exist for public use and enjoyment.

The council are PUBLIC SERVANTS and are there to provide the platform for the City's inhabitants to live their lives as we choose.

WE DO NOT NEED THE COUNCIL TELLING US HOW TO LIVE OUR LIVES!!!

If the public did not want a food stall for example, the lack of traffic, would see the food stall move to a different location where there is demand.

A family with small children may welcome an ice cream opportunity whereas someone else may not have the same need. Let the market (us the public) determine what is required and what is not.

We are not children. We are quite capable of looking after the H&S of ourselves and those in our care. We do not need our servants telling us how to conduct our lives.

Leave our civil liberties alone and get on with the council's core responsibilities.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** See above.



## #21

Leave us alone - We don't need the council's paternalistic interference in our lives. We know what we need to do and are quite capable of self control and responsibility.

The council's continual interference in our lives undermines those capabilities as we are gradually forced to abdicate control to those who serve us.

BACK OFF!!!

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Disagree**

**Tell us why:** As above

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Disagree**

**Tell us why:** Just leave us alone - stop trying to regulate every aspect of our lives.

Rather just get rid of these restrictive regulations rather than tweaking them to be easier to read understand and comply with.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Just stop interfering with our civil liberties, responsibilities and capabilities. Get rid of the legislation that prevents the above and let us, the council's masters decide how we want to live our lives in the city.

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Upper Harbour

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** allows control and conditions

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** this is a growth area that needs tighter control

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** not wholly supportive eg right to protest is adequately covered

fitness classes etc are a business function already

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

any curtailment of activity must be adequately policed to be effective

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Upper Harbour

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** This is totally impractical in terms of its management and enforceability. WOF of fitness per device?! If so, how frequent? This cost outweighs the risks, and is punitive to small business operators, the vast majority of whom keep their devices perfectly functional. Find a way to manage the minority without punishing the majority, and save yourselves a lot on money in the process.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Disagree**

**Tell us why:** Protest on council spaces due, to its high likelihood to cause nuisance and damage, as well as in the interests of health and safety of participants and other facility users, should absolutely require a permit. How else can risks be identified, and passed on to medical and fire services etc?

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Business North Harbour

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**Your local board:** Upper Harbour

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** BNH agrees with this proposal. We believe that the new Bylaw should give Council the necessary control and enforcement options to ensure that public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places are minimised and mitigated whenever possible.

BNH believes that the Bylaw needs to be flexible enough to find a balance between regulation and common sense by allowing for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news.

BNH is concerned that, due to the volume of applications for licences or permits required under the Bylaw, Auckland Council may not have sufficient resources to effectively consider applications, apply conditions when necessary and monitor and enforce those approved applications, on a case-by-case basis. We would therefore ask that Council mitigate this risk appropriately to ensure that the Bylaw can be administered in the most effective and efficient manner for applicants and Council alike.

BNH would ask that when decisions are being made on whether or not to allow certain trading activities, that due consideration is given to the financial impacts on fixed businesses from temporary activities that directly compete for customers and have unfair advantages from rent, rate and maintenance free commercial space.

We would also ask that any fees involved in granting licences for outdoor dining are priced fairly and reflect the difficult financial position that many hospitality businesses still face, as they endeavour to recover their financial sustainability, which for many has been put in jeopardy as a result of the trading restrictions imposed during the various lockdowns endured over the last sixteen months. Those businesses that can utilise outdoor space for dining, thus hopefully increasing their revenue, should not be unduly penalised with excessive licencing costs.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

Agree

**Tell us why:** BNH agrees with this proposal. Given that central government sets a number of the rules in relation to micro-mobility devices this Bylaw must ensure that, whenever possible, Council can control their use to mitigate any risk to public safety, misuse and nuisance. Additionally, identifying these devices as a stand-alone group rather than including them as mobile shops is welcomed.

BNH believes that provision should be made in the Bylaw to allow Auckland Council to include in these controls other similar micro-mobility devices that may become available to the market as technology improves, thus allowing regulation to respond and be implemented quickly in any such circumstances.

BNH believes that offering a low emission mode of transport for short journeys is an opportunity to support Auckland's Climate Plan and could assist with the behavioural change required by some commuters as the city looks to reach its low emissions targets. If the use of these devices is to increase, thus increasing the associated risks, then the ability to regulate their use with the Bylaw becomes even more important in relation to mitigating those increased risks to public safety, misuse and nuisance.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** BNH agrees with this proposal. The fact that the Bylaw clarifies these requirements should help everyone who is considering undertaking some form of activity in Council-controlled public places to better understand what approval, if any, is required or what conditions, if any, must be met. This should make the application process easier and more efficient for applicants and should support peoples' understanding, thus reducing the number of incidents of non-compliance due to people simply not comprehending what is required of them when undertaking a particular activity.

BNH also supports the clarification of and the common sense approach to the occasional sale of homemade goods by children, informal recreation and the right to protest.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** BNH agrees with this proposal. If the Bylaw is easier to read, understand, comply with and is supported by links to additional information then, as stated above, this should make the application process easier and more efficient for applicants. This should support peoples' understanding, thus reducing the number of incidents of non-compliance due to people simply not comprehending what is required of them when undertaking a particular activity.

BNH understands the rationale behind the separation of filming and events but would ask that due consideration is always given to public safety and nuisance as a matter of course within any filming approval application. The process for the granting of filming approval must remain robust avoiding permission being granted simply because it is filming and not an event.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

In closing, BNH would reiterate:

o When decisions are being made on whether or not to allow certain trading activities, that due consideration is given to the financial impacts on fixed businesses from temporary activities that directly compete for customers and have unfair advantages from rent, rate and maintenance free commercial space.

o Any fees involved in granting licences for outdoor dining are priced fairly and reflect the difficult financial position that many hospitality businesses still face as they endeavour to recover their financial sustainability which has been put in jeopardy as a result of the trading restrictions imposed during the various lockdowns endured over the last sixteen months. Those businesses that can utilise outdoor space for dining, thus hopefully increasing their revenue, should not be unduly penalised with excessive licencing costs.

o BNH is concerned that, due to the volume of applications for licences or permits required under the Bylaw, Auckland Council may not have sufficient resources to effectively consider applications, apply conditions when necessary and monitor and enforce those approved applications, on a case-by-case basis. We would therefore ask that Council mitigate this risk appropriately to ensure that the Bylaw can be administered in the most effective and efficient manner for applicants and Council alike.

### Important privacy information

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
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- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Waitākere Ranges

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

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**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### Submitter details

Organisation (if applicable):

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Your local board: Waitākere Ranges

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** I need to see the draft bylaw. I can't see the difference between what you're proposing and the previous one. This is not a helpful way to consult

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Other

**Tell us why:** Truly, this is incomprehensible. I honestly don't understand what is being proposed in these summary paragraphs. I need to see the actual document.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Still feel that this information is selective and I don't have enough information to know whether I agree with what's proposed or not.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** This does seem to be helpful, or it is described as such, so I am ticking agree, though I would like to see the actual proposal

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

I am very concerned about commenting without being able to actually see the new Bylaw. I have searched everywhere and can find nothing. What is going on here? There should be a link on this page to the document we're commenting on. This feels like a dumbed down approach to consulting, and it is not okay.

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** Titirangi Residents & Ratepayers Association

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**Your local board:** Waitākere Ranges

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** The TRRA notes that past environmental damage caused by permit holders (2016 video production by Cherokee Films at Te Henga) demonstrates an inherent weakness in the enforcement of conditions placed on permits granted under the current Bylaw.

a. The TRRA considers that the additional details required to accompany any application proposed included in the new Bylaw (clauses 11 & 12) to be an improvement.

b. The TRRA considers that the additional details regarding conditions that may be imposed if an application is granted included in the new Bylaw (clause 14) to be an improvement.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** a. The TRRA recognizes the importance of updating and clarifying the definition of micromobility devices, the proposed new definitions, clarifications and links to additional relevant information included in the new Bylaw are an improvement.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** a. The TRRA considers that the clarification in a positive way what activities do not require an approval (subject to conditions) in the new Bylaw (clause 6) to be an improvement.

b. The TRRA considers that the removal of protest from definition of event to reflect the nature of the activity in the new Bylaw (clause 7b(ii)) to be an improvement.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** a. The TRRA considers that the changes in structure, format and wording in the proposed new Bylaw have achieved the desired outcome. Compared to the current Bylaw the new Bylaw is easier to read, understand and comply with.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Waitākere Ranges

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
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**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

Organisation (if applicable):

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Your local board: Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

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- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
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- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:** Thank you for recognising Filming as a separate, yet important part of life in our city.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

It would be good if the Bylaw can also refer to Low Impact filming which may not require a permit (per section 2.4 in the Film Protocol).

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Darkhorse

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**Your local board:** Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

Tell us why:

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

Tell us why:

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**Agree**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Agree**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

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### Submitter details

**Organisation (if applicable):** Te Tai-awa o te Ora

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**Your local board:** Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** have not heard of issues that indicate change is needed

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** clarification and simplification (e.g., links to relevant pages) in regulations is useful

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

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- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Agree with the first three because the first two seem to provide common-sense clarification and the regulations should relate to its characteristics (e.g, noise, disruption, litter) not to its purpose (e.g, protest).

Am unsure about the fourth point as it's not clear what type of activities would be included (e.g., more than what fitness operators do) or what types of conditions are proposed

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** agree in general because clarification is saves everyone's time; not sure about the last one because it doesn't indicate what types of controls are proposed

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
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**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
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- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Agree

**Tell us why:** I agree with the proposal in part - however, I do not support having a separate bylaw or set of rules to manage micro-mobility devices. They should be held accountable to the same rules that everyone else is.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
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**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Disagree

**Tell us why:** These companies have demonstrated they have no regard for Council or Central Government rules as it is - I can not believe this will improve with a separate bylaw. Unless this new bylaw intends to charge commercial rents to use public footpaths and instigate appropriate fines and proactive monitoring by Council of bylaw breaches, this is going to further exacerbate a problem that is already out of control. There should not be one rule for commercial businesses and one law for multi-national Corporations who decide to dump their products on our streets, without even having to be a NZ registered company.

The following clauses of proposed bylaw must not be overlooked in relation to micromobility device companies:

Part 3 – Controls and Approvals.

PAGE 9-10:

Subpart 2 – Approvals

12 – Applications for an approval will be considered against relevant matters

(2). Without limiting (1), council may consider an application for an approval against one or more of the following matters in this table.

(c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment, for example: (i) impacts as a result of noise, glare, light spill, odour, ANTI-SOCIAL BEHAVIOUR; (ii) IMPACTS ON APPEARANCE AND IMENITY (iii) impacts to native fauna, flora and heritage features; (iv) OBSTRUCTION OR HAZARS TO PEDESTRIAN OR VEHICULAR VISIBILITY, ACCESS OR FLOW; (v) obstruction of access by emergency, maintenance or utility services; (vi) THE IMPACT ON NEARBY BUSINESSES; and (vii)cumulative impacts of this approval in addition to other existing approvals;

(f) SUITABILITY OF THE APPLICANT TO HOLD AN APPORVAL TAKING INTO ACCOUNT ANY KNOWN PAST OPERATIONAL ISSUES and the applicant's experience and track record;

PAGE 11:

13 Applications may be granted or declined (1) Council may grant or decline an application for an approval having regard to matters in clause 12.

PAGE 11:

14 Conditions may be imposed if an application is granted

Without limiting (1), council may consider an application for an approval against one or more of the following matters in this table.

(f) ENSURING A CONTINUOUS ACCESSIBEL PATH OF TRAVEL FOR PEDESTRIANS AND VEHICLES FREE OF NUISANCE, OBSTRUCTION OR HAZARDS: (i) particularly near intersections, bus stops, vehicle crossings, traffic islands, driveways, grass verges and accessways; (ii) by developing queue management strategies; and (iii) by maintaining a minimum of unobstructed footpath width of no less than 1.8 meters;

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Disagree**

**Tell us why:** It is too loose and needs more definition - for example, to specify it is ok for children to sell homemade goods on the footpath and not specify it is ok to host a garage sale is going to cause long-term compliance issues. Also, why should fitness instructors be allowed to use public spaces for free when other businesses are not? There are some examples of very intrusive use of public spaces by fitness instructors, such as the front of Auckland Museum and the roads and footpaths in the area; underneath the Victoria Park flyover, where pedestrians and cyclists are prevented from moving through these spaces when groups are exercising. Not appropriate especially when other businesses are not permitted to do this free of charge.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

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- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** Agree - but if this is the intention, then what has been put out for submission falls well short. This bylaw is very challenging to read and understand, even for someone like myself who is very familiar with the existing rules.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

Micromobility devices are the biggest challenge we have ever had - they must be held accountable for their actions. We must accept that the dockless trials are a failure. And we must accept that these companies must operate just as every other business in Auckland is forced to operate. They must not be allowed to dump product wherever they feel like it. See attachment for more info

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## Proposed New Public Trading, Events and Filming Bylaw

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### Submitter details

Organisation (if applicable):

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Your local board: Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

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- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** There is a need to control filming, particularly on beaches and adjacent parks, to ensure that native wildlife is not disturbed - which reflects Auckland Council's decision to protect wildlife by becoming pest free by 2050. This should apply event to filming for news and current affairs. Suggest that clause 6 have added to it, where it refers to "news and current affairs", "provided that the filming does not interfere with or disturb native wildlife

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

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- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

**Tell us why:**

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** Support the right to protest without council regulation

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** While filming may present less risk to public safety it can present a risk to native wildlife and this should be reflected in the "format, structure and wording"

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

There is a need to control filming, particularly on beaches and adjacent parks, to ensure that native wildlife is not disturbed - which reflects Auckland Council's decision to protect wildlife by becoming pest free by 2050.

**Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](http://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Waitematā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Basically I think the proposals are excellent. My only concern is how are these regulations monitored.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Important to have clear rules with regard to electric scooter & bike use and accessibility to these regulations.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** sensible revision of old bylaw

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Basically agree but not sure how this bylaw applies to food outlets that extend on to the footpath

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

How does this bylaw apply to food outlets that establish permanent furniture etc. on the footpath. For example the 'out of character' seating outside the dumpling shop in O'Connell St or the almost complete blocking of the footpath on the North side of Chancery Lane or the set up outside the Sports bar on Fort Street near the proposed 'pocket park'.

**Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** Parnell Business Association

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**Your local board:** Waitemata

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Our feedback is that the Association broadly agrees with the proposal to regulate trading, events and filming in a similar way to the current Bylaw. More specifically, we broadly agree with the proposals that the new bylaw: Retains a similar regulatory approach to the one in the current Bylaw, by again using a bylaw, to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places; requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming (cl 7), allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown, the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services usually provided, or filming for the purpose of current affairs or news (cl 6).; allows council to process approval applications and stipulate conditions (cl 10 to 14); clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals (cl 15 to 25); and allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered (cl 9).

