Extra-ordinary
Whangarei District Council

Notice of Meeting
A extra-ordinary meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

Tuesday 9 September 2014
9.00am

Committee
Her Worship the Mayor (Chairperson)
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr P R Halse
Cr C M Hermon
Cr G C Innes
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson
OPEN MEETING

APOLOGIES

CONFLICTS OF INTEREST
Members are reminded to indicate any items in which they might have a conflict of interest.

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Local Government Act 2002 Amendment Act 2012
Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.

Recommendations contained in the Council agenda are NOT Council decisions. Please refer to Council minutes for resolutions.
1. Review of the Signs Control Bylaw 2005

Reporting officer       Mike Henehan (Bylaw Co-ordinator)
Date of meeting        9 September 2014

Vision, mission and values
This item is in accord with Council’s vision, mission and values statement as regulating activities in public places enhances residents’ and visitors’ enjoyment of our unique environment.

Introduction
Council is reviewing the Signs Control Bylaw 2005 in accordance with the special consultative procedure provisions of the Local Government Act 2002 (LGA). Council adopted a statement of proposal in respect to this review and the public consultation process resulted in a total of seven submissions to the draft Control of Advertising Signs Bylaw 2014. At an extra-ordinary Council meeting on 30 July 2014 two submitters who wished to present their submissions were heard.

The purpose of this agenda item is to consider and deliberate on matters raised by submitters. To assist, staff have grouped submissions by topic and have commented and made a recommendation on each point.

The decisions made at this meeting will determine the final form of the bylaw which will be adopted at the 24 September 2014 meeting of Council.

Signs Control Bylaw review
The purpose of the Control of Advertising Signs Bylaw is to ensure that advertising signs are erected, maintained and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw also seeks to maintain aesthetic standards, to provide guidance to businesses so as to maintain visual amenity values and to control the potential proliferation of signs in the district.

Council made the Signs Control Bylaw in December 2005. In accordance with the LGA, the bylaw must be reviewed before 2015.

Analysis and discussion of submissions is in the table below:

<table>
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<th>Comment</th>
<th>Recommendation</th>
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<tr>
<td>Signs on main roads should be permitted when a business is down an alley. (1/0)</td>
<td>Not recommended as this may lead to a proliferation of signs.</td>
<td>No change to the bylaw</td>
</tr>
<tr>
<td>Real Estate signs should be able to be placed at intersections rather than outside the address. (1/0)</td>
<td>Not recommended as this may lead to a proliferation of signs.</td>
<td>No change to the bylaw</td>
</tr>
<tr>
<td>Supports the bylaw. (1/0)</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>Incorporate new Kamo environments into the bylaw as they are not going to be called Living 1, 2 or 3. (1)</td>
<td>Accordingly</td>
<td>Included in the Bylaw</td>
</tr>
<tr>
<td>Stop ruining our country with these ridiculous rules. (1/0)</td>
<td>Not applicable</td>
<td></td>
</tr>
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</table>
Continuous Accessible Path of Travel (CAPT)

Chris Orr from the Blind Foundation, submitted on CAPT, which is an uninterrupted route to or within premises or building that provides access to all services and facilities. It should not include any obstacle that would prevent it from being safely negotiated by people with disabilities. A clear accessible path of travel for the vision impaired is free of obstructions such as displays, street furniture and sandwich boards.

If CAPT principles are included in the bylaw the above items could only be placed 450 millimetres from the kerbside, thereby enabling a CAPT of a minimum 1.8 metres adjacent to buildings to be created. On narrower footpaths there would be a CAPT of a minimum 1.2 metres. No obstruction would be permitted if these minimum CAPT distances could not be achieved.

It is important to note however that Council’s Alfresco Dining Policy 2013 also provides for walkways which are clear of obstructions (tables and chairs), but allows alfresco dining adjacent to the property line of buildings on arterial and collector roads such as the Cameron Street Mall and Rathbone Street. This policy is inconsistent with CAPT principles of creating clearways close to building frontages.

Clause 7 of the proposed bylaw permits signs... “including any sandwich board or flag advertising commercial or industrial premises placed immediately outside or adjacent to such premises, provided that such sign shall not cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic”.

Accordingly whilst the full CAPT principles cannot be adopted without creating an inconsistency with the Alfresco Dining Policy, it is considered that this wording is appropriate to enable enforcement staff to work with business owners in determining the appropriate position to place any sandwich board or similar sign, whether by the kerb or adjacent to the business premises, to ensure a clear accessible path of travel is maintained.

For example, depending on individual circumstances, a business having alfresco dining and a sign would be asked to maintain a CAPT and this may require any sign to be placed on the same side of the footpath as any table and chairs.

Some businesses, particularly in the CBD, have not been complying with this clause in the Signs Control Bylaw 2005 and multiple signs outside shops are not uncommon. Accordingly it is viewed that a consistent programme of education of business owners and if necessary enforcement will lead to a significant improvement in the ability of the vision impaired to navigate around our CBD and other areas.
Summary
Council should now deliberate on whether any changes should be made to the draft bylaw.
Staff will now make changes to the draft bylaw in accordance with resolutions from today’s meeting. It is then intended to present a final Control of Advertising Signs Bylaw 2014 for adoption at the 24 September meeting of Council.

Recommendation
1. That the information be received.
2. That recommendations as detailed in this agenda item be adopted and incorporated into the Control of Advertising Signs Bylaw 2014.
3. That staff prepare a final Control of Advertising Signs Bylaw 2014 for adoption at the 24 September 2014 meeting of Council.

Attachments:
1. Analysis of submissions 14/76902
2. Final Draft Control of Advertising Signs Bylaw 2014 13/68206
3. Signs Control Bylaw 2005 06/398796
## Signs Bylaw Submissions

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<th>Summary</th>
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<td>Cynthia Voss</td>
<td>No reference to having a legal sign on private land. The bylaw is too restrictive.</td>
</tr>
<tr>
<td>Blind Foundation</td>
<td>Requests references to keeping signs from the continuous accessible path of travel (CAPT).</td>
</tr>
<tr>
<td>Daniel Bethell</td>
<td>This is complete b…s… Stop ruining our amazing country.</td>
</tr>
<tr>
<td>Kamo Community Inc</td>
<td>Amend clause 15a as Kamo environments are not going to be called living 1,2 or 3.</td>
</tr>
<tr>
<td>New Zealand Transport Agency</td>
<td>Supports bylaw as drafted.</td>
</tr>
<tr>
<td>Professionals nz own home</td>
<td>As a real estate agent wants a process where a licence is given to allow a sign to occupy a public place where that sign is not adjacent to the property for sale.</td>
</tr>
<tr>
<td>The Old Stone Butter Factory</td>
<td>As a business owner would like to put a sign on the main road at the entrance to alleyway.</td>
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Control of Advertising Signs
Bylaw

(Draft)
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Control of Advertising Signs Bylaw

1 Introduction
This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910.

2 Purpose
The purpose of this bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to maintain aesthetic standards and preserve amenity values.

NOTES:
The New Zealand Transport Agency as a road controlling authority has its own bylaws for the control of signs on State Highways within the District.
Other bylaws, in addition to this bylaw, may also apply to signs.

3 Interpretation
For the purposes of this bylaw the following definitions shall apply:

Chief Executive Officer
means the person appointed as the Chief Executive Officer of Council or such officer as he or she delegates to act on his or her behalf.

Display area
means the area of the sign (not including its supporting structure) that is visible from any aspect.

Public amenity sign
means a sign placed, painted, or erected by Council, or by any other person with the prior consent of the Chief Executive Officer, for purposes other than commercial advertising.

Road and/or street
Has the meaning given to these terms in Section 2(1) of the Land Transport Act 1998.

Sign
means a temporary or permanent visual message or other notice conveyed to the public which is visible from a public place:

i. to display, advertise or identify a product, business or service, or
ii. to inform or warn the public; and
iii. it includes any frame, supporting device and associated ancillary equipment.

A “sign” includes, but is not limited to:

a. Any mural, message or notice painted on, affixed to or otherwise incorporated to a building, structure, or property; or
b. Any banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image whether or not it is affixed to or otherwise incorporated to a building, structure or property; or
c. Any bunting that has symbols or messages on it; or
d. Any vehicle on which a sign is displayed.
4 Offensive and discriminatory signs

No person shall:

a. Erect or display any sign that explicitly or implicitly:
   i. Is discriminatory or advocates discrimination;
   ii. Is objectionable, offensive, threatening or insulting; or
   iii. Incites or counsels any person(s) to commit any offence.

5 Signs on Council roads, parks and reserves

Notwithstanding any other provision in this bylaw, no person shall erect or display any sign including attaching a sign in any way to a pole, fence, street furniture or other public utility structure in a public place under the control of Whangarei District Council including a park or reserve, unless approved by the Chief Executive Officer or delegate.

6 Real Estate Signs

Notwithstanding any other provision in this Bylaw, the following signs advertising the sale, lease or auction of land or premises on which the sign is situated on the property being sold, leased or auctioned or on road reserve immediately adjacent to the property being sold, leased or auctioned are permitted:

   i. one sign up to 3 m² in display area; or
   ii. up to a maximum of four signs, each not exceeding 1 m² in display area,

No person shall erect or display or allow to be erected or displayed:

   i. Any sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of that settlement, whichever is the earlier; or
   ii. any sign (other than a sign advertising land or premises for sale, auction or lease) for more than two days following completion of the event to which the sign relates; or
   iii. more than one sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises; or
   iv. any sign advertising an open home other than prior to the day of the event or after the event concludes.

7 Signs on or over roads, footpaths and public places

No person shall erect or display or allow to be erected or displayed any sign in such a position as to be on, or project over any road, private street, or public place other than the following:

a. Signs affixed to any structure including any portable box or barrow where the sign advertises the product, service or event being offered from that structure; or
b. Signs securely fastened and extending up to 100mm into a public place where fastened to the wall of a building in an area zoned as a Business Environment under the Whangarei District Plan; or
   c. Signs in an area zoned as a Business Environment under the Whangarei District Plan up to a maximum 1 m² in display area, including any sandwich board or flag advertising commercial or industrial premises placed immediately outside or adjacent to such premises, provided that such sign shall not cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic. Where any commercial or industrial premises has more than one street frontage then that premises may have one sign on each street frontage.

8 Signs on verandahs

No person shall erect or display or allow to be erected or displayed any sign on a verandah overhanging a road or a public place other than a sign that is:

a. No less than 2.4 m above the footpath beneath the sign; and
b. Set back at least 600 mm horizontally from an imaginary vertical line at the road kerb; and
   c. If located on a verandah fascia, be not more than 900 mm in depth or protrude more than 200 mm from the fascia; and
d. If located under the verandah, at right angles to the fascia line, and be limited to one per site; and

e. If located on top of the verandah, be not more than 1.2m high, not more than 1.8m² in area and no
more than one per site; and

f. Advertising only goods, services or products available on the site of the sign.

9 Signs affecting Traffic Safety

No person shall erect or display or allow to be erected or displayed a sign where in the opinion of the
Chief Executive Officer or delegate that sign would create a traffic hazard or a traffic safety issue
having regard to whether it would:

a. Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic
sign or traffic signal;

b. Distract unduly or be likely to distract unduly the attention of road users;

c. Resemble or be likely to be confused with any traffic sign or signal;

d. Give rise to excessive levels of glare, use flashing or revolving lights or reflective materials or
moving images that may interfere with a road user’s vision;

e. Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;

f. Constitute or be likely to constitute in any way a danger to road users.

