Nelson City Council
te kaunihera o whakatū

AGENDA

Ordinary meeting of the

Nelson City Council

to Deliberate on the Draft City Amenity Bylaw

Wednesday 23 August 2017
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

M2829

Nelson City Council
te kaunihera o whakatū

Nelson City Council

23 August 2017

Page No.

Opening Prayer

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Deliberations on the Proposed City Amenity Bylaw 4 - 92

Document number R8115

Recommendation

That the Council:

<u>Receives</u> the report Deliberations on the Proposed City Amenity Bylaw (R8115) and its attachments (A1815990, A1816387, A1815313, A1815615, A1816019, A1770725); and

<u>Directs</u> the Chief Executive to prepare an enforcement policy which will include: where a person is homeless and sleeping in the City Centres rather than sleeping as a form of protest, Council officers will work with social agencies to try and find solutions for those persons; and

<u>Agrees</u> that until the enforcement policy is adopted this resolution is Council's adopted approach to homeless people sleeping in the City Centres rather than sleeping as a form of protest; and

<u>Confirms</u> either the amendments to the Bylaw shown in Attachment 1 or those shown in Attachment 1A; and

<u>Agrees</u> the amendments are consistent with the New Zealand Bill of Rights Act 1990 and the amended Bylaw is the most appropriate form of Bylaw; and

<u>Subject to deciding which amendments to adopt, adopts</u> the City Amenity Bylaw as amended and appended to this report as either Attachment 1 or Attachment 1A;

<u>Determines</u> the date that the bylaw will commence as being 11 September 2017; and

<u>Agrees</u> the Chief Executive can make minor amendments to the Bylaw once adopted.

REPORT R8115

Deliberations on the Proposed City Amenity Bylaw

1. Purpose of Report

1.1 To provide information to assist Council in deliberating on the proposed City Amenity Bylaw.

2. Summary

2.1 The Council needs to:

(a) Determine the City Amenity Bylaw is consistent with the New Zealand Bill of Rights Act;

(b) Determine the Bylaw is the most appropriate form of Bylaw;

(c) Adopt the Bylaw in whole or in part, amend the Bylaw or withdraw the Bylaw;

(d) Determine that any amendments to the Bylaw are within the scope of submissions; and

(e) Set out the reasons for any decisions and convey these to submitters.

2.2 The recommendation is to amend the Bylaw and in particular clause 12 (events and permits), clause 13 (sleeping in the City Centres – two options are provided) and to make a number of other more minor amendments to the Bylaw based on submissions. These changes are considered to meet the provisions outlined above.

3. Recommendation

That the Council:

<u>Receives</u> the report Deliberations on the Proposed City Amenity Bylaw (R8115) and its attachments (A1815990, A1816387, A1815313, A1815615, A1816019, A1770725); and

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person is homeless and sleeping in the City Centres rather than sleeping as a form of protest, Council officers will work with social agencies to try and find solutions for those persons; and

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<u>Subject to deciding which amendments to adopt, adopts</u> the City Amenity Bylaw as amended and appended to this report as either Attachment 1 or Attachment 1A;

<u>Determines</u> the date that the bylaw will commence as being 11 September 2017; and

<u>Agrees</u> the Chief Executive can make minor amendments to the Bylaw once adopted.

4. Background

4.1 On 27th October 2016 Council requested a further report be brought back to Council outlining progress towards resolving public disorder issues in the City Centres. A report was brought back and on 15th December 2016 Council resolved to investigate and then develop a bylaw. On 23rd March 2017 the Council determined the perceived problems, resolved that a bylaw was the most appropriate way to address the perceived problems and it approved the statement of proposal for consultation.

4.2 The overall purpose of the proposed City Amenity Bylaw includes protecting, promoting and maintaining public health and safety and maintaining and enhancing the amenity of Nelson's City Centres. It aims to regulate public places in the City Centres so they can be used and enjoyed by all. The proposed City Amenity Bylaw, as notified, seeks to (the points below summarise the content of the Statement of Proposal):

(a) Maintain public availability of footpaths by leaving at least a 2 metre wide thoroughfare. This includes not preventing access by emergency services and regulating the placement of things or structures. Obstructions must not prevent window displays and

signage from being viewed from within 500mm of the display or signage, unless permission is given and things should not be placed and structures erected, unless permission is given (clauses 8.3, 8.4 and 10).

(b) Prevent sleeping overnight on a footpath or road unless permission is given (this does not address sleeping in vehicles which is covered under the proposed Freedom Camping Bylaw) (clause 13).

(c) Introduce a permit process for organisers of events and provide criteria for the assessment of permit applications (clause 12).

(d) Permit the Council to install under veranda lighting (clause 9).

(e) Manage the risk of damage being done to public places and requiring the reinstatement of the areas affected to an appropriate standard (clause 8.2).

4.3 The proposed Bylaw applies to the City Centres being the Inner City, City Fringe and Suburban Commercial Zones. Maps contained in Attachment 2 show the areas proposed to be covered by the Bylaw.

4.4 The proposed Bylaw attracted 319 submissions and Hearings were held on those submissions on 21st June 2017. This report outlines the issues raised in submissions, and provides an analysis of the issues and the options now available to Council.

5. Discussion

5.1 The following structure is followed in section 5 of the report:

(a) A brief summary of the overall number of submissions.

(b) A discussion of the issues raised in submissions (a more complete summary is included in Attachment 3; the index to the submissions is included in Attachment 5).

(c) Other matters.

(d) The process for a bylaw, the problem definition and the New Zealand Bill of Rights Act 1990 (NZBORA).

5.2 In section 6 of this report there is an analysis of the options available to Council.

Summary of Submissions

5.3 There were a total of 319 submissions. Thirty-six were in favour of the proposed Bylaw and 268 opposed the proposed Bylaw and 15 submissions did not express an opinion.

5.4 Of those opposed to the proposed Bylaw, 159 submitters suggested that the Wellington City Council Bylaw provisions for assembly (clause 6 of

the Wellington City Public Places Bylaw) should replace clause 12 of the proposed Bylaw (events and associated permits). In addition 21 submitters raised concern about clause 13 (sleeping on the footpath or road in the City Centre).

5.5 Of those in support of the proposed Bylaw, they were either unreservedly in support or were in support but raised matters associated with homelessness and the use of existing legislation where possible.

Issues Raised in Submissions

5.6 The following table provides a summary of the main issues raised in submissions and comments on each matter. Additional matters raised in submissions are covered in paragraphs 5.7 below and summarised in Attachment 3.

Table 1: Issues Table

Issue	Comment
Homelessness	Twenty-one submissions raised concerns with clause 13 regarding sleeping in the City Centres. Homelessness is an issue across New Zealand. It requires a coordinated multiple agency and all of Government response. This Bylaw does not look to exacerbate that issue. That is why a recommendation is included in this report that the Chief Executive develop an enforcement policy clarifying Officers, as a first response, will work with appropriate agencies to try and find alternative accommodation for those having to sleep on the street. In the absence of the enforcement policy it is recommended that Council agree to a resolution adopting this approach. Sleeping in public places is not prohibited entirely as the restriction is only in relation to footpaths and roads within the city centres (or alternatively inner city) - not public places as a whole. In addition, it can be authorised for footpaths and roads, if the Council wishes in individual cases. Sleeping overnight is considered further at paragraph 5.26 – 5.28 where two options are proposed for consideration.
Administration and enforcement of the proposed Bylaw	Questions were asked as to how the Bylaw would be administered, the timeliness of decision making and the costs of the process.

	As with any Bylaw duly authorised officers take enforcement action commensurate with the issues at hand. There is an escalating response where generally there is an initial request(s) from the officer, then explaining the consequences of continued non-compliance followed by formal enforcement action. Enforcement action can include prosecution (no immediate resolution as it is subject to a court process); an injunction in the District Court; and/or seizure of property involved in the commission of the offence. As the recommendation is to move to a notification process for an event there will be no time issues associated with any decision as no decision will be required. If enforcement is required there are costs associated with that process. The quantum of those costs range depending on the issues at hand and what action is taken.
Process and grounds for bylaw making	Refer to paragraphs 5.8 to 5.17 below.
Events/Protests – clause 12	Submitters sought to have this clause deleted or replaced with the wording used by Wellington City Council. Other submitters sought to have decision making criteria included. This issue is discussed further at paragraphs 5.24 below. It is recommended that the Bylaw is altered to a notification process in accordance with the Wellington City Council approach. An alternate option of deleting this clause entirely is considered at paragraph 5.25. With either of these options no permit is required so there is no requirement for decision making criteria for events/protests permits.
Clause 10 – window displays	Submitters felt the clause favoured businesses and may prevent protests. Amenity within the central city relies in part on having open shop frontages. Certainly retailers seek to have window displays able to be viewed to attract shoppers in. It is recommended the clause be amended to increase the distance for viewing window displays

	from 500mm to 600mm. And clarify the viewing distance is measured from the window of the premises.
Clause 8 – Use of public amenities	Submitters sought a reconsideration of the 2 metre width being kept clear as this may be too wide. It is recommended to amend clause 8 to alter the width of the footpath to be kept clear from 2 metres to 1.5 metres.
Are contractors caught by clause 8 – use of public amenities?	Clause 8 lists things that people should not do (including damage, interfere with, drive on, place things or erect structures) without the permission of the Council. If contractors are undertaking work on behalf of the Council then they have permission for the purposes of the Bylaw.
Clause 8 – use of public amenities	There was some support for the clause but clarity was sought to ensure tables for fundraising activities could continue. The proposed Bylaw has been amended to enable this to occur (clause 8.4.)
Clause 9 – security lighting under verandas	Three submitters supported this clause and two questioned the need for it. Verandas are owned by individual property owners and as such Council currently has no ability to install lighting without agreement. Lighting is a safety issue particularly in City Centres. No changes are recommended to this clause.
Other drafting changes.	There were 41 comments related to drafting changes. These ranged from: (a) Simplify the entire bylaw; simplify the relationship between clauses 8, 11 and 12. Agree in part to the extent changes are recommended. (b) Re-write parts 3 and 4. Agree in part to the extent changes are recommended. (c) Re-word clause 3 - purpose. Agree in part to the extent changes are recommended. (d) Clause 6 which refers to what persons should generally do should protect the right to protest. The amendments to clause 12 address this issue. (e) Amend definitions for centres, commercial services, events and nuisance. It is recommended to amend the definition of

	events and signs and include a definition for sleeping.
New Zealand Defence Force (NZDF)	NZDF want to be exempt for events if they are undertaking an operation or training exercise in Nelson. This seems appropriate. It is recommended that NZDF is excluded from the definition of event.
Nelson 2060	Submitters asked that the Bylaw aligns with the provisions of Nelson 2060. Nelson 2060 is a vision statement around sustainability. The Bylaw is not inconsistent with it.
Seek advice from Local Government New Zealand (LGNZ)	Advice was sought on the permit provisions within the notified version of the Bylaw and LGNZ was comfortable with the proposed bylaw on the grounds that there were conditions and a process in relation to protests.

Other Matters

5.7 Other matters that have been raised in discussion at the Hearing and in developing the Bylaw are:

(a) The process followed by Wellington City Council in regard to holding an event or protest. The advice provided at the Council meeting on 23 March 2017 was that Wellington City Council (WCC) had a requirement for a permit for events and protests. When that advice was provided that was based on the content of the WCC website. Further investigation shows the advice to be incorrect and the website was not in accordance with their process. WCC staff have confirmed the website was incorrect at that time. WCC asks for notification if someone is organising an activity or event that may:

(i) Affect vehicle or pedestrian traffic

(ii) Increase traffic to a special area (concert, sports)

(iii) Require a road or footpath closure (parades, marches, runs, rallies)

(iv) Require signage next to a road.

Where someone is planning an activity that requires closure of a vehicle lane, parking area or footpath then permission is required from WCC.

(b) Discussions have occurred with the Police. Council would be required to enforce the Bylaw and the Police would only be involved if there is an issue that arises.

Process for a Bylaw, the Problem Definition and New Zealand Bill of Rights Act 1990 (NZBORA)

5.8 Each of these matters is dealt with in the following paragraphs.

Process for a Bylaw

5.9 Council must follow the process prescribed by section 155 of the Local Government Act 2002 (LGA) which requires a three stage inquiry. These stages are:

(a) What is the perceived problem and is a bylaw the most appropriate way of addressing that problem? (s155(1) LGA)

(b) Is the proposed bylaw the most appropriate form of bylaw for addressing the perceived problem? (s155(2)(a) LGA)

(c) Is the proposed bylaw consistent with NZBORA? (s155(2)(b) LGA)

The Problem Definition for the Proposed City Amenity Bylaw and Appropriateness

5.10 Over a period of time Council has considered various issues that have arisen in the District and identified there was a gap in their ability to regulate the use of public places so that they can be used and enjoyed by all. The perceived problems were:

(a) Amenity in the City Centres is being affected by others' use of it – e.g. accumulation of possessions, things and structures.

(b) Public use (and passage) along the footpath is obstructed – including the ability to access shop frontages and view goods and consequent loss of potential business.

(c) Safety (and perception of safety) of pedestrians (and traffic) and others using public places being impacted by others' use of public places – particularly at night.

(d) Safety of those using public places at night.

(e) The potential for protests to affect others' use of public places.

5.11 An assessment of the issues and the options for addressing these perceived problems has been previously provided to Council prior to the development of the proposed Bylaw. The options that were considered include:

(a) Offences under the Summary Offences Act 1981 (relating to public disorder and obstruction).

(b) Trespass under the Trespass Act 1980 and civil trespass action.

(c) The Resource Management Act 1991 - specifically sections 17 and 314 regarding offensive and objectionable activities and avoiding, remedying or mitigating effects on the environment through the removal of things from the footpath.

(d) The existing Urban Environments Bylaw 2015.

(e) Trading in Public Places Bylaw 2007.

(f) Actions under the Freedom Camping Act 2011.

(g) Powers under the Local Government Act 2002 and 1974.

(h) Powers under the Public Works Act 1981.

(i) Options for leases and licences of footpaths in the central city.

(j) Alterations to the physical layout of public places in order to make the continual occupation of footpaths less appealing.

(k) Negotiation to address individual cases.

(l) Management through a bylaw or other mechanism for freedom camping.

(m) The development of a new bylaw specific to city amenity.

5.12 Option (m) was the selected option. Nelson City Council does not currently have a bylaw, such that other cities in New Zealand do, to address safety and amenity in public places. This was identified as a gap in Council's ability to regulate the use of public places so they can be used and enjoyed by all.

5.13 A list of urban Councils with similar bylaws is contained in Attachment 4. The New Zealand Model Bylaws have been followed in developing the proposed bylaw and the Model provisions regulate:

(a) Placing things or materials in a public place that are likely to be hazardous, injurious or create a nuisance (cl 202.1(a)).

(b) Cause or allow any material or thing to be deposited in a public place or road (cl 202.1(c)).

(c) Erect a structure on a public place except in compliance with a bylaw (cl 202.1(n)).

(d) Obstruct a public place (cl 203).

(e) Place any "material or thing, including signage, amusement devices or items for sale or hire, on any public place unless authorised by Council" (cl 205(1)).

(f) Assembly in a public place (cl 209).

