



New Plymouth District Council Bylaw

Activities in Public Places Bylaw 2025



Te Kaunihera ā-Rohe o Ngāmotu

**New Plymouth
District Council**

DOCUMENT HISTORY

This bylaw was previously part of the New Plymouth District Council Bylaw 2008 as Part 5 Public Places, Part 7 Signs and Part 12 Trading in Public Places (Licensing of Street Traders)

Meeting	Date	Decision	Next Review
Council	24 June 2025	Adopt Bylaw	1 July 2030

New Plymouth District Council

Activities in Public Places Bylaw 2025

This bylaw provides for the management of public places to balance the different, but sometimes competing, lawful uses for which public places may be used. The bylaw sets reasonable controls to protect the public from nuisance, protect promote and maintain health and safety, and minimise the potential for offensive behaviour in public places. It also regulates the use of signs and trading activities in public places.

PART 1: INTRODUCTION.....5

1	Title and commencement.....	5
2	Authority	5
3	Purpose	5
4	Interpretation.....	6

PART 2: ACTIVITIES IN PUBLIC PLACES.....11

5	Exclusions.....	11
6	Display of goods permitted in public places.....	11
7	General obstructions in public places.....	11
8	Vehicles in public places.....	12
9	Encroachment on public places from adjoining land.....	12
10	Other encroachment on public places (licence to occupy).....	13
11	Exclusions from requirement to have encroachment licence or licence to occupy	14
12	General safety hazards in public places – responsibilities of adjoining owners and occupiers	14
13	Flying machines (including drones)	15
14	Boats.....	16
15	Dangerous behaviour.....	16
16	Electric fence, barbed wire and razor wire	17
17	Disturbance or damage to public places.....	18
18	Events and other organised gatherings in public places.....	18
19	Noise in public places.....	18
20	Offensive material, playing games and other nuisances	19
21	Refuse in public places.....	19
22	Behaviour in public toilets and changing rooms.....	20
23	Animals in public places	20
24	Horses on beaches	21

PART 3: SIGNS IN PUBLIC PLACES22

25	Application of this part.....	22
26	Safety hazards	22
27	Construction and maintenance of signs	22
28	Electoral hoardings	23
29	Temporary signs.....	23

30	Banners	23
31	Signs on parks and reserves	23
PART 4: COMMERCIAL ACTIVITIES IN PUBLIC PLACES.....		24
32	Exclusions.....	24
33	Licence required for trading in public places from stands, mobile shops or stalls	24
34	Display of licence.....	25
35	Licence not transferable	25
36	When licence may be suspended or cancelled	25
37	Busking in public places	25
38	Other commercial activities in public places	26
PART 5: GENERAL PROVISIONS AND ENFORCEMENT.....		26
39	Approvals under this bylaw.....	26
40	Fees	27
41	Removal or alteration of things in breach of this bylaw	27
42	Breaches of this bylaw	28
43	Offences and penalties.....	28
44	Revocation and savings.....	28
45	Transitional provisions	29
SCHEDULE 1: Banners		30
SCHEDULE 2: Terms and conditions of licences to trade.....		31
APPENDIX 1: Beach areas where horses are restricted		32

PART 1: INTRODUCTION

1 Title and commencement

1.1 This bylaw is the New Plymouth District Council Activities in Public Places Bylaw 2025.

1.2 This bylaw comes into force on 1 July 2025.

Explanatory note: As per [section 160](#) of the [Local Government Act 2002](#), this bylaw is due to be reviewed five years after the bylaw was made.
This means that the Council must make determinations required by section 155 of the [Local Government Act 2002](#) by 1 July 2030.

2 Authority

2.1 This bylaw is made pursuant under:

- a) [Sections 145](#) and [146](#) of the [Local Government Act 2002](#); and
- b) [Section 22AB](#) of the [Land Transport Act 1998](#).