10 Commercial Signs

a. No person shall erect or display or allow to be erected or displayed a sign for commercial
purposes on any property other than on the property where the goods, services or products
advertised for sale are available.

b. A project sign to identify the nature of the project and the professional participants for the duration
of the construction period is permitted. Such signs shall not exceed three square metres in
display area and shall be erected on a construction site or the site of a project.

11 Signs on vehicles

No person shall display or allow to be displayed a sign on any vehicle which is stationary on any road,
where that vehicle is being used primarily for the purpose of exhibiting the sign.

No person shall display a sign on any vehicle on any private property other than on any property at
which the goods, services and products advertised on that vehicle are offered for sale where the
vehicle is being used primarily for the purpose of exhibiting the sign.

12 Sign parks

Sporting, cultural, public amenity or community event signs may be erected in designated Council sign
parks only with the approval of the Chief Executive Officer or delegate. Sites are available subject to
any terms and conditions the Chief Executive Officer or delegate may specify, including payment of a
fee in accordance with Council's current Fees and Charges schedule.

13 Banners in the Cameron Street Mall

Sporting, cultural, public amenity or community event banners may be erected in the Cameron Street
Mall only with the approval of the Chief Executive Officer or delegate. A site is available subject to any
terms and conditions as the Chief Executive Officer or delegate may specify, including payment of a
fee in accordance with Council’s current Fees and Charges schedule.

14 Sporting, cultural, public amenity or community event signs

Signs advertising a forthcoming sporting, community or cultural event up to a maximum sized display
area of 3 m² may be placed on the Council road reserve provided that such signs:

a. Shall not be erected more than 21 days prior to the event

b. Shall be removed within two days after the event concludes; and

c. Shall not be placed within the vehicular carriageway or footpath.

15 Election signs

A sign or signs for general or local electioneering or referendum purposes, for a maximum period of
two (2) months prior to polling day shall be permitted provided that the sign shall not exceed:
a. 3m² in display area in areas zoned as Living 1, 2, or 3 Environments under the Whangarei District Plan, or  
b. 2m² in display area in areas zoned as the Open Space Environment under the Whangarei District Plan, or  
c. 6m² in display area in all other zoned Environments under the Whangarei District Plan.  

Any election sign shall be removed the day before polling day.

16 General requirements for construction and maintenance of signs

All signs, other than signs permitted under clause 14 of this bylaw, shall be professional in presentation and be well constructed.

All signs must be fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and/or the owner of the land or building on which the sign is placed.

17 Exemptions

Where a sign lawfully existed prior to the coming into force of this bylaw, but it does not comply with this bylaw, it may remain in place and be repaired, or maintained, provided that such work does not increase the physical size or the extent of its non compliance with this bylaw.

A sign that does not comply with this bylaw and that did not lawfully exist prior to the coming into force of this bylaw shall be removed or made to comply within 6 months of the coming into force of this bylaw.

Where the Chief Executive Officer or delegate is satisfied that compliance with any requirement of this bylaw would be unreasonable or impractical, an exemption from compliance with the bylaw may be granted on such conditions as the Chief Executive Officer or delegate considers appropriate.

In making a decision to exempt any sign from the provisions of this bylaw, the Chief Executive Officer or delegate will have regard to:

i. the purpose of the sign  
ii. the benefits to the community of that sign  
iii. the potential for proliferation of signs  
iv. the duration the sign will remain erected  
v. the effect on amenity in the area of the sign  
vi. the size of the sign  
vii. traffic safety

18 Application of this bylaw

This bylaw does not apply to any:

i. public amenity sign; or  
ii. Council sign containing, traffic or direction information; or  
iii. street or place naming sign;  
iv. sign indicating the presence of any hazardous substances and/or a hazardous facility; or  
v. signs erected pursuant to any statute or regulation; or  
vi. signs that have obtained a resource consent.

This bylaw does not affect any conditions placed on signs by a rule in the District Plan or any resource consent.

19 Seizure of property not on private land

Council has powers of seizure of property not on private land under the Local Government Act 2002.

a. An enforcement officer may seize and impound property that is not on private land if—

i. the property is materially involved in the commission of an offence; and  
ii. it is reasonable in the circumstances to seize and impound the property; and  
iii. before seizing and impounding the property, the enforcement officer—

- directed (orally or in writing) the person committing the offence to stop committing the offence; and
has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and

- provided the person with a reasonable opportunity to stop committing the offence.

b. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with subsection 19 c.

c. Council may recover the costs of removing or altering any non-complying sign from the person who committed the breach including from the proceeds of disposal by sale.

20 Seizure of property on private land

Council has powers of seizure of property on private land under the Local Government Act 2002. In accordance with 165 of the Local Government Act 2002, Council may apply for a search warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.

21 Repair or Removal of Signs

The Chief Executive Officer or delegate may, by notice in writing require the owner, occupier or lessee of any land where an unsightly, non-complying, unsafe or unauthorized sign is located to repair or remove that sign within a period stated in such notice.

Where the owner or user of a sign, or the owner of land over or on which a sign is located, receives a notice given under this clause, that person shall comply with the requirements of the notice within the time specified in the notice.

Where any person has been requested to alter or remove any non-complying, unsafe or unauthorized sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this bylaw.

Where any person fails to comply with any requirement to alter or remove any sign, the Chief Executive Officer or delegate may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.

Any sign removed by the Chief Executive Officer or delegate shall be released to the owner upon payment of the costs incurred in its removal and storage.

22 Offences

Every person who breaches this bylaw commits an offence.

23 Compliance with clauses

All signs, whether permitted or not must comply with clauses 4,5,7,8,9,10,11 and 16.
Signs Control Bylaw

2005
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Whangarei District Council makes this bylaw pursuant to the powers contained in the Local Government Act 2002.

1  Short title and commencement

This bylaw may be cited as The Whangarei District Signs Control Bylaw 2005.
This bylaw comes into force on the 14th day of December 2005.

2  Interpretation

In this part of this bylaw, unless inconsistent with the context
Business sign means any sign which displays the name of the person occupying a property for purposes other than purely residential, or which advertises only the business carried out on that property, and/or goods or services offered from that property.

Definitions of terms

Chief Executive Officer means the person appointed as the chief executive officer of Council or such officer of Council as he/she delegates to act on his/her behalf
Display area means the greatest area of a sign (not including its supporting structure) that is visible from any one aspect
Enforcement Officer means an enforcement officer appointed to such office by Council pursuant to S.177 of the Local Government Act 2002.
Public Amenity Sign means a sign placed, painted, or erected by Council, or with the written consent of the Chief Executive Officer, for purposes other than private or commercial.
Public place means a place:
a That is under the control of Council, and
b That is open to, or being used by, the public, whether or not there is a charge for admission and includes:
a A road whether or not the road is under the control of Council, and
b Any part of a public place.
Road and/or Street has the meaning given to these terms in Section 2(1) of the Land Transport Act 1998.
Sandwich Board means any portable, free-standing sign and includes its supporting frame.
Sign means any device intended to attract attention for the purpose of directing, identifying, informing or advertising including structural supports, (except for traffic signs governed by legislation and advertising matter placed on or within a display window of commercial premises).
Temporary sign means a sign to announce or advertise an event, function, sale, or product, displayed only for such limited period of time as is provided for in this bylaw.
Council or the Council mean Whangarei District Council.
Whangarei District Plan means the District Plan either proposed or operative as prepared under the Resource Management Act 1991.

3  Signs in public places and temporary signs on private land

Signs not permitted
Except as provided in Clauses 4, 5, 6 and 12 hereof, no person shall paint, place, erect or leave standing or lying, or cause or permit to be painted, placed, erected or left standing or lying:
a any sign in a public place, or
b any temporary sign on private land.
4 Signs permitted in public places

The following may be erected in public places:

Signs permitted

1 Public amenity signs

2 Signs affixed to any portable box, lottery ticket booth or barrow or structure of a like nature where the sign advertises the purpose of such structure and such has been authorised by the Chief Executive Officer

3 Signs securely fastened and extending up to 100mm into a public place where fastened to the wall of a building in an area zoned as a Business Environment under the Whangarei District Plan

4 Sandwich boards advertising commercial or industrial premises placed immediately outside or adjacent to such premises provided that such sandwich board shall be positioned so as not to cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic. Where any commercial or industrial premises has more than one street frontage then such premises may have one sandwich board on each street to which such premises fronts subject to compliance with the requirements of this provision.

5 Signs permitted on verandahs/balconies

Signs under verandahs/balconies

Where a verandah is located in a public place and is attached to a building in an area zoned as a Business Environment under the Whangarei District Plan:

a Signs may be affixed under such verandah, provided that no part of any sign or its supports is less than 2.7 metres from the footpath below and the signs do not detract from the amenity of the area, as determined by the Chief Executive Officer.

Signs to or above verandahs/balconies

b Signs may be affixed to or above or be painted on the fascia of such verandah, provided that the sign shall not create or cause any hazard, safety issues or restrict movement to either pedestrian or vehicular traffic, or detract from the amenity of the area as determined by the Chief Executive Officer.

6 Temporary signs permitted

6.1 The following temporary signs may be erected in any part of the District administered by Council for the periods stated:

For sale/lease signs

a A sign or signs, each not exceeding one square metre in display area, advertising for sale, lease or letting the whole or part of the land or premises on which the sign is situated, up to a maximum of four signs per site and/or one sign up to three square metres in display area.

Directional signs

b A sign or signs, each not exceeding one square metre in display area, used to indicate the direction to house sales, auctions and the like. Such signs are to be placed on public land and should be erected and removed on the day of the event.

3m² community events signs

c A sign not exceeding three square metres in display area, advertising forthcoming cultural, community, religious, sporting or similar events on that site, provided that the sign shall not be displayed for more than 21 days before, and shall be removed within two days after, the event.

d A sign or signs for general or local electioneering or referendum purposes, for a maximum period of two (2) months prior to polling day, provided that the display area of the sign does not exceed:

Election signs

i Three square metres in display area in areas zoned as Living 1, 2, or 3 Environments under the Whangarei District Plan, or
ii Two square metres in display area in areas zoned as the Open Space Environment under the Whangarei District Plan, or

Six square metres in display area in all other zoned Environments as under the Whangarei District Plan.

Proposed project signs

e A sign not exceeding three square metres in display area, erected on a construction site or the site of a proposed project, to identify the nature of the project and the professional participants for the duration of the construction period.

6.2 Where any dispute or concerns arise, regarding amenity issues, sign proliferation or safety issues relating to any specific sign or signs erected pursuant to Clause 6.1 (a-e) of this bylaw, then at the discretion of the Chief Executive Officer such sign or signs may be requested to be repositioned or removed. Where the sign owner cannot be located or refuses to assist with the request, then the sign may be removed by Council and all costs incurred charged to the owner where applicable.

7 Signs affecting traffic or public safety

Approval required

Notwithstanding anything contained herein, no sign shall be erected or permitted to remain erected if in the opinion of the Chief Executive Officer it might adversely affect traffic or general public safety.

8 Signs on vehicles

No person shall leave any vehicle, boat or trailer on a road in circumstances where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to that vehicle, boat or trailer.

Signs on vehicles not permitted

9 Maintenance of signs

Maintenance of signs

All signs permitted by this bylaw shall:

a be maintained in good and tidy order; and

b be free of any projection or adornment that constitutes a hazard to or obstructs or in any way interferes with pedestrian or vehicular traffic.

10 Alteration of non-complying signs

Signs non-complying

In the event that any sign shall not comply with any provision of this bylaw the Chief Executive Officer may issue a notice to the owner of the sign, or to the owner of the land upon which the sign is located, to upgrade, repair, modify or remove the sign.

11 Removal of non-complying signs

a An enforcement officer may enter onto any land and pull down or remove any sign not complying with the requirements of this bylaw, and any fitting or attachment which prevents its ready removal.