While we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers. We ask that when decisions are being made about whether or not to allow certain trading activities, that due consideration is given to the financial impacts on fixed businesses from temporary activities that directly compete for customers and have unfair advantages over fixed business as they often pay little/no rent, no rates and are subsidised through their use of maintenance free commercial/public space. Although we appreciate that any fees in granting licences, for example for outdoor dining, are set through annual and long term plan processes, we ask that consideration be given in making this bylaw about whether these are priced fairly and reflect the difficult financial position that many hospitality for businesses still face, as they endeavour to recover their financial sustainability (which for many have been put in jeopardy as a result of the trading restrictions imposed during the various COVID-19 lockdowns endured over the last sixteen months). We believe that those businesses that can utilise outdoor space for dining, thus hopefully increasing their revenue, should not be unduly penalised with excessive licencing fees. Again, we ask for the bylaw to broaden opportunities for more activities to operate without approvals (and consequent licencing fees).

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licencing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

Other

**Tell us why:** Our feedback is that the Association agrees with the proposal to clarify the need for rental microbilty devices to be approved under their own licence instead of a mobile shop licence as they currently are under the Trading and Events in Public Places Bylaw 2015. More specifically, we agree that the proposed new bylaw: defines 'micronobility' and provides examples such as rental e-scooters, e-bikes and other devices, clarifies that rental micromobility devices are approved under their own licence (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created); provides links to relevant webpages, forms and codes of practice in a 'related information note'; better reflects the information council may require when evaluating an applicaton for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

We accept that central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware and that no public feedback is sought on these matters. Nonetheless, as our experience of central government regulatory changes is that they only progress regulation slowly, we believe Auckland Council should look to all the powers it has to manage micromobility devices (including bylaw powers and any other powers). We also agree that the bylaw should be treating these devices as a stand-alone activity rather than including them as mobile shops. We do accept that offering a low emissions mode of transport for short journeys is an opportunity to support the Auckland Climate Change Plan and, in this regard, these devices are welcomed (with the necessary regulation). Turning to the more specific proposals advanced in the proposed bylaw, we note that clause 5 of the proposed bylaw defines micromobility to mean "small lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles)." However, we have found that the market for micromobility devices is very dynamic, with new devices coming into the market on a regular basis and regulation struggling to respond quickly. As a consequence, we question whether the definition of micromobility is sufficiently agile? Perhaps council also needs to give itself the ability to use 'controls' in the bylaw to amend the definition of micromobility from time to time - or change what is meant by 'small' and 'lightweight' through controls. Nonetheless, as it stands, we agree that the definition is best not to specify power levels (eg 300W to 600W limits) as the primary means of categorisation and control as these are set in the Land Transport Act 1998. Further, the Association believes that technological solutions (such as geo-fencing) could be utilised to self-regulate the use of micromobility devices and ask for this to be given consideration for use in the bylaw. Some consideration should also be given to allowing footpath cycling to include: permitting users over the age of 65; permitng caregiver users accompanying cyclists up to 12 years old. The Association believes speed limits on footpaths should be kept to a 10km/h maximum. The Association also asks whether the bylaw is sufficiently nimble to ensure that the wide range of differing challenges and opportunities across the regiona in using public spaces (eg footpaths) for micromobility devices is captured. For example, the Association supports restricting cyclists from using footpaths or areas of footpaths in built-up retail areas (such as the main retail area in Broadway in Newmarket). On the other hand, some built-up retail streets are also in close proximity to primary schools where use of the footpath for cycling by primary children would be appropriate (such as in parts of Parnell). Still further, in some industrial/commerical areas, suc as Rosebank, use of the footpaths by micromobility devices, transport devices or cyclists might be encouraged where using the road is more dangerous or congested. The Association believes these powers should be able to be used flexibly by council through the bylaw and controls.



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Our feedback is that the Association agrees with the proposal to clarify which activities require an approval, which don't require an approval (as long as certain conditions are met), and which are not addressed to be in the bylaw. The Association broadly agrees more specifically that the new bylaw: clarifies that the outdoor display of goods/ or services adjacent to a business premises from which the good and / or services are usually provided does not require an approval; clarifies that the installation of art by the council or a substantive council-controlled organisation does not require an approval; clarifies that goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) does not require an approval; clarifies that the sale of produce adjacent to the premises where it was grown does not require an approval; clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade); clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed with that activity not being captured under the definition of an event; allows council to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Our feedback is that the Association broadly agrees that the rules should be easier to read, understand and comply with. However, we believe there is further work to be done in drafting the bylaw to ensure it is certain, especially in the way it regulates events. We agree with the proposals to update the format, structure and wording of the current Bylaw to ensure that a new bylaw: explains the wider regulatory framework (other rules and permissions) provides links to those rules; acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated); reflects that busking and pavement art are considered in a similar way (with both requiring a street performance licence); reflects in the title of the new bylaw and its structure that events and filming are treated separately as filming does not directly

involve the general public (that is, filming presents less risks to public safety); clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval; and clarifies matters Council may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them. For instance, we do have concerns regarding the way "event" is defined in clause 7. In particular, we note that clause 7 of the bylaw, as drafted, defines an event to exclude "protest", but does not define what a "protest" is. You have highlighted the right to protest under the New Zealand Bill of Rights 1990. While we agree that a protest should be excluded from an event, we believe this should be drafted a separate sub-clause (iii) in clause 7 of the bylaw, rather than including it, as it now the case, along with the exclusion of an indoor private function and picnic in a park (both of which relate to private activities). Furthermore, we believe that the term "temporary installation" should be added as a separate definition under events. (For clarity we are referring to a temporary installation such as a lighting installation or Christmas tree, and not the use of the word 'art installation by council' as defined in clause 6). In our experience there has been confusion on the part of council officers about what event criteria applies for a static temporary installation. From our experience there has been a vast range of different criteria distributed by council from time to time and over a number of years. For example, we have been sent different approval criteria for the same installation from different team members within council over two consecutive years. There needs to be a clear approval guide together with relevant documentation about what is exempt and what triggers landowner approval and/or resource consent requirements, as well as other event criteria which may not apply. We note, with regard to the explanation of the wider regulatory framework (other rules and permissions) and the links provided to these other rules just how complex the wider regulatory framework has become. We agree that this improves the certainty and understanding of what the Bylaw covers and provides clarity about a wider framework. However, we believe further clarity is required and we ask Council to provide a simple overall 'one page' guide to this complex framework for our members and other businesses. We find instances where business owners simply do not appreciate that bylaws even apply to their operations. As noted earlier in response to proposal 1, while we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers. We understand the reasons behind the separation of filming and events, but would ask that due consideration always be given to public safety and nuisance matters within any filming approval application and any conditions of approval. We believe the process for the granting of filming approvals must remain robust, despite these now being considered differently to 'events'.

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

An item not covered in this proposal includes the notification of business associations and town centre managers of events or filming in our areas. Generally we are advised of proposed events in the area, but there does not seem to be a solid protocol in terms of proposed filming taking place, as we are often not advised, and depending on crew this can be quite disruptive. The Association welcomes the opportunity to make this submission. Although we understand that there will be no opportunity to make a presentation on this submission, should there be any questions or other matters arising from this submission, we would be pleased to respond to those. We would really like to set up a meeting with the officers drafting this bylaw, so we can be sure that in drafting the new bylaw, the nuances of our concerns have been accurately conveyed and interpreted, and an easier 'guide' to applications can be the foundation of reference for not only ourselves and our members, but also council officers.

### **Important privacy information**

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## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

Organisation (if applicable):

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Your local board: Whau

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Disagree

**Tell us why:** Not at all simple - it needs to be way more simple with an example

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Need to restrict numbers of micromobility devices as they are a hazard to pedestrians and we want to encourage more pedestrians.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Agree**

**Tell us why:** We need to be able to control activities that are too large or noisy that interfere with the peaceful enjoyment of other people in a park or public space.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Agree**

**Tell us why:** I doubt your ability to make bylaws simpler as the way you word questions in this survey is far from simple.

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

No thanks

**Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](http://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** Newmarket Business Association

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**Your local board:** Waitemātā

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Our feedback is that the NBA broadly agrees with the proposal to regulate trading, events and filming in a similar way to the current Bylaw. More specifically, we broadly agree with the proposals that the new bylaw:

retains a similar regulatory approach to the one in the current Bylaw, by again using a bylaw, to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places; requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micro-mobility devices, events or filming [cl 7]; 2 allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown, the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided, or filming for the purpose of current affairs or news [cl 6]; 3 allows council to process approval applications and stipulate conditions [cl 10 to 14]; 4 clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]; 5 and allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9]. 6 While we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers. 7

We ask that when decisions are being made about whether or not to allow certain trading activities, that due consideration is given to the financial impacts on fixed businesses from temporary activities that directly compete for customers and have unfair advantages over fixed business as they often pay little/no rent, no rates and are subsidised through their use of maintenance free commercial/public space.

Although we appreciate that any fees involved in granting licences, for example for outdoor dining, are set through annual and long term plan processes, we ask that consideration be given in making this bylaw about whether these are priced fairly and reflect the difficult financial position that many hospitality businesses still face. Many are still recovering from the impacts of COVID-related lockdowns, and some are struggling to maintain business due to severe staff shortages. We believe that those businesses that can utilise outdoor space for dining, thus hopefully increasing their revenue, should not be unduly penalised with excessive licencing fees, and in fact should be further encouraged as outdoor dining adds to Auckland's vibrancy and culture. Again, we ask for the bylaw to broaden opportunities for more activities to operate without approvals (and consequent licensing fees).

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

Other

**Tell us why:** Our feedback is that the NBA agrees with the proposal to clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are under the Trading and Events in Public Places Bylaw 2015. More specifically, we agree that the proposed new bylaw: defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices;<sup>8</sup> clarifies that rental micromobility devices are approved under their own licence (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created);<sup>9</sup> provides links to relevant webpages, forms and codes of practice in a 'related information note';<sup>10</sup> better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.<sup>11</sup>

We accept that central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware and that no public feedback is sought on these matters.<sup>12</sup> Nonetheless, as our experience of central government regulatory changes is that they progress regulation slowly, we believe Auckland Council should look to all the powers it has to manage micromobility devices (including bylaw powers and any other powers). We also agree that the bylaw should be treating these devices as a stand-alone activity rather than including them as mobile shops.

We do accept that offering a low emissions mode of transport for short journeys is an opportunity to support the Auckland Climate Change Plan and, in this regard, these devices are welcomed (with the necessary regulation).

Turning to the more specific proposals advanced in the proposed bylaw, we note that clause 5 of the proposed bylaw defines micromobility to mean "small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles)".

However, we have found that the market for micromobility devices is very dynamic, with new devices coming into the market on a regular basis and regulation struggling to respond quickly. As a consequence, we question whether the definition of micromobility is sufficiently agile? Perhaps council also needs to give itself the ability to use 'controls' in the bylaw to amend the definition of micromobility from time to time – or explain what is meant by 'small' and 'lightweight'.

Nonetheless, as it stands, we agree that the definition is best not to specify power levels (eg 300W to 600W limits) as the primary means of categorisation and control as these are set in the Land Transport Act 1998. Further, the NBA believes that technological solutions (such as geo-fencing) should be utilised to self-regulate the use of micromobility devices and ask for this to be given consideration for use in the bylaw. Some consideration should also be given to allowing footpath cycling to include: permitting users over the age of 65; permitting caregiver users accompanying cyclists up to 12 years old. The NBA believes speed limits on footpaths should be kept to 10 km/h maximum.

The NBA also asks whether the bylaw is sufficiently nimble to ensure that the wide range of differing challenges and opportunities across the region in using public spaces (eg footpaths) for micromobility devices is captured. For example, the NBA supports restricting cyclists from using footpaths or areas of footpaths in built-up retail areas (such as the main retail area in Broadway in Newmarket). On the other hand, some built-up retail streets are also in close proximity to primary schools where use of the footpath for cycling by primary children would be appropriate. Still further, in some industrial/commercial areas, such as Rosebank, use of the footpaths by micromobility devices, transport devices or cyclists might be encouraged where using the road is more dangerous or congested. The NBA believes these powers should be able to be used flexibly by council through the bylaw and controls.



**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Our feedback is that the NBA agrees with the proposal to clarify which activities require an approval, which don't require an approval (as long as certain conditions are met), and which are not addressed to be in the bylaw. The NBA broadly agrees more specifically that the new bylaw:13

clarifies that the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided does not require an approval; clarifies that the installation of art by the council or a substantive council-controlled organisation does not require an approval; clarifies that goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) does not require an approval; clarifies that the sale of produce adjacent to the premises where it was grown does not require an approval; clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade); clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed with that activity not being captured under the definition of an event; reflects the right to protest under the New Zealand Bill of Rights 1990 by removing 'protest' from the definition of an event; allows council to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?****Other**

**Tell us why:** Our feedback is that the NBA broadly agrees that the rules should be easier to read, understand and comply with. We agree with the proposals to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

explains the wider regulatory framework (other rules and permissions) and provides links to those rules; acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated);<sup>14</sup> reflects that busking and pavement art are considered in a similar way (with both requiring a street performance licence); reflects in the title of the new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (that is, filming presents less risks to public safety); clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval;<sup>15</sup> and clarifies matters Council may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.<sup>16</sup>

For instance, we do have concerns regarding the way "event" is defined in clause 7. In particular, we note that clause 7 of the bylaw, as drafted, defines an event to exclude "protest", but does not define what a "protest" is. You have highlighted the right to protest under the New Zealand Bill of Rights 1990. While we agree that a protest should be excluded from an event, we believe this should be drafted a separate sub-clause (iii) in clause 7 of the bylaw, rather than including it, as is now the case, along with the exclusion of an indoor private function and picnic in a park (both of which relate to private activities).

Furthermore, we believe that the term "temporary installation" should be added as a separate definition under events. (For clarity we are referring to a temporary installation such as a lighting installation or Christmas tree, and not the use of the word 'art installation by council' as defined in clause 6). In our experience there has been confusion on the part of council officers about what event criteria applies for a static temporary installation. From our experience there has been a vast range of different criteria distributed by council from time to time and over a number of years. For example, we have been sent different approval criteria for the same installation from different team members within council over two consecutive years. There needs to be a clear approval guide together with relevant documentation about what is exempt and what triggers landowner approval and/or resource consent requirements, as well as other event criteria which may not apply.

We note, with regard to the explanation of the wider regulatory framework (other rules and permissions) and the links provided to these other rules just how complex the wider regulatory framework has become.<sup>17</sup> We agree that this improves the certainty and understanding of what the Bylaw covers and provides clarity about a wider framework. However, we believe further clarity is required and we ask Council to provide a simple overall 'one page' guide to this complex framework for our members and other businesses. We find instances where business owners simply do not appreciate that bylaws even apply to their operations.

As noted earlier in response to Proposal 1, while we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.<sup>18</sup>

We understand the reasons behind the separation of filming and events, but would ask that due consideration always be given to public safety and nuisance matters within any filming approval application and any conditions of approval. We believe the process for the granting of filming approvals must remain robust, despite these now being considered differently to 'events'.