3 Purpose

3.1 The purpose of this bylaw is to:

- a) for public places, to:
 - i) protect the public from nuisance; and
 - ii) protect, promote and maintain public health and safety; and
 - iii) minimise the potential for offensive behaviour;
- b) to manage and protect Council-owned or controlled land, structures and other property and assets under Council control from misuse, damage or loss;
- c) to ensure that any signs on any public place are erected and maintained in such a manner that they do not present a hazard or danger to the public and regulate the type and location of advertising signs on parks and reserves or other public places; and
- d) to regulate trading in public places.

Explanatory note: Application of other laws and resource consents.
Nothing in this bylaw limits the application of any other law (for example, and without limitation, the [Trespass Act 1980](#) and the [Summary Offences Act 1981](#)) or any resource consents.

4 Interpretation

4.1 In this bylaw, unless the context requires otherwise:

Airspace lease means a lease granted by the Council which authorises the encroachment in the airspace above the public place (for example, where the Council has entered into a lease to authorise a structure, such as a balcony, façade, dwelling, conservatory, or eaves, that encroaches into airspace above a public place).

Animal means any member of the animal kingdom, including any mammal, finfish, shellfish, reptile, amphibian, insect or invertebrate which is kept in a state of captivity or domesticated and includes the carcass or constituent parts of that animal, but it does not include human beings or dogs.

Approval or Approved means a written permission or authorisation from the Council.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this bylaw, irrespective of the designation given to that officer or person.

Banner means a piece of cloth or material bearing a symbol, logo, slogan or other message for the purposes of advertising or decoration.

Beach means any beach above mean low water springs, including any adjoining park or reserve that is situated in the district.

Berm means a grassed area between the roadway and the boundary of any property adjacent to the road.

Boat means a vessel or craft intended to be used in water and to carry people, including, but not limited to, a row boat, raft, yacht, hovercraft or jet ski, but does not include a ship.

Building has the meaning given to it by [sections 8 and 9](#) of the [Building Act 2004](#).

Busker means any person who plays, acts, sings, or otherwise performs or entertains in a public place and who may solicit or invite or accept any donation, contribution or monetary reward.

Community event means any school fair, charity event or other non- profit public event, occasion or service where the proceeds (if any) are returned to the community or the community organisation involved.

Council means the New Plymouth District Council

District means the New Plymouth District.

District Plan means the New Plymouth District Plan prepared or constituted under the provisions of the [Resource Management Act 1991](#).

Electoral hoarding means a stationary sign erected for the purposes of promoting a candidate or political party at a specific parliamentary or local authority election or by-election.

Encroachment means where an owner or occupier of land occupies the whole or part of an adjoining public place for private purposes and **encroach** has a corresponding meaning.

Encroachment licence means a licence granted by the Council which authorises an encroachment on the public place.

Event includes an organised meeting or gathering, demonstration, parade, procession or competition.

Flying machine means a machine that sustains itself in and propels itself through the air, piloted or remotely piloted, and includes any airplane, helicopter, glider, drone, hot air balloon or similar.

Footpath means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

Foreshore means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the seas tidal ebb and flow that is the area between the line of mean high water springs level and the line of the mean low water springs level.

Goods means any product or service.

Hazardous substance has the meaning given to that term in section 2(1) of the [Hazardous Substances and New Organisms Act 1996](#).

Licence to occupy means a licence granted by the Council which authorises the occupation of the public place.

Livestock or stock includes any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

Material or thing means any material of whatever kind and includes jumbo bins and other containers for waste materials, but excludes vehicles.

Market means any open air market located in a public place for the purpose of selling goods to the public.

Mobility device has the meaning given to that term in [Rule 1.6](#) of Part 1 of the [Land Transport \(Road User\) Rule 2004](#).

Mobile or travelling shop means a vehicle whether self-propelled or not:
From which goods are offered or exposed for sale or hire in a public place; or
From which goods may be ordered in a public place (whether or not in pursuance of any invitation to call with the goods).

Normal Business Hours means Monday to Friday 8am to 5pm and excludes Public Holidays.

Nuisance means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in [section 29](#) of the [Health Act 1956](#).

Occupier means the inhabitant of any premises, and in any case where any premises are unoccupied includes the owner of those premises.