5.14 Since the bylaw was notified there have been further examples on Trafalgar Street of people occupying public places. This is an example of how the occupation of public spaces can affect those undertaking their trade, access to footpaths, feeling safe walking along the footpath and safety of those both occupying the public space or using that space.

New Zealand Bill of Rights Act 1990 (NZBORA)

5.15 New Zealand Courts have considered bylaws, notably in the cases of *Wadsworth and Bright* v *Auckland Council and the Attorney General* [2013] NZHC ("Wadsworth") and *Schubert* v *Whanganui District Council* [2011] NZAR, 233 ("Schubert"). Both cases referred to *R* v *Oakes* [1986] 1 SCR 103 ("Oakes"). In brief, the Courts have accepted that the freedoms enshrined in the New Zealand Bill of Rights Act 1990 (NZBORA) may be limited by a bylaw if the objective for that bylaw is:

(a) Pressing and substantial, sufficient to override the protected right or freedom.

(b) There is a rational connection between the limitation proposed by the bylaw and the stated objective of the bylaw that is not arbitrary, unfair or based on irrational considerations.

(c) The right or freedom is impaired as little as is reasonably possible.

(d) The bylaw limitation is a proportional response to the problem (i.e. should only be what is reasonably necessary to address the problem and no more).

5.16 The New Zealand High Court accepted that the Auckland City Council bylaw, that required a permit for protesters seeking to occupy Aotea Square, was a reasonable limitation because it only limited organised events, had a clear intent of protecting health and safety, set out reasons for declining permits and the Court found this went some way towards a connection between the permitting regime it proposed and the objectives of the bylaw (*Wadsworth*). However, the Wanganui District Council that banned gang patches from the District was found to be an unreasonable limit on freedom of expression because the bylaw was too geographically wide and therefore impaired freedom of expression more than was reasonably necessary to achieve the bylaw's purpose (*Schubert*) i.e. it was disproportionate.

5.17 It is considered the notified Bylaw (as currently drafted) met the requirements of NZBORA with the exception of clause 12 which as notified potentially impinges on the following rights contained in NZBORA:

(a) Section 14 – freedom of expression;

(b) Section 16 – freedom of peaceful assembly;

(c) Section 17 – freedom of association; and

(d) Section 18 – freedom of movement.

5.18 The *Wadsworth* case provides precedent in terms of regulating public spaces in the public interest. However, the Bylaw as notified can be distinguished because the *Wadsworth* bylaw:

(a) Required people to obtain a permit for organised events/protests and as such, spontaneous protests could occur without a permit.

(b) Set out the reasons why permits may be declined and greater detail about the permitting regime.

5.19 The Bylaw as notified could be seen to be too discretionary regarding when a permit would be refused and too far reaching given it would cover all events, even those that do not have any impact on traffic or pedestrian thoroughfare.

5.20 There are two options with this clause; either delete it entirely or amend it to align with the WCC approach.

5.21 It is recommended the Bylaw as notified be amended to focus clause 12 on notification of the Council only where there is likely to be disruption to pedestrians and traffic and only for organised events. This amendment would focus control on impeding access and safety issues and would require no approval process for organised events (unless the road is required to be closed).

5.22 Deleting the clause is an alternative. Deletion would mean there is no foreknowledge of an organised event which would put Council Officers on the back foot if things need to be arranged to assist the event.

5.23 The following comments are made in relation to the part of the Bylaw as notified covering sleeping on a footpath/road overnight and NZBORA:

(a) There is a rational connection between the limitation and the objective of ensuring a safe environment for all people using those public places.

(b) The area the Bylaw relates to is geographically limited to footpaths and roads in Nelson's City Centres rather than being geographically wide, meaning it is not disproportionate and does not unduly restrict people's freedoms.

(c) Where a person is homeless and not protesting, Council's first response will be engagement with the appropriate social services to try to locate alternative accommodation or solutions. It is proposed that an enforcement policy be developed outlining this process and in the meantime a Council resolution will be followed by Officers which confirms this approach.

5.24 In relation to sleeping overnight alternatives could be:

- That this restriction is limited to just the Inner City zone rather than city centres generally.

- Delete clause 13 and the definition of "sleep" as reflected in Attachment 1A so there are no controls on sleeping overnight in the City Centres.

- To amend the Bylaw to base action on complaint that on reasonable grounds the person(s) sleeping in a particular place is causing nuisance. We note that Napier City Council is proposing to trespass people from each particular site if it receives a complaint. However, from the point of view of enforceability this is less certain than saying no sleeping overnight within certain areas, as an enforcement officer is then required to determine the nuisance effects.

5.25 The sleeping overnight provisions meet the necessary tests as outlined in section 5.23. Alternatively Council may decide to either refine the clause to only apply in the Inner City or delete it in entirety.

6. Options

6.1 Six options have been identified and are discussed in Table 2 below. With all of the following options it is recommended that other actions continue to be pursued to address current issues in Nelson particularly within Trafalgar Street including: liaison between social agencies, Police and Council and potential further negotiation/mediation between parties.

6.2 With options 2, 3, 4, 5 and 6 other specific wording changes are recommended to the bylaw to address:

(a) An exemption for the New Zealand Defence Force.

(b) Specific drafting improvements as identified in Attachment 1 to address matters raised in submissions.

Table 2: Options

Option 1: Continue with the Bylaw as Drafted	
Advantages	• Addresses all three main aspects at issue being sleeping overnight, occupying footpath space during the day and leaving belongings on the footpath or road.
Risks and Disadvantages	• Probability of legal challenge to the Bylaw due to NZBORA implications. • Not supported by a number of submitters.
Option 2: Withdraw the Bylaw	
Advantages	• Supported by a number of submitters. • No legal risk.

Risks and Disadvantages	• Does not address the perceived problems and other options would need to be pursued to address the issues including sleeping overnight, occupying footpath space during the day and leaving belongings on the footpath or road. • Public concern regarding safety issues would continue. • There have been costs to date.
Option 3: Withdraw Clause 12 – Events and Permits	
Advantages	• Supported by a number of submitters. • Limits legal risk as the most contentious part of the Bylaw is removed.
Risks and Disadvantages	• Would leave a gap in the bylaw regarding occupation of footpath space for protests where no sleeping is occurring and no placing of things.
Option 4: Withdraw Clause 12 (Events and Permits) and Replace with the Wellington City Council Clause (Notification of an Event)	
Advantages	• Supported by a number of submitters. • Limits legal risk as the most contentious part of the Bylaw is amended in accordance with matters raised by a number of submitters. • Allows safety and traffic management to be addressed.
Risks and Disadvantages	• Would leave a gap in the bylaw regarding occupation of footpath space for protests where no sleeping is occurring and no placing of things.
Option 5: Withdraw Clause 13 regarding sleeping in City Centres and the definition of "sleep"	
Advantages	• No legal risk. • Aligns with the intent of a number of submissions relating to homelessness.
Risks and Disadvantages	• Would leave a gap in the bylaw regarding occupation of footpath space for protests that involve sleeping overnight.
Option 6: Amend Clause 13.1 so that it only regulates sleeping on a footpath or a road in the Inner City rather than all City Centres	

Advantages	• Limits the restriction to Inner City only
Risks and Disadvantages	• Would leave a gap in the bylaw regarding occupation of footpath space other than the Inner City.

7. Next Steps

7.1 In reaching a decision regarding the proposed Bylaw the Council needs to:

(a) Determine the Bylaw as proposed is consistent with the NZBORA and the most appropriate form of bylaw.

(b) Adopt the Bylaw in whole or in part, amend the Bylaw or withdraw the Bylaw; and

(c) Set out the reasons for any decisions and convey these to submitters (section 82(1)(f) Local Government Act 2002): *"That persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions..."*

7.2 The proposed amendments to the Bylaw are all within the scope of the submissions.

7.3 If the Council accepts the recommended option then the following are presented as potential reasons for the decision. The recommended option is to adopt the Bylaw in part; amend Clause 12 to require notification of an organised event or protest rather than obtaining a permit covering both organised and spontaneous events; either retain clause 13 sleeping in entirety or amend that clause to only apply to the Inner City; and make other more minor amendments as contained in Attachments 1 or 1A.

7.4 The perceived problems identified before commencing the bylaw making process (and reflected above) remain and the Council still considers a bylaw the most appropriate way of addressing those problems.

7.5 The Council has now considered all the submissions and has made a number of changes to the Bylaw to address concerns raised. This includes:

(a) 'Pulling back' on the requirement to obtain permits for events and protests and instead requiring notification of events to Council, if they are likely to impede traffic or pedestrian flows and ensuring spontaneous events/protests are not captured; and

(b) Ensuring it is clear that it is only overnight sleeping on roads and footpaths that is regulated unless Council deletes clause 13; and

(c) Amending the definition of events to exclude spontaneous events and training exercises of the NZ Defence Force (which is covered by the Nelson Resource Management Plan); and

(d) Adding a definition of "sleep" to exclude people seeking a short rest on a public bench; and

(e) Improving the ease of use of footpaths by increasing the distance between a window frontage and goods on the footpath (amended to 600mm from 500mm); and

(f) Bringing all the provisions for permissions into one clause, simplifying the requirements and clarifying the process.

7.6 The Council has carefully considered the submissions relating to the NZBORA implications of the proposed Bylaw - particularly in relation to the proposed permit process for events/protests and for sleeping. It has considered the *Oakes* tests and assessed the amended provisions against those tests.

7.7 It has determined that the Bylaw, as amended, will achieve the objective of regulating the use of public places so that they can be used and enjoyed by all, in a manner that ensures the rights in NZBORA are impaired as little as reasonably practical and in a manner that is proportional to the problems the Council is trying to address.

7.8 The Council considers the amended Bylaw, either Attachment 1 or Attachment 1A, is the most appropriate form of bylaw and that it is a reasonable solution to the problems identified.

7.9 Any enforcement of the Bylaw will be carried out by Council Enforcement Officers, who will have the power to ask any person in breach to stop the activity. The consequences for failure to comply with a request of an Enforcement Officer can include fines, removal of any things in breach of the Bylaw, seizure of property and/or injunctive relief.

8. Conclusion

8.1 A new bylaw is the most appropriate manner in which to address the perceived problems in the Nelson City Centre. The recommendation is to amend the draft Bylaw (as detailed above) and then to adopt the amended Bylaw.

Clare Barton
Group Manager Strategy and Environment

Attachments

Attachment 1: Appendix 1 - Amended Bylaw - A1815990 ⇩
Attachment 2: Appendix 1A - Amended Bylaw - A1816387 ⇩
Attachment 3: Appendix 2 - Maps - A1815313 ⇩
Attachment 4: Appendix 3 - Summary of Submissions - A1815615 ⇩
Attachment 5: Appendix 4 - Other Councils - Similar Bylaws - A1816019 ⇩
Attachment 6: Appendix 5 - Index to Submissions - A1770725 ⇩

Important considerations for decision making

1. Fit with Purpose of Local Government

The bylaw is the most appropriate and cost-effective manner in which to address the problems which are affecting the amenity value within the Nelson City Centre.

Deliberations on submissions allow Council to consider the community views on the draft City Amenity Bylaw and make changes to the Bylaw based on this feedback.

2. Consistency with Community Outcomes and Council Policy

The recommendations align with our Community Outcomes:

'Our urban and rural environments are people-friendly, well planned and sustainably managed', 'Our communities are healthy, safe, inclusive and resilient' and *'Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement'*

3. Risk

There is a risk that Council will make decisions on the draft Bylaw in response to submissions that some submitters do not agree with.

4. Financial impact

The financial impact associated with the bylaw includes future costs related to enforcement and resources required to administer the bylaw processes.

5. Degree of significance and level of engagement

The bylaw and the issues it aims to address is of high significance due to community interest. The issues are visible in the community and are polarising. Appropriate consultation has been carried out on this matter.

6. Inclusion of Māori in the decision making process

Māori were consulted through the submission process on the Statement of Proposal.

7. Delegations

The Planning and Regulatory Committee referred to Council its powers relating to a City Amenity Bylaw at its meeting on 23 March 2017.

Nelson City Council
te kaunihera o whakatū

Nelson City Council

te kaunihera o whakatu

City Amenity Bylaw (No. [to be inserted])

[date to be inserted if adopted]

DRAFT

1

The COMMON SEAL of the
NELSON CITY COUNCIL
Was hereto affixed in
The presence of:

_____ Her Worship the Mayor

_____ Chief Executive

This _____ of _____ 2017.

DRAFT

CONTENTS

City Amenity Bylaw

Part 1 Administration

Part 2 Definitions

Part 3 Amenity of the cCity centres

Part 4 Events and sleeping Camping

DRAFT

CITY AMENITY BYLAW

PART ONE - ADMINISTRATION

1. **Title**
   1.1. The title of this bylaw is the "City Amenity Bylaw 2017".

2. **Commencement and Review Date**
   2.1. The bylaw came into effect on [date to be inserted] and will be reviewed by [date + 5 years]

3. **Purpose**
   3.1. This bylaw has one or more of the following purposes:
   - i. To protect, promote and maintain public health and safety in ~~Nelson's~~ the city centres;
   - ii. To maintain and enhance the amenity and security of the ~~Nelson's~~ city centres; ~~and~~
   - ~~ii.~~iii. To protect the public from activities that may constitute, or have the potential to constitute, a nuisance.;
   - ~~iii.~~iv. To minimise activities that ~~may~~ cause an obstruction on footpaths and roads;
   - ~~iv.~~v. To minimise ~~the potential for~~ disorder or offensive behaviour within ~~Nelson's~~ the city centres;
   - ~~v.~~vi. To require organisers of ~~regulate the conduct of~~ events, that might impede pedestrian or pedestrian activity ~~including protests~~, within the city centres to notify Council;
   - ~~vi.~~vii. Restrict sleeping on roads or footpaths in the city centres.

   Explanatory note: The provisions in this bylaw are in addition to provisions found in the Urban Environments Bylaw affecting the city centres and in particular Chapter Four "Urban Amenity" and Chapter Five "Trading in Public Places".

4. **Exemption**
   4.1. Nothing in this bylaw shall prevent or restrict Iwi from carrying out activities which are provided for in the legislation enacting their individual Deeds of Settlement.

5. **Breach of Bylaw**
   5.1. Any person who breaches this Bylaw must, on verbal or written request by an Enforcement Officer, immediately stop the activity.

   5.2. Any person failing to promptly comply with a request under clause 5.1 commits a further offence against this Bylaw.

   Explanatory note: Powers and penalties available to Council if a bylaw is breached: Section 242 of the Local Government Act 2002 (LGA) provides for fines of up to $20,000. Section 163 of the LGA allows removal or alteration of works or things in breach of a bylaw. Section 162 allows Councils to apply for an injunction. Sections 164-168 provide for the Council to seize and impound property (which may be subsequently returned or disposed of). Section 176 covers cost recovery.