## **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

### **Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](https://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

15 July 2021

Auckland Council  
Public Trading, Events and Filming Bylaw 2022  
Private Bag 92300  
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Auckland 1142

[TEPPreview@aucklandcouncil.govt.nz](mailto:TEPPreview@aucklandcouncil.govt.nz)

## **Submission to Public Trading, Events and Filming Bylaw**

### **Introduction**

The Newmarket Business Association ('NBA') welcomes the opportunity to make this Submission on the proposed new Public Trading, Events and Filming Bylaw. As part of the bylaw review process, the Council has checked to see how well the current rules are working, and what improvements could be made. Public consultation has opened and closes on 16 July 2021.

We note that the balance to be struck in the bylaw between regulating the use of streets, footpaths and civic spaces for trading activities, events and filming and managing the risks these activities pose in especially important in busy and vibrant town centres, such as Newmarket.

The NBA represents over 1,900 property owners, 3,000 businesses and approximately 20,000 employees within the Newmarket precinct. Through the BID programme, we work with the Auckland Council and Local Board to improve the local business environment and grow the local economy.

### **Background**

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase the vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. However, in some cases, these activities may also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths in town centres or commercial areas with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

Auckland Council is proposing a new bylaw that:

- continues to regulate trading, events and filming in a similar way to the current Bylaw;
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are;
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in the bylaw; and
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.<sup>1</sup>

<sup>1</sup> See the differences between the current Bylaw and a new Auckland Council Public Trading, Events and Filming Bylaw 2022: [https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/72dbde11be71aa7cc17766d1ba8e1c433ddc36fe/original/1622420412/52a50c898cc8090658639e088a42870b\\_20210512\\_Bylaw\\_Comparison\\_Table\\_GB.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKDD4ZO4WUUA%2F20210701%2Fap-southeast-2%2Fs3%2Faws4\\_request&X-Amz-Date=20210701T101310Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=04076c0d8f342eb7aee0ce86076462a6602c891d4ad6d1d7bca35f0ef06196af](https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/72dbde11be71aa7cc17766d1ba8e1c433ddc36fe/original/1622420412/52a50c898cc8090658639e088a42870b_20210512_Bylaw_Comparison_Table_GB.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKDD4ZO4WUUA%2F20210701%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20210701T101310Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=04076c0d8f342eb7aee0ce86076462a6602c891d4ad6d1d7bca35f0ef06196af)

Auckland Council notes that central government legislation (not the current or a new bylaw) sets rules about rental micro-mobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads);
- use of helmets;
- setting speed limits;
- assessing suitability of hardware and firmware. No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.

The NBA's feedback on these improvements is set out below.

**Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw**

*Auckland Council wants to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed. Auckland Council are proposing that a new bylaw –*

- *retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places;*
- *requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7];*
- *allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6];*
- *allows us to process approval applications and stipulate conditions [cl 10 to 14];*
- *clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25];*
- *allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].*

Our feedback is that the NBA broadly agrees with the proposal to regulate trading, events and filming in a similar way to the current Bylaw. More specifically, we broadly agree with the proposals that the new bylaw:

- retains a similar regulatory approach to the one in the current Bylaw, by again using a bylaw, to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places;
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micro-mobility devices, events or filming [cl 7];<sup>2</sup>
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown, the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided, or filming for the purpose of current affairs or news [cl 6];<sup>3</sup>
- allows council to process approval applications and stipulate conditions [cl 10 to 14];<sup>4</sup>
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25];<sup>5</sup> and
- allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].<sup>6</sup>

<sup>2</sup> See clause 7 of the proposed bylaw.

<sup>3</sup> See clause 6 of the proposed bylaw.

<sup>4</sup> See clauses 10-14 of the proposed bylaw.

<sup>5</sup> See clauses 15-25 of the proposed bylaw.

<sup>6</sup> See clause 9 of the proposed bylaw.

While we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.<sup>7</sup>

We ask that when decisions are being made about whether or not to allow certain trading activities, that due consideration is given to the financial impacts on fixed businesses from temporary activities that directly compete for customers and have unfair advantages over fixed business as they often pay little/no rent, no rates and are subsidised through their use of maintenance free commercial/public space.

Although we appreciate that any fees involved in granting licences, for example for outdoor dining, are set through annual and long term plan processes, we ask that consideration be given in making this bylaw about whether these are priced fairly and reflect the difficult financial position that many hospitality businesses still face. Many are still recovering from the impacts of COVID-related lockdowns, and some are struggling to maintain business due to severe staff shortages. We believe that those businesses that can utilise outdoor space for dining, thus hopefully increasing their revenue, should not be unduly penalised with excessive licencing fees, and in fact should be further encouraged as outdoor dining adds to Auckland's vibrancy and culture. Again, we ask for the bylaw to broaden opportunities for more activities to operate without approvals (and consequent licencing fees).

**Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are**

*Auckland Council wants to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices. Council are proposing that a new bylaw: • defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices; • clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created); • provides links to relevant webpages, forms and codes of practice in a 'related information note'; • better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent. Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.*

Our feedback is that the NBA agrees with the proposal to clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are under the Trading and Events in Public Places Bylaw 2015. More specifically, we agree that the proposed new bylaw:

<sup>7</sup> Here we suggest an amendment to the Information Note in clause 9: "To make a decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020), [including consulting with key stakeholders, such as BID Managers.](#)

- defines ‘micromobility’ and provides examples such as rental e-scooters, e-bikes and other devices;<sup>8</sup>
- clarifies that rental micromobility devices are approved under their own licence (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created);<sup>9</sup>
- provides links to relevant webpages, forms and codes of practice in a ‘related information note’;<sup>10</sup>
- better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.<sup>11</sup>

We accept that central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware and that no public feedback is sought on these matters.<sup>12</sup> Nonetheless, as our experience of central government regulatory changes is that they progress regulation slowly, we believe Auckland Council should look to all the powers it has to manage micromobility devices (including bylaw powers and any other powers). We also agree that the bylaw should be treating these devices as a stand-alone activity rather than including them as mobile shops.

We do accept that offering a low emissions mode of transport for short journeys is an opportunity to support the Auckland Climate Change Plan and, in this regard, these devices are welcomed (with the necessary regulation).

Turning to the more specific proposals advanced in the proposed bylaw, we note that clause 5 of the proposed bylaw defines micromobility to mean “small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles)”.

However, we have found that the market for micromobility devices is very dynamic, with new devices coming into the market on a regular basis and regulation struggling to respond quickly. As a consequence, we question whether the definition of micromobility is sufficiently agile? Perhaps council also needs to give itself the ability to use ‘controls’ in the bylaw to amend the definition of micromobility from time to time – or explain what is meant by ‘small’ and ‘lightweight’.

Nonetheless, as it stands, we agree that the definition is best not to specify power levels (eg 300W to 600W limits) as the primary means of categorisation and control as these are set in the Land Transport Act 1998. Further, the NBA believes that technological solutions (such as geo-fencing) should be utilised to self-regulate the use of micromobility devices and ask for this to be given consideration for use in the bylaw. Some consideration should also be given to allowing footpath cycling to include:

- permitting users over the age of 65;
- permitting caregiver users accompanying cyclists up to 12 years old. The NBA believes speed limits on footpaths should be kept to 10 km/h maximum.

The NBA also asks whether the bylaw is sufficiently nimble to ensure that the wide range of differing challenges and opportunities across the region in using public spaces (eg footpaths) for micromobility

<sup>8</sup> See clause 5 of the proposed bylaw, which defines micromobility as means small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles).

<sup>9</sup> See clause 7 (trading means the hire of micromobility devices) of the proposed bylaw.

<sup>10</sup> See clause 7 of the proposed bylaw.

<sup>11</sup> See clause 11 of the proposed bylaw.

<sup>12</sup> See Summary Information of the proposed bylaw.

devices is captured. For example, the NBA supports restricting cyclists from using footpaths or areas of footpaths in built-up retail areas (such as the main retail area in Broadway in Newmarket). On the other hand, some built-up retail streets are also in close proximity to primary schools where use of the footpath for cycling by primary children would be appropriate. Still further, in some industrial/commercial areas, such as Rosebank, use of the footpaths by micromobility devices, transport devices or cyclists might be encouraged where using the road is more dangerous or congested. The NBA believes these powers should be able to be used flexibly by council through the bylaw and controls.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

*Auckland Council wants to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions. Council are proposing that a new bylaw:*

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade);*
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event;*
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act);*
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.*

Our feedback is that the NBA agrees with the proposal to clarify which activities require an approval, which don't require an approval (as long as certain conditions are met), and which are not addressed to be in the bylaw. The NBA broadly agrees more specifically that the new bylaw:<sup>13</sup>

- clarifies that the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided does not require an approval;
- clarifies that the installation of art by the council or a substantive council-controlled organisation does not require an approval;
- clarifies that goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) does not require an approval;
- clarifies that the sale of produce adjacent to the premises where it was grown does not require an approval;
- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade);
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed with that activity not being captured under the definition of an event;
- reflects the right to protest under the New Zealand Bill of Rights 1990 by removing 'protest' from the definition of an event;
- allows council to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

<sup>13</sup> See clause 6 of the proposed bylaw.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

*Auckland Council want to provide rules that are easier to read, understand and comply with. Council are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:*

*• explains the wider regulatory framework (other rules and permissions) and provides links to those rules; • acts as ‘one-stop shop’ for applicants by using ‘related information notes’ that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated); • reflects that busking and pavement art are considered in a similar way (street performance licence); • reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety); • clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval; • clarifies matters Council may address in a ‘control’ by stating what types of controls can be made and by improving certainty about who can make them.*

Our feedback is that the NBA broadly agrees that the rules should be easier to read, understand and comply with. We agree with the proposals to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules;
- acts as ‘one-stop shop’ for applicants by using ‘related information notes’ that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated);<sup>14</sup>
- reflects that busking and pavement art are considered in a similar way (with both requiring a street performance licence);
- reflects in the title of the new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (that is, filming presents less risks to public safety);
- clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval;<sup>15</sup> and
- clarifies matters Council may address in a ‘control’ by stating what types of controls can be made and by improving certainty about who can make them.<sup>16</sup>

For instance, we do have concerns regarding the way “event” is defined in clause 7. In particular, we note that clause 7 of the bylaw, as drafted, defines an event to exclude “protest”, but does not define what a “protest” is. You have highlighted the right to protest under the New Zealand Bill of Rights 1990. While we agree that a protest should be excluded from an event, we believe this should be drafted a separate sub-clause (iii) in clause 7 of the bylaw, rather than including it, as is now the case, along with the exclusion of an indoor private function and picnic in a park (both of which relate to private activities).

Furthermore, we believe that the term “temporary installation” should be added as a separate definition under events. (For clarity we are referring to a temporary installation such as a lighting installation or Christmas tree, and not the use of the word ‘art installation by council’ as defined in clause 6). In our experience there has been confusion on the part of council officers about what event criteria applies for a static temporary installation. From our experience there has been a vast range of

<sup>14</sup> See clause 7 of the proposed bylaw.

<sup>15</sup> See clause 11 of the proposed bylaw.

<sup>16</sup> See clause 9 of the proposed bylaw.



different criteria distributed by council from time to time and over a number of years. For example, we have been sent different approval criteria for the same installation from different team members within council over two consecutive years. There needs to be a clear approval guide together with relevant documentation about what is exempt and what triggers landowner approval and/or resource consent requirements, as well as other event criteria which may not apply.

We note, with regard to the explanation of the wider regulatory framework (other rules and permissions) and the links provided to these other rules just how complex the wider regulatory framework has become.<sup>17</sup> We agree that this improves the certainty and understanding of what the Bylaw covers and provides clarity about a wider framework. However, we believe further clarity is required and we ask Council to provide a simple overall 'one page' guide to this complex framework for our members and other businesses. We find instances where business owners simply do not appreciate that bylaws even apply to their operations.

As noted earlier in response to Proposal 1, while we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.<sup>18</sup>

We understand the reasons behind the separation of filming and events, but would ask that due consideration always be given to public safety and nuisance matters within any filming approval application and any conditions of approval. We believe the process for the granting of filming approvals must remain robust, despite these now being considered differently to 'events'.

## **Conclusions**

An item not covered in this proposal includes the notification of business associations and town centre managers of events or filming in our areas. Generally we are advised of proposed events in the area, but there does not seem to be a formal protocol in terms of proposed filming taking place, as we are often not advised, and depending on crew this can be quite disruptive.

The NBA welcomes the opportunity to make this Submission. Although we understand that there will be no opportunity to make a presentation on this Submission, should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

<sup>17</sup> The wider framework includes: • landowner approval (including but not limited to a lease or licence), particularly on parks • rules about activities on parks in any local or regional parks management plan • rules about food safety addressed in the Food Act 2014 • additional rules about noise addressed in the Auckland Council Public Safety and Nuisance Bylaw 2013 and Resource Management Act 1991 • rules about traffic and the sale of cars by the roadside addressed in the Auckland Transport Traffic Bylaw 2012 and Auckland Council Traffic Bylaw 2015, and the Auckland Council and Auckland Transport Signage Bylaw 2015 • rules about waste plans addressed in the Waste Management and Minimisation Bylaw 2019 • rules about protection of wildlife, flora, fauna, and significance of heritage areas addressed in the Reserves Act 1977, Resource Management Act 1991, Waitakere Ranges Heritage Area Act 2008 • rules about helmets and speed of micromobility devices (for example, e-scooters) and where they can be ridden addressed in the Road Users Rule 2004 and enforced by the New Zealand Police • rules about drones (UAVs) addressed in the Auckland Council Public Safety and Nuisance Bylaw 2013, Civil Aviation (Offences) Regulations 2006, Privacy Act 1993 and by Auckland Transport • rules about the health and safety of workers addressed in the Health and Safety at Work Act 2015 • the Commerce Act 1986, which prohibits anti-competitive behaviour.

<sup>18</sup> Here we suggest an amendment to the Information Note in clause 9: "To make a a decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020), including consulting with key stakeholders, such as BID Managers.

We would ideally like to set up a meeting with the officers drafting this bylaw, so we can be sure that in drafting the new bylaw, the nuances of our concerns have been accurately conveyed and interpreted, and an easier 'guide' to applications can be the foundation of reference for not only ourselves and our members, but also council officers.

Yours sincerely,

Mark Knoff-Thomas  
Chief Executive

Mark Knoff-Thomas



Chief Executive  
Newmarket Business Association

mark@newmarket.co.nz



## Proposed New Public Trading, Events and Filming Bylaw

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. These activities may however also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
- clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** University of Auckland

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**Your local board:** Waitemata

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

No response

**Tell us why:**

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

#### What is your opinion on Proposal 2?

Agree

**Tell us why:** Agree, because:

- excessive numbers of e-scooters ridden on footpaths make footpaths dangerous for those walking on footpaths
- licensing micromobility devices will better enable Council to revoke a license if devices are left as an immobile hazard for those walking on footpaths.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?**

**No response**

**Tell us why:**

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**No response**

**Tell us why:**

**Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?****Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](https://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.