Organised meeting or gathering means a meeting or gathering of persons attended by members or employees of any government department, union, club, company, firm, incorporated body, religious organisation, or other body or person.

Premises mean any form of permanent property or tenement.

Projection includes windows, banners, gates, balconies, walls, lamps, doorsteps, cellar doors, signboard, window shutter, gatepost, walls.

Public place means a place that is under the control of the Council and open to or being used by the public, whether admission is free or on payment of a charge and includes a road.

Refuse or waste means any solid material or thing that is discarded or selected for disposal. It does not include diverted material but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

Reserve means any land which is vested in or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or greenspace, whether or not that land has been vested as a reserve under the [Reserves Act 1977](#).

Road has the meaning given to that term in [section 315](#) of the [Local Government Act 1974](#).

Service delivery vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods from that vehicle to the general public in any public place.

Sign means a visual message or notice which is displayed to advertise to the public, or to identify a product, business, or service to the public, or to inform or warn the public, and:

- a) Includes any:
 - i) Poster, placard, hoarding, handbill, banner, writing, picture, image, logo, or device (including but not limited to blimps, balloons, flags, sandwich boards and banners).
 - ii) Vehicle or trailer parked on or visible from any road used principally for the purpose of displaying advertising content.
 - iii) Illuminated signs, billboard, banner or hoarding or projection of light to create an advertising image.
 - iv) Frame, supporting device and associated ancillary equipment.

- b) Excludes any:
- i) Traffic signs.
 - ii) Official signs provided by or on behalf of Council that gives information or direction to the public.
 - iii) Murals, unless they contain any advertising content.
 - iv) Footpath sign for trade purposes provided that the following conditions are adhered to:
 - The sign must not encroach more than 600mm of the unobstructed footpath; and
 - Size as per District Plan rules; and
 - The sign is removed at the completion of the day's trading; and
 - The sign is placed immediately outside the premises to which it relates.
 - v) Sign indicating hazardous substances or activity.
 - vi) Sign providing information or instruction relating to equipment use, property entrances or for security purposes and is no larger than reasonably necessary to convey the information to the intended recipient.
 - vii) Any sign identifying a construction site or a development under construction.

Stand or stall means, in relation to the area where a person stands or occupies any portion of a public place, or places or maintains on any portion of any public place, any stall, structure, or contrivance from which goods are offered or exposed for sale or hire, but does not include any stand or stall from which food is sold.

Structure includes (without limitation):

- a) Parking structures, e.g. garages, car pads, car decks, car ports, boatsheds.
- b) Access structures, e.g. driveways, stairs, retaining walls, cable cars, gates, covered access ways.
- c) House, e.g. any part of a primary or secondary building, eaves, porches, decks, fences, balconies, conservatories.

Subsoil lease means a lease granted by the Council which authorises the encroachment in subsoil below the public place.

Temporary sign means any sign displayed for not more than 12 months with purposes that include:

- a) Advising of a future community event; or
- b) Electioneering; or
- c) Identifying a construction site or a development under construction; or
- d) Notifying the availability of land or premises for sale or lease.

Traffic sign means a sign as defined in the Land Transport Rule: Traffic Control Devices 2004.

***Explanatory note:** Legal requirements for traffic signs are set out in the Land Transport Rule: Traffic Control Devices 2004 and the [Traffic Control Devices Manual](#) (TCD manual).*

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, but does not include:

- a) A sidecar attached to a motorcycle; or
- b) A vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

Urban area means any land contained within New Plymouth, Bell Block, Waitara, Inglewood, Oakura, Okato, Lepperton, Egmont Village, Onaero and Urenui, and that has or is capable of reticulation for water supply, sewage, and/or stormwater disposal.

Vehicle has the meaning given to that term in section 2(1) of the Land Transport Act 1998.

Veranda includes any awning, porch, portico, shed, shade, or covering upon, across, or over any public footway or part of a road, private road, or accessway for the purpose of shade or shelter, together with any supports, other than the support provided by the building.