Removal of signs

b All expenses incurred by Council in connection with the removal of a sign pulled down or removed pursuant to this bylaw shall be recoverable from the owner of this sign so pulled down or removed.

c Any sign removed under subclause (1) hereof and not claimed from Council by its owner within 30 days of removal may be disposed of in any manner which the Chief Executive Officer deems fit.
12 **Sign parks**

**Designation of place**

12.1 Council may by resolution from time to time designate a place to be a sign park wherein business signs, public amenity signs and temporary signs may be erected subject to such terms and conditions as Council may specify.

**Fees**

a Fees payable for the hire of space in any authorised sign park maybe set from time to time as Council deems necessary.

**Conditions**

b All signs erected in an authorised sign park must comply with the requirements of this bylaw as to the size, nature and type of sign erected in the sign park.

c Allocation of space in the sign park will be based on ‘first come, first choice’ at the determination of the Chief Executive Officer.

12.2 **Designated sign park areas are:**

**Designated sign park areas**

i Hatea Drive – north end of carpark at intersection of Hatea Drive and Dent Street

ii Corner Riverside and Memorial Drives approximately 30m heading generally in an easterly direction

iii Corner Maunu Road and Porowini Avenue (*old Cairnfield Dairy site*)

iv Lower Tarewa Road.

13 **Removal of works in breach of bylaw**

Council may:

a remove or alter any work or thing that is, or has been, constructed in breach of this bylaw

b recover the costs of any such removal or alteration from the person who committed the breach.

14 **Offences**

Every person who breaches this bylaw commits an offence.

Reporting officer  Mike Henehan (Bylaw Co-ordinator)
Date of meeting  9 September 2014

Vision, mission and values
This item is in accord with Council’s vision, mission and values statement as regulating activities in public places enhances residents’ and visitors’ enjoyment of our unique environment.

Introduction
Council is reviewing the Public Places Bylaw (incorporating the revocation of the Roller Skate and Skateboard Control Bylaw 2005) in accordance with the special consultative procedure provisions of the Local Government Act 2002 (LGA). Council adopted a statement of proposal in respect to this review and the public consultation process resulted in a total of 116 submissions. At an extra-ordinary Council meeting on 30 July 2014 24 submitters who wished to present their submissions were heard.

The purpose of this agenda item is to consider and deliberate on matters raised by submitters. To assist, staff have grouped submissions by topic and have commented and made a recommendation on each point.

The decisions made at this meeting will determine the final form of the bylaw which will be adopted at the 24 September 2014 meeting of Council.

Public Places Bylaw 2005 review and revocation of the Roller Skate and Skateboard Control Bylaw 2005
The Public Places Bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.

Included are clauses relating to damage to public facilities such as roads and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

Council made the Public Places Bylaw in December 2005. In accordance with the LGA the bylaw must be reviewed before 2015. Additionally, the Roller Skate and Skateboard Control Bylaw, which was also made in December 2005, is also to be reviewed prior to 2015. It is recommended that this bylaw be revoked with appropriate clauses from this bylaw to be incorporated into the Public Places Bylaw.

The statement of proposal – significant issues

Begging
A new clause (clause 9b) was inserted which prohibits begging in public places in a manner which may intimidate or cause annoyance to any person.

Horses on the beach
The 2005 Public Places Bylaw clause in respect to the horses on beaches issue states “No person shall... Lead, ride or drive a horse or cattle on any beach, park or reserve except where expressly allowed as indicated by park and reserve signage.” However there is currently no such signage anywhere in the district.

The draft bylaw proposed that the intent of the bylaw which effectively bans horses on beaches be unchanged, however the wording of the proposed bylaw was amended to read “No person shall drive or lead any horse or stock on any beach...”.

Four specific locations (Whananaki, Pataua and two areas on Ruakaka Beach) were proposed as designated beaches where it was considered that horses could be permitted. These beach areas were selected as being more suitable for the riding of horses because of their size and because there is less likelihood of damage being caused to infrastructure.
It was also proposed that the Chief Executive Officer (CEO) be delegated the power to apply conditions on the north Ruakaka location where horses are permitted. There were 109 submissions relating to horses on beaches and this issue is analysed in the table and commentary below.

**Activities in the central business district**

Clause 32 of the draft bylaw is similar to clause 31 of the current bylaw but with a recommended change from applying only to a “pedestrian mall” to the entire central business district.

In addition to this clause, it was recommended a policy will be developed under CEO delegation to provide guidance to individuals and groups who may wish to use the CBD for any activity.

It was proposed that there be a two tier system for the management of busking. Firstly it was recommended that individuals would be permitted to busk for a maximum period of one hour up to three times in any one week (Monday to Sunday). Exceeding this limited time would require a permit from Council. It was considered that this proposed framework will provide an appropriate balance between permitting individuals to busk for a limited time and allowing and encouraging those buskers who have greater talent and professionalism.

**Roller skates, skateboards and bikes**

The Roller Skate and Skateboard Control Bylaw 2005 has provisions relating to banning the use of roller skates and skateboards in the CBD and a further clause prohibiting the use of roller skates and skateboards in a careless, dangerous manner, or causing obstruction or annoyance to any person. Clause 5c of the Public Places Bylaw 2005 has a similar clause.

All of the above references were included in clause 33 of the draft bylaw. Also included in this clause was a prohibition on the riding of bikes in the Mall or on footpaths in the CBD or in a manner which is without reasonable consideration in any other place in the district. Of note is that the use of bikes in the CBD is the most complained of behaviour as reported to Council City Safe staff.

**Other changes**

Clause 30 of the proposed bylaw relating to Parks and Reserves includes references from clause 28 of the 2005 bylaw relating to animals, vehicles and other activities on parks and reserves.

Other minor amendments have been made to simplify or correct wording or to eliminate duplication.

When the final bylaw is adopted, introductory and explanatory comments will be included on the bylaw internet page.

**Submissions**

On 28 May 2014 Council adopted a Statements of Proposal and submissions were invited from 3 June 2014 until 4 July 2014. A total of 116 submissions to the Public Places Bylaw review were received with 24 submitters heard at the 30 July meeting of Council.

104 submitters opposed the proposed ban on horses on beaches, whilst 5 supported the proposal or requested further restrictions in respect to horses on beaches.

Four submitters raised various concerns about busking.

Four submitters raised concerns about clauses relating to skateboards, roller blades or bikes.

One submitter stated that if legal highs were made available, then they should be illegal in public places.

The following table is a summary of issues raised by submitters:
### Horses on the beach

This table should be read in conjunction with the commentary below.

<table>
<thead>
<tr>
<th>Issue (number of submissions for/against)</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horses are a danger to others (2/2)</td>
<td>Perception of danger can be an issue with some people.</td>
<td>That, in addition to the bylaw, guidelines for the riding of horses on the beach be developed.</td>
</tr>
<tr>
<td>Horse riders clean up after their horses (3/1)</td>
<td>A common theme across many submissions is that horse riders are responsible individuals.</td>
<td>That, in addition to the bylaw, guidelines for the riding of horses on the beach be developed</td>
</tr>
<tr>
<td>Horses and/or droppings are detrimental to the environment (1/1)</td>
<td>Horse droppings pose minimal risk to public health but are unsightly.</td>
<td>That, in addition to the bylaw, guidelines for the riding of horses on the beach be developed</td>
</tr>
<tr>
<td>Horse riders are considerate (1/1)</td>
<td>A common theme across many submissions is that horse riders are responsible individuals.</td>
<td>No change to the bylaw.</td>
</tr>
<tr>
<td>WDC does not provide enough locations for horse riding (10/0)</td>
<td>A matter outside the scope of this bylaw review.</td>
<td>That these concerns be considered by Parks Department. No change to the bylaw</td>
</tr>
<tr>
<td>Horse riding is healthy (1/0)</td>
<td>Accepted.</td>
<td>No change to the bylaw.</td>
</tr>
<tr>
<td>Vehicles cause more damage than horses (14/0)</td>
<td>Potentially correct, but vehicles generally use defined access ways to access the beach. Horses can cause significant damage to reserves.</td>
<td>No change to the bylaw</td>
</tr>
<tr>
<td>Suggest a code of conduct to manage this issue (8/0)</td>
<td>A common theme across many submissions is that horse riders are responsible individuals and that this issue can be managed through education.</td>
<td>That, in addition to the bylaw, guidelines for the riding of horses on the beach be developed.</td>
</tr>
<tr>
<td>The public and/or tourists enjoy interacting with horses (2/0)</td>
<td>Accepted but there may be some individuals who do not wish to interact with horses.</td>
<td>No change to the bylaw but will be included in the guidelines.</td>
</tr>
<tr>
<td>Uretiti horse area is not big enough (7/0)</td>
<td>This area is the same as the year round dog exercise area.</td>
<td>It is recommended that the Uretiti area be included as a year round exercise area. See commentary.</td>
</tr>
<tr>
<td>Horses and dogs don’t mix (2/0)</td>
<td>Complaints that some riders, who may be inexperienced, may not be confident in managing a horse which has been confronted by a dog.</td>
<td>That Uretiti and north Ruakaka year round horse riding areas be established. These areas are exceptions to the summer time ban and are the same as the year round dog exercise areas. Whilst there may be an issue with dogs it is up to horse rider’s discretion as to whether to also use these areas.</td>
</tr>
<tr>
<td>Concentrating horses in four areas will create congestion (3/0)</td>
<td>Some merit in this point</td>
<td>That horses be permitted on most beaches. See commentary.</td>
</tr>
<tr>
<td>Issue (number of submissions for/against)</td>
<td>Comment</td>
<td>Recommendation</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>Horse riding should be permitted at Matapouri (5/2)</td>
<td>Matapouri is used by some individuals for riding horses. Note that two submitters raised various concerns about horses on this beach.</td>
<td>That horses be permitted on Matapouri beach, however estuary areas east of the road be conservation ban areas.</td>
</tr>
<tr>
<td>Concerns about horses at Pataua beach. Ban horses from the Pataua walking bridge (2/0)</td>
<td>Pataua bridge, or any other footbridge, are not suitable for horses</td>
<td>That horses be banned from footbridges.</td>
</tr>
<tr>
<td>Pataua beach is too steep for horses (1/0)</td>
<td>Some submitters use this beach for horse riding. No longer applicable as it is recommended horse riding be permitted on most beaches.</td>
<td>That horses be permitted on most beaches. See commentary.</td>
</tr>
<tr>
<td>New Zealand Coastal Policy Statement says it is illegal for horses to be on a beach (1)</td>
<td>Council has received legal advice which does not agree with this statement.</td>
<td>This is not a matter to be included in the bylaw.</td>
</tr>
<tr>
<td>Horses damage kaimoana (2)</td>
<td>This statement may be accurate, however there is little scientific data on this point.</td>
<td>That horses be permitted on most beaches. See commentary.</td>
</tr>
<tr>
<td>Horses on beaches are a health and safety problem (4)</td>
<td>Some individuals may not feel comfortable with horses on the beach. Some incidents at Ruakaka beach have been reported to Council.</td>
<td>A clause relating to inconsiderate, careless or dangerous use of a horse is included in the bylaw. No change recommended.</td>
</tr>
</tbody>
</table>

**Horses on the beach**

Of the 116 submissions to the Public Places Bylaw received 109 related to the issue of horses on beaches. Of that, 104 were opposed to the proposed ban on horses on beaches, whilst 5 supported the proposal or requested further restrictions.

Common themes from those who supported riding horses on the beach include that vehicles cause more damage than horses (14 submissions), Council does not provide enough locations suitable for horse riding (10), Council should develop a code of conduct for this activity (8) and the designated area at Uretiti is not long enough (7). A full analysis of submissions is in the table above.