**BUSINESS SCHOOL**

## Retirement Policy and Research Centre

6 July 2021

Feedback from the Retirement Policy and Research Centre on the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022

### **Proposal 2:**

Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are

**Reason:** To ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'
- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.

### **What is your opinion on Proposal 2?**

Agree, because:

- excessive numbers of e-scooters ridden on footpaths make footpaths dangerous for those walking on footpaths
- licensing micromobility devices will better enable Council to revoke a license if devices are left as an immobile hazard for those walking on footpaths.

For further information please contact:

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## Proposed New Public Trading, Events and Filming Bylaw

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### What Auckland Council does

We use a bylaw to regulate trading activities, events and filming in council-controlled public places. These activities must either obtain an approval (a licence or permit) or comply with conditions of use, for example when, where and how the activity is allowed. The current rules about regulating trading activities, events and filming in public places are in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Te Mahi Tauhokohoko me nga Takunetanga ki ngā Wāhi Marea / the Auckland Council Trading and Events in Public Places Bylaw 2015.

### Have your say on a proposal to improve how we regulate trading, events and filming

We recently checked how the rules are working and identified improvements. We propose that a new bylaw:

- continues to regulate trading, events and filming in a similar way to the current Bylaw
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- clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in this bylaw
- updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.

**Please note** - central government legislation (not the current or a new bylaw) sets rules about rental micromobility devices in relation to:

- where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads)
- use of helmets
- setting speed limits
- assessing suitability of hardware and firmware.

**No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.**

**Note:** *this version of the feedback form has been created for the purpose of publishing submissions. As such, contact and demographic information has been removed and handwritten submissions have been transcribed.*

### Submitter details

**Organisation (if applicable):** Rosebank Business Association

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**Your local board:** Whau

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## Your feedback

### Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw

We want to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed.

We are proposing that a new bylaw –

- retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 7]
- allows us to process approval applications and stipulate conditions [cl 10 to 14]
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]
- allows us to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

#### What is your opinion on this proposal?

Other

**Tell us why:** Our feedback is that the Association broadly agrees with the proposal to regulate trading, events and filming in a similar way to the current Bylaw. More specifically, we broadly agree with the proposals that the new bylaw:

- retains a similar regulatory approach to the one in the current Bylaw, by again using a bylaw, to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places;
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micro-mobility devices, events or filming [cl 7];
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown, the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided, or filming for the purpose of current affairs or news [cl 6];
- allows council to process approval applications and stipulate conditions [cl 10 to 14];
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]; and
- allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].

While we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.

### Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.

We want to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices.

We are proposing that a new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices
- clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created)
- provides links to relevant webpages, forms and codes of practice in a 'related information note'

- better reflects the information we may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

**Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.**

**What is your opinion on Proposal 2?**

Other

**Tell us why:** Our feedback is that the Association agrees with the proposal to clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are under the Trading and Events in Public Places Bylaw 2015. More specifically, we agree that the proposed new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices;
- clarifies that rental micromobility devices are approved under their own licence (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created);
- provides links to relevant webpages, forms and codes of practice in a 'related information note';
- better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.

We accept that central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware and that no public feedback is sought on these matters.

Turning to the more specific proposals advanced in the proposed bylaw, we note that clause 5 of the proposed bylaw defines micromobility to mean "small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles)".

However, we have found that the market for micromobility devices is very dynamic, with new devices coming into the market on a regular basis and regulation struggling to respond quickly. As a consequence, we question whether the definition of micromobility is sufficiently agile? Perhaps council also needs to give itself the ability to use 'controls' in the bylaw to amend the definition of micromobility from time to time – or explain what is meant by 'small' and 'lightweight'.

Nonetheless, as it stands, we agree that the definition is best not to specify power levels (eg 300W to 600W limits) as the primary means of categorisation and control as these are set in the Land Transport Act 1998. Further, the Association believes that technological solutions (such as geo-fencing) could be utilised to self-regulate the use of micromobility devices and ask for this to be given consideration for use in the bylaw. Some consideration should also be given to allowing footpath cycling to include: • permitting users over the age of 65; • permitting caregiver users accompanying cyclists up to 12 years old. The Association believes speed limits on footpaths should be kept to 10 km/h maximum.

The Association also asks whether the bylaw is sufficiently nimble to ensure that the wide range of differing challenges and opportunities across the region in using public spaces (eg footpaths) for micromobility devices is captured. For example, the Association supports restricting cyclists from using footpaths or areas of footpaths in built-up retail areas (such as the main retail area in Broadway in Newmarket). On the other hand, some built-up retail streets are also in close proximity to primary schools where use of the footpath for cycling by primary children would be appropriate (such as in parts of Parnell). Still further, in some industrial/commercial areas, such as Rosebank, use of the footpaths by micromobility devices, transport devices or cyclists might be encouraged where using the road is more dangerous or congested. The Association believes these powers should be able to be used flexibly by council through the bylaw and controls.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

We want to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions.

We are proposing that a new bylaw:

- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade)
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event
- reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act)
- allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**What is your opinion on Proposal 3?****Other**

**Tell us why:** Our feedback is that the Association agrees with the proposal to clarify which activities require an approval, which don't require an approval (as long as certain conditions are met), and which are not addressed to be in the bylaw. The Association broadly agrees more specifically that the new bylaw:

- clarifies that the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided does not require an approval;
- clarifies that the installation of art by the council or a substantive council-controlled organisation does not require an approval;
- clarifies that goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) does not require an approval;
- clarifies that the sale of produce adjacent to the premises where it was grown does not require an approval;
- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade);
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed with that activity not being captured under the definition of an event;
- reflects the right to protest under the New Zealand Bill of Rights 1990 by removing 'protest' from the definition of an event;
- allows council to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

We want to provide rules that are easier to read, understand and comply with.

We are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated)
- reflects that busking and pavement art are considered in a similar way (street performance licence)
- reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety)
- clarifies the approval framework by outlining examples of the type of information we may require when evaluating an application and examples of conditions we may impose on a granted approval
- clarifies matters we may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

**What is your opinion on Proposal 4?**

**Other**

**Tell us why:** Our feedback is that the Association broadly agrees that the rules should be easier to read, understand and comply with. We agree with the proposals to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules;
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated);
- reflects that busking and pavement art are considered in a similar way (with both requiring a street performance licence);
- reflects in the title of the new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (that is, filming presents less risks to public safety);
- clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval; and
- clarifies matters Council may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.

We note, with regard to the explanation of the wider regulatory framework (other rules and permissions) and the links provided to these other rules just how complex the wider regulatory framework has become. We agree that this improves the certainty and understanding of what the Bylaw covers and provides clarity about a wider framework. However, we believe further clarity is required and we ask Council to provide a simple overall 'one page' guide to this complex framework for our members and other businesses.

As noted earlier in response to Proposal 1, while we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.

### **Do you have any other feedback on the proposed new Public Trading, Events and Filming Bylaw 2022?**

#### **Important privacy information**

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at [aucklandcouncil.govt.nz/privacy](https://aucklandcouncil.govt.nz/privacy) and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

6 July 2021

Auckland Council  
Public Trading, Events and Filming Bylaw 2022  
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## Submission to Public Trading, Events and Filming Bylaw

### Introduction

The Rosebank Business Association ('Association') - 'Rosebank – Gateway to the West' - welcomes the opportunity to make this submission on the proposed new Public Trading, Events and Filming Bylaw. As part of the bylaw review process, the Council has checked to see how well the current rules are working, and what improvements could be made. Public consultation has opened and closes on 16 July 2021.

The Rosebank Business Improvement District is a commercial and industrial hub of 650 + businesses located on the Rosebank Peninsula in West Auckland. It has direct access to the SH16 North-Western Motorway and when the Waterview tunnel was completed, it's traffic count increased to between 25 and 35,000 vehicles per day with immediate access and link to the SH20 Airport Motorway. Businesses in the area generate an estimated \$1 billion in revenue, pay significant rates and employ about 9,000 FTEs. The predictions are that this workforce will increase to 20,000 by 2035.

We note that the balance to be struck in the bylaw between regulating the use of streets, footpaths and civic spaces for trading activities, events and filming and managing the risks these activities pose is especially important in busy and vibrant centres, such as Rosebank.

### Background

Every day across Auckland, a wide variety of trading activities, events and filming occur in public places controlled by Auckland Council. These activities increase the vibrancy and appeal of public places such as streets, footpaths, local parks and civic spaces by enhancing amenity, and delivering social and economic benefits. However, in some cases, these activities may also increase the risk of preventable collisions, accidents, injuries, obstructions, nuisance or misuse of council-controlled public places. For example, by cluttering footpaths in town centres or commercial areas with furniture, displayed goods or parked micromobility devices, or by overusing public spaces for private gain.

Auckland Council is proposing a new bylaw that: • continues to regulate trading, events and filming in a similar way to the current Bylaw; • clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are; • clarifies which activities require an approval, don't require an approval as long as certain conditions are met, and those which are not addressed in the bylaw; and • updates the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.<sup>1</sup>

Auckland Council notes that central government legislation (not the current or a new bylaw) sets rules about rental micro-mobility devices in relation to: • where users ride e-scooters and e-bikes (for example, use of devices on cycle paths attached to roads); •

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<sup>1</sup> See the differences between the current Bylaw and a new Auckland Council Public Trading, Events and Filming Bylaw 2022:

[https://ehg-production-australia.s3.ap-southeast-2.amazonaws.com/72dbde11be71aa7cc17766d1ba8e1c433ddc36fe/original/1622420412/52a50c898cc8090658639e088a42870b\\_20210512\\_Bylaw\\_Comparison\\_Table\\_GB.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUK4D4Z04WUUA%2F20210701%2Fap-southeast-2%2Ffs3%2Faws4\\_request&X-Amz-Date=20210701T101310Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=04076c0d8f342eb7aee0ce86076462a6602c891d4ad6d1d7bca35f0ef06196af](https://ehg-production-australia.s3.ap-southeast-2.amazonaws.com/72dbde11be71aa7cc17766d1ba8e1c433ddc36fe/original/1622420412/52a50c898cc8090658639e088a42870b_20210512_Bylaw_Comparison_Table_GB.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUK4D4Z04WUUA%2F20210701%2Fap-southeast-2%2Ffs3%2Faws4_request&X-Amz-Date=20210701T101310Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=04076c0d8f342eb7aee0ce86076462a6602c891d4ad6d1d7bca35f0ef06196af)

use of helmets; • setting speed limits; • assessing suitability of hardware and firmware. No public feedback is sought on where users ride, the use of helmets, speed and suitability of hardware.

The Association's feedback on these improvements is set out below.

**Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw**

*Auckland Council wants to ensure that a new bylaw continues to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places. This means that most activities must either obtain an approval or comply with conditions, for example when, where and how the activity is allowed. Auckland Council are proposing that a new bylaw – • retains a similar regulatory approach to the one in the current Bylaw to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places: • requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micromobility devices, events or filming [cl 7]; • allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown or filming for the purpose of current affairs or news [cl 6]; • allows us to process approval applications and stipulate conditions [cl 10 to 14]; • clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25]; • allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].*

Our feedback is that the Association broadly agrees with the proposal to regulate trading, events and filming in a similar way to the current Bylaw. More specifically, we broadly agree with the proposals that the new bylaw:

- retains a similar regulatory approach to the one in the current Bylaw, by again using a bylaw, to address public safety risks, nuisance and misuse caused by trading activities, events and filming in council-controlled public places;
- requires an approval (a licence or permit) for most activities in council-controlled public places, for example markets, mobile shops, hire of micro-mobility devices, events or filming [cl 7];<sup>2</sup>
- allows for certain limited activities to operate without an approval, for example the sale of produce adjacent to the premises where it was grown, the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided, or filming for the purpose of current affairs or news [cl 6];<sup>3</sup>
- allows council to process approval applications and stipulate conditions [cl 10 to 14];<sup>4</sup>
- clarifies the duration of an approval, requirement to display an approval, review of approval conditions, transactional provisions, enforcement and the transfer of approvals [cl 15 to 25];<sup>5</sup> and
- allows council to make additional rules in a 'control', for example conditions on activities that do not require a bylaw approval and how a bylaw approval will be considered [cl 9].<sup>6</sup>

While we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.<sup>7</sup>

**Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are**

*Auckland Council wants to ensure that licensing of rental e-scooters, e-bikes and bikes parked in council-controlled public places reflects the significance of the potential issues that can result from the rental of power-assisted devices. Council are proposing that a new bylaw: • defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices; • clarifies that rental micromobility devices are approved under their own licence in a new bylaw (currently licensed as mobile shops because they were introduced in 2018 after the current*

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<sup>2</sup> See clause 7 of the proposed bylaw.

<sup>3</sup> See clause 6 of the proposed bylaw.

<sup>4</sup> See clauses 10-14 of the proposed bylaw.

<sup>5</sup> See clauses 15-25 of the proposed bylaw.

<sup>6</sup> See clause 9 of the proposed bylaw.

<sup>7</sup> Here we suggest an amendment to the Information Note in clause 9: "To make [a](#) decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020), [including consulting with key stakeholders, such as BID Managers](#)."

*Bylaw was created); • provides links to relevant webpages, forms and codes of practice in a 'related information note'; • better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent. Central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware. No public feedback is sought on these matters.*

Our feedback is that the Association agrees with the proposal to clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are under the Trading and Events in Public Places Bylaw 2015. More specifically, we agree that the proposed new bylaw:

- defines 'micromobility' and provides examples such as rental e-scooters, e-bikes and other devices;<sup>8</sup>
- clarifies that rental micromobility devices are approved under their own licence (currently licensed as mobile shops because they were introduced in 2018 after the current Bylaw was created);<sup>9</sup>
- provides links to relevant webpages, forms and codes of practice in a 'related information note';<sup>10</sup>
- better reflects the information council may require when evaluating an application for an approval, assessment criteria and approval conditions, for example by limiting the number of micromobility devices that may be offered for rent.<sup>11</sup>

We accept that central government legislation (not the Bylaw) sets rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware and that no public feedback is sought on these matters.<sup>12</sup>

Turning to the more specific proposals advanced in the proposed bylaw, we note that clause 5 of the proposed bylaw defines micromobility to mean "small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles)".

However, we have found that the market for micromobility devices is very dynamic, with new devices coming into the market on a regular basis and regulation struggling to respond quickly. As a consequence, we question whether the definition of micromobility is sufficiently agile? Perhaps council also needs to give itself the ability to use 'controls' in the bylaw to amend the definition of micromobility from time to time – or explain what is meant by 'small' and 'lightweight'.