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PART TWO - DEFINITIONS

- **Authorised officer** means any member of the staff of the Council, a Police Officer or any other person appointed by the Council to act on its behalf and within its authority;

- **City centres** means that area of the City which is zoned "Inner City" and the "City Fringe" and including the Suburban Commercial Zone under the Nelson Resource Management Plan (NRMP) or any other resource management plans which replace the NRMP after this Bylaw is adopted;

- **Chief Executive** means the person for the time being exercising the functions of the Chief Executive of the Council;

- **City** means the territory contained within the City of Nelson as defined by Schedule 2 of the Local Government Act 2002;

- **Commercial Services Premises** means the any premises that solicitsing of patronage for, or provision of, any service which is offered or provided, on payment of a fee, charge or other valuable consideration, either on a casual basis to passers-by or any other service of any kind whatsoever;

- **Council** means the Nelson City Council as constituted by the Local Government Act 2002;

- **Enforcement Officer** means a person appointed by the Council pursuant to section 177 of the Local Government Act 2002 to exercise the powers of an enforcement officer in relation to offences against this Bylaw;

- **Event** is something that is organised to takes place in a public place or along a defined area for a particular purpose and includes a protest whether that protest is organised by a group or the protest of one person;
  - Exclusions from this definition:
  - Events organised by the New Zealand Defence Force;
  - Events that are street markets, street stalls or busking are excluded from this Bylaw and are covered by the Urban Environments Bylaw;
  - Exercise of rights and freedoms covered by the New Zealand Bill of Rights including preaching, religious vigils and protests.
  - *Explanatory note: Section 319, section 342 and Schedule 10 of the Local Government Act 1974 allows the Council to temporarily close a road for public functions provided that, amongst other things, the closure is publicly notified and the aggregate of closures for public functions does not exceed 31 days per annum.*

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- **Nuisance** has the same meaning as section 29 of the Health Act 1956 ~~and includes a person, animal or thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place~~;

- **Public Place** means any public place within the city centres and includes all roads, streets, footpaths and public carparks owned or controlled by the Council, and all parks and gardens and reserves within the city centres;

- **Reserve** means any land which is owned by or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, open space. It does not include a road reserve;

- **Retail** means any shop that provides goods for sale to the public;

- **Road or Street** means the whole of any land which has been laid out by or vested in the Council for the purposes of a road, footpath or street and includes every place, square, accessway, or service lane that is vested in the control of the Council intended for use by vehicles;

- **Signage** means any structure, board, writing or other thing which has as its purpose the disseminating of a message, providing directions to or attracting the attention of passers-by to a site, building, event, available goods or services, or any combination thereof ~~and includes an advertising leaflet or flyer~~;

- **Sleeping** means the occupation of a site or space in a public place during the hours of darkness for a period of two or more continuous hours regardless of whether the occupier is awake or asleep during the period of occupation;

- **Window display** **is a** ~~means goods displayed in the~~ window frontage of any retail or commercial premises where goods are displayed to attract the attention of passers-by and to advertise the goods or services available in those premises.

Explanatory note: Koha is not included in the definition of commercial or retail premises. Inland Revenue regard koha as a gift that is given without expectation of receiving services or goods in return.

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PART THREE - AMENITY OF THE CITY CENTRES

6. All persons using public places must take reasonable steps to:

   6.1. Protect the public from nuisance,

   6.2. Protect, promote, and maintain public health and safety, and

   6.3. Minimise the potential for offensive behaviour in public places.

7. The owner of any building in the city centres with frontage abutting a public place must ensure the property frontage is clean, well maintained and kept clear of weeds, rubbish, accumulated dirt or materials.

8. **Use of Public Amenities**

   8.1. Except with the prior permission of ~~the Council or~~ an authorised officer no person shall:

   a. Cause or ~~permit~~ allow to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
   b. Damage or interfere with any natural feature, animal or plant in a public place;
   c. Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to or interfere with any ornament, statue, building, structure or facilities in a public place except in accordance with clauses 5.19 – 5.23 of the Urban Environments Bylaw;
   d. Use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
   e. Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub, or plant in a public place or any inscription or label relating to it;
   f. Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
   g. Open any drain or sewer on, or disturb or remove the surface of, any public place.

   8.2. Any person carrying out authorised works on a public place shall reinstate the works to a standard approved by an authorised officer.

   8.3. Notwithstanding any other provisions of this bylaw and subject to the prior permission of ~~the Council or~~ an authorised officer no person shall use a footpath or part of the footpath in the city centres ~~CBD in such a manner as to prevent pedestrians to pass and repass~~ unless:

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a. ~~Use a footpath in the city centres in such a manner as to prevent pedestrians to pass and repass and a~~At least 21.5 metres width of the footpath is available ~~shall be assigned f~~for pedestrians to pass and repass; and

b. Emergency services have access to the~~Use a~~ road or footpath ~~in such a manner as to prevent emergency services access, unless~~ or adequate, safe and alternative temporary forms of access are provided.

~~c.~~b. ~~Adequate, safe and alternative temporary forms of access are provided.~~

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8.4. Except with the prior permission of ~~the Council or~~ an authorised officer no person shall on any public place in the city centres:

a. Place or leave or cause or ~~permit allow~~ to be placed or left any material or thing or item on any public place; or

b. Cause or allow any material or thing to be deposited onto a public place or road; or

c. Erect or place any structure on, under or over any public place ~~except in compliance with this or any other bylaw~~; or

d. Place any other items on, under or over any public place except in compliance with this or any other bylaw and in accordance with the following provisions; and

c.e. Not-for-profit organisations undertaking public fundraising or education activities are exempt from requiring permission d ~~or~~

~~Unless~~ Place any other items on, under or over any public place ~~except in compliance with this or any other bylaw and in accordance with the following provisions, provided that~~

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i. The not-for-profit organisation has obtained the prior consent of any retail or commercial premises to undertake such activities outside or adjacent to those premises; and

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~~d~~ii. The not-for-profit organisation remains in compliance with the provisions of clause 8.3.

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~~8.5. Subject to clause 11 of this Bylaw, the Council may issue a permit to any person proposing to place items that would otherwise be in contravention of this bylaw provided that:~~

~~i. The permit is applied for and issued by an authorised officer prior to the activity (unless the action is already permitted by another bylaw); and~~

~~ii. The applicant has provided evidence of consent from the owner or Manager of retail or commercial premises adjacent to the proposed action; and~~

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iii. The proposed action complies with and continues to comply with the provisions of the permit, this or any other bylaw, regulation or enactment.

9. **SecurityVeranda Lighting**

9.1. The Council may install and maintain under veranda lighting in the city centres at its cost to provide security for retail and commercial premises and users of the footpath and surrounding areas.

9.2. Installation of under veranda lighting will be notified to the owners and tenants of retailer and commercial premises giving at least 7 days' notice that such work will be undertaken.

9.3. Any such work shall not affect access into or exit from retail and commercial premises or prevent pedestrians from passing and repassing along the footpath in the work area.

10. **Window Displays**

10.1. Except with prior permission of an authorised officer, no person will shall:

10.1. 10.2.1 Oobstruct the ability of the public to view signage or window displays of retail and commercial premises in the city centres unless that person is a not-for-profit organisation acting in accordance with clause 8.4.1a. of this Bylaw.

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10.2. 10.2.2 Except with prior permission of an authorised officer, no person shall Pplace items on the footpath such that the signage or window displays of retail or commercial premises in the city centres may only be viewed from a distance of greater than 5600mm.

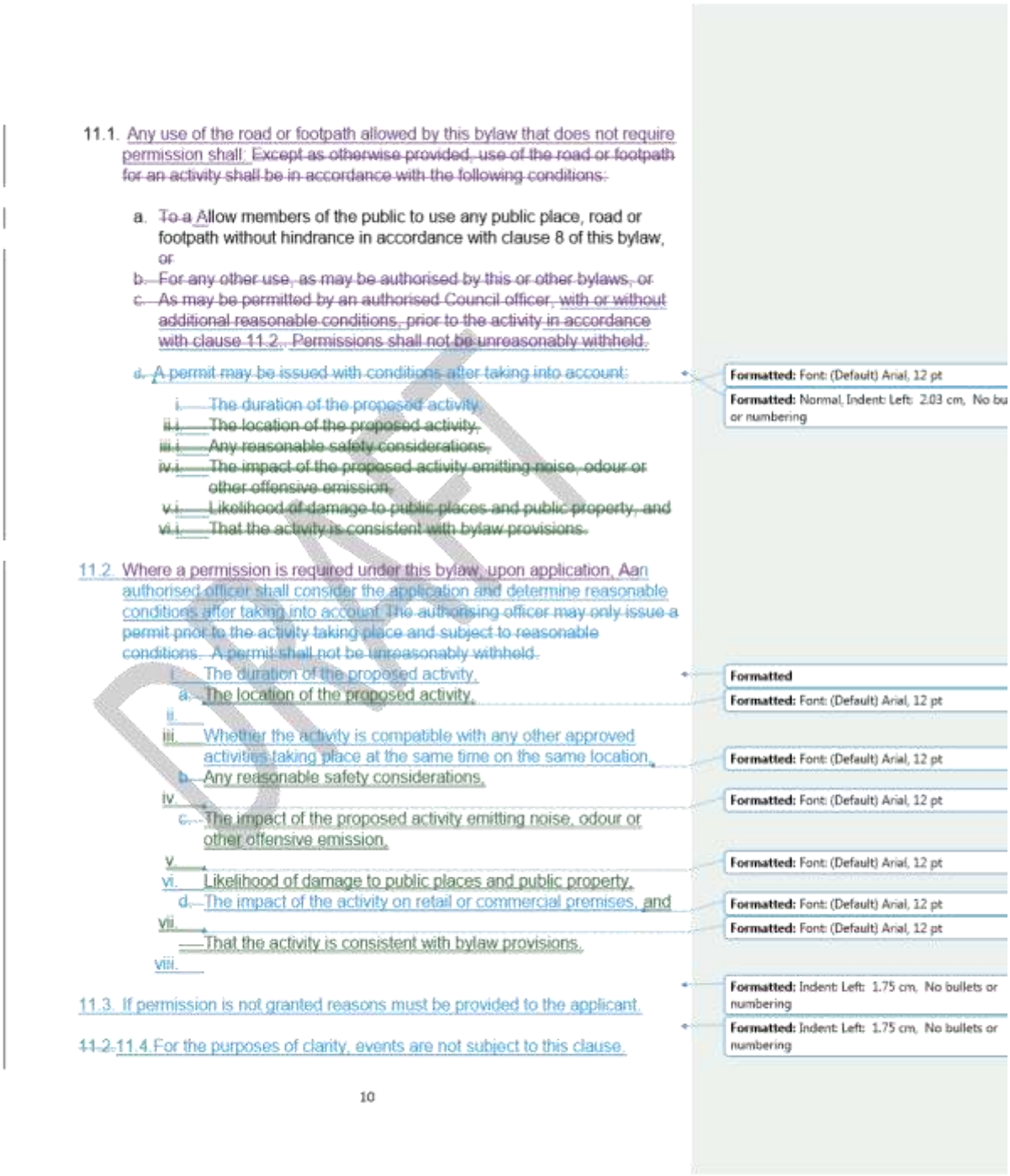
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10.3.10.2 An authorised officer The Council may issue a permitgive permission for the temporary obstruction of a window display taking into account safety, health, the duration of the proposed obstruction and any other relevant matters, provided that window cleaning and or any works affecting the site and that hasve been granted consent under the Building Act 2004 and/or the Resource Management Act 1991 are exempt from requiring a permitthis provision.

Explanatory note: retailers and commercial premises expect that pedestrians can stop to easily survey the items they have placed in window displays and/or signage. The cCity cCentres isare designed to attract retail and commercial activity and ensure that the public can easily use the services provided. Use of retail and commercial services includes the information and enjoyment created by signage and window displays.

11. **Permissionsts**

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11.1. Any use of the road or footpath allowed by this bylaw that does not require permission shall: Except as otherwise provided, use of the road or footpath for an activity shall be in accordance with the following conditions:

a. To a Allow members of the public to use any public place, road or footpath without hindrance in accordance with clause 8 of this bylaw, or

b. For any other use, as may be authorised by this or other bylaws, or

c. As may be permitted by an authorised Council officer, with or without additional reasonable conditions, prior to the activity in accordance with clause 11.2. Permissions shall not be unreasonably withheld.

d. A permit may be issued with conditions after taking into account:

i. The duration of the proposed activity,

ii. i. The location of the proposed activity,

iii. i. Any reasonable safety considerations,

iv. i. The impact of the proposed activity emitting noise, odour or other offensive emission,

v. i. Likelihood of damage to public places and public property, and

vi. i. That the activity is consistent with bylaw provisions.

11.2. Where a permission is required under this bylaw, upon application, Aan authorised officer shall consider the application and determine reasonable conditions after taking into account. The authorising officer may only issue a permit prior to the activity taking place and subject to reasonable conditions. A permit shall not be unreasonably withheld.

i. The duration of the proposed activity,

a. The location of the proposed activity,

ii.

iii. Whether the activity is compatible with any other approved activities taking place at the same time on the same location,

b. Any reasonable safety considerations,

iv.

c. The impact of the proposed activity emitting noise, odour or other offensive emission,

v.

vi. Likelihood of damage to public places and public property,

d. The impact of the activity on retail or commercial premises, and

vii.

That the activity is consistent with bylaw provisions.

viii.

11.3. If permission is not granted reasons must be provided to the applicant.

11.2.11.4. For the purposes of clarity, events are not subject to this clause.

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PART FOUR – EVENTS AND CAMPING

12. Events

12.1. To minimise disruption to pedestrians and other users of public places in the city centres, the organiser of any event that is likely to interfere with traffic or pedestrian thoroughfare in a public place shall notify the Council as soon as reasonably practicable prior to the event commencing.

12.2. After receiving notification, the Council will provide relevant traffic management information to the organiser and/or Police.

~~12.1. Any person proposing to organise or undertake an event within the city centres must apply to the Council for a permit. The authorising officer shall consider the following matters:~~

~~a. Duration of the event,~~
~~b. Location of the event,~~
~~c. Consent of adjacent retailers (which shall in the opinion of the authorising officer not be unreasonably withheld)~~
~~d. Safety considerations,~~
~~e. Health considerations including the provision for collection of litter and clean-up of the site after the event,~~
~~f. Likelihood of noise, odour or other emissions,~~
~~g. Likelihood of damage to public places and public property,~~
~~h. Consideration of Part 3 of this Bylaw, and~~
~~i. Such other matters as the authorising officer may reasonably take into account considering the nature of the event.~~

~~12.2. If the event is a protest the authorising officer shall also take into account:~~

~~a. The rights and freedoms provided for in the New Zealand Bill of Rights Act 1990, and may impose reasonable limits on the protest in accordance with the matters contained in clause 11, and~~
~~b. The general nature of the protest and involves occupation of a public place (such as an assertion of customary rights under the Treaty of Waitangi).~~
~~c. If a protest falls within clause 12.2.b consideration will be given to appropriate conditions whereby the protester or protesters may continuously occupy a specified area for a specified period of time and the Council may decide to renew the specified period of time from time to time.~~

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d. In all other protest actions there is no right to occupy a public place overnight.

12.3. Events shall not:

a. Allow the persons forming the protest to obstruct or impede the free movement of pedestrians along the footpath or way or public place,
b. Use language or behaviour which is abusive, insulting, threatening or offensive, or
c. Undertake or perform any activity which generates any noise that in the opinion of any Police or enforcement officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons.