- 4.2 [Part 2](#) of the [Legislation Act 2019](#) applies to the interpretation of this bylaw.
- 4.3 Every schedule to this bylaw forms part of the bylaw.
- 4.4 Every appendix to this bylaw does not form part of the bylaw, and may be inserted, altered or removed at any time without any formal process. Appendices are provided for information purposes only.
- 4.5 Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

***Explanatory note:** Explanatory notes are used to explain the intent of a clause in less formal language and/or to include additional helpful information.*

PART 2: ACTIVITIES IN PUBLIC PLACES

5 Exclusions

5.1 Part 2 of this bylaw does not apply to:

- a) Any person engaged in the rescue or attempted rescue of any person whose life or safety is in danger or apparent danger; or
- b) Any Council employee, contractor or agent acting in conjunction with their employment.

Obstructions

6 Display of goods permitted in public places

6.1 Any person may display goods outside their premises subject to the following conditions:

- a) that the display does not encroach onto the public place more than 600mm, and
- b) the display allows a minimum of two metres unobstructed pedestrian passage; and
- c) persons displaying goods are responsible for the safety of the public; and
- d) any display must be removed at the completion of the day's trading for that premises.

7 General obstructions in public places

7.1 A person must not on, above, or over a public place:

- a) place or erect or construct any structure;
- b) place, leave, erect, construct, maintain, or permit to be placed, left, erected or maintained any material or thing, whether mobile or immobile; or in a position or in such a way that the Council considers is likely to:
 - i) impede or cause an undue obstruction to pedestrian or vehicular traffic; or
 - ii) constitute a danger to people or property; or
 - iii) obstruct access to adjoining properties.

Explanatory note: The Council's Solid Waste Management and Minimisation Bylaw 2019 ([*last reviewed 17 September 2024*](#)) requires any person putting out household waste and recyclables for collection to take reasonable steps to prevent an approved container or proprietary bin disrupting or obstructing pedestrian and vehicular traffic, and to preserve access to a premises.

8 Vehicles in public places

8.1 A person must not, without the prior approval of an authorised officer:

- a) Take, ride, or drive a vehicle in a public place except on any part of a public place set aside for vehicular traffic (e.g. a road).
- b) Park a vehicle or boat in a public place except in a place set aside for the parking of vehicles or as otherwise authorised by another bylaw or any other law.
- c) Use or permit the use of a public place for the purpose of repairing, maintaining, making alterations to or otherwise working on any vehicle or boat except in the case of an emergency.

8.2 Unless prohibited by approved signage or in Reserve Management Plans, clause 8.1 does not prohibit:

- a) the use of bicycles, tricycles, unicycles, or similar non-motorised devices or other approved transportation devices on the New Plymouth Coastal Walkway or any park access way; or
- b) the use of low-powered vehicles such as e-scooters and power-assisted cycles which do not meet the definition of motor vehicle in [section 2\(1\)](#) of the Land Transport Act 1998, or that have been declared not to be a motor vehicle by NZ Transport Authority Waka Kotahi under [section 168A\(2\)](#) of the Land Transport Act 1998 on the New Plymouth Coastal Walkway or any park access way; or
- c) the use of skateboards or scooters; or
- d) the use of bicycles, tricycles, unicycles or similar non-motorised devices on any access way set aside for the purposes of cycling; or
- e) the use of mobility devices.

9 Encroachment on public places from adjoining land

Explanatory note: Any property owner seeking to occupy or use public land (such as road reserve) for exclusive private purposes will need to obtain an encroachment licence from Council. Activities in public places which are likely to require an encroachment licence include buildings and structures, gates and fences, retaining walls, tree or shrub planting, or landscaping. More information can be found on Council's website.

9.1 A person who owns or occupies land adjoining a public place may encroach on the adjoining public place if that person has:

- a) obtained an encroachment licence, airspace lease, or subsoil lease, as the case may be, from the Council; and

- b) paid any applicable fees, rentals or any other charges associated with the encroachment licence, airspace lease, or subsoil lease.
- 9.2 A person wishing to obtain an encroachment licence, airspace lease, or subsoil lease must:
 - a) apply to the Council in writing using the applicable forms; and
 - b) provide any information requested by the Council.
- 9.3 Every encroachment licence, airspace lease or subsoil lease granted by the Council:
 - a) is subject to such terms and conditions as the Council thinks fit; and
 - b) may be reviewed by the Council at any time.
 - c) an encroachment licence must not be transferred, sub-licensed or assigned and expires if the holder of the encroachment licence sells or discontinues the occupation of the land adjoining the public place.
 - d) the new owner or occupier of that land must apply for and be granted an encroachment licence or remove the encroachment.