Council’s draft proposal was based on the issues of damage to infrastructure and adjacent reserves and also parking congestion at busy times because of horse trailers.

As a result of the number of submissions opposed to a ban on horses, it is now recommended that generally horses be permitted on beaches but with the following limitations:

- Include a provision that Council by resolution can ban horses on specific beaches and/or reserves where damage is caused.
- Horse bans at conservation areas (similar but not all conservation areas as indicated in the Dog Management Bylaw)
- S10afe zone bans (as per the Vehicles on Beaches Bylaw). This provision would include the ability for the CEO or delegate to grant an exemption to any persons or organisation such as the Whangarei Racing Club in the case of any safe zone at north Ruakaka.
• Summer time bans (as per the Dog Management Bylaw) between 9am and 5pm from 20 December to 31 January.
• All year horse exercise areas at Ruakaka north and at Uretiti (as per the Dog Management Bylaw’s dog exercise areas).
• Ban on horses on any footbridge.

It is viewed that while these changes provide a range of options for riding horses on beaches, it also gives Council the flexibility to manage any issues, including damage, through the ability to amend schedules by resolution. Please note that if horses were to be banned at any beach staff would in the first instance attempt to manage this issue through educational and directional signage.

The conservation ban areas, summer ban period and all year exercise areas are similar to those in the Dog Management Bylaw but do not include the Whananaki beach and spit area. It is considered that this similarity will assist in educating the public and in enforcing the bylaw if required.

Additionally, as eight submitters have suggested, staff will develop a guideline (or a code of conduct) for horse riders. This guideline may include matters in addition to the bylaw such as safety, preferred locations and times, minimising damage, interacting with the public, vehicles and dogs, cleaning up after a horse, damage to kaimoana and riding below high water mark.

As a result of two submitters suggesting that horses be banned on the Pataua footbridge, it is also recommended a new clause be included banning horses on any footbridge.

The issue of horses on the beach at Ruakaka is unique in the district and is reflected through the views of four submitters who call for horses to be banned here, whilst seven submitters request continued access for horses at this location.

There have been regular complaints made, particularly concerning Whangarei Racing Club (WRC) horses, in relation to safety issues or droppings. Also allegations of breaches of the code of conduct are regularly reported to staff. While submissions against horses on the beach at this location are noted, including one from Patu Harakeke, it is recommended that Council continue to permit the WRC to train their horses on this beach.

Currently Council, the Department of Conservation and the Northland Regional Council are working to build a new vehicle access way north of the Ruakaka village which will assist in enabling a new vehicle safe zone to be constructed in front of the village. Whilst it is recommended that the final bylaw ban horses on these safe zones, it is suggested that WRC and a local pony club continue to be permitted access to this beach. In accordance with a delegation, staff will work with these organisations on a code of conduct to manage this issue. It is intended that this code of conduct will only permit horse riding in front of the village prior to 9am and possibly earlier during daylight saving time.

Buskers

Four submitters raised issues relating to buskers. Analysis of points raised by these submitters is below:

<table>
<thead>
<tr>
<th>Issue (number of submissions for/against)</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opposes crackdown on buskers (1)</td>
<td>Busking will still be permitted but with controls.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Keep buskers clear of doorways/entrances (3)</td>
<td>Can be minimised through specified time limit.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Restrictions on numbers (1)</td>
<td>Can be effectively managed through specified time limit.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Restrictions on volume (1)</td>
<td>Amplifiers are only permitted with CEO or delegate approval. Can also be managed through Resource Management Act provisions.</td>
<td>No change to the draft bylaw</td>
</tr>
</tbody>
</table>
It was proposed that there be a two tier system for the management of busking. Firstly it was recommended that individuals would be permitted to busk for a maximum period of one hour up to three times in any one week (Monday to Sunday). Exceeding this limited time would require a permit from Council. It was considered that this proposed framework will provide an appropriate balance between permitting individuals to busk for a limited time and allowing and encouraging those buskers who have greater talent and professionalism.

Some CBD retailers have submitted that buskers be required to keep clear of doorways and entrances. However, if a specified distance was included in the final bylaw a likely outcome would be that, because shop doorways can be of a significant size and also relatively close to neighbouring entrances, buskers would be forced into the middle of the mall. Whilst this appears an appropriate solution, it is viewed that at times this may lead to congestion in this limited area.

Accordingly it is recommended that the draft bylaw as proposed is the most suitable option to manage this issue as the time limit (a maximum of three hours per week per busker) would significantly limit the ability of buskers of limited talent to operate in the CBD.

The more talented buskers, who would be permitted by Council, would be more welcome by retailers and if necessary conditions in their permit could further assist in managing this issue.

Additionally, City Safe staff would work with and educate buskers if a problem arose, and any offensive behaviour by buskers (or any other person) could also be dealt with through issuing a trespass notice.

**Skateboards /Roller skates/Roller blades/Bikes**

Four submitters raised issues in respect to this matter. Analysis is below:

<table>
<thead>
<tr>
<th>Issue (number of submissions for/against)</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supports proposal (1/1)</td>
<td>The Positive Aging Advisory Group supports the proposal.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Scooters and rollerblades are different to skateboards. (2/0)</td>
<td>The elderly or infirm should be able to use the CBD area without experiencing persons using this equipment.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Include Kamo as a skateboard ban area (1/0)</td>
<td>Recommended</td>
<td>That a skateboard ban area in Kamo be included in the final bylaw</td>
</tr>
<tr>
<td>Oppose CBD ban (2/0)</td>
<td>The elderly or infirm should be able to use the CBD area without experiencing persons using this equipment.</td>
<td>No change to the draft bylaw</td>
</tr>
<tr>
<td>Only police should have power to seize (1/0)</td>
<td>The power to seize is contained in the Local Government Act.</td>
<td>No change to the draft bylaw</td>
</tr>
</tbody>
</table>

A ban is proposed for the use of the above items in the CBD. Also proposed is that riding bikes would be banned on footpaths and in any mall in the CBD.

The Cameron Street Mall and footpaths in the CBD are high use pedestrian areas and are not suitable locations for the riding of bikes or using skateboards and roller skates etc. It is viewed that pedestrians may be placed at risk from individuals who are not always skilled in the use of these items.

Some visitors to our CBD, particularly the elderly or infirm, have a fear of roller skates, scooters, skateboards and bikes. The reactions of some individuals can be considerably slower that those of young persons and subsequently simply hearing the noise of these items can cause a perception that a danger exists. Additionally, there is a real risk that even a minor injury to an elderly person can result in a hospital stay or a
lengthy period of recuperation. Accordingly is it recommended that the bylaw as proposed be adopted with no changes.

Note that it will not be a breach of the bylaw for an individual to walk a bike through the mall or on any footpath in the CBD.

Also, in accordance with a submission from the Kamo Community Incorporated, it is recommended that a skateboard, rollerskate and rollerblade area be included in the bylaw as is the case with the current bylaw.

Other

<table>
<thead>
<tr>
<th>Issue (number of submissions for/against)</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>If legal highs were made available, then they should be illegal in public places (1/0)</td>
<td>There would be difficulties enforcing such a clause.</td>
<td>No change to the draft bylaw.</td>
</tr>
<tr>
<td>Stop ruining our amazing country (1/0)</td>
<td>Not applicable</td>
<td>No change to the draft bylaw.</td>
</tr>
<tr>
<td>Request references to the continuous accessible path of travel (CAPT) to assist the visually impaired. (1/0)</td>
<td>This submission will be addressed in the Signs Control Bylaw review.</td>
<td>No change to the draft bylaw.</td>
</tr>
</tbody>
</table>

Continuous Accessible Path of Travel (CAPT)

Chris Orr from the Blind Foundation, submitted on CAPT, which is an uninterrupted route to or within premises or building that provides access to all services and facilities. It should not include any obstacle that would prevent it from being safely negotiated by people with disabilities. A clear accessible path of travel for the vision impaired is free of obstructions such as displays, street furniture and sandwich boards.

Whilst Council’s Alfresco Dining Policy addresses the issue of dining on footpaths and The Control of Advertising Signs Bylaw 2014 will address the issue of signs, this bylaw (clause 3) regulates other obstructions in public places.

It is recommended that this clause should be strengthened through the inclusion of the following wording:

“Wilfully displays any item for sale on any mall, footpath or public place, or places any table or bench or similar thing used to display, or offer for sale any, good, service or product on any mall, footpath or public place without the prior permission of the CEO or delegate”.

Inclusion of this additional clause would enable a policy to be made which would include specifications on the nature of and sizes of articles displayed for sale on footpaths etc. This policy may also enable Council to issue licenses to occupy in a similar manner to the Alfresco Dining Policy. Any charges would be subject to consultation through the annual fees and charges consultation process.

Summary

Council should now deliberate on whether any changes should be made to the draft bylaw. In particular the matter of horses on beaches is discussed in full in this item and some changes are recommended.

Staff will accordingly make changes to the draft bylaw in accordance with resolutions from today’s meeting. It is then intended to present a final Public Places Bylaw 2014 for adoption at the 24 September meeting of Council.
Recommendation

1. That the information be received.
2. That recommendations as detailed in this agenda item be adopted and incorporated into the Public Places Bylaw 2014.
3. That staff prepare a final Public Places Bylaw 2014 for adoption at the 24 September 2014 meeting of Council.

Attachments

1. Analysis of submissions 14/76903
2. Draft Public Places Bylaw 2014 14/16902
3. Public Places Bylaw 2005 06/398777
4. Roller Skate and Skateboard Control Bylaw 2005 06/398822
## Public Places Bylaw Submissions

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Topic</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rosie Prickett</td>
<td>Busker</td>
<td>opposes crackdown on buskers. opposes ugly &quot;no&quot; signs in the mall. likes skateboarders showing off skills. nowhere for cyclists to go without risking one's life.</td>
</tr>
<tr>
<td>Tod Gulick</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. in favour of allowing horses to be ridden responsibly on beaches. Dunes, reserves and boardwalks should be protected. serious safety concerns about horses on the Pataua footbridge.</td>
</tr>
<tr>
<td>Ken and Marie Wise</td>
<td>Horses on beaches</td>
<td>owns a beach property at Matapouri. concern at number of cars and trucks with horse floats that park in the reserve. horses racing up and down the beach, swimming in the estuary, horse manure in the reserve.</td>
</tr>
<tr>
<td>Dianne Hansen</td>
<td>Horses on beaches</td>
<td>owns a beach property at Matapouri. concern at number of horses and horse floats and horse trucks on the reserve and in the estuary in summer. also manure on the beach.</td>
</tr>
<tr>
<td>Rosa Harper</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. swims horse on Tutukaka coast. activity should be permitted. don't think horses pose a risk to users of the beach.</td>
</tr>
<tr>
<td>Hana Gilbert</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. swims horse on Tutukaka coast. activity should be permitted. thinks that horses pose no harm to users of the beach.</td>
</tr>
<tr>
<td>Anita Buchan</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. how about turning the district into an equestrian friendly environment.</td>
</tr>
<tr>
<td>Clare Bolesworth</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach Whangarei makes no effort to increase horse riding opportunities in public places.</td>
</tr>
<tr>
<td>Cynthia Osborne</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. horses should be allowed to be ridden on all Whangarei beaches</td>
</tr>
<tr>
<td>Rachael Chester</td>
<td>Horses on beaches</td>
<td>horses can be ridden in bridle paths, laws for horses on roads</td>
</tr>
<tr>
<td>Hayley Brown</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. ok to impose time restrictions in summer</td>
</tr>
<tr>
<td>Harriet Naismith</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach. riding horses on the beaches doesn't cause anyone harm. rides at Matapouri</td>
</tr>
<tr>
<td>Kathleen Hutchings</td>
<td>Horses on beaches</td>
<td>opposes ban on horses on the beach</td>
</tr>
</tbody>
</table>