12.4. The authorising officer may issue a permit for an event subject to reasonable conditions imposed in accordance with this and any other Nelson City Bylaw.

Explanatory Note: see Part 2 Definitions for the definition of events. It is recommended that event organisers contact the Council at an early stage in their planning so that the Council can assist as required.

13. **Sleeping in the city centres**

13.1. No person shall sleep overnight on a footpath overnight or on the road within the city centres unless permitted to do so for a specified period in accordance with these Bylaws.

Explanatory Note: for further information about camping in Nelson see the website nelson.govt.nz

13.2. *Alternative 13.1* No person shall sleep overnight on a footpath or on the road within the inner city unless permitted to do so for a specified period in accordance with the Bylaws.

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Nelson City Council
te kaunihera o whakatū

Nelson City Council

te kaunihera o whakatu

City Amenity Bylaw (No. [to be inserted])

[date to be inserted if adopted]

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The COMMON SEAL of the
NELSON CITY COUNCIL
Was hereto affixed in
The presence of:

_____ Her Worship the Mayor

_____ Chief Executive

This _____ of _____ 2017.

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CONTENTS

City Amenity Bylaw

Part 1 Administration

Part 2 Definitions

Part 3 Amenity of the cCity centres

Part 4 Events and sleeping Camping

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CITY AMENITY BYLAW

PART ONE - ADMINISTRATION

1. **Title**
   1.1. The title of this bylaw is the "City Amenity Bylaw 2017".

2. **Commencement and Review Date**
   2.1. The bylaw came into effect on [date to be inserted] and will be reviewed by [date + 5 years]

3. **Purpose**
   3.1. This bylaw has one or more of the following purposes:
   - i. To protect, promote and maintain public health and safety in ~~Nelson's~~ the city centres;
   - ii. To maintain and enhance the amenity and security of the ~~Nelson's~~ city centres; ~~and~~
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   - ~~vi.~~vii. Restrict sleeping on roads or footpaths in the city centres.

   Explanatory note: The provisions in this bylaw are in addition to provisions found in the Urban Environments Bylaw affecting the city centres and in particular Chapter Four "Urban Amenity" and Chapter Five "Trading in Public Places".

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   5.1. Any person who breaches this Bylaw must, on verbal or written request by an Enforcement Officer, immediately stop the activity.

   5.2. Any person failing to promptly comply with a request under clause 5.1 commits a further offence against this Bylaw.

   Explanatory note: Powers and penalties available to Council if a bylaw is breached: Section 242 of the Local Government Act 2002 (LGA) provides for fines of up to $20,000. Section 163 of the LGA allows removal or alteration of works or things in breach of a bylaw. Section 162 allows Councils to apply for an injunction. Sections 164-168 provide for the Council to seize and impound property (which may be subsequently returned or disposed of). Section 176 covers cost recovery.

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   b. Damage or interfere with any natural feature, animal or plant in a public place;
   c. Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to or interfere with any ornament, statue, building, structure or facilities in a public place except in accordance with clauses 5.19 – 5.23 of the Urban Environments Bylaw;
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   8.3. Notwithstanding any other provisions of this bylaw and subject to the prior permission of ~~the Council or~~ an authorised officer no person shall use a footpath or part of the footpath in the city centres ~~CBD in such a manner as to prevent pedestrians to pass and repass~~ unless:

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a. ~~Use a footpath in the city centres in such a manner as to prevent pedestrians to pass and repass and a~~At least 21.5 metres width of the footpath is available ~~shall be assigned f~~for pedestrians to pass and repass; and

b. Emergency services have access to the~~Use a~~ road or footpath ~~in such a manner as to prevent emergency services access, unless~~ or adequate, safe and alternative temporary forms of access are provided.

~~c.~~b. ~~Adequate, safe and alternative temporary forms of access are provided.~~

8.4. Except with the prior permission of ~~the Council or~~ an authorised officer no person shall on any public place in the city centres:

a. Place or leave or cause or ~~permit allow~~ to be placed or left any material or thing or item on any public place; or

b. Cause or allow any material or thing to be deposited onto a public place or road; or

c. Erect or place any structure on, under or over any public place ~~except in compliance with this or any other bylaw~~; or

d. Place any other items on, under or over any public place except in compliance with this or any other bylaw and in accordance with the following provisions; and

c.e. Not-for-profit organisations undertaking public fundraising or education activities are exempt from requiring permission d ~~or~~

~~Unless~~ Place any other items on, under or over any public place ~~except in compliance with this or any other bylaw and in accordance with the following provisions, provided that~~

i. The not-for-profit organisation has obtained the prior consent of any retail or commercial premises to undertake such activities outside or adjacent to those premises; and

~~d.~~ii. The not-for-profit organisation remains in compliance with the provisions of clause 8.3.

~~8.5. Subject to clause 11 of this Bylaw, the Council may issue a permit to any person proposing to place items that would otherwise be in contravention of this bylaw provided that:~~

~~i. The permit is applied for and issued by an authorised officer prior to the activity (unless the action is already permitted by another bylaw); and~~

~~ii. The applicant has provided evidence of consent from the owner or Manager of retail or commercial premises adjacent to the proposed action; and~~

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iii. The proposed action complies with and continues to comply with the provisions of the permit, this or any other bylaw, regulation or enactment.

9. **SecurityVeranda Lighting**

9.1. The Council may install and maintain under veranda lighting in the city centres at its cost to provide security for retail and commercial premises and users of the footpath and surrounding areas.

9.2. Installation of under veranda lighting will be notified to the owners and tenants of retailer and commercial premises giving at least 7 days' notice that such work will be undertaken.

9.3. Any such work shall not affect access into or exit from retail and commercial premises or prevent pedestrians from passing and repassing along the footpath in the work area.

10. **Window Displays**

10.1. Except with prior permission of an authorised officer, no person will shall:

10.1. 10.2.1 Oobstruct the ability of the public to view signage or window displays of retail and commercial premises in the city centres unless that person is a not-for-profit organisation acting in accordance with clause 8.4.1a. of this Bylaw.

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10.2. 10.2.2 Except with prior permission of an authorised officer, no person shall Pplace items on the footpath such that the signage or window displays of retail or commercial premises in the city centres may only be viewed from a distance of greater than 5600mm.

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10.3 10.2 An authorised officer The Council may issue a permitgive permission for the temporary obstruction of a window display taking into account safety, health, the duration of the proposed obstruction and any other relevant matters, provided that window cleaning and or any works affecting the site and that hasve been granted consent under the Building Act 2004 and/or the Resource Management Act 1991 are exempt from requiring a permitthis provision.

Explanatory note: retailers and commercial premises expect that pedestrians can stop to easily survey the items they have placed in window displays and/or signage. The cCity cCentres isare designed to attract retail and commercial activity and ensure that the public can easily use the services provided. Use of retail and commercial services includes the information and enjoyment created by signage and window displays.

11. **Permissionsts**

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11.1. Any use of the road or footpath allowed by this bylaw that does not require permission shall: Except as otherwise provided, use of the road or footpath for an activity shall be in accordance with the following conditions:

a. ~~To a~~ Allow members of the public to use any public place, road or footpath without hindrance in accordance with clause 8 of this bylaw, or

b. ~~For any other use, as may be authorised by this or other bylaws, or~~

c. ~~As may be permitted by an authorised Council officer, with or without additional reasonable conditions, prior to the activity in accordance with clause 11.2. Permissions shall not be unreasonably withheld.~~

~~d. A permit may be issued with conditions after taking into account:~~

~~i. The duration of the proposed activity,~~
~~ii.i. The location of the proposed activity,~~
~~iii.i. Any reasonable safety considerations,~~
~~iv.i. The impact of the proposed activity emitting noise, odour or other offensive emission,~~
~~v.i. Likelihood of damage to public places and public property, and~~
~~vi.i. That the activity is consistent with bylaw provisions.~~

11.2. Where a permission is required under this bylaw, upon application, Aan authorised officer shall consider the application and determine reasonable conditions after taking into account. The authorising officer may only issue a permit prior to the activity taking place and subject to reasonable conditions. A permit shall not be unreasonably withheld.

i. The duration of the proposed activity,
a. The location of the proposed activity,
ii.
iii. Whether the activity is compatible with any other approved activities taking place at the same time on the same location,
b. Any reasonable safety considerations,
iv.
c. The impact of the proposed activity emitting noise, odour or other offensive emission,
v.
vi. Likelihood of damage to public places and public property,
d. The impact of the activity on retail or commercial premises, and
vii.
That the activity is consistent with bylaw provisions.
viii.

11.3. If permission is not granted reasons must be provided to the applicant.

~~11.2~~ 11.4 For the purposes of clarity, events are not subject to this clause.

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PART FOUR – EVENTS AND CAMPING

12. Events

12.1. To minimise disruption to pedestrians and other users of public places in the city centres, the organiser of any event that is likely to interfere with traffic or pedestrian thoroughfare in a public place shall notify the Council as soon as reasonably practicable prior to the event commencing.

12.2. After receiving notification, the Council will provide relevant traffic management information to the organiser and/or Police.

~~12.1. Any person proposing to organise or undertake an event within the city centres must apply to the Council for a permit. The authorising officer shall consider the following matters:~~

~~a. Duration of the event,~~
~~b. Location of the event,~~
~~c. Consent of adjacent retailers (which shall in the opinion of the authorising officer not be unreasonably withheld)~~
~~d. Safety considerations,~~
~~e. Health considerations including the provision for collection of litter and clean-up of the site after the event,~~
~~f. Likelihood of noise, odour or other emissions,~~
~~g. Likelihood of damage to public places and public property,~~
~~h. Consideration of Part 3 of this Bylaw, and~~
~~i. Such other matters as the authorising officer may reasonably take into account considering the nature of the event.~~

~~12.2. If the event is a protest the authorising officer shall also take into account:~~

~~a. The rights and freedoms provided for in the New Zealand Bill of Rights Act 1990, and may impose reasonable limits on the protest in accordance with the matters contained in clause 11, and~~
~~b. The general nature of the protest and involves occupation of a public place (such as an assertion of customary rights under the Treaty of Waitangi).~~
~~c. If a protest falls within clause 12.2.b consideration will be given to appropriate conditions whereby the protester or protesters may continuously occupy a specified area for a specified period of time and the Council may decide to renew the specified period of time from time to time.~~

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d. In all other protest actions there is no right to occupy a public place overnight.

12.3. Events shall not:

a. Allow the persons forming the protest to obstruct or impede the free movement of pedestrians along the footpath or way or public place,
b. Use language or behaviour which is abusive, insulting, threatening or offensive, or
c. Undertake or perform any activity which generates any noise that in the opinion of any Police or enforcement officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons.

12.4. The authorising officer may issue a permit for an event subject to reasonable conditions imposed in accordance with this and any other Nelson City Bylaw.

Explanatory Note: see Part 2 Definitions for the definition of events. It is recommended that event organisers contact the Council at an early stage in their planning so that the Council can assist as required.