Nonetheless, as it stands, we agree that the definition is best not to specify power levels (eg 300W to 600W limits) as the primary means of categorisation and control as these are set in the Land Transport Act 1998. Further, the Association believes that technological solutions (such as geo-fencing) could be utilised to self-regulate the use of micromobility devices and ask for this to be given consideration for use in the bylaw. Some consideration should also be given to allowing footpath cycling to include: • permitting users over the age of 65; • permitting caregiver users accompanying cyclists up to 12 years old. The Association believes speed limits on footpaths should be kept to 10 km/h maximum.

The Association also asks whether the bylaw is sufficiently nimble to ensure that the wide range of differing challenges and opportunities across the region in using public spaces (eg footpaths) for micromobility devices is captured. For example, the Association supports restricting cyclists from using footpaths or areas of footpaths in built-up retail areas (such as the main retail area in Broadway in Newmarket). On the other hand, some built-up retail streets are also in close proximity to primary schools where use of the footpath for cycling by primary children would be appropriate (such as in parts of Parnell). Still further, in some industrial/commercial areas, such as Rosebank, use of the footpaths by micromobility devices, transport devices or cyclists might be encouraged where using the road is more dangerous or congested. The Association believes these powers should be able to be used flexibly by council through the bylaw and controls.

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<sup>8</sup> See clause 5 of the proposed bylaw, which defines micromobility as means small, lightweight devices and personally driven by users (for example, bicycles, e-bikes, electric scooters and skateboards, and electric pedal assisted (pedelec) bicycles).

<sup>9</sup> See clause 7 (trading means the hire of micromobility devices) of the proposed bylaw.

<sup>10</sup> See clause 7 of the proposed bylaw.

<sup>11</sup> See clause 11 of the proposed bylaw.

<sup>12</sup> See Summary Information of the proposed bylaw.

**Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw**

*Auckland Council wants to clearly state which activities in council-controlled public places are regulated under a new bylaw and which are not required to obtain an approval under a new bylaw, with or without meeting certain conditions. Council are proposing that a new bylaw: • clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade); • clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed because that activity is not captured under the definition of an event; • reflects the right to protest under the New Zealand Bill of Rights 1990 and our operational practice by removing 'protest' from the definition of an event (disorder associated with events is regulated using existing legislation, for example the Public Safety and Nuisance Bylaw or the Summary Offences Act); • allows us to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.*

Our feedback is that the Association agrees with the proposal to clarify which activities require an approval, which don't require an approval (as long as certain conditions are met), and which are not addressed to be in the bylaw. The Association broadly agrees more specifically that the new bylaw:<sup>13</sup>

- clarifies that the outdoor display of goods and / or services adjacent to a business premises from which the goods and / or services are usually provided does not require an approval;
- clarifies that the installation of art by the council or a substantive council-controlled organisation does not require an approval;
- clarifies that goods or services ordered in advance and delivered to premises next to a council-controlled public place (for example, by a service delivery vehicle to a private home or business) does not require an approval;
- clarifies that the sale of produce adjacent to the premises where it was grown does not require an approval;
- clarifies that the occasional sale of homemade goods by children outside the house where the goods were made is allowed (for example, the sale of cupcakes or lemonade);
- clarifies that non-exclusive use of a council-controlled public place for informal recreation (for example, a family picnic) is allowed with that activity not being captured under the definition of an event;
- reflects the right to protest under the New Zealand Bill of Rights 1990 by removing 'protest' from the definition of an event;
- allows council to use controls to impose conditions on activities that do not require a bylaw approval, for example for fitness classes or training provided by outdoor fitness operators in parks.

**Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with**

*Auckland Council want to provide rules that are easier to read, understand and comply with. Council are proposing to update the format, structure and wording of the current Bylaw to ensure that a new bylaw: • explains the wider regulatory framework (other rules and permissions) and provides links to those rules; • acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated); • reflects that busking and pavement art are considered in a similar way (street performance licence); • reflects in the title of a new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (presents less risk to public safety); • clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval; • clarifies matters Council may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.*

Our feedback is that the Association broadly agrees that the rules should be easier to read, understand and comply with. We agree with the proposals to update the format, structure and wording of the current Bylaw to ensure that a new bylaw:

- explains the wider regulatory framework (other rules and permissions) and provides links to those rules;
- acts as 'one-stop shop' for applicants by using 'related information notes' that provide links to relevant webpages and forms (notes do not form part of the proposed bylaw rules and can be easily updated);<sup>14</sup>
- reflects that busking and pavement art are considered in a similar way (with both requiring a street performance licence);

<sup>13</sup> See clause 6 of the proposed bylaw.

<sup>14</sup> See clause 7 of the proposed bylaw.



- reflects in the title of the new bylaw and its structure that events and filming are treated separately as filming does not directly involve the general public (that is, filming presents less risks to public safety);
- clarifies the approval framework by outlining examples of the type of information Council may require when evaluating an application and examples of conditions Council may impose on a granted approval;<sup>15</sup> and
- clarifies matters Council may address in a 'control' by stating what types of controls can be made and by improving certainty about who can make them.<sup>16</sup>

We note, with regard to the explanation of the wider regulatory framework (other rules and permissions) and the links provided to these other rules just how complex the wider regulatory framework has become.<sup>17</sup> We agree that this improves the certainty and understanding of what the Bylaw covers and provides clarity about a wider framework. However, we believe further clarity is required and we ask Council to provide a simple overall 'one page' guide to this complex framework for our members and other businesses.

As noted earlier in response to Proposal 1, while we broadly agree with the regulatory approach, we remain concerned that Auckland Council has limited resources to process approvals (licences or permits), stipulate conditions on a case-by-case basis and especially monitor and enforce these approvals across the region (or at sub-regional pressure points, such as town centres). We consider there may be opportunities to allow for more activities to operate without an approval through council making additional rules in a 'control', but in this case we ask that the bylaw still require some consultation with key stakeholders, such as town centre managers.<sup>18</sup>

## **Conclusions**

The Association welcomes the opportunity to make this Submission. Although we understand that there will be no opportunity to make a presentation on this Submission, should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,



Mike Gibson  
CEO  
Rosebank Business Association

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<sup>15</sup> See clause 11 of the proposed bylaw.

<sup>16</sup> See clause 9 of the proposed bylaw.

<sup>17</sup> The wider framework includes: • landowner approval (including but not limited to a lease or licence), particularly on parks • rules about activities on parks in any local or regional parks management plan • rules about food safety addressed in the Food Act 2014 • additional rules about noise addressed in the Auckland Council Public Safety and Nuisance Bylaw 2013 and Resource Management Act 1991 • rules about traffic and the sale of cars by the roadside addressed in the Auckland Transport Traffic Bylaw 2012 and Auckland Council Traffic Bylaw 2015, and the Auckland Council and Auckland Transport Signage Bylaw 2015 • rules about waste plans addressed in the Waste Management and Minimisation Bylaw 2019 • rules about protection of wildlife, flora, fauna, and significance of heritage areas addressed in the Reserves Act 1977, Resource Management Act 1991, Waitakere Ranges Heritage Area Act 2008 • rules about helmets and speed of micromobility devices (for example, e-scooters) and where they can be ridden addressed in the Road Users Rule 2004 and enforced by the New Zealand Police • rules about drones (UAVs) addressed in the Auckland Council Public Safety and Nuisance Bylaw 2013, Civil Aviation (Offences) Regulations 2006, Privacy Act 1993 and by Auckland Transport • rules about the health and safety of workers addressed in the Health and Safety at Work Act 2015 • the Commerce Act 1986, which prohibits anti-competitive behaviour.

<sup>18</sup> Here we suggest an amendment to the Information Note in clause 9: "To make a decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020), [including consulting with key stakeholders, such as BID Managers.](#)



**ATTACHMENT E**  
**STAKEHOLDER DAY FEEDBACK**



## Attachment E – ‘Stakeholder Day’ Feedback

This attachment contains a summary of feedback received at a ‘Stakeholder Day’ on the proposal to make a new Auckland Council Public Trading, Events and Filming Bylaw.

### A ‘Stakeholder Day’ was held on Friday 11 June 2021

Stakeholders identified by council<sup>1</sup> were invited via email on 2 June 2021 to a ‘Stakeholder Day’ as part of council’s public consultation on the proposed new Bylaw.

This event provided an opportunity for stakeholders to give one-on-one feedback on the proposal to the Bylaw Panel<sup>2</sup> on 11 June 2021, at a time between 12:30pm – 3pm. Stakeholders were asked to register online by 5pm on Thursday, 10 June 2021.

Four stakeholders registered their interest for the event. Each stakeholder was allocated a 15-minute time slot (10 minutes for a presentation and 5 minutes for follow up questions).

Three presentations were delivered in-person and one was delivered by phone.

| Presentation         | Organisation                                    | Area of interest |
|----------------------|---|------------------|
| 12:35 (in-person)    | Kiwis For Good                                  | Fundraising      |
| 12:50 (in-person)    | Beam Mobility                                   | Micromobility    |
| 01:05 (on the phone) | Nextbike NZ                                     | Micromobility    |
| 01:20 (in-person)    | New Zealand Advertising Producers Group (NZAPG) | Filming          |

### Four stakeholders provided feedback directly to the Bylaw Panel about the proposals

| Stakeholder           | Feedback  |  |
|-----------------------|---|--|
|                       | Bylaw related   | Non-Bylaw related  |
| <b>Kiwis for Good</b> | <ul style="list-style-type: none"> <li>Seeks exemption for sellers of information in public places (for example books, magazines, periodicals and newspapers) to provide consistency with the NZ Bill of Rights Act 1990 (s14).<sup>3</sup></li> <li>Agrees for sellers to still meet certain conditions to be exempt, to prevent excess litter and congestion. A person must request the information (not just have it shoved in their hand) and restrictions should apply on fixed stalls (allowing foot traffic to flow freely).</li> <li>Notes existing exemptions for people selling books in United Kingdom Law under the Local Government (Miscellaneous Provisions) Act 1982 (provides exemption for trading as news vendors).</li> </ul> |  |
| <b>Beam Mobility</b>  | <ul style="list-style-type: none"> <li>Notes that generally, the proposal makes sense and builds on the current Bylaw.</li> <li>Advocates for an extension to the duration of an approval (more than 12 months). An extended approval period would allow for better operational and financial long-term</li> </ul>  | <ul style="list-style-type: none"> <li>Notes that shared micromobility is constrained by its operating hours and advocates for extension to those hours, for example after 9pm on the weekends.</li> <li>Notes that the fee structure is expensive and should be tailored for micromobility</li> </ul> |

<sup>1</sup> Licence and permit holders, business networks, industry representatives, community interest groups and advisory panels.

<sup>2</sup> Cr Cooper, Cr Mulholland, Cr Henderson and Independent Māori Statutory Board Member Wilcox.

<sup>3</sup> Freedom of expression.

| Stakeholder        | Feedback   |   |
|--------------------|--|---|
|                    | Bylaw related  | Non-Bylaw related   |
|                    | <p>planning. Indicated that Wellington is now running a 3-year permit and Christchurch is looking at 1-year initially with a subsequent 2-year roll over. Suggests a minimum of 24-months duration of approval with a rollover period.</p> <ul style="list-style-type: none"> <li>Notes that at the end of the licence process there should be a renewal rather than a reapplication process (for a totally new licence) which looks at the history of compliance.</li> <li>Notes that treating micromobility as trading in public places is a missed opportunity (public transport and car sharing are managed by Auckland Transport).</li> </ul> | <p>(has spent 15K on a permit and currently pays a street rent and a per hourly charge as well as software licensing fees). Notes that while fees are lower in tiers 2 and 3, they do not necessarily meet the intended outcomes and other cities have per trip fees or standard fees.</p> <ul style="list-style-type: none"> <li>Advocates for a wider, more integrated partnership with micromobility operators (current conversation centres on 'are you meeting the conditions of your permit').</li> <li>Notes overall focus is on compliance, and highlights operational challenges with varying parts of Auckland Transport and other parts of council.</li> </ul> |
| <b>Nextbike NZ</b> | <ul style="list-style-type: none"> <li>Advocates for shared micromobility to be regulated and managed by Auckland Transport (Auckland Transport directly manages the relationship with car share operators).</li> <li>Notes that shared micromobility has more in common with public transport than coffee carts.</li> <li>Notes that a revised 'street trading licence' is unlikely to be responsive enough to new technological developments.</li> </ul>   | <ul style="list-style-type: none"> <li>Notes that shared micromobility is operating in a planning vacuum in Auckland (no clear planning outcome). AT's Public Transport Operating Model review does not mention micromobility.</li> <li>Notes that shared micromobility is better aligned with Auckland Transport.</li> <li>Notes that shared micromobility is being developed and backed by sophisticated tech companies and funders.</li> <li>Notes that a revised 'street trading licence' is unlikely to address the carbon debt accrued in New Zealand from transport, and advocates for new innovative ways of addressing this issue.</li> </ul>                    |
| <b>NZAPG</b>       | <ul style="list-style-type: none"> <li>Supports proposal because 'the bylaw is common sense'.</li> <li>Supports separation of filming from events including that filming is captured in the bylaw title.</li> <li>Seeks exemption for private filming and 'low impact filming' in the proposed new bylaw in accordance with the Film Protocol.</li> </ul>  | <ul style="list-style-type: none"> <li>Notes that permitting process is very complicated and can be simplified.</li> <li>Advocates for more delegated authority to Screen Auckland (specifically for low and medium impact filming) to enable them to better utilise their allocated resources (they 'spend a lot of time chasing stakeholders') and to enable timely processing of permits. Suggests that local boards give delegation to Screen Auckland for low and medium impact filming permits.</li> <li>Advocates for wider understanding and consistent implementation of the Film Protocol's goal of 'film friendly Auckland'.</li> </ul>                        |

**ATTACHMENT F**  
**HAVE YOUR SAY EVENT FEEDBACK**





## Attachment F – ‘Have Your Say’ Event Feedback

This attachment contains a summary of the public feedback received at ‘Have Your Say’ events on a proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

### An in-person ‘Have Your Say’ event was held on Friday 2 July 2021

A public notice, the council “Have your Say” website and an email to key stakeholders invited the public to attend an in-person ‘Have Your Say’ event as part of council’s public consultation on the proposal.

This event provided a drop-in opportunity for the public to learn more about the proposal, ask questions and provide feedback in-person to staff and Bylaw Panel members<sup>1</sup> at the Central City Library on Friday 2 July 2021, at a time between 1pm and 2pm.

This was a joint engagement event with proposals to amend the Animal Management Bylaw 2015 and the Water Supply and Wastewater Network Bylaw 2015.

A stall was set up near the main entrance of the library. The stall provided:

- a table and chairs
- dot stickers and pens to record feedback on proposals
- online (two tablet computers) and hard copies of the feedback form
- two vertical ‘Auckland Council’ banners
- a corflute board with four posters (each representing a bylaw proposal)
- hard copies of the Statement of Proposal, current Bylaw and proposed new bylaw.