14/76903
<table>
<thead>
<tr>
<th>Submitter</th>
<th>Topic</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monique Bradley</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Lady at Matapouri takes kids from many socioeconomic backgrounds to the estuary.</td>
</tr>
<tr>
<td>Far North Riding Club</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Emma Tunstall</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Enjoys riding horses on Ruakaka Beach. The proposed bylaw will restrict my freedom to do this.</td>
</tr>
<tr>
<td>Julie Gleniece Baker</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach Ban on Uretiti Beach is the area most people frequent. People do not have problems with horses on the beach.</td>
</tr>
<tr>
<td>Laurel Jansen</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. NZ has plenty of coastline. Share it.</td>
</tr>
<tr>
<td>Monique Mackenzie</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Council should concentrate on real problems. Do not restrict riding places more than you already have. Tourists like horses</td>
</tr>
<tr>
<td>Frances Charlesworth</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach</td>
</tr>
<tr>
<td>Janet Freeman</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach</td>
</tr>
<tr>
<td>Sarah Topper</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Vehicles cause more problems</td>
</tr>
<tr>
<td>Shelley Trigg</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. WDC does not support horse riders.</td>
</tr>
<tr>
<td>Haley Rogers</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Horses are not a threat</td>
</tr>
<tr>
<td>Helen Campbell-Smith</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Holidays at Matapouri</td>
</tr>
<tr>
<td>Jennifer Gow</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Council provides very little if anywhere for people wanting to exercise their horses for long distances.</td>
</tr>
<tr>
<td>Beth Lamb</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Will be seen as a move against a very popular passtime. Proposal will cause congestion where horses are permitted.</td>
</tr>
<tr>
<td>Yasmin Todd</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Rides on Tutukaka coast most week days. Would be happy with restricted times in the summer season.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
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</tr>
<tr>
<td>Debra Williams</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. People enjoy watching us.</td>
</tr>
<tr>
<td>Meredith Bargh</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Agree that riders need to remove droppings.</td>
</tr>
<tr>
<td>Positive Aging Advisory Committee</td>
<td>Skateboards / skaters</td>
<td>Supports skateboard and bike ban in CBD</td>
</tr>
<tr>
<td>Sacha Lorraine Williamson</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. This is a positive activity and an attribute to the community. Horses do not cause damage</td>
</tr>
<tr>
<td>Sandra Gaskell</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Ridden on the beach at Matapouri over 25 years. Horses do not cause damage. WDC should provide areas where it is safe to ride.</td>
</tr>
<tr>
<td>Rosalie Almquist</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. This activity is part of NZ's history</td>
</tr>
<tr>
<td>Caroline Arrowsmith</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. WDC should provide areas where it is safe to ride.</td>
</tr>
<tr>
<td>Mila Mary Thorburn</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Would have no place to ride the horse.</td>
</tr>
<tr>
<td>Blind Foundation</td>
<td>Visually impaired</td>
<td>Requests references to keeping signs from the continuous accessible path of travel (CAPT)</td>
</tr>
<tr>
<td>Laura Tessa Whimp</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. No harm caused to beaches</td>
</tr>
<tr>
<td>Davina Mannion</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Council makes no provision for horse riders.</td>
</tr>
<tr>
<td>Jackie Callaghan</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. WDC should provide areas where it is safe to ride. Suggest a code of conduct</td>
</tr>
<tr>
<td>Michael Hill Jeweller</td>
<td>Busker</td>
<td>Supports clause on begging. Agree that buskers should move on after an hour but should be placed in the centre of the mall. Suggest a busking code of conduct</td>
</tr>
<tr>
<td>Anonymous</td>
<td>Legal Highs</td>
<td>If legal highs were available could they be made illegal in public places.</td>
</tr>
<tr>
<td><strong>Submitter</strong></td>
<td><strong>Topic</strong></td>
<td><strong>Summary</strong></td>
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</tr>
<tr>
<td>NZ Horse Network</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Reducing the number of beaches for horse riding will bring about increased damage and conflict. Suggest code of conduct. Bylaw does not meet the Local Government Act requirements. Suggest summer time ban similar to dog ban, courtesy to others, horses below high tide, no riding on dunes, avoid nesting birds. No evidence that horses cause damage. Suggest read the entire submission. Provide maps. Remove bylaws already covered by legislation. Remove topics already covered by legislation. It is hard to see how the proposed bylaw can be enforced. &quot;Stock&quot; should not be in the bylaw. Uretiti beach horse riding area is the same as the dog off leash area - this will cause conflict.</td>
</tr>
<tr>
<td>Skatescool (Northern Skaters)</td>
<td>Skateboards / skaters</td>
<td>Never heard of biking or skating labelled a nuisance. Skooters and rollerskates different from skateboards. Opposes skateboard ban.</td>
</tr>
<tr>
<td>Nick Jacob</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Teenagers ride horses on Matapouri and Ngunguru Beaches. Exclude these areas from any ban. Never seen damage caused by horses. Problem does not exist. Concentrating horses will create congestion.</td>
</tr>
<tr>
<td>Margaret Hicks</td>
<td>Horses on beaches</td>
<td>WDC has shown bias in favour of the Whangarei Racing Club. Riders go into conservation areas. Dog exercise area is not suitable for horses. Increasing population makes it inappropriate for horse to be on the beach. There are public safety issues. Racecourse horse riders do not comply with the bylaw. There are health issues with horse droppings. Compromises public amenity issues. Churning up of the beach can cause erosion. Causes damage to the toe of the dunes. Causes damage to shellfish beds. The NZ Coastal Policy Statement makes it clear that such activities are not permitted. There Whangarei Racing Club does not honour its agreements. Suggest read entire submission.</td>
</tr>
<tr>
<td>Adrian Thomas</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach.</td>
</tr>
<tr>
<td>Katrina Powell</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Never seen damage caused by horses. Suggest a code of conduct. Horses manure is of minimal risk to public health. Concentrating horses will cause congestion.</td>
</tr>
<tr>
<td>Santreno</td>
<td>Busker</td>
<td>Supports two tier system re busking. Keep buskers clear of doorways. Area in front of our shop must be kept clear as it is narrow.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
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</tr>
<tr>
<td>Cherie Gwilliam</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. This freedom should not be taken away.</td>
</tr>
<tr>
<td>Catherine Gundesen</td>
<td>Nil</td>
<td>Nil text</td>
</tr>
<tr>
<td>Tim Gale</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach</td>
</tr>
<tr>
<td>Daniel Bethell</td>
<td>General</td>
<td>This is complete b…and Stop ruining our amazing country.</td>
</tr>
<tr>
<td>Megan Bellshaw</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Uretiti riding area is too restrictive. Horse droppings is a minor issue. Horses do not damage the beach.</td>
</tr>
<tr>
<td>Richard Aubrey</td>
<td>Horses on beaches</td>
<td>Alarmed that horses will be allowed at Pataua North. Have seen bad behaviours regarding horses on the beach. Horses should be banned from the Pataua footbridge.</td>
</tr>
<tr>
<td>Marc Gundesen</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. This is unreasonable and senseless.</td>
</tr>
<tr>
<td>Maree Broughton</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Slowly running out of places to ride don't take our beaches. Horses do less damage than vehicles.</td>
</tr>
<tr>
<td>Aileen Mary Kerslake</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. 28.2 is an unnecessary withdrawal of free public access. Majority of riders are considerate. Educate.</td>
</tr>
<tr>
<td>Vanessa Morris</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Beaches are for everyone. Don't believe horses cause damage to reserves.</td>
</tr>
<tr>
<td>Margaret Kite</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Allow horses on beaches eg Ngunguru on low tides.</td>
</tr>
<tr>
<td>Janice Chisholm</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Loves the freedom. WDC should provide areas where it is safe to ride.</td>
</tr>
<tr>
<td>Judy Coyne</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Suggest summer time ban as in dog bylaw.</td>
</tr>
<tr>
<td>Karl Darling</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Keeps below high tide. Pataua beach is unsuitable for horses because of the slope.</td>
</tr>
<tr>
<td>Teresa Davis</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Horse riders are generally respectful.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
</tr>
<tr>
<td>---------------------------------------------</td>
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</tr>
<tr>
<td>Department of Conservation</td>
<td>Horses on beaches</td>
<td>Suggest horses be ridden below mean high water. Suggest including maps of horse ban areas. Suggest no horse riding in front of Ruakaka village as this will not be consistent with any safe zone.</td>
</tr>
<tr>
<td>Megan Dickinson</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach at Uretiti. 2 kilometer stretch no long enough. Vehicles are a problem not horses.</td>
</tr>
<tr>
<td>Friends of Ruakaka Beach</td>
<td>Horses on beaches</td>
<td>Ruakaka and Uretiti should be removed as locations to ride horses. Health and Safety, visual and amenity, effect on kaimoana, dune erosion, monitoring reasons. Inappropriate for CEO or delegate to be authorised to make decisions.</td>
</tr>
<tr>
<td>Garry Grant</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Children and grandchildren have ridden horses on Ruakaka Beach. Suggest an education programme.</td>
</tr>
<tr>
<td>Patricia Grant</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Horse droppings do not contain nasty things. Never seen damage caused by horses. Horses are an attraction.</td>
</tr>
<tr>
<td>Patuharakeke Te Iwi Trust Board</td>
<td>Horses on beaches</td>
<td>Horses contribute to range of effects: accumulation of contaminants in kaimoana, potential for exposure to faecal matter, danger of collision, disturbance and erosion of dunes. Use of Ruakaka beach as a training area for horses is not consistent with the RMA. No functional need to train racehorses on the beach. Provide guidance as to what &quot;inconsiderate, careless or dangerous&quot; are. Adequate resources have not been deployed to police bylaws. Independent commissioner should hear submissions.</td>
</tr>
<tr>
<td>Sandy Bay horse Trekking Ltd</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Runs a horse trekking company. Bylaw goes against coastal strategy. Families and tourists come to experience wilderness. Company provides jobs.</td>
</tr>
<tr>
<td>Grace Stevenson</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Making a bylaw is not proportional to the issue. Other ways to manage the issue.</td>
</tr>
<tr>
<td>Sarah Van Beek</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Police should not have rights above those of the public. Family have enjoyed riding on the beach for generations. Horses cause fewer disturbances than vehicles. Tourists like the horses.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
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<tr>
<td>-----------------------------------------</td>
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</tr>
<tr>
<td>Kamo Community Inc</td>
<td>Multiple issues</td>
<td>Support clause 4 re litter bins. Support clause 25 re planting or removal of trees. Clause 32 - request council include satellite town centres in this clause. Clause 33 request that Kamo be a ban area as in the 2005 bylaw. Request better signage.</td>
</tr>
<tr>
<td>Whangarei Roller Skating Club</td>
<td>Skateboards / skaters</td>
<td>No need to ban skateboards etc in the city. Clause 33.3 relating to causing damage or without consideration is good. Overseas cities allow roller skates.</td>
</tr>
<tr>
<td>Steve Jennens</td>
<td>Skateboards / skaters</td>
<td>Cannot agree with a ban on cyclists and skaters in the cbd. Clause 33.3 only rule needed. Only police should have power to seize.</td>
</tr>
<tr>
<td>Nola Borriello</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Vehicles cause more damage than horses. Horses do not damage shellfish beds. No-one swimming a horse would ever go near others.</td>
</tr>
<tr>
<td>Terry Archer</td>
<td>Horses on beaches</td>
<td>Breeder and owner of racehorses. Clause 28 should make it clear that this access is to continue for racehorses.</td>
</tr>
<tr>
<td>Joanne Barker-Harland</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Rides horses at Ngunguru. Agree with a summer time restriction</td>
</tr>
<tr>
<td>Bream Bay Coastal Care Trust</td>
<td>Horses on beaches</td>
<td>Wishes to be heard by independent commissioners. Horses on the beach cause loss of amenity, loss of aesthetics, having to avoid the beach, accumulation of contaminants, potholing on the beach, health and safety of aged and infirm.</td>
</tr>
<tr>
<td>One Tree Point Pony Club</td>
<td>Horses on beaches</td>
<td>Riders should be able to ride on Ruakaka Beach within the area currently allowed by the DOC concession.</td>
</tr>
<tr>
<td>Kelly Ann Cosgrave</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Current restrictions in place under statutes. DOC has a concessioned area at Uretiti. If restrictions are to continue include the area south to the DOC reserve.</td>
</tr>
<tr>
<td>Paul Dickinson</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. In particular the Uretiti location is not big enough. Vehicles pose much more of a nuisance.</td>
</tr>
<tr>
<td>John Fairley</td>
<td>Horses on beaches</td>
<td>Whangarei Racing Club has been training on Ruakaka Beach for many years and this should be specifically allowed for in the bylaw.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
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</tr>
<tr>
<td>Max &amp; Bev McKenzie</td>
<td>Horses on beaches</td>
<td>Own a beach property at Ohawini. Seen local Maori ride horses on the beach. It has never been a problem. Never been an attempt to stop vehicles doing wheelies.</td>
</tr>
<tr>
<td>Sandra McKenzie</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Never encountered any ill feeling. Children love to see horses on the beach. Why are horses getting the blame for damaging the beach.</td>
</tr>
<tr>
<td>Lynn Haselden</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Horses pose minimal danger, minimal risk.</td>
</tr>
<tr>
<td>Deborah Jennings</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. WDC is discriminating against horse owners. Provides an annual camp for kids including riding horses on Matapouri.</td>
</tr>
<tr>
<td>Peter Brungar</td>
<td>HH</td>
<td>Objects to horses on the beach at Ruakaka. Horses are a danger and cause damage</td>
</tr>
<tr>
<td>Tori Murray-Elley</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Dogs and horses don't mix. Designated horse areas are also dog exercise areas. Create access ways and parking areas. Not enough horse tracks in Whangarei.</td>
</tr>
<tr>
<td>Kirsty Snushall</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Rides at Ngunguru estuary. Suggest a code of conduct. Most beaches are under used.</td>
</tr>
<tr>
<td>Vikki Subritzky</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Provide access for horses. Suggest code of conduct. Exclude horses from busier times. Use education. WDC should also provide alternative tracks.</td>
</tr>
<tr>
<td>Janine van Beek</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Uretiti area is too small. The public enjoys horses.</td>
</tr>
<tr>
<td>Karen van Cingel</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Not many places available for horse riders. Would like to see horse riding continue at Uretiti.</td>
</tr>
<tr>
<td>David Lourie</td>
<td>Horses on beaches</td>
<td>Clause 28.3c and 28.4a re horses on the beach created for an organisation that is receiving financial and regulatory assistance from WDC.</td>
</tr>
<tr>
<td>Liz Woodward</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Proposal takes away all options for horse riders. Vehicles continue to be the major issue. Not safe to ride on the road. Proposal will concentrate horses in one area. Suggest code of conduct.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
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</tr>
<tr>
<td>Walter Yeoman</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Uretiti area too short. Horse riding not dangerous unlike vehicles.</td>
</tr>
<tr>
<td>Northland Western Riding Association</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Why are vehicles still able to use the beach.</td>
</tr>
<tr>
<td>Whangarei Racing Club</td>
<td>Horses on beaches</td>
<td>Ride of WRC to ride horses on the beach should be expressed in the bylaw. A code of conduct should be agreed to. Clause 28.2 the word “ride” has been omitted.</td>
</tr>
<tr>
<td>Robyn &amp; Hayley Drake</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Can use beaches when in winter.</td>
</tr>
<tr>
<td>Kenny &amp; Lisa Rae</td>
<td>Horses on beaches</td>
<td>New bylaw should reflect current practice that racehorses can use the beach. This should be expressly stated in the bylaws.</td>
</tr>
<tr>
<td>Gordon Blundell</td>
<td>Horses on beaches</td>
<td>Approves of race horses being clear of the beach by 9.</td>
</tr>
<tr>
<td>Cherie Louise Waldron</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. More damage will be caused by more riders in limited areas. Use signage. Suggest summer time ban. Suggest education. Dogs and horses don't mix.</td>
</tr>
<tr>
<td>Virginia Haretuku</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. It is a way of life.</td>
</tr>
<tr>
<td>Kirsty Borriello</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Why would anyone want to swim their horses near people? Restricted areas are not long enough.</td>
</tr>
<tr>
<td>Corrina Gaw</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Vehicles cause the damage.</td>
</tr>
<tr>
<td>Jessica O'Brien</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Vehicles do the damage not horses.</td>
</tr>
<tr>
<td>Angela Carson</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach</td>
</tr>
<tr>
<td>Amanda Joan Broughton</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Why are vehicles still able to use the beach.</td>
</tr>
<tr>
<td>Donna Logan</td>
<td>Horses on beaches</td>
<td>Trains racehorses. The beach is important as part of our training regime. We are supported by the community. Request the right to continue training as per the code of conduct.</td>
</tr>
<tr>
<td>Submitter</td>
<td>Topic</td>
<td>Summary</td>
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</tr>
<tr>
<td>Shanti Aplin</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. I am six years old you should let kids ride horses on the beach. Lots of other kids want to pat our ponies.</td>
</tr>
<tr>
<td>Anna Gentry</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. Works with young people. It is healthy to experience riding on beaches.</td>
</tr>
<tr>
<td>Gaia Aplin</td>
<td>Horses on beaches</td>
<td>Opposes ban on horses on the beach. We don't want to be put in jail.</td>
</tr>
<tr>
<td>Royal Forest and Bird</td>
<td>Horses on beaches</td>
<td>To protect wildlife and the environment horses should be banned from beaches.</td>
</tr>
<tr>
<td>Jacqueline Broughton</td>
<td>Nil</td>
<td>No text received</td>
</tr>
</tbody>
</table>
Public Places Bylaw 2014