Explanatory note: Prospective buyers, owners, or occupiers of any property adjoining a public place are encouraged to discuss encroachment licencing with Council prior to purchase.

- 9.4 Every airspace lease or subsoil lease is subject to such terms and conditions as the Council thinks fit.
- 9.5 This clause is subject to clause 11.

10 Other encroachment on public places (licence to occupy)

- 10.1 A person who is not an adjoining landowner or occupier must not occupy a public place for any purpose unless that person has:
 - a) obtained a licence to occupy from the Council; and
 - b) paid any applicable fees, rentals or any other charges associated with the licence to occupy.
- 10.2 A person wishing to obtain a licence to occupy must:
 - a) apply to the Council in writing using the applicable forms; and
 - b) provide any information so requested by the Council.

10.3 Every licence to occupy granted by the Council:

- a) Is subject to such terms and conditions as the Council thinks fit; and
- b) May be reviewed by the Council at any time.

10.4 This clause is subject to clause 11.

11 Exclusions from requirement to have encroachment licence or licence to occupy

11.1 Nothing in clause 9 or clause 10 applies to:

- a) any valid easement agreement; or
- b) a veranda that is required by the District Plan and that is specifically designed and used to provide cover for pedestrians; or
- c) stock underpasses; or
- d) any activity for which the council has statutory authority in respect of the public land, its airspace or subsoil; or
- e) the provision of utility services; or
- f) maintaining unformed areas of legal road, e.g. mowing of grassed road reserve areas between the property boundary and the pavement; or
- g) signs in public places (in the case of a licence to occupy); or
- h) signs projecting over legal road air space that have their point of attachment on private land that meet the minimum clearances specified in the District Plan; or
- i) if the encroachment or occupation is otherwise authorised by this bylaw or another law.

<i>Explanatory note: Clause 26 in Part 3 of this bylaw addresses safety hazards from signs.</i>
--

12 General safety hazards in public places – responsibilities of adjoining owners and occupiers

12.1 Every person must ensure that any door or gate adjoining any public place is closed securely for the purposes of public safety.

12.2 Every owner or occupier of land that is adjoining a public place must ensure that vegetation or trees growing on that land do not cause a safety hazard or obstruct passage to and from the public place.

- 12.3 If any tree or vegetation is, in the opinion of an authorised officer, hazardous or is obstructing public passage, the authorised officer may by written notice to the owner or occupier require the owner or occupier to cut back the tree or vegetation within one month.
- 12.4 It is the responsibility of that owner or occupier to carry out the works required by that notice under clause 12.3 and meet the costs of carrying out those works. If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier.
- 12.5 Clauses 12.2 to 12.4 do not apply to any public place that is a road.

Explanatory note: [Section 355](#) of the [Local Government Act 1974](#) details the requirements for owners of land adjoining roads and gives Council powers to enforce these requirements, such as requiring removal of overhanging trees.

- 12.6 If any rail, gate, fence, or cover opening into or upon or near any public place, or adjoining a public place is so out of repair as to be, in the opinion of an authorised officer, dangerous to persons passing, the authorised officer may by written notice to the owner or occupier, require, within a certain time frame, the owner or occupier to:
- a) repair or remove the rail, gate, fence or cover; or
 - b) remove the rail, gate, fence or cover and erect in its place a sufficient fence as defined in the [Fencing Act 1978](#) or such other type of fence as may be approved by the Council.
- 12.7 It is the responsibility of the owner or occupier to carry out and meet the costs of the works required by a notice under clause 12.6. If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier as the case may be.
- 12.8 An owner or occupier of land adjoining a public place, must not:
- a) intentionally dispose of stormwater, grey water or sewage except in designated disposal points (such as those provided at campgrounds on reserves); or
 - b) cause or permit the drippings from any eaves or other projections from any building or structure on that land to fall upon any public place.

