

Council

Meeting of 19 November 2025

Business Unit: People and Corporate

Date Created: 09 October 2025

Decisions on the Public Places Bylaw

Purpose Te Aronga o te Pūrongo

To present the proposed Public Places Bylaw (Annex A) for final decisions.

Recommendations Ngā Tūtohunga

1. That, in accordance with section 145 of the Local Government Act (LGA 2002), the Council determines that the Public Places Bylaw (Annex A) is necessary for one or more of the following purposes:
 - i. To protect the public from nuisance;
 - ii. To protect, promote, and maintain public health and safety;
 - iii. To minimise the potential for offensive behaviour in public places.
2. That in accordance with the requirements of sections 155(1)-(3) of the Local Government Act 2002, the Council determines that the proposed Public Places Bylaw 2025:
 - a. Is the most appropriate way of addressing the perceived problems the bylaw seeks to manage; and
 - b. Is the most appropriate form of bylaw; and
 - c. Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
3. That the Council adopt the proposed Public Places Bylaw 2025, made under sections 145, 146, and 147 of the Local Government Act 2002, in accordance with the requirements of sections 155 to 158 of that Act.
4. That the Council gives delegation to the Chief Executive to make any minor final edits to the Public Places Bylaw prior to publication.

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Approved for submission by:
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1 Background Ngā Kōrero o Muri

- 1.1 The Local Government Act 2002 (LGA 2002) empowers Council to make bylaws for the purpose of protecting the public from nuisance, protecting public health and safety, and regulating public places. The process for reviewing bylaws made under the Local Government Act 2002 is set out in section 160 of the LGA, henceforth the Act.
- 1.2 The Public Places Bylaw 2020 was adopted on 2 July 2020. The statutory review deadline for the bylaw was 2 July 2025. This obligation was met when Council endorsed the section 155 assessment at its meeting on 19 June 2025. The information provided in the review documents presented at that meeting was sufficient to satisfy Council that the bylaw aligns with the purposes set out in section 145 of the Act and that:
 - The bylaw is necessary for one or more of the purposes set out in section 145 of the Act;
 - The bylaw is the most appropriate and proportionate way of addressing the perceived problems as set out in section 155(1) and 155(2)(a) of the Act;
 - The bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- 1.3 At its meeting on 24 July 2025, Council adopted the Statement of Proposal. The draft Public Places Bylaw was publicly notified on 28 July 2025, with the submission period closing at 5 pm on Friday 29 August 2025. A total of 15 submissions were received. Four submitters requested to speak at the Hearings meeting on 18 September 2025; however, only three presented. The fourth (submission 12) was unable to attend and requested that her written submission be considered.
- 1.4 The Deliberations Meeting took place on 2 October 2025, during which Council confirmed which submitter-requested changes to the bylaw it supported. The proposed bylaw, included as Annex A to this report, has been drafted in accordance with the directions provided by Council at that meeting.

2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 This review aligns with Council's obligation to ensure that public places are safe, accessible, and vibrant for residents, businesses and visitors. As such, the review contributes to the following four strategic priorities.
- 2.2 The review of the Public Places Bylaw aligns with Council's strategic priority, **A place to belong and grow**, as it enables Council to gather insights from the community to ensure that public places support community wellbeing and are safe and enjoyable for all.

- 2.3 The review of the Public Places Bylaw supports Council’s strategic priority, **A future planned together** by enabling collaborative engagement with the community to identify how public spaces are used, managed, and protected—ensuring they meet current needs and future expectations for the benefit of all.
- 2.4 The strategic priority **An environment to be proud of** is supported through the review of the Public Places Bylaw, which enables Council to manage activities that may pose environmental risks, such as vehicle repairs in public spaces that can lead to contaminant discharge. Working in conjunction with the Trade Waste Bylaw, the Public Places Bylaw helps to protect water quality and urban amenity by placing appropriate controls on behaviours that could result in pollution or environmental degradation.
- 2.5 The review of the Public Places Bylaw contributes to supporting **A prosperous, resilient economy** by helping ensure that public spaces are safe, accessible, and welcoming. The bylaw is also conducive to maintaining clean, safe, and well-managed public areas, and therefore supports positive visitor experience, encouraging return tourism, readiness for events and activities that bring economic benefit to local businesses and the community as a whole.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 Council deliberated on all oral and written submissions received on the Public Places Bylaw at the 2 October 2025 Council meeting. Those submitter and officer-recommended changes to the bylaw that were supported by Council at deliberations have been incorporated in the proposed Public Places Bylaw that is attached to this report for adoption (Annex A).
- 3.2 Council’s Public Places Bylaw is due for statutory review. Council has reviewed the bylaw, consulted on a draft bylaw using the special consultative procedure, and made minor amendments based on submitter feedback received. To complete the statutory review, the Council must first make determinations in accordance with:

(a) Section 145 of the Act that the Bylaw is necessary for one or more of the following purposes:

- i. Protecting the public from nuisance;
- ii. Protecting, promoting, and maintaining public health and safety;
- iii. Minimising the potential for offensive behaviour in public places.

(b) Section 155 (1), (2) of the Act that the Bylaw is the most appropriate way of addressing the perceived issues the bylaw seeks to manage.

(c) Section 155(3) of the Act that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

- 3.3 Recommendations 1 and 2 of this report relates to these determinations.

Assessment against section 145 (a) - (c) of the Act

- 3.4 At its meeting on 19 June 2025, Council endorsed the section 155 Assessment and passed resolutions confirming that it was satisfied that the bylaw was necessary for one or more of the purposes set out in section 145(a)–(c) of the Act. While some minor changes have been

made in response to submissions, Council remains satisfied that these do not alter its previous assessment that the bylaw is necessary.