(Draft)
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Appendix 1 – Activities in the Central Business District
Appendix 2 – Control of Skateboards, Rollerblades and Bikes
1  Introduction
This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910

2  Purpose
The Public Places Bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.

Interpretation
In this bylaw, unless the context otherwise requires:

Beach means the foreshore between mean low water springs and mean high water springs and includes and Whangarei District Council administered sand dunes.

Busking means performing for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places for voluntary donations.

Central Business District means the central business district of Whangarei as depicted in the diagram in Schedule 1 of this bylaw.

Constable or Member of Police means a person appointed under the Policing Act 2008.

Chief Executive Officer or delegate means the person appointed as the chief executive officer of Council and includes any officer of Council acting under the delegated authority of the Chief Executive Officer.

Council means Whangarei District Council.

Mobility device has the meaning given to it in Section 2 of the Land Transport Act 1998.

Public place has the meaning given to it in Section 147(1) of the Local Government Act 2002.

Road has the meaning given to it in Section 316 of the Local Government Act 1974 and includes a street.

Roller Skate means a series of wheels attached to a framework, which can be fitted over ones shoe or a shoe with wheels attached and includes any similar thing used in a similar way.

Skateboard means a board mounted on sets of small wheels, for riding on and includes any similar thing used in a similar way.

Vehicle has the meaning given to it in Section 2 of the Land Transport Act 1998.

Week means the period from a Monday to the following Sunday inclusive.

3  Obstruction
No person shall:

a. Leave standing or lying, nor pack or unpack upon a public place any case, crate, carton, barrow or other similar thing whatsoever so as to cause an obstruction;

b. Push, pull or trail or cause to be pushed, pulled or trailed any heavy thing so as to obstruct or cause damage to a public place;

c. Wilfully or negligently encumbers or obstructs a public place in any manner, whether or not specifically proscribed in this bylaw.

4  Litter Bins
No person shall with respect to any litter bin on any public place:

a. Place any flammable material or matter therein;

b. Set light to the contents of any such bin;

c. Use any such bin for the disposal of any offensive matter or household, shop, office or trade refuse of any kind

5  Footways, Verges, Grass Plots and Flowerbeds

5.1 No person shall on any footway (whether such footway be formed or unformed):

a. Park any motor vehicle, trailer, caravan, cart or bicycle.

b. Drive, ride or lead a horse in an unsafe manner
5.2 No person shall:
   a. Cause, permit or suffer any livestock to be led, ridden or driven, upon, across, or along any grass plot, berm, or flowerbed laid out on any public place.
   b. Cause, permit or suffer any vehicle to stand, or remain standing or be driven upon, across or along any grass plot, berm, or flowerbed in any public place under the control of Council, so as to cause, or be likely to cause, any damage.
   c. Cause, permit or suffer any livestock or vehicle to be driven along or across any water channel in a public place.

6 Gates to Open Inwards
No person shall hang, or permit or suffer to be hung, any door or gate abutting on any public place or in or about the entrance to any premises abutting on a public place so as to render it capable of being swung over to or across such public place.

7 Processions
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.

8 Distribution of Notices
No person shall without the prior written consent of the Chief Executive Officer or delegate:
   a. Distribute handbills, tickets, pamphlets or other printed matter to any person in a public place.
   b. Expose to view, distribute or offer for sale in a public place, and placard, handbill, print or other document of an offensive or indecent character.

9 Begging and Soliciting Donations
No person shall in any public place:
   a. Beg, in a manner that may intimidate or cause a nuisance to any person.
   b. Solicit any subscription, collection or donation without the prior written consent of Chief Executive Officer or delegate.

10 Games & Other Activities
No person shall play any game or indulge in any sport, recreation or other activity of any kind whatsoever on any road or street, park, reserve or recreation facility to the annoyance, inconvenience or obstruction of any other person, or damage to property.

11 Trading
No person shall engage in any commercial enterprise whatsoever in a public place except as may be permitted by any other bylaw, the District Plan or by the Chief Executive Officer or delegate.

12 Damage
No person shall paint, damage, deface, destroy or remove any tree, shrub, flowerbed, or any building or other structure, any monument, statue, litter bin, or any other property whatsoever on any public place.

13 Display of Notices
No person shall place any poster, placard, notice or other document in any public place without the prior written consent of Chief Executive Officer or delegate and where consent is given for the temporary display of notices to be attached to poles then such poster, placard or notice shall be tied or otherwise firmly secured to such poles. The sign must be removed at that time specified and not contradict other bylaws or the district plan.

14 Articles displayed for sale
No person shall without the prior written consent of Chief Executive Officer or delegate expose for sale any article whatsoever outside any shop or other business premises so as to encroach onto any public place, or suspend any article for sale over such public place.
15  Encroachment of Projections
No portion of any building may encroach on or project over any road or street, or public place unless it complies with the District Plan and all requirements of the Building Act 2004 except:

a. Any verandah, portico, awning, lamp or other erection or construction which has been erected in accordance with a permit issued by the Chief Executive Officer or delegate and in any case subject to such conditions as the Chief Executive Officer or delegate may determine.

b. Any architectural features, balconies, fire escapes, bay and oriel windows erected in accordance with the provisions of this or any bylaw.

c. Any doorstep, cellar door or other projection with the prior written consent of the Chief Executive Officer.

16  Opening any Public Place
No person shall:

a. Without the prior written consent of the Chief Executive Officer or delegate, open any public place or footway for the purpose of installing or repairing a private service of any kind whatsoever.

b. Obstruct or damage any culvert, sewer or drain on any public place.