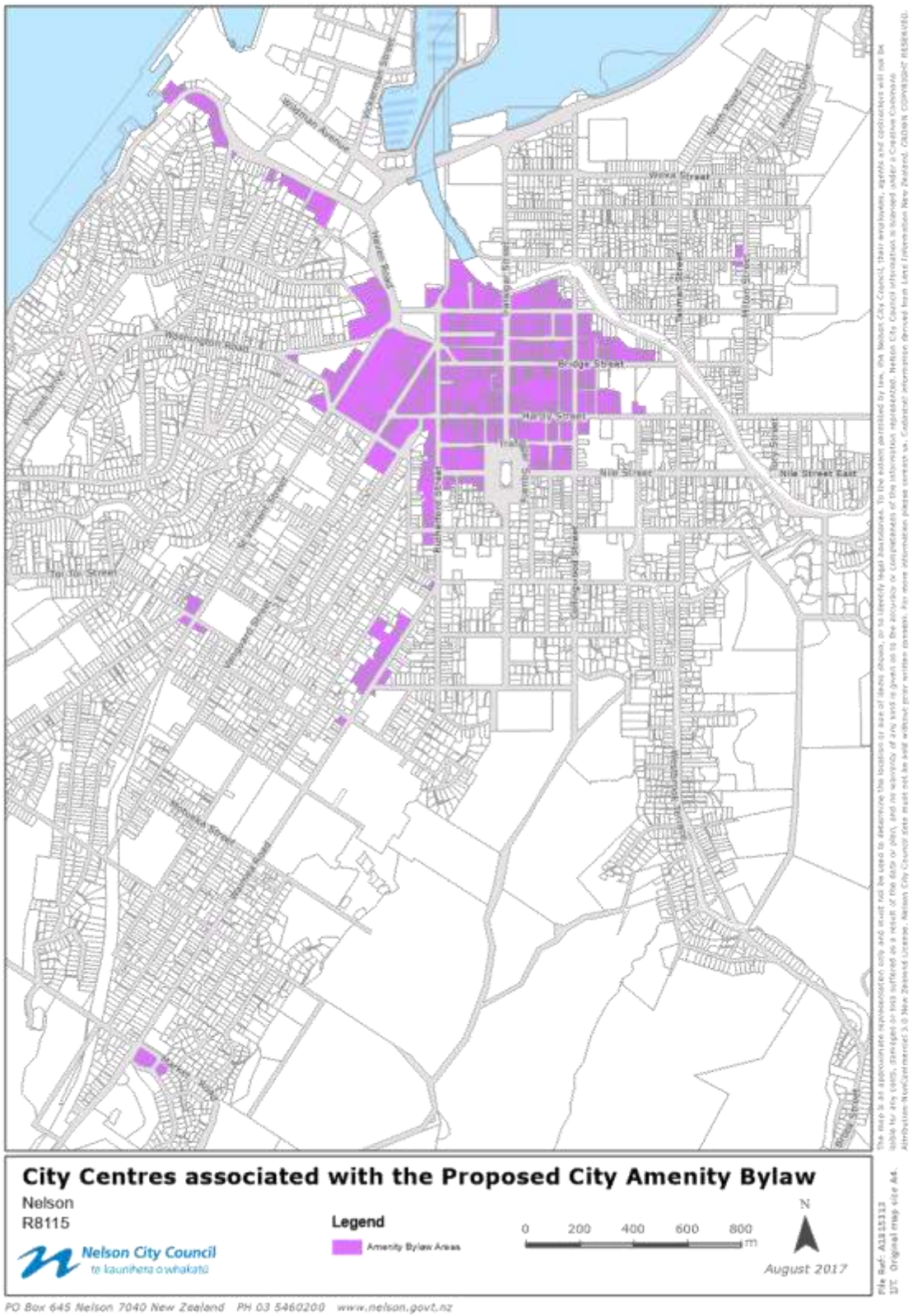
13. **Sleeping in the city centres**

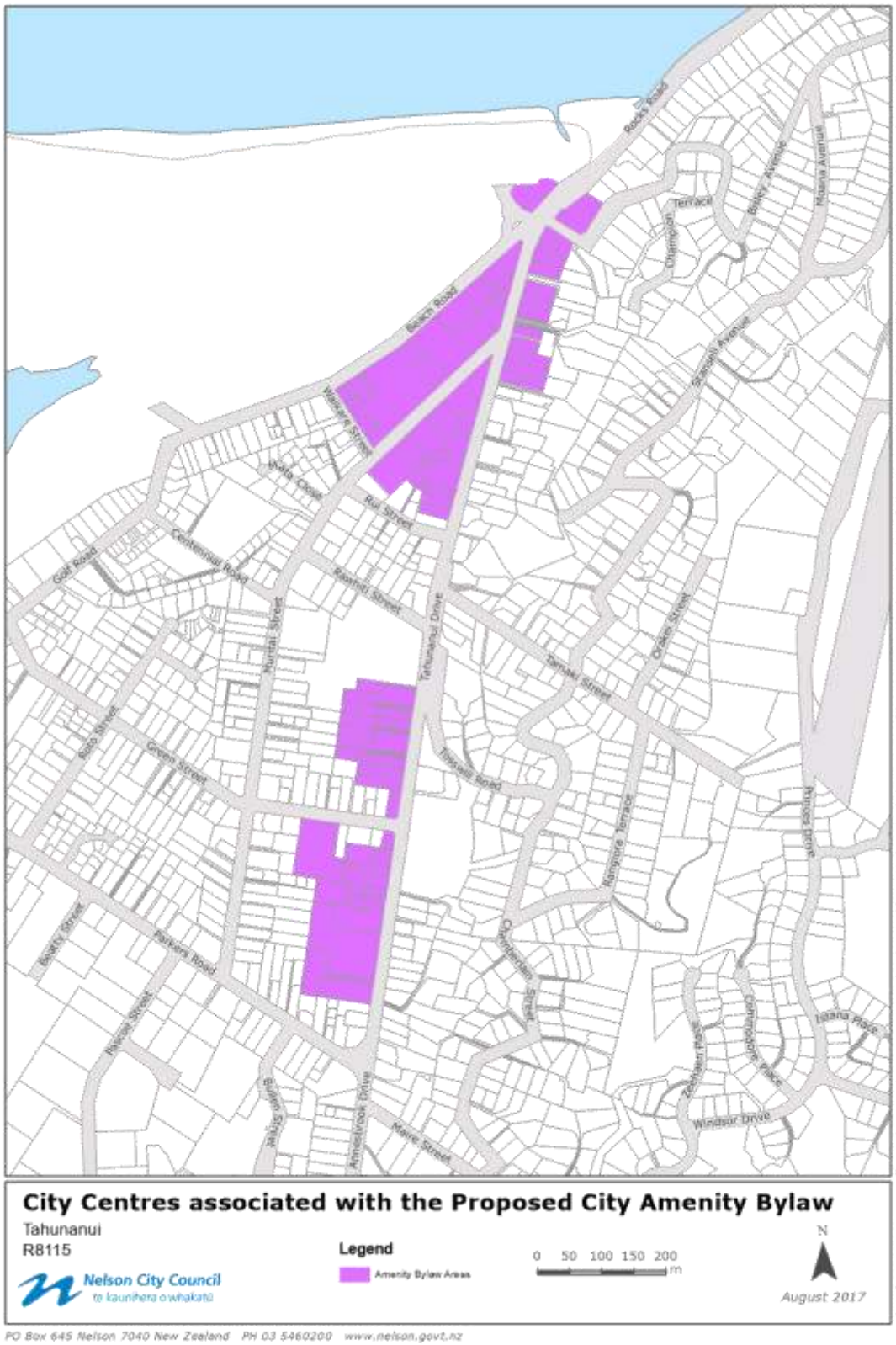
13.1. No person shall sleep overnight on a footpath overnight or on the road within the city centres unless permitted to do so for a specified period in accordance with these Bylaws.

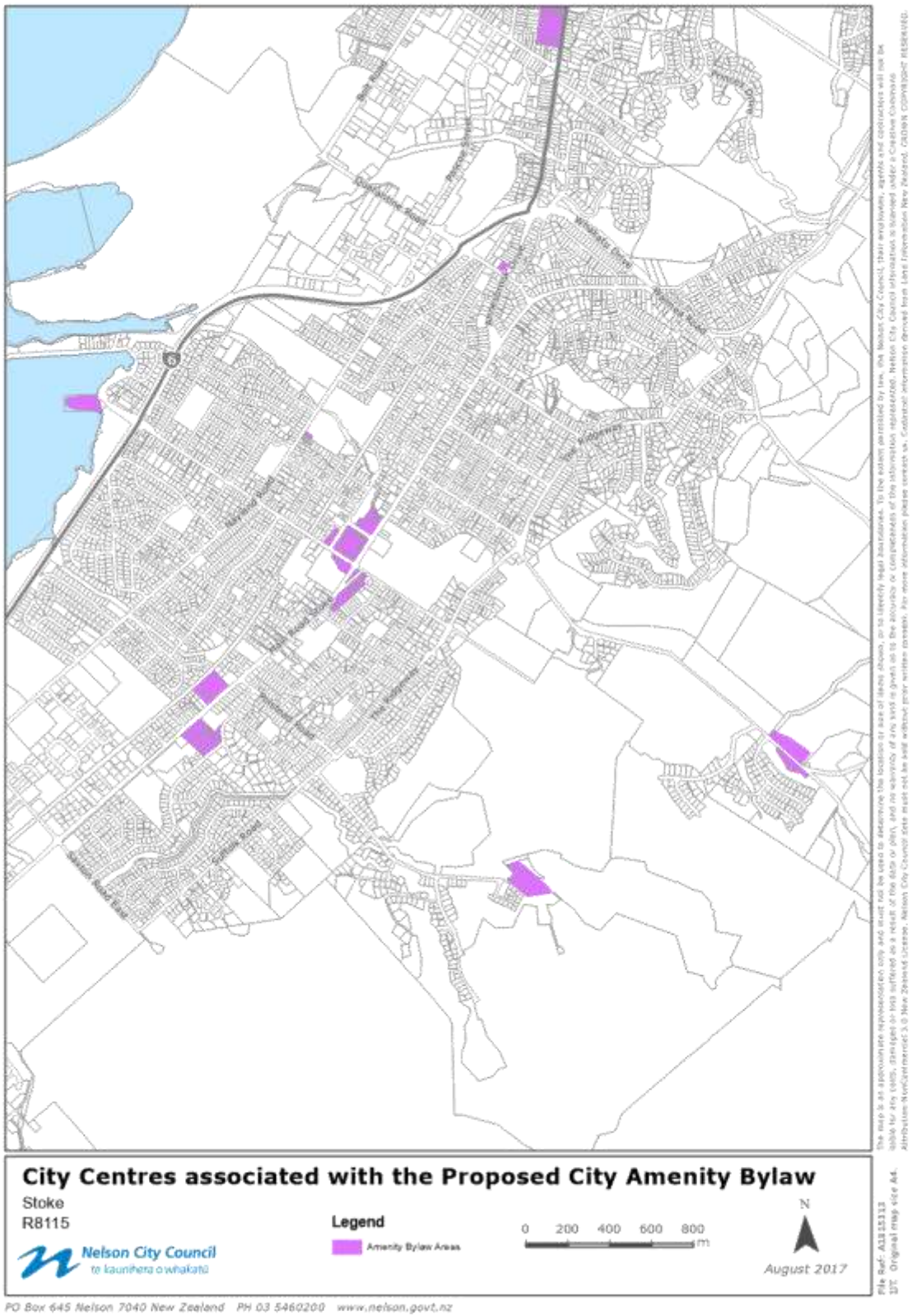
Explanatory Note: for further information about camping in Nelson see the website nelson.govt.nz

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Atawhai Drive
Atawhai Crescent
Rainbow Drive
Dodson Valley Road
Tui Glen Road
City Centres associated with the Proposed City Amenity Bylaw
Atawhai
R8115
Nelson City Council
te kaunihera o whakatū
Legend
Amenity Bylaw Areas
0 25 50 75 100
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August 2017
PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelson.govt.nz


City Centres associated with the Proposed City Amenity Bylaw
Nelson
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Nelson City Council
te kaunihera o whakatū
Legend
Amenity Bylaw Areas
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PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelson.govt.nz


Rocks Road
Beach Road
Centennial Road
Golf Road
Tahunanui Drive
Tasman Street
Kingsmere Terrace
Windsor Drive
Muritai Street
Rata Street
Green Street
Beatty Street
Parkers Road
Naylor Street
Annesbrook Drive
Maire Street
Queen Street
Trafalgar Street
Tosswill Road
Rutherford Drive
Island Place
Boskey Avenue
Rosana Avenue
Stansell Avenue
Chapman Terrace
Orpheus Drive
Clarendon Street
Clarendon Place
Zealandia Place
Waimea Street
Wata Close
Rai Street
Ranfurly Street
Orpheus Drive
Spring Grove
Nelson City Council
te kaunihera o whakatū
City Centres associated with the Proposed City Amenity Bylaw
Tahunanui
R8115
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PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelson.govt.nz


City Centres associated with the Proposed City Amenity Bylaw
Stoke
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Amenity Bylaw Areas
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August 2017
PO Box 645 Nelson 7040 New Zealand PH 03 5460200 www.nelson.govt.nz

Summary of Submissions **Appendix 3**

Note that submitters may have referred to several topics within one submission. Therefore, those submissions will be recorded more than once in this Appendix. The submission numbers are referenced here.

Topics

Process and Grounds for Making Bylaw

Impact on business and shoppers:

Ongoing protest in Trafalgar Street (Mr Stanton) is affecting business or causing people to avoid the area.

12886	12946	13033
12898	13028	13103

Community activity may *[should be allowed to]* override wheels of business in a free and democratic society *[interpretation added based on overall tenor of submission]*

13131

Insufficient link to warrant bylaw:

Too wide and uncertain; too much discretion; May be ultra vires the Council, repugnant to laws of NZ, contrary to NZBORA, or unreasonable in terms of s. 17 Bylaws Act 1910.
Clauses 12.2.b and 12.2.c may duplicate Council powers elsewhere.
Reasons for creating a bylaw inadequate; amenity values of the City insufficiently linked with the provisions dealing with public safety and order or protests; appears to be a bylaw aimed at one person rather than for overall good of society;
Local authorities can place limits on the right to protest (Wadsworth) provided the limits are within the bounds of the Oakes test (see above).

Bylaw applies to all protest activity and therefore fails the third Oakes test (that the right is restricted as little as reasonable possible).
Bylaw in that it covers spontaneous protests.
Bylaw is a disproportionate response to the perceived problem.

13131	13146	13266	13315	13360
13133	13259	13299	13324	13364

Wide drafting can facilitate development of human rights; allow case law to develop.
Council has adequately addressed NZBORA; there is no such thing as absolute freedom. Late submission 13390

There is no problem to solve:

I do not see how the bylaw is necessary for the protection of health and safety, rights of others, and public order in Nelson; bylaw does not represent the views and wishes of the majority of Nelson citizens; gross overreaction; Bylaw has not been sought by rate payers and is a knee-jerk reaction.; My question is who are the beneficiaries of this legislation?

13109	13149	13180	13191	13165

Ineffectual:

Futile attempt to resolve the problem; apposite to remember the Schubert case; insignificant problem elevated by media; fails to serve the public interest (Voice of Nelson).

13174	13210	13222	13325	13366
13186	13213	13315	13326	13367
13189	13216	13320	13327	
13193	13219	13323	13328	

Bylaw raises questions about who owns the CBD

13365

Existing Legislation

Why not use existing provisions for littering, loitering, obstruction and creating a nuisance?
Use the public order offences of disorderly behaviour, offensive behaviour or language, and disorderly assembly are contained in the Summary Offences Act 1981 (s. 3 disorderly behaviour, s. 4 offensive behaviour or language, disorderly assembly) and the Crimes Act in relation to incidents associated with protests.
Bylaw represents an additional regulatory layer that will be ineffective.
There are no legal aims of this bylaw that can not be dealt with existing legislation.

13086	13087	13133	13164	13210	13299	13163

The definition of "nuisance" in the Health Act is quite narrow in respect of this bylaw.

13149

General support

Support for the bylaw without amendment.

12877	12895	13026	13117	13224
12882	12946	13034	13122	
12890	12947	13077	13157	
12892	12959	13103	13162	

Submitter's concern about vagrants sleeping in the City overrides reservation about provisions for permits.

12898

Supports the bylaw provided the City Council gives more assistance to charities that support homeless people.

13055

Supports the bylaw but wonders why provisions for statutory provisions for littering, loitering, obstruction and creating a nuisance could not be used.

13086

Supports the bylaw but would like to see smokefree environments introduced to support the bylaw purpose "to maintain public health…"

13190

Administration of Bylaw

Fees and Charges:

Where is the section on fees, charges, penalties and powers? Are you going to charge for permits? Never? Ever? Why rely on enforcement powers in the Local Government Act?

13122
13131

Ratepayer cost:

Bylaw creates a unnecessary cost to rate payers; unbeneficial; likely to result in Court costs/appeals against bylaw

13210
13220
13299

Time constraints:

There are no time constraints in the bylaw for decision making.
Will there be opportunity for swift response if, say, a protest action develops over a weekend?

13133
13149
13266

Should set review of bylaw at 1 year, not 5 years.

13365

Policy and Education:

Public education – clear administration processes needed – need easy application and permit process – no cost – decision making must be in no way biased (Youth Council)

13261

Guidelines should be developed but not permits

13268

Trust in Council to Administer Bylaw:

Question whether Council will make fair and just decisions about protests when the Council has withheld information on other issues.
Council not the appropriate body to interpret NZBORA; would create huge pressure on staff.
Bylaw would give staff the power to decide if a protest is worthy or acceptable; how would they decide "reasonable limits";
People sitting on church steps enjoying an event, buskers that are borderline offensive – are you going to stop these? Protest against Council? – it is a conflict of interest for Council to issue permits;
Bureaucracy has a level of vested interest or bias;
Should be administered by an independent body; or have an independent appeals process; or an independent system of mediation for protests that cause a nuisance with power for the Council to press charges; the authorising officer should have no membership of a political party and if the Courts overturn the officer's decision the officer should be removed or made accountable in some other way. Enforcement officer (or Police) becomes judge and jury; no reasons for a refusal required; no right of appeal; Bylaw leaves too much discretion to Council staff as to be unreasonable. Where wide powers are given there is potential for that power to be abused particularly if the power can be directed at those viewed as outcasts of society.
Make it a review process heard by a Justice of the Peace who could make recommendations to the Council.
"...we are in the realm of bureaucracy, delay and cost."
Council could drag out the decision process until after the date of the protest.

12880	13122	13135	13259	13365
12902	13125	13178	13268	13372
12903	13131	13179	13360	Late; 13390
13115	13132	13180	13361	

13121	13133	13214	13364	

It is a Police function, not a Council function, to be informed about protests (and to give advice or exercise control)

13107
13149
13210

Council, through staff, **is** the appropriate body to administer the bylaw as they represent the best interests of the majority of rate paying citizens. *[emphasis added]*

13077

A council official can decide for or against a protest *[ambiguous – overall tenor of submission was opposed to the bylaw]*

13129

Will the permit be a simple rubber stamp process or will council decline some, e.g. a protest against the Council?

13146

Drafting Concerns and Suggestions

Re-write the bylaw to simplify and clarify its intent without having permits for everything. (4)

Re-write Parts 3 & 4 in same style as Urban Amenity Bylaw, e.g. "no person shall…" then follow with exceptions and permits.