13 Flying machines (including drones)

Explanatory note: Regulations for drone use and drone pilots are set out in the Civil Aviation Authority Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets Operating Rules. For more information see: <https://aviation.govt.nz/drones/regulations/part-101-rules-for-drones/>

- 13.1 A person must not, without the prior approval of an authorised officer, make use of any part of any public place for the purpose of the landing or flying of any kind of flying machine, except in case of emergency.

- 13.2 If a reserve management plan permits a reserve to be used for any purpose by a flying machine, a person is not required to obtain prior approval under clause 13.1.
- 13.3 Where a flying machine is permitted in a public place a person must not use the flying machine in a manner that is likely to cause a nuisance or a safety hazard to other users of the public place.

14 Boats

- 14.1 A person must not operate any boat in any lake, stream or river within any reserve in a manner that:
- a) endangers the safety of the boat, any other boat, or any occupant of any boat; or
 - b) causes annoyance, discomfort or danger to any other user of a lake, stream or river.

15 Dangerous behaviour

- 15.1 A person must not, without the prior approval of an authorised officer:
- a) Within any public place:
 - i) take, use or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, or trap; or
 - ii) let off any fireworks; in a manner that is likely to cause a nuisance or safety hazard with the intent of causing harm or injury to any person or to damage any material or thing; or
 - iii) blast any rock, stone, earth, timber or other material.
 - b) Open any drain or sewer on any public place or disturb or remove the surface of any public place, or make any opening from the public place.
- 15.2 A person must not:
- a) cause or permit the burning of any material or thing on any public place, other than:
 - i) in areas set aside by the Council for that purpose such as properly constructed barbeques or fireplaces; or
 - ii) on a private gas barbeque; or
 - b) set fire to any vegetation in any public place; or

- c) fail to ensure the fire in an area set aside by the Council for that purpose is totally extinguished before that person leaves the public place.

Explanatory note: Fires on private land are covered by the [*Fire and Smoke Nuisance Bylaw 2020*](#).

- 15.3 A person must not transport any refuse or offensive matter over any public place unless the receptacle or vehicle being used is covered or secured to prevent the escape or falling of any of the contents onto any public place.

16 Electric fence, barbed wire and razor wire

- 16.1 A person must not, except as otherwise permitted in this clause or with prior approval from an authorised officer, erect, renew or repair or permit to be erected, renewed or repaired any electric fence or barbed wire:

- a) over any public place; or
- b) within an urban area:
 - i) along; or
 - ii) within one metre of; or
 - iii) at a height of not less than 2.4 metres from the ground level along;any boundary line between any land or building on the one side and any public place on the other side.

- 16.2 A person must not, in any place in the district, erect, renew or repair or permit to be erected, renewed or repaired any razor wire which:

- a) is in any public place; or
- b) is within one metre of any boundary-line; or
- c) is at a height of not less than 2.4 metres from ground level; or
- d) could present a hazard or danger to the public.

- 16.3 Clause 16.1 does not apply if:

- a) the person has an approved licence to graze the public land; and
- b) only electric fencing with appropriate signage is used; and
- c) the electric fencing is on outriggers for the purposes of controlling livestock within the boundary line of the public land between any land or building on the one side and any public place grazed under the approved licence on the other side.

- 16.4 Clause 16 does not apply to any premises owned or controlled by the Department of Corrections.

Damage

17 Disturbance or damage to public places

17.1 A person must not, without the prior approval of an authorised officer:

- a) Cause or permit to be done any act (by person or animal under the control or command of that person) that damages any habitat in a public place.
- b) Intentionally remove or deposit any rock, shingle, sand, earth, timber or any other similar material in a public place.

Explanatory note: It is an offence under [section 232](#) of the [Local Government Act 2002](#) to damage local authority works or property.