17  Protection of Cellars
No person shall:

a. Fail to keep in good repair any rail, grate, fence or cover, over or about any area or entrance or lighting place to any cellar, basement or other place opening into or upon any public place.

b. Keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, or omit to protect the entrance when open for use.

18  Repair of Fences
1. Where any fence abutting onto a public place is in the opinion of the Chief Executive Officer or delegate, in a dangerous state of disrepair or is impacting on the amenity value of the area the Chief Executive Officer or delegate may by notice in writing require the owner to repair or remove such fence within a specified time.

2. Where a fence abutting onto a public place is removed the Chief Executive Officer or delegate may require a new fence to be erected where the Chief Executive Officer or delegate deems it expedient for public safety.

3. The Chief Executive Officer or delegate may by notice in writing require the owner or occupier of land which has no fence erected along a boundary between that land and a public place, to erect sufficient fence as defined in the Fencing Act 1978 along that boundary.

19  Buildings Prohibited
No person shall:

a. Erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place, except with the prior written consent of the Chief Executive Officer or delegate.

b. Use any building, tent, caravan or other vehicle on any public place for the purpose of living accommodation except with the prior written consent of the Chief Executive Officer or delegate.

20  Building May Be Removed
The Chief Executive Officer or delegate may remove or alter any building, structure or erection or any part thereof which has been erected, constructed or placed so as to be over, under, upon or across any public place, in breach of this bylaw and may recover the costs of removal or alteration from the person responsible.

21  Lighting of Obstructions and Excavations
No person shall, between sunset of one day and sunrise of the next day:

a. Place or leave on any public place any material, building debris, rubbish or other thing whatsoever (whether or not with the permission of the Chief Executive Officer or delegate), without adequate approved lighting or without regard to public safety.
b. Make any hole or excavation whatsoever in any public place without adequate barriers being erected around such excavation and without the installation of approved lighting.

22 Interference with Street Lamps & Warning Lights
No person shall extinguish damage or break any street lamp, or break or damage any lamp post, or break, damage, remove or interfere with any warning light, sign or barricade placed to warn the public of danger or for any other public purpose.

23 Building Numbers
23.1 The owner of any building shall mark the building with such number as the Chief Executive Officer or delegate shall direct or approve, and shall renew such number as often as it becomes obliterated, defaced or illegible, or as the Chief Executive Officer or delegate may order or direct.
23.2 No person shall destroy, pull down, obliterate or deface the number of any building or the nameplate of any street or public place, or paint, affix or set up any other number to any building or name of any street contrary to the provisions of this part of this bylaw.

24 Flammable Material
No person shall leave any flammable material or matter on any public place so as to cause danger to any person or property except with the prior written consent of the Chief Executive Officer or delegate.

25 Planting or Removal of Trees and Plants
No person shall plant or remove or damage any tree, shrub or flower on any public place except with the prior written consent of the Chief Executive Officer or delegate.

26 Vehicle Crossings over Footways
26.1 No person shall drive, ride, propel or wheel any vehicle across any footway or grass plot on any public place except over a vehicular crossing constructed in accordance with this Bylaw.
26.2 Any person desiring the construction, repair, widening or altering of any vehicular crossing may apply and at the same time pay the prescribed fee to the Chief Executive Officer or delegate for a vehicular crossing permit.
26.3 Any person to whom such a permit is issued shall carry out all work in a safe manner in accordance with that permit.
26.4 All properties or premises require adequate complying vehicle crossings. Where a crossing is required or does not meet the appropriate council standards the Chief Executive Officer or delegate may require the owner to construct a complying vehicle crossing. Where the vehicle crossing is not installed as required the crossing may be constructed by Council at the owner's expense.
26.5 Where a vehicle crossing becomes damaged and in need of repair and it is established that the damage has been caused by the owner or occupier of the premises served by the crossing, the Chief Executive Officer or delegate may require that the crossing be repaired by the owner. Failure to comply with the instruction may result in the crossing being repaired by Council with the costs being recovered from the owner.
26.6 In complying with any consent given, an applicant shall:
   a. Construct the temporary crossing for which permission has been given to a standard approved by the Chief Executive Officer or delegate.
   b. Ensure that all vehicles using the crossing shall be taken right across the crossing so as not to obstruct a public place.
   c. Ensure that such temporary crossing is kept well lit between sunset of any one day and sunrise of the next day, and swept clear of all debris at all times. Also removed at an agreed time or as instructed by the Chief Executive Officer or delegate.

27 Discharge of Surface Water
Where in the opinion of the Chief Executive Officer or delegate land adjoining, fronting or near any street or public place is so situated that surface water from or upon such land may discharge onto such street or public place in such a manner so as to cause, or be likely to cause, damage to the street or public place then the Chief Executive Officer or delegate may serve upon the owner of such land a notice in writing requiring the owner within a reasonable specified time to repair, reconstruct, or construct any work or appliance to
such standard as is specified in the notice and in the event that any notice so issued is not complied with the 
Council may carry out work and to recover the costs from the owner.

28 Horses and Stock on Beaches

28.1 No person shall:
   a. Ride, drive or lead horses or stock on any beach in an inconsiderate, careless or dangerous manner.
   b. Ride, drive or lead a horses or stock on any sand dune.
   c. Swim horses or stock within 100 metres of a swimmer.
   d. Unload any horse directly onto the beach from a horse float, clean out or sweep out a horse float onto
      the beach.

28.2 No person shall ride, drive or lead any horse or stock on any beach except as provided for in clauses
28(3) and (4).

28.3 Horses may be ridden on the following beaches:
   a. Whananaki including the estuary
   b. Pataua including the estuary
   c. Ruakaka beach at Uretiti lying between Tip Road and finishing at a line drawn directly eastwards
      across Ruakaka beach from the southern point of the Uretiti camp ground block.

28.4 Horses may be ridden on the following beach with the prior written consent of the Chief Executive
Officer or delegate:
   a. Ruakaka beach between the southern end of the racecourse boundary and the first storm water outlet,
      and to the second storm water outlet before 9.00am daily.

28.5 Horses ridden on beaches by Police staff for enforcement purposes are exempt from the provisions of
this bylaw.

29 Slaughter of animals

No person shall:
   a. Slaughter or skin an animal upon a public place; or
   b. Fail to dispose of in a proper manner the carcass or any part of the carcass of an animal belonging to,
      or in the charge or keeping of that person.

30 Parks and Reserves

The following activities are expressly prohibited in parks and reserves. Where there are approved
Management Plans prepared under the Reserves Act, these provide specific provisions for uses and
activities for particular parks or reserves. These documents should be read in conjunction with this bylaw,
however the Reserve Management Plan will prevail.

No person shall:
   a. Lead, ride or drive a horse or cattle on any park or reserve area except where permitted under a
      Reserve Management Plan.
   b. Operate or drive any vehicle on any sports field, turf and garden areas of parks and reserves unless
      those areas are set aside and clearly marked for car parking without the consent of the Chief
      Executive Officer or delegate.
   c. Use any park, sports field or reserve at a time when public use of such park, sports field or reserve
      has been closed at the direction of the Chief Executive Officer or delegate.
   d. Use any sports field or park or reserve for any organised sports or activities, such as weddings, parties
      and the like, without the consent of the Chief Executive Officer or delegate.
   e. Ride a bike in any park or reserve in a manner that is dangerous or inconsiderate to other persons.
   f. Dispose or place any waste or garden material on any park or reserve, including bush and coastal
      dune areas.
   g. Construct or place any building or structure of any kind on any park or reserve without first obtaining
      the appropriate consents.
   h. Play or practice golf on any sports field, park or reserve
   i. Operate or drive a motorised water craft on any water body within any park or reserve, except that any
      motorized model craft may be operated provided that the water body is not reserved for wildlife.
   j. Land any aircraft, except in an emergency on any park or reserve, without the consent of the Chief
      Executive Officer or delegate.
k. Possess any poison or trap used for pest control or set any such poison or trap in a park or reserve without the consent of the Chief Executive Officer or delegate.

31 Removal of Material from Beaches

No person shall, except with the prior consent of the Chief Executive Officer or delegate:

a. Remove any stone, shingle, sand, boulders, silt, mud or other material from any beach; or
b. Interfere with or remove any portion of a fascine or groyne erected for the control of sand

32 Activities in the Central Business District or Town Basin

32.1 Subject to the following, Busking is permitted in the central business district or Town Basin as defined in Appendix I:

a. For a maximum of one hour per day up to a total of three hours per week; and
b. No person shall use an amplifier or loud hailer while busking in accordance with this clause.

32.2 Other than in accordance with clause 32.1, no person shall, without the written consent of the Chief Executive Officer or delegate, in any public place in the central business district or Town Basin as defined in Appendix I:

a. Set up or operate any stall or entertainment;
b. Perform any concert, musical or sporting event;
c. Use any amplifier or loud hailer;
d. Cook or offer food for sale;
e. Sell or expose for sale any goods, food, raffles or advertise any business;
f. Perform any entertainment or play any musical instrument

g. Set up or display any banner across the Cameron Street Mall or across any road.
h. Conduct or hold any meeting, rally or other event

e. Solicit any donation
j. Drive or park any vehicle on any mall, pavement or footpath.

32.3 Any consent given by the Chief Executive Officer or delegate may be withdrawn without prior notice at any time.

33 Control of Skateboards, Roller Skates and Bikes

33.1 No person shall use any roller skate, scooter or skateboard in any public place within the areas detailed in Appendix II provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this clause.

33.2 No person shall ride a bike on the footpath or in any mall within the areas detailed in Appendix II.

33.3 No person shall use any bike, roller-skate, scooter, mobility device or skateboard in any public place so as to cause damage to any property or person or in a manner which is without reasonable consideration for other persons using any public place.

34 Removal of works in breach of bylaw

Council may:

a. Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
b. Recover the costs of removal or alteration from the person who committed the breach.

35 Seizure

Seizure of property not on private land

Council has powers of seizure of property not on private land under the Local Government Act 2002. An enforcement officer may seize and impound property in a public place if:

a. The property is materially involved in a breach of this bylaw, and
b. It is reasonable in the circumstances to seize and impound the property, and

c. Before seizing and impounding the enforcement officer-
   i. directed the person committing the offence to stop committing the offence
   ii. has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and
iii. provided the person with a reasonable opportunity to stop committing the offence.

36 Removal of Works in Breach of Bylaw

The Chief Executive Officer or delegate may:

a. Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
b. Recover the costs of removal or alteration from the person who committed the breach.

37 Chief Executive Officer or delegate consent

In any clause of this bylaw where the consent of the Chief Executive Officer or delegate is required, such consent may include conditions as deemed appropriate.

38 Amendment by resolution

Council may by resolution publicly notified amend any area relating to clauses 32 and 33 of this bylaw as depicted in the appendices to this bylaw.

39 Offences

39.1 Every person who breaches a bylaw made under this bylaw commits an offence.
Appendix 1 – Activities in the Central Business District
Appendix 2 – Control of Skateboards, Rollerblades and Bikes
Signs Control Bylaw

2005
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Whangarei District Council makes this bylaw pursuant to the powers contained in the Local Government Act 2002.

1 Short title and commencement
This bylaw may be cited as The Whangarei District Signs Control Bylaw 2005.
This bylaw comes into force on the 14th day of December 2005.

2 Interpretation
In this part of this bylaw, unless inconsistent with the context
Business sign means any sign which displays the name of the person occupying a property for purposes other than purely residential, or which advertises only the business carried out on that property, and/or goods or services offered from that property.