Clause 3.1.ii split this clause into two with the new clause beginning after "CBD" and commencing "To protect…"

Clause 3.1.iii delete "may" so that the bylaw deals with actual problems (make the demonstrably justified)

Clause 3.1.iv delete "the potential for" so the bylaw deals with actual problems (make the demonstrably justified) (2)

Clause 3 – fix punctuation (full-stops and semi-colons should be consistent)

Part Two Definitions should "centres" be "centre"; change "including" to "includes"

Part Two Definitions - Does "commercial services" include koha?

Part Two Definitions – "Events"

More precise definition of event should be provided (include duration and participation numbers); definition of event excludes street stalls and markets but what if a street stall is a protest?

Remove "including protests" from the definition of events, or reword the definition to read "…particular purpose *but does not include a protest whether that protest is organised by a group or the protest of one person*" [from same submitter 13121]

Does definition of "event" include a vigil or preaching?

Do Events cover NZDF?

Amend definition of "events" to read: *Event is something that takes place in or along a defined area for a particular purpose; street markets, street stalls, and busking are excluded from this Bylaw and are covered by the Urban Environments Bylaw; protests, whether a protest comprises a group or is the protest of one person, are also excluded.*

Event is too broadly defined and could include walking down the street or preaching.

Part Two Definitions – definition of nuisance should be clarified – either s.29 Health Act or the words from "and includes…" but not both.

Part Two Definitions - introduce a definition of "overnight" (2)

Part Two Definitions - "Protest" is not defined

Part Two Definitions – Signs – delete "includes an advertising leaflet or flyer" – not relevant to this bylaw

Clause 8.3.a should end with "or" not "and"

Clause 8.3.c grammar needs attention (2)

Clause 10.1 the first line should read "No person shall…"

Clause 10.3 grammar needs attention

Part 4: change title to "Events and Protests"

Clauses 11-12 Provide criteria for decision making

Clause 12 – use the Wellington city council wording (many submissions on this point – see above)

Clause 12 – do not use the Wellington City council wording (1 submitter)

Clause 12.2.b needs to be re-worded (2 submitters)

Clause 12.2 – delete and add new clause 13:

13.1 The organiser or organisers of a protest shall strive to make every effort to notify and consult with the Council about ways in which their protest may be organised to minimise any possible concerns of the Council arising from:

a) The date, time, and duration of the proposed protest,

b) The location of the proposed protest,

c) The possible effect on adjacent retailers,

d) Safety considerations, such as protest marshalls at all intersections, and reasonable means of separating all protest participants from vehicular traffic, if applicable,

e) Health considerations, including the provision for collection of litter and clean-up of the site after the event,

f) Likelihood of noise, odour or other emissions,

g) Likelihood of damage to public places and public property,

h) The impact of the proposed protest emitting noise, odour or other offensive emission, and

i) Such other matters as the Council may reasonably take into account considering the nature of the proposed protest.

13.2 The Council shall strive to cooperate as best it can with respect to any possible concerns of the organiser or organisers of the proposed protest arising from:

a) The control of traffic lights along the route of the proposed protest,

b) Coordination with the Police with respect to traffic control during the proposed protest,

c) Such other matters as the organiser or organisers of the proposed protest may reasonably take into account considering the nature of the protest.

13.3 Both parties shall strive to cooperate and show good will toward each other. Cooperation and good will shall not be unreasonably withheld by either party.

13.3 The organiser or organisers of a proposed protest shall not require the authorisation of or a permit from the Council prior to the protest taking place.

Clause 13 – delete (replaced by new clause above)

Re-word to say "sleeping or residing overnight on a footpath" or "sleeping or dwelling" maybe.

General: Bylaw too minutely specific, a rigmarole

Buskers: the Bylaw should include information about what buskers can or cannot do.[1] p.49 13084

Events generally: It would be good to have clear details about what is and is not allowed, perhaps on-line.

Health and Safety: I suggest council take into consideration health and safety of protestors and ensure sufficient shelter and means to meet their physical and other needs is available, should exceptional circumstances occur due to various mental health issues etc.

Enforcement (clause 5)

Bylaw (once passed) should be enforced.

12877
12882

[1] *For bylaw provisions dealing with buskers see clause 2 and 5.13 of the Urban Environments Bylaw.*

12892

Questioning how the bylaw will be enforced – e.g. a 24 hour enforcement officer? If a permit is / not sought and damage occurs, what are the implications for protesters?

13053
13220
13266

Fine of up to $20,000 is excessive; may encourage civil disobedience; pit protesters against Police

13210	13352	13361	13362

Clause 5 creates a "double whammy" if a person offends against the bylaw and continues to offend against the bylaw.

13131

Nuisance (Clause 3)

Refers to nuisance [in clause 3.1.ii listing the Purpose of the bylaw] is overly wide and objectionable.
Unclear definition as it refers to s. 29 of the Health Act and adds the words from "and includes…"

13131
13214

Standards of behaviour (Clause 6)

Clause 6 of Bylaw does not protect right to protest; invites vigilantism; imposes too much responsibility on the public.

13178	13210	13360

Clause 6 together with definition of nuisance means that preaching on the street is in breach of bylaw (necessarily induces discomfort, inconvenience and disturbance to the internal peace); clarify that "offensive behaviour" does not include speech.

13214

Obstructions on Footpaths (Clause 8)

Supports the proposed provisions for clearer footpaths because signs on the footpaths make it difficult for people with disabilities to negotiate the footpath. This is particularly important for people with sight impairments and those with limited mobility.

12873
12882
13190

Setting up a table on the footpath for awareness raising activities, such as those for Amnesty International, need to be considered. Currently only need retailer's consent to set up outside; does Bylaw takes matter out of retailer's hands? [also relates to clause 10]

13129

Are clauses 8.1, 8.2 and 8.3 necessary – should be covered elsewhere or in contracts

13149

2 meter clear way on footpaths arbitrary (clause 8.3.a); why cannot I leave things / protest sign / my-body-as-a-protest in a public place (clause 8.4)

13178

Clause 8.4 imposes undue interference in personal liberty

13210

Use of Public Amenities (Clause 8)

Animals should be allowed in the CBD provided care of animal is humane.

13053

Support requiring a permit to place items in public places (clause 8.5) provide permit system is easy.

13053

Clause 8.3.a refers to 2m but some footpaths are very narrow and may prevent a person from standing on the footpath;
Clause 8.4.a refers to leaving materials or a thing in a public place. It is too wide and could include dropping a paperclip; similarly cl 8.4.b regarding any material or thing being deposited
Clause 8.4.c does not provide a definition of structure or the relationship to "material or thing" except 8.4.d deals with "placing any other items"
Clause 8.5

13131

We all should have the right to protest, but we also should ALL feel comfortable & safe going about our daily lives. That is everyone's right & personally I am sick of having my own right to freedom of movement impeded by the campground that is our main street.

13172

Security, Veranda Lighting (Clause 9)

Support for installation of veranda lighting

12949
13103

Support for installation of veranda lighting provided cost and responsibility is clarified (building owner or ratepayer?)

13053

Queries why the clause is necessary; Council has been installing veranda lighting for years – why does it need a bylaw now? Should increase numbers of people living in CBD to improve security

13210
13362

Window Displays (Clause 10)

Ensure it is clear what the 500mm clearance to view signage entails, i.e. the ability to stand within 500mm of window display or lean over things to view.

12877

Support for ensuring window displays can be viewed from the footpath.

12882
13053

Support for ensuring window displays can be viewed from the footpath provided that people can protest with signs outside a business should they wish to do so.

12949

Delete the words "available in those premises" because displays are not always only about what is on sale in those premises – e.g. may be a display for a charity, a Christmas or nativity scene, or something.

13122

Setting up a table on the footpath for awareness raising activities, such as those for Amnesty International, need to be considered. Currently we only need retailer's consent to set up outside; does Bylaw takes matter out of retailer's hands? [also relates to clause 8]

13129

Definition of "sign" is very wide and could include a leaflet placed on another leaflet.
ANZAC day poppy seller, a busker or Hone Ma Heke could be considered in breach of the bylaw. Serious consideration should be had as to whether this intrudes into civil liberties.
Half a meter is not that much [space required in front of a shop window].
Definition of "item" is not included and could mean a human, a dog, a board, a cardboard cut-out, an advertising flag.
The provisions for temporary obstruction of window displays will be a ripe area for bureaucratic discretion which could stymie freedom of expression.

13131

Window frontages don't own the footpath; they only own the opportunity to advertise in their shop; Clause 10 nonsensical; biased towards retailers and commercial businesses – I am incensed that Council is giving away my rights in favour of commercial interests.

13149; 13210

Provision is too vague and could prevent a sign in the middle of the street if it blocks the view of a window.

13214

Not necessary as I can find sale items through other sources (newspaper, flyers, TV)

13362

Permits (Clause 11 & 12)

Submitter supports permits for events provided the permit is of short duration; provide there is a reasonable time limit and frequency of occurrence.

12882
13224

Concern about permits is overridden by the need to prevent vagrants sleeping in the street.

12898

No permit should be needed for peaceful protests by groups less than 20 in number; larger groups should discuss protest with the Council but not be required to get a permit. Permits will stifle protest.

12904

Peaceful daytime protests should be exempted

13135

Should not require a permit for events – protesting is a right; Permits will stifle protest; restrict spontaneity; delete the whole section on permits to protest – clauses 11 & 12 unnecessarily restrictive; protesters do ensure plenty of room for passers-by; the very fact that under this Bylaw a permit would be required, opens up the chance of it not being granted

12949	13127	13164	13168
13099	13129	13178	13270
13122	13149	13268	13360

Clauses 8.5.ii and 12.1.c hinder right to protest if businesses' approval must be obtained e.g. if protest sets signs up outside that business or the protest is against the business' labour practices; too great discretion on Council offices; too much emphasis on business interests

12949	13131	13133	13210	13359

Support permits to place items in public spaces provided permit process is easy.

13053
13261

Support permits for larger events (such as Masked Parade and Buskers which require road closure) provided permit process is easy; Parades that encourage a crowd to watch e.g. the Masked Parade, or the Nelson Lights Show, or Santa Parade - There is no doubt that there is some requirements there.

13053
13149

Permit system should be an objective system to ensure impartiality; just a checklist.

13121

Permits are contradictory and, with regard to consent of retailers (cl 12.1.c), unreasonable; list of matters to be considered are conditions not criteria; interrelationship between clauses 8, 11 and 12 needs to be simplified, made less confusing; creating work for someone in Council – who is going to issue permits?

13122

Words "without hindrance" in clause 11.1.a is a matter of fact and degree and could be a person in front of you hindering your ability to pass along the footpath.
Clause 11 includes conditions - "regulate our daily activities of living just too much".
Permits may not be unreasonably withheld but there is no indication about where a decision may be challenged [clauses 11 & 12].

13131

There is no rational link (Oakes test) between regulating the conduct of events (clause 3) and the requirement for a permit as a permit granted before a protest will not regulate the behaviour of protesters after the issue of the permit. This suggests the provision is be arbitrary and irrational.

13133

Temporary posters or leaflets should be exempted if the owner of premises consents to display.

13135

Permits are a draconian measure and organisations or individuals should instead be required to inform the Council.

13138

Te Tiriti protests should not be caught by this bylaw

13149

Voice of Nelson – permits are anti-democratic – breach of rights - consent of adjacent retailers meaningless

13174	13213	13222	13325	13328
13189	13216	13320	13326	13366
13193	13219	13323	13327	13367

Should be allowed to protest overnight and make noise; how will noise be judged, by what measure?

13178

To close off opportunity to issue a permit retrospectively, exposes council to unnecessary difficulty…

13210

Civil Right to Protest Infringed by Proposed Bylaw

Proposed bylaw requiring permits for protests breaches right of freedom of assembly and breaches democratic processes.

Phrases from submissions: bylaw is a sledgehammer to crack a nut; wolf in sheep's clothing; it'll come back to bite you; erosion of free speech; anti-democratic social controls; Remove any element of surprise or spontaneity which sometimes can be the essence of effective protest; bylaw is an insufficiently rights centred approach allowing Council to define what is

reasonable; fair enough to include customary rights but individual rights extend further than that; bylaw is "1984" in its implications; to proceed would be a travesty; Schubert is an example of failure to give proper recognition of NZBORA; "I disapprove of what you say but I will defend to the death your right to say it" "Did Mandela, Ghandi and Martin Luther King have permits?"

12880	13144	13209 [1]	13271 [1]	13321 [1]
12901	13145	13211 [1]	13272 [1]	13322 [1]
12902	13146	13212 [1]	13273 [1]	13323 [1]
12903	13147	13214	13274 [1]	13324 [1]
12949	13148	13215	13275 [1]	13325 [1]
13054 [1]	13149	13216 [1]	13276 [1]	13325 [1]
13056 [1]	13150	13217	13277 [1]	13327 [1]
13058	13152	13218 [1]	13278 [1]	13328 [1]
13080 [1]	13153	13219 [1]	13279 [1]	13329 [1]
13081	13154	13220 [1]	13280 [1]	13330 [1]
13082	13156	13221	13281 [1]	13331 [1]
13085	13158	13222 [1]	13282 [1]	13332 [1]
13088	13159	13223	13283 [1]	13333 [1]
13090 [1]	13161	13225 [1, 4]	13284 [1]	13334 [1]
13091 [1]	13166 [3]	13226	13285 [1]	13335 [1]
13092 [1]	13167	13297	13286 [1]	13336 [1]
13093 [1]	13168	13298	13287 [1]	13337 [1]
13095 [1]	13171	13299 [1]	13288 [1]	13338 [1]
13098 [1]	13172	13230 [1]	13289 [1]	13339 [1]

13099	13173	13231 [1]	13290 [1]	13340 [1]
13101	13174[1]	13232 [1]	13291 [1]	13341 [1]
13105	13175	13233	13292 [1]	13342 [1]
13106	13176	13234 [1]	13293 [1]	13343 [1]
13107	13177	13235 [1]	13294 [1]	13344 [1]
13108 [1]	13178	13236 [1]	13295 [1]	13346 [1]
13109	13179	13237 [1]	13296 [1]	13347 [1]
13112[2]	13180	13238 [1]	13297 [1]	13348 [1]
13113	13181	13239 [1]	13298 [1]	13349 [1]
13115	13183	13240 [1]	13299 [3]	13350 [1]
13116	13185	13241 [1]	13300 [1]	13351 [1]
13119 [1]	13186	13242 [1]	13301 [1]	13353 [1]
13120 [1, 3]	13187	13243 [1]	13302 [1]	13353 [1]
13121	13188	13244 [1]	13303 [1]	13354 [1]
103; 13123 [1]	13189 [1]	13245 [1]	13304 [1]	13355 [1]
13125	13191	13246 [1]	13305 [1]	13356 [1]
13126	13193 [1]	13247 [1]	13306 [1]	13357 [1]
13128	13194 [1]	13249 [1]	13307 [1]	13358 [1]
13129	13195 [1]	13250 [1]	13308 [1]	13359
13131 [1,3]	13196 [1]	13252 [1]	13309 [1]	13361 [1]
P 123; 13132	13197 [1]	13255 [1]	13310 [1]	13362 [1]
P 124-132; 13133 [1, 3]	13198 [1]	13256	13311 [1]	13363
P 133; 13134 [1]	13199 [1]	13257	13312 [1]	13366[1]
P 134; 13135	13200 [1]	13258 [1]	13313 [1]	13367[1]

13136 [1]	13201 [1]	13259	13314 [1]	13368[1]
13137	13202 [1]	13260	13315 [1]	13369[1, 5]
13139	13203 [1]	13262 [1]	13316 [1]	13370
13140	13204 [1]	13335	13317 [1]	13372 [1]
13141	13205 [1]	13336	13318 [1]	13124
13142	13206 [1]	13267 [1]	13319 [1]	Late; 13374 [1, 5]
13143	13208 [1]	13268	13320 [1]	Late; 13375 [1]
13253	13264	13265	13373 [1]	Late; 13376
13251	13248	13182	13160	Late 13418

Notes:

1. Submitters requesting that NCC adopt Wellington City Council bylaw provisions and/or policy and/or practice. All submitters referring to Wellington City Council provided this wording:

   1/ *Events held under the New Zealand Bill of Rights legislation*
   a/ To minimise disruption to pedestrians and other users, the organiser of any event that is likely to interfere with traffic or pedestrian thoroughfare in a public place shall notify the Council as soon as reasonably practicable prior to the event.
   b/ After receiving notification, the Council will provide relevant traffic management information to the organiser and/or Police.