**A total of seven members of the public** attended the ‘Have Your Say’ event.

No members of the public came specifically to the event, all attendees were approached by Bylaw Panel members or staff. Not all attendees responded to all four proposals. One person indicated that they would give feedback online at home.

| Proposals  | Total number of responses | Number in agreement | Number in disagreement | Other | Comments   |
|------------|---------------------------|---------------------|------------------------|-------|--|
| Proposal 1 | 4                         | 4                   | -                      |       | -  |
| Proposal 2 | 7                         | 7                   | -                      |       | All respondents strongly agreed with regulating micromobility devices under their own licence to mitigate safety issues more effectively.  |
| Proposal 3 | 4                         | 4                   | -                      |       | -  |
| Proposal 4 | 4                         | 3                   | -                      | 1     | The respondent who selected ‘Other’ believed that setting up rules that are easy to read, understand and comply with should be a given (no consultation should be required on such matters). |

<sup>1</sup> Cr Cooper, Cr Mulholland, Cr Henderson and Independent Māori Statutory Board Member Wilcox.

### A virtual 'Have Your Say' event was held on Monday 5 June 2021

A public notice and the council "Have your Say" website invited the public to attend a virtual 'Have Your Say' event as part of council's public consultation on the proposal. Key stakeholders were informed of the event via email.

This event provided an online drop-in opportunity for the public to learn more about the proposal, ask questions and provide feedback virtually to staff and Bylaw Panel members on Monday 5 June 2021.

The public were required to register beforehand on the council '[AK Have your Say](#)' webpage. The registration was open online until Monday morning, 5 July 2021. The session was facilitated using Zoom.

One member of the public registered and attended the session along with staff and the Bylaw Panel. They were given 10 minutes to speak followed by 5 minutes of question time from the Panel.

| Member of the public | Feedback  |  |
|----------------------|---|--|
|                      | Bylaw related   | Non-Bylaw related  |
| <b>Gay Richards</b>  | <ul style="list-style-type: none"> <li>• Advocates that outdoor dining and outdoor displays should be placed on the kerbside of the footpath with the shopfront side left clear for the passage of pedestrians.</li> <li>• Seeks clarification of the types of small events and activities which will not require approval.</li> <li>• Suggests that users of rental micromobility devices be required to park the devices in designated parklets.</li> </ul> | <ul style="list-style-type: none"> <li>• Notes that signage on footpaths also impacts pedestrians especially the vision-impaired.</li> <li>• Seeks clarification on how this proposed bylaw fits in with the Auckland Transport mirror bylaw.</li> <li>• Notes the danger e-scooters pose to passengers stepping off buses.</li> <li>• Advocates that council should consider educational initiatives to encourage parking of micromobility devices in designated parklets.</li> </ul> |

# **ATTACHMENT G**

## **OPERATIONAL AND NON-BYLAW RELATED PUBLIC FEEDBACK**



## Attachment G: Operational and non-bylaw-related feedback

This attachment contains a summary of operational and non-bylaw-related public feedback and local board views received on the proposal to make a new Auckland Council Public Trading, Events and Filming Bylaw 2022. This attachment should be read alongside bylaw-related feedback (refer to Attachment A).

The matters raised will be shared with the Bylaw Panel at its deliberations on 20 October 2021, and with relevant council staff to consider as operational matters, as they –

- are regulated by central government (not a bylaw)
- relate to jurisdictional matters between council and council-controlled organisations
- relate to the implementation of the Bylaw (including controls)
- relate to operational matters such as resourcing or enforcement
- suggest updates to non-regulatory measures and improvements through education.

### Central Government legislation

#### Comments included recommendations to:

- ensure council advocates to Central Government to address safety risks related to where micromobility users ride, use of helmets, speed, suitability of hardware, and that more regulatory enforcement powers are available to local authorities
- ensure that micromobility devices are allowed to use cycle lanes because their use on footpaths leads to serious accidents involving those with vision or hearing impairments, other pedestrians and children (constant fear of being run over)
- ban rental micromobility devices from footpaths or force their use on roads or bike lanes
- ban e-scooters from being used or parked on footpaths due to their speed and quiet operation (for example, they hinder walkers and are a danger to the frail)
- require helmets to be worn when using micromobility devices
- ensure that speed limits on footpaths are kept to a 10km/h maximum
- consider road users charges with an ACC component to pay for e-scooter accidents
- consider allowing cycling on footpaths for users over the age of 65 and caregivers accompanying cyclists up to 12 years old.

### Auckland Transport (AT) jurisdiction to regulate micromobility

#### Comments included recommendations to:

- ensure that shared micromobility is managed by Auckland Transport:
  - this is a transport matter (public transport and car sharing are managed by AT)
  - operates without a clear planning outcome (AT's Public Transport Operating Model review does not mention micromobility, nor enables devices to receive subsidies)
  - a street trading licence is unlikely to address the carbon debt accrued from transport (micromobility offers climate friendly solutions and provide a meaningful contribution to assist Auckland's climate change emergency by reducing car use and congestion)
- ensure that the proposed Bylaw is endorsed by AT to avoid jurisdictional confusion (in the absence of shared micromobility being regulated / managed by Auckland Transport)
- resolve operational challenges with varying parts of AT and other parts of council
- ensure a separate bylaw and associated licensing requirements for rental micromobility.

### Bylaw implementation and process (including controls)

#### Comments included recommendations to:

- ensure that each department and CCO that administers the Bylaw liaises and advises local boards of the outcome of each application to ensure clarity, consistency and end-to-end transparency of the decision-making process
- ensure that Auckland Transport liaises with local boards about applications taking place on roads, roading reserves, footpaths or other areas within Auckland Transport control
- ensure that trading from public carparks and road corridors managed by Auckland Transport where financial / booking transactions take place online requires an approval and that such approval is considered by local boards
- extend timeframes to deliver local board feedback on applications under the Bylaw to allow sufficient time to seek community views
- consider simplification of permitting processes for filming (even the simplest permit has to go through multiple stakeholders and adhere to a myriad of bylaws)
- consider renewal of rental micromobility licences (a rollover) rather than a reapplication process to allow for better planning
- ensure that adequate booking systems are in place, applicant information is kept private, and guidelines of activities regulated by the Bylaw are easily accessible
- provide clear approval criteria for temporary art installations (such as a lighting installation) and a guide including what triggers landowner approval or resource consents (to prevent current operational confusion by applicants as well as council staff)
- ensure that due consideration is given to financial impacts on fixed businesses from temporary activities (directly compete for customers; have unfair advantages by paying little or no rent, no rates; and use of maintenance-free commercial or public space)
- limit the number of micromobility licences issued, restrict the numbers of devices available on public places due to safety risks and require unused micromobility devices to be placed in permanent docking stations to stop the *'dump and run'* approach
- extend operating hours for shared micromobility (after 9pm on the weekends)
- have a wider and more integrated partnership with micromobility operators (for example, current conversation focuses on 'are you meeting the conditions of your permit') and planning outcomes to better work for the city (overall focus is on compliance).

## More effective resourcing and enforcement

### Comments included recommendations to:

- ensure that the Bylaw is administered in the most efficient way and that sufficient resourcing is provided to effectively consider applications, process approvals, apply conditions, and monitor and enforce approved applications on a case-by-case basis
- use car parking wardens to enforce this Bylaw (currently the trading enforcement team is drastically understaffed); parking wardens fines should be increased to \$1,000
- ensure that regulation is effectively monitored and enforced (for example, those who set up stalls at events without appropriate approvals should be removed by permit holders)
- investigate and address predatory trading practices by operators of mobile shopping trucks for example, by increasing compliance costs
- ensure effective enforcement of conditions placed on permits to prevent environmental damage (for example, 2016 video production by Cherokee Films at Te Henga)
- ensure stricter enforcement (instigate appropriate fines) and proactive monitoring of conditions for micromobility devices (charge commercial rents to use public footpaths)
- ensure users of rental micromobility are required to park devices in designated parklets
- better control those who charge up the batteries of micromobility devices
- consider a Warrant of Fitness for micromobility devices, as the current approach is punitive to small operators, and the management and enforceability are impractical.

## Non-regulatory measures (other policies, protocols, plans)

### General comments included recommendations to:

- enable transfer of some decision-making powers to the Waiheke Local Board under the current governance pilot, and if successful, extend this approach to other local boards
- consider relaxing fees and other charges associated with street trading to support hospitality businesses due to infrastructure upgrades and/or COVID-19 disruptions
- extend application of current filming fee structure to commercial events and trading on public places to ensure that rental and heritage fees are paid to relevant local boards
- introduce docking stations to mitigate issues related to parking of micromobility devices
- charge micromobility operators commercial rents to use public places (there is currently one rule for commercial businesses and another for multi-national corporations)
- review fee structure for rental micromobility (operators spend 15K on a licence, pay a street rent, an hourly charge and software licensing fees) and whether lower fees in tiers 2 and 3 meet the intended outcomes (other cities have per trip fees or standard fees).

#### **Filming and events comments included recommendations to:**

- ensure wider understanding and consistent implementation of 'film friendly Auckland' under the Auckland Film Protocol and development of a Film Friendly Policy (there is a lack of 'from the top mandate' that clearly articulates to CCOs and council departments the economic importance of allowing filming on public land / property)
- provide Screen Auckland with more authority to manage filming by delegating local board decision-making to Screen Auckland for low and medium impact filming to:
  - better utilise resources (Screen Auckland 'spends a lot of time chasing stakeholders')
  - process permits in timely manner (local boards are slow to respond, frequently lack understanding of operational specifics, their personal opinion and local politics can impact on the success of an application rather than council regulations)
- retain a balanced approach between regulating and encouraging events to ensure quality of social events (so they are as attractive and well organised as in Australia).

#### **Outdoor dining and outdoor display comments included recommendations to:**

- ensure that fees for outdoor dining licences are priced fairly to reflect the difficult financial position faced by hospitality businesses as a result of the COVID lockdowns (for example, businesses that can utilise outdoor space for dining to increase their revenue should not be unduly penalised with excessive licensing fees)
- reduce licensing fees charged for cafes to have outdoor tables and for businesses which have leases on buildings, to help with negative impacts related to COVID
- ensure appropriate regulation for signage on footpaths or the use of conditions (for example, signage on footpaths impacts pedestrians, especially the vision-impaired)
- complete the 'Universal Design Café and Restaurant Checklist' by the Universal Design Forum by the end of 2021 and consider pedestrian shelter under verandas for traders
- consider re-purposing road space (especially carparks) into parklets to provide outdoor dining space with no impacts on pedestrian safety and to promote vibrancy (for example, Yarra City Council is considering making parklets for dining a permanent feature).

## **Education**

#### **Comments included recommendations to:**

- ensure that the Bylaw is accompanied by tools and e-learning modules in various languages for ease of understanding and greater compliance
- ensure that the Bylaw is accompanied by a simple 'one page' guide that illustrates the existing regulatory framework, for certainty and understanding
- ensure provision of signage to highlight speed restrictions, dangerous road surfaces, integration points with road and cycle lanes to provide guidance for micromobility users
- use and implement initiatives to encourage parking of devices in designated parklets.





# **ATTACHMENT H**

## **LOCAL BOARD VIEWS ON PUBLIC FEEDBACK**



## Attachment H – Views of local boards

This attachment contains the views of local boards on public feedback to the proposal to make a new Public Trading, Events and Filming Bylaw 2022.

### Local boards that support, noted or provided additional views to the public feedback

The local boards in the table below support or noted the public feedback, and provided additional views.

| View of local board  | Staff Comments  |
|--|---|
| <p>KT/2021/156 - That the <b>Kaipātiki Local Board</b>:</p> <ol style="list-style-type: none"> <li>receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</li> <li>request that wording is included in the bylaw specifically referencing that any trade, event or filming in a reserve must adhere to any specific rules or policies for that reserve as per its Reserve Management Plan. To clarify, this request is in addition to the current reference to the Reserves Act 1977, as it is not obvious from that reference that an applicant would need to adhere to the Reserve Management Plan for the reserve, rather than the Act itself.</li> <li>appoint the chairperson to present the views in (b) to the Bylaw Panel on 19 October 2021.</li> <li>delegate authority to the local board chair to appoint replacement(s) to the persons in (c) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</li> </ol>  | <p>In response to:</p> <ul style="list-style-type: none"> <li>[b] refer to Attachment A, Proposal 1.</li> </ul>   |
| <p>MO/2021/125 - That the <b>Māngere-Ōtāhuhu Local Board</b>:</p> <ol style="list-style-type: none"> <li>receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report</li> <li>support the proposed amendments and provide the following comments on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations <ol style="list-style-type: none"> <li>request that council provide education tools and e-Learning modules in various languages that the public could use to understand the bylaw and its various aspects as prosecutions can be costly procedures when breaches are predominantly unintentional due to people misunderstanding the bylaw</li> <li>support the graduated response model (information, education and enforcement), however note that the local board is sympathetic to small enterprises carrying out trade to support living costs especially as some of our communities and businesses manage the ongoing effects of Covid-19</li> <li>suggest more work is carried out to more effectively regulate the activities of mobile shopping trucks either through this bylaw or another regulatory tool to protect our communities from predatory trading practices or increase compliance costs for mobile truck operators</li> </ol> </li> <li>appoint Member Toleafoa to present the views in (b) to the Bylaw Panel on 19 October 2021</li> <li>delegate authority to the local board chair to appoint replacement(s) to the persons in (c) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</li> </ol> | <p>In response to:</p> <ul style="list-style-type: none"> <li>[i] refer to Attachment G, under education</li> <li>[iii] refer to Attachment G, under More effective resourcing and enforcement.</li> </ul>  |
| <p>HB/2021/108 - That the <b>Hibiscus and Bays Local Board</b>:</p> <ol style="list-style-type: none"> <li>receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report</li> <li>note the low response from the public in the local board area</li> <li>acknowledge that majority of responses supported all proposals except Proposal Two “Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently have” which had limited response</li> <li>recommend that the considerably significant health and safety issues related to the micromobility devices, such as road use, parking, and littering issues be addressed</li> </ol>   | <p>In response to:</p> <ul style="list-style-type: none"> <li>[d] refer to Attachment G, under central government legislation for road use</li> <li>[d] refer to Attachment A, Proposal 2 in for</li> </ul> |