Definitions of terms
Chief Executive Officer means the person appointed as the chief executive officer of Council or such officer of Council as he/she delegates to act on his/her behalf
Display area means the greatest area of a sign (not including its supporting structure) that is visible from any one aspect
Enforcement Officer means an enforcement officer appointed to such office by Council pursuant to S.177 of the Local Government Act 2002.
Public Amenity Sign means a sign placed, painted, or erected by Council, or with the written consent of the Chief Executive Officer, for purposes other than private or commercial.
Public place means a place:
a That is under the control of Council, and
b That is open to, or being used by, the public, whether or not there is a charge for admission and includes:
a A road whether or not the road is under the control of Council, and
b Any part of a public place.
Road and/or Street has the meaning given to these terms in Section 2(1) of the Land Transport Act 1998.
Sandwich Board means any portable, free-standing sign and includes its supporting frame.
Sign means any device intended to attract attention for the purpose of directing, identifying, informing or advertising including structural supports, (except for traffic signs governed by legislation and advertising matter placed on or within a display window of commercial premises).
Temporary sign means a sign to announce or advertise an event, function, sale, or product, displayed only for such limited period of time as is provided for in this bylaw.
Council or the Council mean Whangarei District Council.
Whangarei District Plan means the District Plan either proposed or operative as prepared under the Resource Management Act 1991.

3 Signs in public places and temporary signs on private land
Signs not permitted
Except as provided in Clauses 4, 5, 6 and 12 hereof, no person shall paint, place, erect or leave standing or lying, or cause or permit to be painted, placed, erected or left standing or lying:
a any sign in a public place, or
b any temporary sign on private land.
4 Signs permitted in public places

The following may be erected in public places:

Signs permitted

1. Public amenity signs
2. Signs affixed to any portable box, lottery ticket booth or barrow or structure of a like nature where the sign advertises the purpose of such structure and such has been authorised by the Chief Executive Officer
3. Signs securely fastened and extending up to 100mm into a public place where fastened to the wall of a building in an area zoned as a Business Environment under the Whangarei District Plan
4. Sandwich boards advertising commercial or industrial premises placed immediately outside or adjacent to such premises provided that such sandwich board shall be positioned so as not to cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic. Where any commercial or industrial premises has more than one street frontage then such premises may have one sandwich board on each street to which such premises fronts subject to compliance with the requirements of this provision.

5 Signs permitted on verandas/balconies

Signs under verandas/balconies

Where a verandah is located in a public place and is attached to a building in an area zoned as a Business Environment under the Whangarei District Plan:

a. Signs may be affixed under such verandah, provided that no part of any sign or its supports is less than 2.7 metres from the footpath below and the signs do not detract from the amenity of the area, as determined by the Chief Executive Officer.

Signs to or above verandas/balconies

b. Signs may be affixed to or above or be painted on the fascia of such verandah, provided that the sign shall not create or cause any hazard, safety issues or restrict movement to either pedestrian or vehicular traffic, or detract from the amenity of the area as determined by the Chief Executive Officer.

6 Temporary signs permitted

6.1 The following temporary signs may be erected in any part of the District administered by Council for the periods stated:

For sale/lease signs

a. A sign or signs, each not exceeding one square metre in display area, advertising for sale, lease or letting the whole or part of the land or premises on which the sign is situated, up to a maximum of four signs per site and/or one sign up to three square metres in display area.

Directional signs

b. A sign or signs, each not exceeding one square metre in display area, used to indicate the direction to house sales, auctions and the like. Such signs are to be placed on public land and should be erected and removed on the day of the event.

3m² community events signs

c. A sign not exceeding three square metres in display area, advertising forthcoming cultural, community, religious, sporting or similar events on that site, provided that the sign shall not be displayed for more than 21 days before, and shall be removed within two days after, the event.

d. A sign or signs for general or local electioneering or referendum purposes, for a maximum period of two (2) months prior to polling day, provided that the display area of the sign does not exceed:

Election signs

i. Three square metres in display area in areas zoned as Living 1, 2, or 3 Environments under the Whangarei District Plan, or
ii Two square metres in display area in areas zoned as the Open Space Environment under the Whangarei District Plan, or

Six square metres in display area in all other zoned Environments as under the Whangarei District Plan.

Proposed project signs

e A sign not exceeding three square metres in display area, erected on a construction site or the site of a proposed project, to identify the nature of the project and the professional participants for the duration of the construction period.

6.2 Where any dispute or concerns arise, regarding amenity issues, sign proliferation or safety issues relating to any specific sign or signs erected pursuant to Clause 6.1 (a-e) of this bylaw, then at the discretion of the Chief Executive Officer such sign or signs may be requested to be repositioned or removed. Where the sign owner cannot be located or refuses to assist with the request, then the sign may be removed by Council and all costs incurred charged to the owner where applicable.

7 Signs affecting traffic or public safety

Approval required

Notwithstanding anything contained herein, no sign shall be erected or permitted to remain erected if in the opinion of the Chief Executive Officer it might adversely affect traffic or general public safety.

8 Signs on vehicles

No person shall leave any vehicle, boat or trailer on a road in circumstances where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to that vehicle, boat or trailer.

Signs on vehicles not permitted

9 Maintenance of signs

Maintenance of signs

All signs permitted by this bylaw shall:

a be maintained in good and tidy order; and

b be free of any projection or adornment that constitutes a hazard to or obstructs or in any way interferes with pedestrian or vehicular traffic.

10 Alteration of non-complying signs

Signs non-complying

In the event that any sign shall not comply with any provision of this bylaw the Chief Executive Officer may issue a notice to the owner of the sign, or to the owner of the land upon which the sign is located, to upgrade, repair, modify or remove the sign.

11 Removal of non-complying signs

a An enforcement officer may enter onto any land and pull down or remove any sign not complying with the requirements of this bylaw, and any fitting or attachment which prevents its ready removal.

Removal of signs

b All expenses incurred by Council in connection with the removal of a sign pulled down or removed pursuant to this bylaw shall be recoverable from the owner of this sign so pulled down or removed.

c Any sign removed under subclause (1) hereof and not claimed from Council by its owner within 30 days of removal may be disposed of in any manner which the Chief Executive Officer deems fit.
12 **Sign parks**

**Designation of place**

12.1 Council may by resolution from time to time designate a place to be a sign park wherein business signs, public amenity signs and temporary signs may be erected subject to such terms and conditions as Council may specify.

**Fees**

a Fees payable for the hire of space in any authorised sign park maybe set from time to time as Council deems necessary.

**Conditions**

b All signs erected in an authorised sign park must comply with the requirements of this bylaw as to the size, nature and type of sign erected in the sign park.

c Allocation of space in the sign park will be based on ‘first come, first choice’ at the determination of the Chief Executive Officer.

12.2 **Designated sign park areas are:**

**Designated sign park areas**

i Hatea Drive – north end of carpark at intersection of Hatea Drive and Dent Street

ii Corner Riverside and Memorial Drives approximately 30m heading generally in an easterly direction

iii Corner Maunu Road and Porowini Avenue *(old Cairnfield Dairy site)*

iv Lower Tarewa Road.

13 **Removal of works in breach of bylaw**

Council may:

a remove or alter any work or thing that is, or has been, constructed in breach of this bylaw

b recover the costs of any such removal or alteration from the person who committed the breach.

14 **Offences**

Every person who breaches this bylaw commits an offence.
Roller Skate and Skateboard Control Bylaw

2005
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This Bylaw is made pursuant to the powers contained in the Local Government Act 2002.

1 Short title and commencement date

This Bylaw may be cited as the Whangarei District Roller-Skate and Skateboard Control Bylaw 2005.
This bylaw comes into effect on the 14th day of December 2005.

2 Interpretation

In this Bylaw, unless the context otherwise requires:

Definition of terms

The Act means the Local Government Act 2002
Council and the Council mean Whangarei District Council
This Bylaw means the Whangarei District Roller-Skate and Skateboard Control Bylaw 2005
Police Officer means a member of the Police appointed pursuant to the Police Act 1958 or any Act in substitution or re-enactment thereof to exercise any of the functions, duties and powers of the Police
Public Place means a place and/or a road that is open to or is capable of being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or reject any person from that place
Skateboard means a board mounted on sets of small wheels, for riding on and includes any similar thing used in a similar way
Road has the meaning given to it in S.316 of the Local Government Act 1974 and includes a street
Roller Skate means a series of wheels attached to a framework, which can be fitted over ones shoe or a shoe with wheels attached and includes any similar thing used in a similar way
Enforcement officer means a person appointed as an enforcement officer by Council pursuant to S.177 of the Act

3 Control of usage

Skateboard use prohibited and exemptions

3.1 No person shall use any roller skate or ride any skateboard in any public place within the areas detailed in the First Schedule to this Bylaw provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this bylaw.

Roller skate use prohibited

3.2 No person shall use any roller-skate or ride or stand on any skateboard in any public place within the district administered by Council outside of the areas detailed in the First Schedule to this Bylaw so as to cause damage to any property or person or in a manner which is careless, dangerous or causes obstruction or annoyance to any person or persons using any public place.

4 Enforcement

Requirements of police officer

4.1 Any user of a roller-skate or skateboard contrary to Clause 3 of this Bylaw shall at the request or signal of any police officer or enforcement officer stop and shall upon request supply their name and address and any other particulars required by such police officer or an enforcement officer so as to enable their identity to be confirmed.

4.2 Any person so stopped by a police officer or enforcement officer shall remain stopped for so long as it is reasonably necessary to enable that police officer of enforcement officer to obtain the information required from that person so stopped.
5 Seizure

An enforcement officer may seize and impound property in a public place if:

a The property is materially involved in a breach of this bylaw, and

b it is reasonable in the circumstances to seize and impound the property, and

c before seizing and impounding the enforcement officer

i directed the person committing the offence to stop omitting the offence

Property seized

ii has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and

iii provided the person with a reasonable opportunity to stop committing the offence.

6 Offence

Offence

6.1 Any person using a roller skate or riding a skateboard contrary to the provisions of Clause 3 of this Bylaw shall commit an offence.

Fine for failing to stop

6.2 Any person failing to stop at the request of a police officer or enforcement officer or to supply information as might be sought pursuant to Clause 4 of this Bylaw commits an offence.
First Schedule

1. That area at Whangarei known as the ‘Whangarei Town Basin’ such being the area bounded to the north by the Hatea River, to the west by James Street, to the south by Dent Street and to the east by Quay Street.

2. Rathbone Street from Cameron Street to Dent Street

3. Cameron Street from Bank Street to Walton Street

4. Quality Street

5. Cameron Street Mall

6. James Street from Cameron Street to Robert Street

7. John Street from Cameron Street to Robert Street

8. Bank Street from Dent Street to Walton Street

9. Vine Street from Bank Street to Walton Street

10. Municipal Mall

11. Laurie Hall Park

12. Southern side of Kamo Road between Three Mile Bush Road and Griffin Street

13. Northern side of Kamo Road between Station Road and Wilkinson Avenue

14. Station Road – fronting Lots 48, 49 and 51 DP 49845

15. Onerahi Shopping Centre on the west side of Onerahi Road - fronting Lot 1 DP 125307, Lots 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 and 15 DP 39961, and Lot 1 DP 107766.

16. From and including the north side of Waverley Street and the Onerahi Road intersection travelling south on the west side of Onerahi Road parallel to the frontage of the Shopping Centre for 160 metres, to the south side of Raumati Crescent and Onerahi Road intersection; and including the Raumati Crescent and Onerahi Road intersection travelling west to Goodwin Street for 128 metres; and from the Raumati Crescent and Goodwin Street intersection travelling north for 136 metres to the north side of Waverley Street with this area to include the rear and front car parks of the Onerahi Shopping Centre.