2. Submitter references Magna Carta
3. Provides legal opinion, advice
4. Petition with 55 signatures
5. Submitters provided the wording from Note 1 above and then wrote "No!" Submissions have been treated as opposition to the draft bylaw although another interpretation is that they do not agree with the wording from Note 1.

Specific breaches identified: Clause 12.3.a: obstruction or impeding the free movement of pedestrians is in the eye of the beholder and is impermissibly wide and uncertain; vague.

Clause 12.3.b: abusive language or behaviour – hard for event organisers to control – difficult to see who could be punished.
Clause 12.3.c: noise – hard to control, difficult to punish.

13131
13259
13299

Cost: It is Council's duty to protect citizens from arbitrary breaches of civil and political rights.
Council should not pass bylaws that may result in costly litigation.

13133

Provisos to objections to bylaw:

Protests should be allowed 1 day a month between 7 a.m. and 6 p.m. and otherwise subject upon application; this will give the right of freedom of speech without it becoming an occupation.

13137

Protests should be allowed but with provisions that ensure safety

13255
13259

Opposed to permits but it is reasonable that Council and Police have notice of a protest, and to ensure that there is a health and safety plan and ensure care for property; Opposed to permit;

13192
13266

A request for notification for the purpose of council providing assistance with the preparation of a traffic management plan, advice on responsible hosting, public safety, or zero waste management planning is preferable;

13210
13339

Concerned about freedom of expression but in support of clause 11; submitters provide suggestions about how to administer the bylaw appropriately

13261

Seek expert advice: Council should seek advice from LGNZ or Department of Internal Affairs; how many other Councils have bylaws like this?

13299

Limit the length of any protest to 7 days in a 12 month period (either separate days or as a block)

Late submission 13418

Civil Right to Protest Not Infringed by Proposed Bylaw

Submitter does not feel that any individual is going to be limited from freedom of speech.

12882
13077

Sleeping in CBD, Homelessness (Clause 12.2.d; clause 13)

Security cameras and lighting make it safer for homeless people to sleep in the CBD; clause 13 is absolutely discriminatory.

12872	13131	13149	13164

Section 13 is ludicrous, unnecessary and should be removed; marginalises the homeless – this city is for all who live here regardless of wealth or social status. This law is archaic, degrading and in ignorance of the complexities of challenges that people in these positions face.

13113	13159	13186
13145	13183	13368

Clause 3.1.vi is unduly wide and could extend to old persons napping in the sun *[clause 3 lists the Purpose of the Bylaw]*
Disturbingly cl 12.2.d restricts occupying a public place overnight; intended to support cl 13.
People who are drunk or weary may unwittingly breach the bylaw.

13131

I wish to sleep on the footpath… if I wish. I pay rates – I own this area as a citizen – seek to use it in a way that does not affect anyone else; roads and footpaths are part of our commons

13178
13210

Should not regulate away a social problem; need to find a solution
City Council and the town need to have a discussion about homelessness. Forcing people out of the CBD is no a solution.

12903
12904

Council should pass the bylaw and provide support to homeless people through charities such as Salvation Army.
Pass the provision and add "public health and safety" to clause 13.
Add "sleeping or residing overnight on a footpath" or "sleeping or dwelling" maybe.

13055
13190
Late submission 13390

Homeless people are a cost to the ratepayer

13035

There should be no exclusions to the ban on sleeping in the CBD (clause 12.2.c) although this may create a problem if people wish to queue overnight for tickets or sales – Council should use its discretion; Support for clause 13 but thought should be given to the 40 hour famine and people queuing overnight for book sales or tickets.

13053
13122

If vagrancy and homelessness are the issue, then fix housing and make Nelson a more affordable place to live.

13163

Support of clause 13; People sleeping or living in the streets are "disgusting"; may cause Nelson to gain an undesirable reputation; no sleeping in streets or camping.

12886	12949	13042	13151

Wording on people sleeping in CBD overnight simply doesn't cut the mustard.

13226

I suggest council seriously consider expanding support for homeless citizens of Nelson, and seek to obtain understanding and solutions. Solutions may include establishing a night shelter/drop in centre

13224

Other Matters Raised by Submitters

Limits on Protests

That protests will only be allowed if they generate no noise, and do not hinder walking or driving in the city; permits will limit type and scope of protest, e.g. in sound levels allowed

12949; Pp 466-7; 13361

Location of Events/Protests

CBD is "quite narrow" with the potential to be hazardous so thought should be given to where protests should take place.

12882

Beautiful City

Bylaw will help to improve the city; should maintain beauty of city; ensure bylaw is in keeping with 2060 Vision

12873	13103	13172
12890	13171	13187

Bylaw is incongruent with 2060 Vision

13210

Council staff, contractors

Gardeners and others undertaking usual activities will be breaking the bylaw

Freedom Camping

There should be a full assessment of the tourism industry in Nelson and anyone using camping equipment without toilets should be required to use a camping ground. Best example: Queenstown/Wanaka. Council should also take into account parking demand from locals and tourists (ANZAC Park, & Montgomery/Buxton Squares).

13077

That the bylaw attempts to address freedom camping

13042
13077
13112

Submitters' Suggestions Relating to Lewis Stanton

Allow him to park his horse and cart in town provided he pays parking fees and stays for no more than half a day. Should be allowed in town so long as he doesn't sleep on footpath or road.

12949

Create two spaces for horses and carts at Tahunanui Beach with appropriate shade/shelter, a water trough and two lockable storage sheds for food and gear. Allow cart rides to operate around the beach area. Supplementary comments provided from the submitter about getting advice, making the horse and cart spaces available to all (not specifically for Mr Stanton), making the facilities an attraction.

13083

Find another way to deal with Lewis Stanton – beef up freedom camping rules.

13153

Bylaw will not address this problem (if the Bylaw is designed to do so as reported in Nelson Mail); Lewis Stanton's rights are the same as everyone else; Council should not be thwarting Hone's liberty – should be a champion of rights, not hounding one person;

13210

Parking

Clarify that all occupiers of parking spaces are required to pay parking.

12949

Appendix 4

Other Councils - Bylaw Provisions for Protests, Processions, etc

	Bylaw name	Clause	Assembly, protest, gathering in the street, procession
Standards NZ [1]	Public Places	209	Prior consent required
Whangarei	Public Places	7	No person shall, without the prior written consent of the Chief Executive Officer or delegate, participate in any procession other than a funeral procession, or any meeting, gathering or demonstration, so as in any way to impede traffic or cause an obstruction or inconvenience to other persons in a public place
Auckland [2, 3]	Trading and Events in Public Places	6	**Requirement to hold an approval:** 1. A person must hold an approval issued by the council to undertake the following activities in public places: (a) trading in a public place; (b) events; (c) filming. 2. No person may undertake any trading activity in a park or reserve unless all the appropriate approvals have been applied for and granted by the council.

			From clause 5: "event" means an organised temporary activity that takes place on one or more days including an organised gathering, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon.
Hamilton [5]	Public Places	5 & 6	**ACTIVITIES THAT MAY CAUSE AN ADVERSE AFFECT ON PUBLIC HEALTH OR SAFETY IN A PUBLIC PLACE** 5.1 Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity. 5.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety. 6. ACTIVITIES THAT MAY CAUSE A NUISANCE IN A PUBLIC PLACE 6.1 Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause nuisance in that public place must obtain approval from Council to undertake the activity. 6.2 The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.
Tauranga [7]	Street Use & Public Places	19	**Parades and Assembly** 1.1. No person shall in any Public Place, without the prior written permission of Council, combine with other persons or take part in any assembly or organise, hold or conduct any public meeting, gathering, demonstration, or any parade or procession (whether in vehicles or on foot), or organise or conduct any display or event (referred to below as an activity) in such a way as to: (a) impede pedestrian or vehicular traffic access to or along any Public Place or to any shops or premises facing on to any Public Place; or (b) cause a public nuisance;

			or (c) endanger public health and safety (including traffic safety); or (d) be offensive. 1.2. Council may require an application for permission to be made by the organiser of an activity where it considers, on reasonable grounds, that the activity may be covered by clause 19.1, and the activity may not take place until that application has been made and determined. Permission will not be unreasonably withheld and reasons will be given by Council where permission is refused. Permission may be refused in circumstances where Council reasonably believes the activity will or is likely to: (a) unreasonably impede pedestrian or vehicular traffic access; or (b) cause a public nuisance; or (c) endanger public health and safety (including traffic safety); or (d) be offensive. 1.3. In determining whether or not to grant permission Council may consider any relevant matter including: (a) the time, location and duration of the activity; (b) the expected number of participants in, and any spectators of, the activity; (c) the impact the activity may have on the normal use of the Public Place including other users of that Public Place; (d) whether the activity may give rise to some public disorder for example whether, viewed objectively, it may have a reasonable likelihood of dissuading others from enjoying their right to use the Public Place (by entering or remaining in it). 1.4. Council shall also consider whether any proposed refusal of permission is demonstrably justifiable in light of: (a) the rights and freedoms protected by the New Zealand Bill of Rights Act 1990; (b) the significance of the problem being addressed (namely the impeding of access or the public nuisance or danger to public health or safety or offensiveness); (c) whether the proposed refusal is a proportionate response to that problem; (d) whether that response interferes with any relevant right or freedom as little as is reasonably possible in the circumstances.

Gisborne	Public Places	16	**Assembly** 16.1 No person shall in a public place, without the prior written approval of the Council: a. Participate in any assembly or associate with other persons in a public place in such a way as to pose a threat to the safety of any person, impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place; b. Organise, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place so as to pose a threat to the safety of any person, impede traffic or cause an obstruction to, or impede any person.
New Plymouth [4, 6]	Public Places	20	20. Restricted activities – events etc in public places 20.1 No person may on any public place, without the prior approval of the Council, make any public address or organise or conduct any event or attempt to do so. 20.2 In applying for approval under clause 20.1, the organiser of the event in the public place must specify whether the event is likely to interfere with traffic or pedestrian thoroughfare in the public place. 20.3 The Council will grant approval under clause 20.1, unless: a) Approval has already been given for another event at the public place; or b) There are reasonable grounds not to grant the approval. 20.4 If the Council refuses to grant approval under clause 20.1, it will specify the reasons why approval has been refused. 20.5 The approval under clause 20.1 may be subject to such terms and conditions as the Council thinks fit and will include relevant traffic information. 20.6 The organiser of the event must:

			a) Comply with the terms and conditions of the approval and any applicable laws; and b) Take all reasonable steps to ensure that any person attending the event also complies with those terms and conditions.
Palmerston North	Signs and Use of Public Places	-	Silent
Napier	Public Places	4	**4. In any Public Place a Person must not.** 4.1 Participate in any assembly or associate with other Persons in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder access to shops or Premises facing onto the Public Place without prior consent of an Authorised Officer; 4.2 Organise or conduct any meeting, gathering, demonstration, parade, procession or competition, without prior consent of an Authorised Officer.
Wellington	Public Places	6	**6. Assembly** 6.1 To minimise disruption to pedestrians and other users, the organiser of an event, demonstration, competition, parade or procession that is likely to interfere with traffic or pedestrian thoroughfare in a public place shall notify the Council as soon as reasonably practicable prior to the event. 6.2 After receiving notification, the Council will provide relevant traffic management information to the organiser and/or Police.

Christchurch	-	-	Public Places Bylaw refers to organisational policies; Trading and Events in Public Places Policy 2010 contains permit requirements and conditions for events which include parades but does not refer to protests or demonstrations.
Timaru [4]	Consolidated Bylaw Chapter 2	218, 219	218 Congregating so as to cause inconvenience/obstruction 218.1 No person shall undertake any activity or conduct any business on any public place or on land adjacent thereto, that causes persons to collect or congregate on any public place so as to impede or cause an obstruction to persons passing. 219 Processions and public meetings 219.1 No person shall, except with the prior written authority of Council and then only in conformity with the terms of any permit that may be granted: (a) Organise, hold, or conduct or attempt to hold or conduct any procession, or any public meeting, gathering or demonstration, or make any public address or attempt to collect a crowd in, along or upon any public place or on land adjacent thereto where that crowd may encroach onto any public place; or (b) Take part in any unauthorised meeting or assembly or congregate or so conduct himself/herself on any public place as to in any way impede traffic or cause an obstruction, inconvenience any person passing thereon, or take part in any unauthorised procession in, along or upon any public place.
Dunedin	Reserves Bylaw	10.3	**10.3 Restricted Activities** (1) The activities listed below in sub clause (2) of this clause are prohibited on all reserves unless either –

		-	(a) The Council has resolved that the activities shall be permitted on all reserves or on any particular reserve; or (b) The person or persons engaging in the activity have the written permission of the Council or have made a booking, to undertake the activity. Written permission may be limited by conditions. Conditions can cover, but are not limited to: the charging of fees, the time of the activity, and location of the activity. (2) The restricted activities referred to above in sub clause (1) of this clause are – … j. Holding or conducting or taking part in, any public meeting, or assembly of any kind within any reserve that causes damage to the reserve or unduly restricts other people's use of the reserve; Editorial note: the Bylaw lists 45 streets that are in fact reserves although they are sealed and used as streets (e.g. Stuart Street, High Street and Stafford Street).
Invercargill	Roading and Traffic Bylaw	8	**8. PUBLIC ASSEMBLY ON ROADWAY** 8.1 A person must apply to Council for a permit authorising an assembly, procession, public meeting or demonstration on a roadway. 8.2 No person may take part in any assembly, procession, public meeting or demonstration on a roadway, except where Council has issued a permit authorising the assembly, procession, public meeting or demonstration on the roadway, as the case may be.