Assessment against section 155(1), (2)

- 3.5 At the same meeting, Council passed an initial resolution confirming its satisfaction that the bylaw was the most appropriate way of addressing the perceived problems the Public Places Bylaw seeks to manage. As the bylaw had not yet been finalised in light of submissions received, those were initial resolutions only. Now that the proposed bylaw is presented for adoption, Council is able to confirm its satisfaction that the final version of the bylaw (Annex A) is the most appropriate way of addressing the perceived problems identified in the review.

Assessment against section 155 (3)

- 3.6 At the 19 June 2025 meeting, Council also passed an initial resolution confirming that the draft bylaw was not inconsistent with the New Zealand Bill of Rights Act 1990. The report presented at that meeting noted that a full assessment could only be completed once submissions were considered and the proposed bylaw finalised.
- 3.7 Following deliberations, Council is satisfied that the proposed bylaw (Annex A) is not inconsistent with the New Zealand Bill of Rights Act 1990.

4 Risk Assessment Te Arotake Tūraru

- 4.1 The key risks associated with the adoption of the proposed Public Places Bylaw are:
- That submitters will disagree with Council's decisions with respect to matters raised in submissions.
- 4.2 As noted in the Council report accompanying the section 155 assessment for the Public Places Bylaw review, presented at the Council meeting on 19 June 2025, bylaws generally come with a range of risks that are intrinsic to the nature of legal and regulatory tools. Council currently maintains an averse-to-minimalist approach to legal compliance risk, reflecting a clear preference to avoid such risk wherever possible. As a result, legal risk is only accepted when it is essential to advancing Council's core objectives and priorities.
- 4.3 If submitters or the wider public disagree with Council's decision with respect to matters raised in submissions, they could choose to pursue one of the following courses of action.
- They could appeal to the High Court for a judicial review of the bylaw, on one or more of the following grounds:
 - The bylaw is ultra vires (outside the Council's legal authority).
 - The bylaw is unreasonable or uncertain.
 - The Council failed to follow proper consultation or decision-making processes under the Local Government Act 2002.
 - They could lobby Council for an amendment or repeal.
 - They could complain to the Ombudsman on grounds that the process was flawed and the submitter believes that the Council:

- Acted unreasonably;
- Failed to properly consider submissions; or
- Breached principles of good governance.

The Ombudsman cannot overturn bylaws but can investigate and make recommendations.

- 4.4 Council has sought to mitigate the risk of submitters or the public taking legal action against decisions made in relation to the bylaw by carefully following the bylaw review process set out in the Act.
- 4.5 Following final decisions on the bylaw, officers will send letters to all submitters informing them of the outcome. Should any submitters raise valid questions with respect to the decisions Council has made, these issues could be addressed through further amendments to the bylaw.
- 4.6 Section 160A of the Act provides that if a bylaw review is not completed within two years of its statutory review date, the bylaw is automatically revoked. While Council has already passed several resolutions under section 155, such as an assessment against the New Zealand Bill of Rights, some of these were initial steps in the review process. As such, there remains a risk that failing to complete the review within the required timeframe could result in revocation of the bylaw. Should this occur, Council would lose the ability to enforce the provisions currently regulated under the Public Places Bylaw.

5 Engagement Te Whakapānga

Significance of Decision

- 5.1 The decision discussed in this report is considered to be significant on the basis of the following criteria from section 5 of the Significance and Engagement Policy 2025:
 - Importance to the District
- 5.2 As expressed in section 156 of the Act, when making, amending, or revoking a bylaw, Council must either use the special consultative procedure if the bylaw is of significant public interest or impact, or otherwise consult in a way that meets the requirements of section 82 of the Act.
- 5.3 Given the importance of this bylaw to the District, Council consulted in accordance with the Special Consultative Procedure set out in section 83 of the Act.

Māori and Cultural Engagement

- 5.4 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

Community Engagement

- 5.5 Council consulted on the draft Public Places Bylaw using the special consultative procedure, as set out in section 83 of the Act. This included following key steps:

- The submission period ran from 8am on 28 July to 5pm on 29 August 2025. A public notice was published on Council’s website on 28 July, and in the Feilding-Rangitīkei Herald on Thursday 31 July.
- Council’s “Make your Mark on the Manawatū” engagement site was made live for the duration of the public consultation period. This site included a link to the Statement of Proposal (including the tracked changes version of the draft bylaw and the submission form) and a link to the online submission form.
- Copies of the summary of information were made available at the Council front-of-house and the Manawatū Community Hub Libraries in Feilding.

5.6 An email was sent to key stakeholders (Police, Feilding District Promotion, Manawatū Business Chamber etc.), including specific service providers such as Utility Network Operators as defined under section 166 of the RMA (Chorus, PowerCo, KiwiRail, NZTA) and community groups (e.g. Senior Hub, Mana Waikaha, Age Concern, Supported Lifestyle Services etc.) and other interested parties (e.g. Feilding Moa Harriers, Feilding Fire Service, Keep Feilding Beautiful etc.).

5.7 Information on the bylaw review was made available at the Manawatū District Council’s stall at the Feilding Farmer’s Market on the 15th of August 2025. Officers also made themselves available during Council events such as the launch of the Kimbolton Library Open Plus in Kimbolton on the 3rd of August 2025.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications with this report.

8 Statutory Requirements Ngā Here ā-Ture

8.1 The statutory obligations are as stated within the relevant sections of the report.

9 Next Steps Te Kokenga

9.1 Following final decisions on the bylaw, letters will be sent to all submitters informing them of the final outcome and responding to any specific questions or requests relating to their submission.

10 Attachments Ngā Āpitihanga

- Annex A – Proposed Public Places Bylaw