| View of local board  | Staff Comments   |
|--|--|
| <p>e) recommend the need for more careful attention, monitoring and review of micromobility devices to support the wellbeing of communities, particularly those living with disabilities, sensory impaired, and elders</p> <p>f) request that consideration be given by council of options to relax aspects of street trading bylaws, and associated fees and charges, in order to support hospitality businesses facing disruptions, such as COVID-19 Alert Levels or major town centre or infrastructure upgrades</p> <p>g) appoint Member J Parfitt to present the views of the local board to the Bylaw Panel on 19 October 2021</p> <p>h) delegate authority to the local board chairperson to appoint replacement(s) to appoint replacement to the person in (g) above, should the appointed member be unable to present to the Bylaw Panel on 19 October 2021.</p>  | <p>parking and littering</p> <ul style="list-style-type: none"> <li>• [d] refer to Attachment G, under central government legislation for road use</li> <li>• [f] refer to Attachment G, under non-regulatory measures.</li> </ul> |
| <p>HW/2021/147 That the <b>Howick Local Board</b>:</p> <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p> <p>b) provide the following feedback on how the Bylaw Panel should address matters raised in public feedback to the proposal in clause a) to assist the Bylaw Panel in its deliberations:</p> <ol style="list-style-type: none"> <li>i) support Proposals One and Three;</li> <li>ii) support Proposal Two, but requests that a defined set of rules for safety and management for each specific category be developed;</li> <li>iii) support Proposal Four and note the need for clarity for those with English as a second language.</li> </ol> <p>c) appoint Deputy Chair J Spiller and Member D Collings as back-up to present the views in clause b) to the Bylaw Panel on 19 October 2021.</p> <p>d) delegate authority to the local board chair to appoint replacement(s) to the persons in clause c) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</p> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [ii] refer to Attachment G, under Bylaw implementation</li> <li>• [iii] refer to Attachment G, under education.</li> </ul>   |
| <p>PKTPP/2021/196 That the <b>Puketāpapa Local Board</b>:</p> <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p> <p>b) provide its views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations.</p> <p>c) support the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ārohe Tauhokohoko, Takunetanga, me ngā Whakaahua i ngā Wāhi Marea 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.</p> <p>d) support proposed separating out of rented micromobility devices to be approved under their own specific license rules rather than a mobile shop licence and request local board involvement in the development of these rules.</p> <p>e) request that resourcing is made available to ensure effective monitoring and enforcement of the decisions made under this bylaw.</p>  | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [e] refer to Attachment G, under more effective resourcing and enforcement.</li> </ul>   |
| <p>That the <b>Waitematā Local Board</b>:</p> <p>a) receive public feedback on, and express support for most of the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p> <p>b) make the following comments and request the following changes and additions:</p> <ol style="list-style-type: none"> <li>i. support retaining the current 1.8 metre provision for unobstructed pavement</li> <li>ii. support separating out from mobile shop licenses and setting specific licence procedures and rules for rental micromobility devices to ensure public safety and improve public experience at council-controlled public spaces</li> </ol>  | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [iii] refer to Attachment A, Proposal 2</li> <li>• [iv] refer to Attachment A, Proposal 2</li> <li>• [v] refer to Attachment A, Proposal 1</li> </ul>              |

| View of local board   | Staff Comments   |
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| <p>iii. request that the definition of micromobility devices be phrased in a way that will include new types of devices likely to emerge in future by taking the word “small” out of the definition and making it clear that the list of devices is indicative and not exclusive</p> <p>iv. recommend the addition of more specific rules for micromobility devices to include requirements to park such devices in assigned parking spaces for them or, if none are available nearby, to park them in a manner and location that does not constitute a hazard to other footpath and road users, including those who are frail or visually impaired</p> <p>v. recommend strengthening the requirements for all types of licences to ensure minimum obstructions or hazards to pedestrian or vehicular access or flow and to add ensuring proper access and safety for frail and disabled people, including that there should be a reference to conformity with the United Nations Convention on the Rights of Persons with Disabilities</p> <p>vi. support the requirement for all types of licence holders to demonstrate their suitability to hold that licence</p> <p>vii. support the proposed recognition of filming separately from events</p> <p>viii. recommend including a requirement that the use of drones for filming does not compromise people’s privacy, safety, or right to quiet enjoyment</p> <p>ix. support the requirement on filmmakers to protect wildlife</p> <p>x. request that it be a requirement of applicants for filming that the product they make would be permitted to be shown in New Zealand by conforming to New Zealand laws and regulations, for example no filming of tobacco advertisements or of instructions for constructing bombs</p> <p>xi. require any approval for significant street trading, events or filming be notified to any known business or residents’ association for the area</p> <p>xii. support the recognition of the right to protest by removing “protest” from the definition of an event</p> <p>xiii. request an addition that a street performance licence be required for any person, group or organisation that regularly or frequently uses a microphone or other sound amplification devices to broadcast music or speeches in public places to better control public nuisance</p> <p>xiv. support measures enabling the activation of temporary parklets as part of events</p> <p>xv. request that the ability to impose appropriate controls and conditions on commercial activities in parks and public places not currently covered be added to this bylaw or otherwise applied and enforced, particularly for fitness classes, that can create public safety and access issues</p> <p>xvi. support the bylaw having been reworded to act as a “one stop shop” for applicants using “related information notes” and ready access to other relevant material</p> <p>xvii. request a requirement for climate change considerations and other environmental impacts to be taken into account in decision-making where relevant</p> <p>xviii. request that the bylaw explicitly ban trading in tobacco products, contemporary weapons of war, illegal weapons, material promoting the hatred of, or discrimination against, any people by reason of their personal characteristics, and any trading contrary to Auckland Council’s Local Alcohol Policy or Gambling Policies</p> <p>xix. provide for the possible future transfer of aspects of decision-making under this bylaw to the Waiheke Local board under the current governance pilot and, if successful, subsequently to other local boards</p> <p>xx. stress that effective monitoring and enforcement of the decisions made under this bylaw is crucial.</p> <p>c) appoint Chair R Northey to present the views in (b) to the Bylaw Panel on 19 October 2021.</p> <p>d) delegate authority to the local board chair to appoint a replacement should he be unable to present to the Bylaw Panel on 19 October 2021.</p> | <ul style="list-style-type: none"> <li>• [viii] refer to Attachment A, Proposal 1</li> <li>• [x] refer to Attachment A, Proposal 1</li> <li>• [xi] refer to Attachment A, Proposal 1</li> <li>• [xiii] refer to Attachment A, Proposal 3</li> <li>• [xv] refer to Attachment A, Proposal 3</li> <li>• [xvii] refer to Attachment A, Proposal 3</li> <li>• [xviii] refer to Attachment A, Proposal 1</li> <li>• [xix] refer to Attachment G, under non-regulatory measures</li> <li>• [xx] refer to Attachment G, under more effective resourcing and enforcement.</li> </ul> |
| <p>MT/2021/144 That the <b>Maungakiekie-Tāmaki Local Board</b>:</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-rohe Tauhokohoko, Takunetanga, me ngā Whakaahua i ngā Wāhi Marea 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022;</p> <p>b) endorse the proposed amendments to the bylaw, and provide the following points for input:</p>   | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [ii] refer to Attachment G, under Bylaw implementation.</li> </ul>   |

| View of local board   | Staff Comments   |
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| <ul style="list-style-type: none"> <li>i) acknowledge and note the four submissions made from the Maungakiekie-Tāmaki local board area;</li> <li>ii) recommend further work is done to encourage more input from the community when requesting future public feedback.</li> </ul>   |  |
| <p>AE/2021/150 That the <b>Albert-Eden Local Board:</b></p> <ul style="list-style-type: none"> <li>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</li> <li>b) note that there were only four submissions from Albert-Eden Local Board rohe.</li> <li>c) note there are a large number of events held annually in public spaces in the Albert-Eden Local Board rohe and it is regularly used for filming permitted by Screen Auckland.</li> <li>d) provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in resolution a), to assist the Bylaw Panel in its deliberations, noting that the local board: <ul style="list-style-type: none"> <li>i) support Proposal One that continues to regulate trading, events and filming in a similar way to the current Bylaw and note that controls on outdoor dining are required and included in the Bylaw and support identifying filming as a separate activity to events;</li> <li>ii) support businesses to provide access to micromobility as an addition to people’s transport options and Proposal Two that clarifies the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are, but seek the bylaw goes further and request to: <ul style="list-style-type: none"> <li>a) include requirements to park micromobility devices in assigned parking spaces for them or, if none are available nearby, to park them in a way that does not constitute a hazard to other footpath and road users including those who are frail, have mobility issues or are visually impaired.</li> </ul> </li> <li>iii) support Proposal Three, especially the exemption from requiring a trading licence for footpath sales for homemade goods sold by children and for plants grown on an adjoining property, but request the Bylaw: <ul style="list-style-type: none"> <li>a) includes fitness training by outdoor fitness operators and other similar commercial activities in parks are required to register, similar to buskers, noting commercial activity in parks is inconsistent with the Reserves Act and can create disruption and access issues for other park users and neighbouring residents.</li> </ul> </li> <li>iv) support Proposal Four that updates the wording to ensure that a new bylaw is easier to read, understand and comply with.</li> </ul> </li> <li>e) support street dining and business use of public footpaths as it has positive benefits for town centres and request that the outdoor dining licence process ensure minimum obstructions or hazards to pedestrian or vehicular access or flow and proper access and safety for frail and disabled people, including a specific reference in the Bylaw to conform with the United Nations’ Convention on the Rights of People with Disabilities.</li> <li>f) request the Bylaw explicitly ban trading in tobacco products, weapons, material promoting the hatred of, or discrimination against, any group of people by reason of their personal characteristics and any trading contrary to Auckland Council’s Local Alcohol Policy or Gambling policies.</li> <li>g) provide these general comments related to the bylaw being: <ul style="list-style-type: none"> <li>i) encourage the Universal Design Forum to complete the ‘Universal Design Café and Restaurant Checklist’ related to outdoor dining by the end of this year and request the Forum consider the need for pedestrian shelter under verandahs when considering guidance for traders.</li> <li>ii) emphasize that effective monitoring and enforcement of the decisions made under this bylaw are vital.</li> </ul> </li> <li>h) appoint Deputy Chairperson Watson to present the views in noted in resolutions b) – g) to the Bylaw Panel on 19 October 2021.</li> </ul> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• <b>[ii(a)]</b> refer to Attachment A, Proposal 2</li> <li>• <b>[iii(a)]</b> refer to Attachment A, Proposal 3</li> <li>• <b>[e]</b> refer to Attachment A, Proposal 1</li> <li>• <b>[f]</b> refer to Attachment A, Proposal 1</li> <li>• <b>[g(i)]</b> refer to Attachment G, under non-regulatory measures</li> <li>• <b>[g(ii)]</b> refer to Attachment G, under more effective resourcing and enforcement.</li> </ul> |

| View of local board  | Staff Comments |
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| i) delegate authority to the local board chair to appoint replacement(s) to the local board member noted in resolution h) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021. |                |

**Local boards that support, noted or provided additional views to the public feedback in separate appendixes**

The local boards in the table below support or noted the public feedback, and provided additional views in separate appendixes. Text in [...] included reference to the background information on the proposal and was not included to make the table easier to read. In addition, requests for change by the Ōrākei Local Board were emphasizes using bold font.

| Local board  | Staff Comments  |
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| <p>DT/2021/143 - That the <b>Devonport-Takapuna Local Board:</b></p> <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p> <p>b) provide the feedback encompassing local board views and matters raised in public feedback and appended as Attachment A to the minutes of this meeting to the Bylaw Panel to assist the panel in its deliberations on the proposal in recommendation (a).</p> <p>c) appoint Chairperson Jackson to present the views in (b) to the Bylaw Panel on 19 October 2021.</p> <p>d) delegate authority to the local board chair to appoint replacement(s) to the persons in (c) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</p>  | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [b] see detailed reference below.</li> </ul>  |
| <p><b>Attachment A:</b></p> <p>[...] <b>Proposal 1: Continue to regulate trading, events, and filming in a similar way to the current Bylaw</b></p> <ol style="list-style-type: none"> <li>1. The board notes that the majority of public feedback was either supportive of or neutral on the topic of events, trading and filming to be regulated and administered in much the same way as they are now.</li> <li>2. The local board has a hands-on understanding of the administration of these functions and provides the following further feedback.</li> <li>3. The Devonport-Takapuna Local Board area is a particularly popular locality for a wide range of public trading, events, and filming – with the greatest demand and pressure on our beaches, and our coastal and lakeside reserves. All of these activities need to be carefully and appropriately managed.</li> <li>4. Events, trading, and filming applications are currently administered by a range of council departments and CCOs – depending on the activity, and the location. There must be clarity and consistency in how each department and CCO liaises with local boards, including that local boards are advised of the outcome of each application to ensure end-to-end transparency of the decision-making process.</li> <li>5. While local boards are involved in applications for activities in parks, reserves and public spaces in council control – the same is not true of applications taking place on roads, roading reserves, footpaths or other areas in Auckland Transport control. We request that the bylaw also requires Auckland Transport to liaise with local boards.</li> <li>6. Timeframes for delivery of local board feedback on each type of application are often quite tight. We request that timeframes be extended to allow sufficient time for local boards to seek community views where they feel it necessary.</li> </ol> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [4] refer to Attachment G, under Bylaw implementation</li> <li>• [5] refer to Attachment G, under Bylaw implementation</li> <li>• [6] refer to Attachment G, under Bylaw implementation</li> <li>• [7] refer to Attachment A, Proposal 1</li> <li>• [8] refer to Attachment G, under non-regulatory measures</li> <li>• [9] refer to Attachment G, under non-regulatory measures</li> <li>• [10] refer to Attachment A, Proposal 1</li> <li>• [12] refer to Attachment A, Proposal 2</li> </ul> |

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| <p>7. We request that the Bylaw explicitly states that all events, trading and filming activities on reserves must comply with the provisions and conditions of the Reserve Management Plan for that reserve, in addition to the general provisions of the Reserves Act.</p> <p>8. We request that consideration be given to transferring of aspects of decision-making under this bylaw to local boards.</p> <p>9. Screen Auckland has a fee structure in which part of the fee is paid to the local board. We believe that the fee structure for commercial events and trading on Council reserves, parks, and public spaces should also provide the option for local boards to set appropriate rental or hireage fees to be paid to the relevant local board.</p> <p>10. We do not support any additional exemptions for filming applications, noting that filming activities generate a relatively high level of complaints and compliance issues, and the numerous potentially disruptive elements of filming including vehicles, lights, noise, and limiting public access to the public spaces where filming is taking place.</p> <p><b>Proposal 2: Clarify the need for rental micromobility devices to be approved under their own licences instead of a mobile shop as they currently are.</b></p> <p>11. We note that the majority of submitters support the proposal for rental micromobility devices to be approved under their own licences, and support that view.</p> <p>12. We recommend that the bylaw include specific rules ensuring public safety by requiring micromobility devices to be parked in assigned places or, if none are available, to be parked in a manner that does not create a hazard in any way.</p> <p>13. There were mixed public views on whether there should be restrictions on the number of micromobility devices. This can be an issue where there are multiple operators competing for the greater market share, particularly in the more desirable metropolitan areas, and the board considers that council will need to have mechanisms available to address any issues which arise. This may include geo-fencing and/or restricting the number of licensed operators, or the number of devices.</p> <p>14. The local board supports the use of micromobility devices but recognises the need to ensure the safety of both the users of the devices and of other members of the public they are sharing spaces with, and supports all measures which achieve this.</p> <p>15. We note that central government legislation, not the council Bylaw, sets the rules in relation to where users ride micromobility devices, the use of helmets, speed and suitability of hardware.</p> <p><b>Proposal 3: Clarify which activities require an approval, or don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw.</b></p> <p>16. The board supports in principle the provisions of the bylaw as drafted.</p> <p><b>Proposal 4: Update the title, structure, format, definitions and wording to ensure that a new bylaw is easier to read, understand, and comply with.</b></p> <p>17. The board supports the principle of clearer definitions and simpler language that makes the new bylaw easier to read, understand, and comply with.</p> | <ul style="list-style-type: none"> <li>• [13] refer to Attachment A, Proposal 2.</li> </ul>                  |
| <p>OR/2021/150 - That the <b>Ōrākei Local Board:</b></p> <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p> <p>b) provide its views as tabled on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations.</p>  | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [b] see detailed reference below.</li> </ul> |