Notes

1. See full text below
2. Bylaw defines "event" as including protests or demonstrations
3. Bylaw defines "approval" as including permits
4. Bylaw provisions contain restrictions or prohibitions on use of voice enhancing equipment
5. Hamilton City Council Public Places Bylaw links to the Public Places Policy which contains these conditions:
   "General conditions
   "80. Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.
   "81. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
   "82. The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
   "83. The activity must not interfere in traffic visibility.
   "General Permit Conditions
   "84. All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.
   "85. Approval may be withheld if the applicant has previously breeched approval conditions.
   "86. Permits under this Policy are issued by the City Safe Unit.
   "87. Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
   "88. Permits automatically expire when a business holding a permit is sold.
   "89. Permits issued under this Policy are not transferable.
   "90. A permit may be cancelled or amended if: a. if permit conditions are breached. b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.
   "91. Council reviews fees annually changes are notified by public notice.
   "92. The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued."
6. Staff are required to issue a permit unless there are reasonable grounds not to do so. Reasons must be supplied if the approval is not granted.
7. Permission may not be unreasonably withheld

DRAFT CITY AMENITY BYLAW - INDEX BY SUBMISSION NO.

Page No	Sub No	First Name	Last Name	Organisation	Speak
1	12872	B	Gold Smith		No
3	12873	Shirley	Barrow		No
5	12877	Nelson	Retailer	Nelson Retail	No
6	12880	Dan	McGuire		Yes
7	12882	Adrienne	Ward-Hamilton		No
8	12886	Jezamine	Dunlea		No
9	12890	Richard	Lyall		No
10	12892	Gary	Brown	PF Olsen	No
11	12895	Helen	Bowater		No
12	12898	Ian	Hobden		No
13	12901	Richard	Thomas		No
14	12902	Jill	Harris		No
15	12903	Jacquie	Walters	WaltersPR	Yes
17	12904	Delia	Morris-Zindel		No
18	12946	Rob	Webber	Nelson Marine Supplies ltd	No
19	12947	Vikaran	Arora		No
20	12949	Peter	Olorenshaw	-	No
22	12959	Sue	Wakeham		No
23	13026	Debbie	Gardner	Life Pharmacy Prices	No
24	13027	Scott	Butler		No
25	13028	Dominick	Unterberger	Anzac Autowash	No
26	13033	Daniel	Paul		No
27	13034	Brenda	Gibbens	Retired	No
28	13035	Daniel	Rowse	Aircraft Engineer	No
29	13042	Corrina	Brown		No
30	13053	Queenie	Ballance	National Council of Women of New Zealand	No
33	13054	Sarah	Langi		No
35	13055	Robert	Cant		No
37	13056	Peter	Laufkotter	"Democracy Now"	No
38	13058	Mary	Glaisyer		No
39	13077	Paul	Thornton		No
41	13080	Karen	Driver		No
42	13081	Raewyn	Scott		Yes
44	13082	Valerie	Towse		No
47	13083	Barry	Malcolm		No
49	13084	Fran	Mitchell		No
51	13085	Nancy	Stolk		No
53	13086	Roger	Cole		No
55	13087	William K.	Kearns		No
57	13088	Tony	Haddon	Individual	No
58	13090	Clare	Leyland	Democracy Now	No
59	13091	Jean	Gorman		No
60	13092	Geoffrey	Waring		No

Page No	Sub No	First Name	Last Name	Organisation	Speak
61	13093	Vikki	Wilkinson	bigpicturenz Counselling and Yoga Company	No
62	13094	Fred	Wyatt		No
63	13095	Mark	Fielding	Democracy Now	No
64	13098	Barbara and Tim	Robson		No
65	13099	Barry	Driver		No
66	13101	Verna	Sutherland		No
68	13103	Jude	Biggs	Living Light Candles	No
70	13105	Alison	Johnston		No
71	13106	Darryl	Ware		Yes
73	13107	Kate	Malcolm		No
74	13108	Sara	Powell		No
75	13109	Roger	Harris		No
77	13112	Bryce	Jensen		No
86	13113	Lawrence	Carter		Yes
87	13115	Susan	Hawthorne	Voice Nelson	Yes
89	13116	Roger	Sanders	personal	No
90	13117	Cynthia	Sowman		No
91	13118	Manfred	Ortner		No
92	13119	Susan	Lea		No
93	13120	Peter	Riley		Yes
96	13121	Julie	Nevin		Yes
100	13122	Susan	Corry		No
104	13123	Colin & Jeni	Bell	private citizens	No
105	13124	Evey	McAuliffe		Yes
106	13125	Bob	Bickerton		No
108	13126	Jacquetta	Bell		No
110	13127	BG	Hawkey		No
112	13128	Steven	Dolan		Yes
114	13129	Jan	Marsh	Nelson Religious Society of Friends (Quakers)	Yes
117	13131	Steven	Zindel	Zindels	No
125	13132	Penelope	Kempthorne		No
126	13133	Sarah	Martin	Public Service Association	Yes
135	13134	Graeme	O'Brien	Democracy Now	Yes
137	13135	Jo	Leyland		Yes
139	13136	Phil	Sharpin		No
140	13137	Stephen	Day		No
141	13138	Jim	Batson		No
142	13139	John	Glaisyer		No
143	13140	Alex	Crisp		No
144	13141	Tamara	Cartwright		No
145	13142	Adam	Lloyd		No
146	13143	Sally	Eathorne		No

Page No	Sub No	First Name	Last Name	Organisation	Speak
147	13144	Marie	Lynch	n/a	No
148	13145	Cameron	Forbes		Yes
150	13146	Anthony	Chaney		No
152	13147	Lynda	Hannah		No
153	13148	Joseph	Flynn		No
154	13149	Debs	Martin		Yes
160	13150	David	Spencer		No
161	13151	Shon	Costello		No
162	13152	Saul	Ramsay		No
163	13153	Shaw	James	Tertiary Education	No
164	13154	John	Cohen-Du Four		No
165	13156	William	Inwood-Reardon	Citizen	No
166	13157	Geiri	Petursson		No
167	13158	David	Baran		No
169	13159	Amy	Trembath		No
172	13160	Murray	Leaning	N/A	Yes
173	13161	Sonja	Walker		No
174	13162	Sarah	Petursson		No
175	13163	Richard	Sullivan		Yes
177	13164	Ali	Boswijk	None	Yes
180	13165	Ian	Day	private citizen	Yes
181	13166	Teresa	O'Connor	Voice Nelson	No
184	13167	Allan	Parry		No
185	13168	Jim	Lawrence		No
186	13171	Tanya	Nock		No
187	13172	Govinda	Trill		No
188	13173	Jo	Westrupp		No
189	13174	Sonja	Lamers		Yes
193	13175	Tracy	Duncan		No
194	13176	Nik	Walker		No
195	13177	Trevor	Houghton		No
197	13178	Tristan	Riley	Nelson College	Yes
200	13179	Carl	Horn		Yes
205	13180	Zachary	Milner		No
208	13181	Michael	Person		No
209	13182	Darren	Meer		No
210	13183	Paula	Meer		No
211	13185	William	Robertson		No
212	13186	Victoria	Richardson		No
214	13187	Ru	Dawson	If it's ok for hone it's ok for me	Yes
216	13188	Richard	Osmaston	NZ Money Free Party	Yes
217	13189	Lindsay	Wood	private	No
221	13190	Angela	Lenz	Nelson Marlborough Health (NMDHB)	No
228	13191	Steve	Cross		No
229	13192	Ami	Kennedy	Friends of the Maitai	Yes
231	13193	Marcia	Higgs	NA	No

Page No	Sub No	First Name	Last Name	Organisation	Speak
235	13194	Jim	Hilton		No
236	13195	Elizabeth	Burns		No
237	13196	Jenese	Belzer		No
238	13197	Carter	Stormann		No
239	13198	Shawn	Stormann		No
240	13199	Maurice	Alach		No
241	13200	Leah	Aekins		No
242	13201	Olga	van der Elst		No
243	13202	Sapphire	Kaponga		No
244	13203	Shane	Beran		No
245	13204	Liam			No
246	13205	Kelly	Morgan		No
247	13206	Sydney Roy	Allen		No
248	13207	Kelsea	Devine		No
249	13208	David	Janzen		No
250	13209	Anton	Cotton		No
251	13210	Alison	Arron		Yes
257	13211	Brendan	Santorini		No
258	13212	Mike	Rodwell		No
259	13213	Colleen	Shaw		No
264	13214	Grant	Pownall		Yes
267	13215	Roy	Vickerman		No
269	13216	Jacqueline	Gibson		No
274	13217	Emma	Agnew		No
276	13218	Roimata	Rapata		No
277	13219	Nicki	Green		No
282	13220	Robbie	Burton		No
283	13221	Lisa	Mcilwraith		No
285	13222	Bruce	Dyer		No
290	13223	Monika	Clark-Grill		No
292	13224	Joanne	Kouwenhoven		No
295	13225	Peter	Riley		No
301	13226	John	Higgins	Private person	Yes
303	13227	Mike	Hindmarsh		No
304	13228	Alison	Lenton		No
305	13229	David	Agnew	Nelson Training Centre	No
306	13230	Stephen	Wilkinson		No
307	13231	Karen	Wilkinson		No
308	13232	Peter	Sutton		Yes
309	13233	Lucy	Beever		No
310	13234	Gavin	McEwen		No
311	13235	Amelia	Hemi		No
312	13236	Clint	Hewitt		No
313	13237	Richard	Daniell		No
314	13238	Aimee	Hustwick		No
315	13239	Dave	Enting		No
316	13240	Ron	Graham		No

Page No	Sub No	First Name	Last Name	Organisation	Speak
317	13241	Michael	Watson		Yes
318	13242	Josh	Boyce		No
319	13243	Paul	Malone		No
320	13244	Karyn	Amey		No
321	13245	Gavin	Amey		Yes
322	13246	Mike	Gafa		No
323	13247	Shane	Paratene		No
324	13248	Jeffrey	Whittingham		No
325	13249	Stephanie	Wilson		No
326	13250	Noel	Hemi		No
327	13251	Steve	Dubieniec		No
328	13252	Cairo	Hemi		No
329	13253	Tom	Taylor	N/A	Yes
331	13255	Vicki	Smith	artist	No
332	13256	Penny	Molnar	Community Action Network	No
334	13258	Karl	Wulff		No
335	13259	David	Ayre		Yes
337	13260	John-Paul	Pochin		Yes
339	13261	Youth	Councillors	Nelson Youth Councillors	Yes
342	13262	Clare	Filby		No
343	13263	NZ Defence Force	NZDF	Rebecca Davies On behalf of NZ Defence Force	Yes
344	13264	Emily	Whinney		No
345	13265	Leo	Barrer		No
346	13266	Rebecca	McEwan		No
348	13267	Sandra	Ware		No
349	13268	Leon	Staikopoulos		Yes
351	13270	Jean-Michel	Williams		No
352	13271	Chris	Beardsley		No
353	13272	Vikki	Wilkinson		No
354	13273	Marion	Holt		No
355	13274	Dallas	Ashby		No
356	13275	Rosemary	Callaghan		No
357	13276	Dave	Wickham		No
358	13277	Sandy	Robertson		No
359	13278	Kelly	Donaldson		No
360	13279	Michele	Surcouf		No
361	13280	Inez	Kolff		No
362	13281	Friederike	Schultze		No
363	13282	Mary Ellen	O'Connor	Voice Nelson	No
364	13283	Tom	Ryland		No
365	13284	Rodger	McCartney		No
366	13285	Chris	Benson		No
367	13286	Catherine	Munro		No
368	13287	Geoff	Clark		No

Page No	Sub No	First Name	Last Name	Organisation	Speak
369	13288	Kathy	Houghton		No
370	13289	Peter	Clark		No
371	13290	Carleen	Reich		No
372	13291	Joy	Gifford		No
373	13292	Paul	Fisher		No
374	13293	Trish	Bray		No
375	13294	Ralph	Loughrey		No
376	13295	Sue	Gardener		No
377	13296	Julia	Van Berkel		No
378	13297	Peter	Carmichael		No
379	13298	Alison	Kennedy		No
380	13299	Geoffrey	Palmer (Sir)		Yes
385	13300	Steve	Molinar		No
386	13301	Ami	Kennedy		No
387	13302	Sam	Thomas		No
388	13303	Suzanne	Crewe		No
389	13304	Marie	O'Sullivan		No
390	13305	Brett	Ellis		No
3914	13306	Michael	Corcoran		No
392	13307	John	Corcoran		No
393	13308	F. A.	Bayly		No
394	13309	Burkhard	Strauch		No
395	13310	Derek	Milligan		No
396	13311	Leigh	Ramsay		Yes
397	13312	Christine M.	Johnston		Yes
398	13313	Steff	Willmore		No
399	13314	Anne Marie	Kidson	Brook Residents	Yes
400	13315	Sally	O'Neill		No
403	13316	Susan	Billings		No
404	13317	Michael	Kidson		No
405	13318	Caroline	Vine		No
406	13319	Derek	Forsyth		No
407	13320	Elizabeth	Richards		No
412	13321	Corinne	Solto		No
413	13322	Roger	Miller		No
414	13323	James	Ingle		No
419	13324	Dave	Jones		No
420	13325	Carole	Fisher		No
425	13326	Valerie	Schroeder		No
430	13327	Marie	O'Sullivan		No
435	13328	Ren	Kempthorne		Yes
439	13329	Tom	Kennedy		No
440	13330	Frances	Minogue		No
441	13331	Katharine	Miller		No
442	13332	Zach	Domike		No
443	13333	Judith	Ritchie		No
444	13334	N.	Thompson		No
445	13335	B	Lewis		No

Page No	Sub No	First Name	Last Name	Organisation	Speak
446	13336	Sarah	Ayre		No
447	13337	Sam	Hogg		No
448	13338	Robyn	Hogg		No
449	13339	Warwick	Young		No
450	13340	Lynda	Fitzgerald		No
451	13341	Nik	Rakels		Yes
452	13342	Tania	Laing		No
453	13343	Brendan	Santorini		Yes
454	13344	Jo-Anne	Ellis		Yes
455	13346	Marnie	Goldthorpe		No
457	13347	Kathaleen	Bartha		No
458	13348	Penny	Molnar		No
459	13349	Dai	Mitchell		Yes
460	13350	Rayleen E.	Boss	Associated with Voice Nelson	No
461	13351	Yumi	Fujisaki		No
462	13352	Kenneth Arthur	Ridley		No
463	13353	Jim	Cable		Yes
464	13354	Michelle	Hodgkinson		No
465	13355	Marie Therese	Carter		No
466	13356	Rosemary	Ross		No
467	13357	Virginia	Boss		No
468	13358	Judy	Crowe		No
470	13359	Iona	Jelf		Yes
472	13360	Stephen Ralph	Lee		Yes
474	13361	Burke	Hunter		Yes
476	13362	Joanna	Plows		Yes
480	13363	Gwen	Struik		Yes
486	13364	Rona	Spencer		Yes
488	13365	D. B.	Jones		No
490	13366	Susan	Hawthorne		No
494	13367	Burke	Hunter		No
498	13368	F. A.	Bayley		No
501	13369	Donna	Chapman		Yes
503	13370	Bill	Evans		Yes
505	13371	Peter	Jones		No
507	13372	Marty	Mullen		No
509	13373	Jaime	Brookes		No