Nuisances and behaviour

18 Events and other organised gatherings in public places

18.1 A person must not, on any public place, without the prior approval of the Council, make any public address or organise or conduct any event or attempt to do so, if the event:

- a) may interfere with traffic or pedestrian thoroughfare in the public place; or
- b) may cause a nuisance.

Explanatory note: For more information on the application process and requirements please see Council's website.

19 Noise in public places

19.1 A person must not on any public place, without the prior approval of an authorised officer:

- a) for any other purpose, cause or permit noise from loud speaker, amplifier, or any similar device; or
- b) use or permit the use of a vehicle for the purpose of emitting noise from a loud speaker or an amplifier, or any similar device.

19.2 Clause 19.1 does not apply to:

- a) The reasonable use of sound amplifying equipment by a candidate or by a person authorised by a candidate, for the purpose of campaigning for a general or local election or by-election held under the [Electoral Act 1993](#), or the [Local Electoral Act 2001](#), during the period of one month before the date of the election or by-election.
- b) The sounding of any siren, bell, alarm or other warning device on any fire appliance or ambulance or any vehicles conveying any police officer, fire officer or ambulance officer in the execution of their duties or any medical practitioner in case of emergency.

20 Offensive material, playing games and other nuisances

20.1 A person must not in any public place:

- a) expose to view or distribute for offer or sale any sign, banner, placard, handbill, print or other matter of any offensive or indecent character; or
- b) act in any manner, including the playing of games, so as to cause damage, danger, or obstruction to any person or property; or
- c) play or practice golf except in an area that the Council has set aside by resolution for such purposes; or
- d) bathe or wade in any water in a public place in contravention of official Council signage (if any); or
- e) cause or permit any tap water in a public place to be wasted or to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes.

Explanatory note: Other offences relating to public places are set out in national legislation, e.g. under [section 229](#) of the Local Government Act 2002 it is an offence to obstruct enforcement officers or agents of Council; and under [section 4](#) of the Summary Offences Act 1981 it is an offence to behave in an offence or disorderly manner, or use indecent or obscene words, in or within view of any public place.

21 Refuse in public places

Explanatory note: It is an offence under [section 15](#) of the Litter Act 1979 to deposit litter in a public place. Litter includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

21.1 A person must not place or deposit any household refuse, commercial refuse, or trade refuse of any description, in a litter receptacle.

21.2 A person must not place or deposit refuse in a litter receptacle that exceeds 2 cubic litres in volume.

Explanatory note:

Household waste: The Council's Solid Waste Management and Minimisation Bylaw 2019 ([last reviewed 17 September 2024](#)) requires any person putting out household waste and recyclables for collection to take reasonable steps to prevent an approved container or proprietary bin disrupting or obstructing pedestrian and vehicular traffic, and to preserve access to a premises.

Skip bins: All skip bins and other temporary obstructions need to be placed on your property wherever possible. If the obstruction is placed outside your property boundary on public land you may need a permit to allow for public access and safety. For more information see Council's website: <https://www.npdc.govt.nz/services/transportation/using-the-road/permits-for-skip-bins-and-other-temporary-obstructions/>

22 Behaviour in public toilets and changing rooms

- 22.1 A person must only use a Council owned or managed changing room or toilet for the purposes for which they are provided.

Explanatory note:

Council expects the following behaviour from people using public toilets and changing rooms:

- Only use changing rooms or toilets for the purposes of dressing, showering or using the toilets
- Do not use any still camera, video camera or mobile phone capable of taking pictures or video recordings in any changing rooms or toilets
- If over the age of eight years old, do not enter or use any place, changing room or toilet which has been set aside by the Council for the use by persons of a different gender.

Animals

Explanatory note: The following clauses should be read in conjunction with the other Council bylaws that provide controls in relation to animals.

Dogs are not included in the definition of 'animal' for the purposes of this bylaw. Dogs are regulated by Council's [Dog Control Bylaw 2022](#) and the [Dog Control Act 1996](#).