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| <p>c) appoint Member David Wong to present the Ōrākei Local Board views in b) to the Bylaw Panel on 19 October 2021.</p>   |  |
| <p><b>Attachment: ŌRĀKEI LOCAL BOARD SUBMISSION TO THE BYLAW PANEL</b></p> <p>[...] <b>Proposal 1</b></p> <p>The public feedback acknowledges the importance of continued regulation of trading, events and filming in a similar way to the current Bylaw – within Council controlled public places. The Ōrākei Local Board is an integral governance unit within Council. Therefore, the interaction, review and approval process must be tightly maintained across the various Council divisions through to local board.</p> <p>A local board area such as Ōrākei encompasses cultural, commercial, sporting, artistic, nature and landscape attractiveness – and that trading, events and filming activities are a natural magnet to our key sights.</p> <p>The Ōrākei Local Board emphasise to the Bylaw panel that transparency of the approval process and full engagement with the community will ensure that the bylaw will continue to support the interests of all stakeholders and constituents in the board area.</p> <p><b>Proposal 2</b></p> <p>The public feedback acknowledges the clarification and need for rental micromobility devices to be approved under their own licence. This amends the current practice where the licence is within a mobile shop application.</p> <p>The Ōrākei Local Board support this proposal and the feedback received from the public. The local board acknowledges the original consultation context of the bylaw and that Government legislation sets the rules in relation to where users ride, use of helmets, speed and suitability of hardware. <b>We set a directive to the Bylaw panel to lobby Government to address the latter issues and to empower local authorities to set certain parameters like the vicinity of riding.</b></p> <p>The Ōrākei Local Board are supportive of the comments outlined by the Blind Citizens NZ (BCNZ) which is widely endorsed by other community stakeholders and residents. Not only do they support the need for rental micromobility devices to have their own licence, but BCNZ are also in favour of limiting the number of device licences. In addition, they rightly emphasize that unused micromobility devices are to be placed in permanent docking stations. There is a prevalent culture of device hirers to “dump and run”.</p> <p>The Ōrākei Local Board seek to remind the Bylaw panel that micromobility devices (electric scooters) rules and regulations are in a state of change. And this state of change creates confusion, mixed messaging and a lack of clear guidance for all stakeholders – regulatory, local authority (including CCO’s like Auckland Transport) and community.</p> <p>The Ōrākei Local Board note the NZTA website definition of a ‘low powered vehicle (ie. electric scooter) and that neither registration nor a driver’s licence are required. The local board also notes that e-scooters can be used on the footpath or the road – except in designated cycle lanes that are part of the road (which were designated for the sole use of cyclists).</p> <p><b>The local board and public seek greater enforcement and scrutiny of electric scooter operators to ensure consistency and effectiveness for the sake of wider health and safety; and that the Bylaw Panel lobby (back to the Governing Body) and encourage this change.</b></p> <p><b>The Ōrākei Local Board note the lack of signage for specific instruction of scooters and E-bikes particularly around speed, dangerous road surfaces, integration points with road and cycle lane transitions. There is public confusion not only in our area but across Auckland and it appears we have shifted pedestrians into the pathway of high speed electric micro-mobility devices</b></p> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• <b>[Proposal 1 – advocating to central government]</b> refer to Attachment G, under central government legislation</li> <li>• <b>[Proposal 1 – transparency of the approval process]</b> refer to Attachment G, under Bylaw implementation and process</li> <li>• <b>[Proposal 2 – enforcement of e-scooter operators]</b> refer to Attachment G, under more effective resourcing and enforcement</li> <li>• <b>[Proposal 2 – lack of adequate signage]</b> refer to Attachment G, under education</li> <li>• <b>[Proposal 3 – controls for fitness training operators]</b> refer to Attachment A, Proposal 3</li> <li>• <b>[Proposals 3 and 4 – consultation on the content of controls]</b> refer to Attachment A, Proposal 3</li> <li>• <b>[Proposal 4 – content and types of controls]</b> refer to Attachment A, Proposal 3.</li> </ul> |

The Ōrākei Local Board have first and foremost the interests of the community and wider public. The local board area is fortunate to have near 8 kilometres of coastal route being Tamaki Drive. And the local board has incurred the frustration and near misses of residents who encountered e-scooter incidents<sup>1</sup>. **We support the proposed bylaw changes but again emphasize to the Bylaw panel – more regulatory enforcement powers need to be implemented from Government down to local authorities.**

**Proposal 3**

The public feedback acknowledges the clarification of activities requiring approval and those activities not requiring approval, subject to conditions and not addressed in the Bylaw.

The Ōrākei Local Board are also supportive of the proposal. One area which **we would request the Bylaw Panel to seek further clarification was the example of the fitness classes or training provided by outdoor fitness operators in parks. The latter activity indicated that Council should be given controls to impose conditions on these activities. The local board would be interested in the nature of the said controls and whether this involves consultation and endorsement with the board.**

**Proposal 4**

The public feedback acknowledged the need to make the title, structure, format, definitions and wording clearer – to ensure easier understanding.

**The Ōrākei Local Board as denoted in Proposal 3 are interested to see how the Bylaw Panel frame the interpretation of ‘control’. The proposal intends to clarify matters Council may address in a ‘control’ by stating what types of controls can be made and by improving certainty about who can make them. The local board from a governance perspective will need transparency, consultation, and involvement in this interpretation of ‘control’.**

<sup>1</sup> <https://www.nzherald.co.nz/nz/lime-scooter-rider-to-pay-4000-for-collision-with-woman-causing-serious-injuries/T73DAQSQVVOEUPVSWQFHUAVCCY/> Areas along Mission Bay continue to be venue drop offs for e-scooters and the local board are concerned there is not enough enforcement undertaken for health and safety – and the necessary delegation has not come down from Government to local authorities.

**Local boards that oppose public release with suggested changes or concerns**

The local boards in the table below opposed the public feedback and provided additional views.

| View of local board  |  |
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| <p>WTK/2021/129 That the <b>Waitākere Ranges Local Board:</b></p> <p>a) provide the following feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022:</p> <p>i) consider that this draft bylaw remains insufficiently proactive in its overall direction</p> <p>ii) refer staff to previous resolutions <a href="#">WTK/2021/35</a> from this local board which sets out a number of reservations about the draft bylaw. The concerns expressed in these remain unchanged following the public consultation process. <b>(Note: see section below for contents of previous resolutions)</b></p> <p>iii) express concern that the proposed new bylaw may allow goods and services to be provided on both a casual and a semi-permanent basis, from a council-controlled public place, including public carparks and road corridors, if the financial and / or booking transactions are made and / or carried out online</p> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [iii] refer to Attachment A, Proposal 3</li> <li>• [iv] refer to Attachment A, Proposal 3</li> <li>• [v] refer to Attachment A, Proposal 3</li> <li>• [vi] refer to Attachment G, under Bylaw implementation.</li> </ul> |

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| <ul style="list-style-type: none"> <li>iv) does not support the current proposal, as it has the potential to result in an inappropriate trading activity in the Waitākere Ranges Heritage Area council controlled public places and its significant destinations</li> <li>v) request that the proposed new bylaw ensure that this form of trading requires an approval (a licence) to be considered by the local board</li> <li>vi) request that this should also apply to public space which is overseen by Council Controlled Organisations such as Auckland Transport</li> <li>vii) appoint Chairperson S Toms to present the views in (b) to the Bylaws Panel Hearing of 19 October 2021</li> </ul> <p>b) delegate authority to chairperson S Toms to appoint replacement(s) to the persons in should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</p>   |  |
| <p>WTK/2021/35 – That the <b>Waitākere Ranges Local Board</b>:</p> <p>Provide the following feedback:</p> <ul style="list-style-type: none"> <li>a) consider that the bylaw is principally written with urban public places in mind and does not take into account the diversity of public places across Auckland, specifically it does not address all issues raised by trading, events and filming in the Waitākere Ranges Heritage Area.</li> <li>b) request that the bylaw include a specific reference to the Waitākere Ranges Heritage Area Act 2008 (WRHA) as a key consideration when making decisions under the bylaw for approval of trading, events and filming in the WRHA area.</li> <li>c) request that in clause 12, “Applications for an approval will be considered against relevant matters”, include: <ul style="list-style-type: none"> <li>i. additional matters to be considered in section 12 (2) [insert in the Table (row c)]: "impacts on the environment, such as native fauna and flora" and "in the Waitākere Ranges Heritage Area, impacts on any of the heritage features", as matters to be considered.</li> </ul> <p>The same clauses should be inserted in 14 (2).</p> </li> <li>d) consider that Clause 6, allowing trading without approval in certain circumstances, appears too permissive when applied to visitor destinations in the Waitākere Ranges. We are concerned about what may be allowed as of right under clause c) and e).</li> <li>e) request that the bylaw tightens up requirements for hiring of recreational goods in public places so that they require approval with conditions under this bylaw.</li> <li>f) request the alignment of policies for managing carparking with the adjacent parkland particularly in rural coastal communities to ensure integrated decision-making.</li> <li>g) is concerned that as public place is defined to include road and parking areas, the outdoor display of goods 6 (1) (a) could result in roads and parking areas being used for this purpose. This should not be allowed. Roads and parking areas should not be used for such displays.</li> <li>h) request that the bylaw defines "outdoor fitness provider".</li> <li>i) request that the following clause be inserted in the section relating to council review, c18 (1), insert "to deal with any environmental risks or harms".</li> <li>j) request that a new clause be included in this bylaw, or the dog control bylaw, to require professional dog walkers using public space to follow a code of conduct and apply for a license.</li> </ul> | <p>In response to:</p> <ul style="list-style-type: none"> <li>• [a] refer to Attachment A, Proposal 1</li> <li>• [b] refer to Attachment A, Proposal 1</li> <li>• [c] refer to Attachment A, Proposal 1</li> <li>• [d] refer to Attachment A, Proposal 3</li> <li>• [e] refer to Attachment A, Proposal 3</li> <li>• [f] refer to Attachment A, Proposal 1</li> <li>• [g] refer to Attachment A, Proposal 3</li> <li>• [h] refer to Attachment A, Proposal 3</li> <li>• [i] refer to Attachment A, Proposal 1</li> <li>• [j] refer to Attachment A, Proposal 3.</li> </ul> |

## Local boards that support the public feedback

The local boards in the table below support the public feedback.

| View of local board   |  |  |
|---|--|--|
| UH/2021/117 That the <b>Upper Harbour Local Board:</b>  |  |  |
| <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 (refer Attachment B to this agenda report).</p> <p>b) provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations:</p> <p>i) endorse the points raised by Business North Harbour in its submission (refer Attachment A to the minutes document).</p> <p>c) appoint Chairperson L Whyte to present the views in b) to the Bylaw Panel on 19 October 2021.</p> <p>d) delegate authority to the local board chair to appoint replacement(s) to the persons in c) should an appointed member be unable to present to the Bylaw Panel on 19 October 2021.</p> |  |  |
| RD/2021/323 That the <b>Rodney Local Board:</b>   |  |  |
| <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report</p> <p>b) support Auckland Council's direction on the new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p>  |  |  |
| MR/2021/156 That the <b>Manurewa Local Board:</b>   |  |  |
| <p>a) riro / receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report</p> <p>b) mihi / thank those members of the public who took the time to provide their views on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022</p> <p>c) provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation (a) to assist the Bylaw Panel in its deliberations:</p>  |  |  |
| Topic   | Description  | Local board views  |
| Proposal 1  | Continue to regulate trading, events and filming in a similar way to the current Bylaw.  | The local board supports an approach that ensures the bylaw is sensible, reasonable, fair and evidence-based.  |
| Proposal 2  | Clarify the need for rental micromobility devices to be approved under their own licence instead of a mobile shop licence as they currently are.   | The local board supports measures that mitigate risk to public safety.   |
| Proposal 3  | Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw. | The local board supports improvements to the bylaw that make it clearer and easier to understand by those seeking to operate within it on public land. |
| Proposal 4  | Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with.            | The local board supports improvements to the bylaw that make it clearer and easier to understand by those seeking to operate within it on public land. |
| Other   | Other bylaw-related matters raised in public feedback and other additional matters.  | No comment   |
| WHK/2021/106 - That the <b>Waiheke Local Board:</b>   |  |  |
| <p>a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.</p>   |  |  |

OP/2021/147 That the **Ōtara-Papatoetoe Local Board:**

- a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report
- b) support the four proposals:
  - i. Proposal 1: Continue to regulate trading, events and filming in a similar way to the current Bylaw
  - ii. Proposal 2: Clarify the need for rental micro mobility devices to be approved under their own licence instead of a mobile shop licence as they currently are
  - iii. Proposal 3: Clarify which activities require an approval, don't require an approval as long as certain conditions are met, and are not addressed in the Bylaw; and
  - iv. Proposal 4: Update the title, structure, format, definitions, and wording to ensure that a new bylaw is easier to read, understand and comply with
- c) note the general public support for all four proposals
- d) note there was no public feedback

WH/2021/97 That the **Whau Local Board:**

- a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.
- b) request that Auckland Council's Bylaw Panel gives due consideration to feedback received from the Whau, namely the Rosebank Business Association, responding in context with the overall regional feedback.
- c) appoint Deputy Chair F Amosa to present the views in (b) to the Bylaw Panel on 19 October 2021.
- d) delegate authority to the local board Chair to appoint replacement(s) to the persons in (c) should Deputy Chair F Amosa be unable to present to the Bylaw Panel on 19 October 2021.

HM 2021/141 That the **Henderson-Massey Local Board:**

- a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

PPK /2021/172 That the **Papakura Local Board:**

- a. receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.
- b. note there was no public feedback from the people living in the Papakura local board area on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.
- c. support the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022, noting there was majority support for the proposed new bylaw in the feedback received.

GBI/2021/118 That the **Aotea / Great Barrier Local Board:**

- a) receive the report and note there was no public feedback from the Aotea / Great Barrier area on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.
- b) thank Sam Bunge - Policy Advisor and Paul Wilson - Senior Policy Manager for their work on the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022.

FR/2021/133 That the **Franklin Local Board:**

- a) receive public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022 in this agenda report.
- b) endorse the proposed approach to making a new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022, noting that support is aligned with feedback from submitters within the Franklin Local Board area
- c) decline the opportunity to present views to the Bylaw Panel on 19 October 2021.