23 Animals in public places

- 23.1 A person must not:

- a) tether or otherwise put, or place, any animal for the purpose of vegetation control or grazing on any public place, except with the prior approval of an authorised officer (which may include a grazing licence);
- b) break in, train, show, clean, shoe, dress, or expose for hire or sale any animal on any public place, except where a lease permitting those activities has been issued by the Council, or as provided under the [New Plymouth Recreation and Racecourse Reserve Act 1999](#); or
- c) in an urban area, cause or permit any animal, except for any cat, to be led, ridden, or driven upon, across, or along any footpath, berm or flower bed laid out on any public place except in an area approved by the Council by resolution for that purpose, and which has been designated by official Council signage (if any).

Explanatory note: Approvals for grazing under section 23.1(a) of the bylaw

Conditions of grazing permitted in a public place are set out in the relevant licence. General conditions could include the following:

- In the case of animals being grazed on the roadside or berms, grazing may only be carried out directly adjacent to the property owned by or under the control of such person or adjacent to the property of another person where prior permission has been granted by that other person.
- All reasonable precautions are taken to ensure the safety of any persons or traffic using any road or public place. Animals should be secured behind an effective fence constructed to ensure that animals cannot wander or cause a public safety hazard in the opinion of an authorised officer.
- Any person permitted to graze animals in a public place under clause 23.1a) of this bylaw accepts full responsibility and liability for the animals.

- 23.2 Any person permitted to lead, drive or ride any animal within any public place must not do so in a manner that:
- a) causes damage to the surface or to any part of a public place; or
 - b) permits any injury or obstruction to the public.
- 23.3 A person must not ride or lead a horse on the New Plymouth Coastal Walkway, except when using an approved crossing to a formed access to the beach.
- 23.4 A person, being the owner or having the care, custody or control of any animal, must:
- a) Not allow the animal to wander or be at large without proper guidance and control on any public place.
 - b) Not ride or swim any such animal on or from any part of any beach such that in the opinion of an authorised officer, a nuisance, danger or inconvenience is or may be created for other users of the beach.
 - c) Immediately remove defecations on any public place from any animal (except a horse).
 - d) Remove defecations from a horse on any public place within a reasonable time, being no longer than 2 hours after the defecation has taken place.
 - e) Immediately remove defecations from a horse in any public place if it is around or near the vehicle it was transported in.
 - f) Clauses c) and d) do not apply to defecations deposited at a composting site in a public place that has been approved by an authorised officer.

24 Horses on beaches

- 24.1 The Council may by resolution specify any beach or part of a beach, and the days and times during which horses are prohibited on beaches in the district.
- 24.2 The Council may by resolution subsequently amend or revoke any resolution made under clause 24.1.
- 24.3 A person must not permit a horse to be on any part of a beach prohibited under clause 24.1, unless:
- a) the person complies with the times and dates specified in the resolution; or
 - b) the person has obtained the prior approval of an authorised officer; or
 - c) the person is leading the horse through the beach for the sole purpose of gaining access to another beach or part of a beach where horses are permitted.

<p>Explanatory note: Appendix 1 provides details on the current Council resolutions for beach areas where horses are restricted.</p>

PART 3: SIGNS IN PUBLIC PLACES

25 Application of this part

- 25.1 This part of the bylaw applies to signs visible from, or that are placed on, any public place.
- 25.2 All signs must comply with this part of the bylaw, but if an authorised officer is satisfied that compliance with any requirements of this part of the bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, the authorised officer may grant approval for a sign, in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

26 Safety hazards

- 26.1 Signs must not be placed or be allowed to remain in a public place if, in the opinion of an authorised officer, the sign would:
- a) Obstruct, or be likely to obstruct, the view of any vehicle or pedestrian approaching before a corner, bend, intersection, vehicle crossing, traffic sign or traffic signal.
 - b) Distract, or be likely to distract, the attention of road users.
 - c) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision.
 - d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely.
 - e) Constitute or be likely to constitute in any way a danger to road users.
- 26.2 An authorised officer may remove or alter any sign, together with its supporting device, that presents an immediate hazard or danger to the public.
- 26.3 Signs that are authorised by a resource consent are not subject to clause 26.

Explanatory note: The Traffic Control Devices Rule prohibits the placement of signs that may be confused with any traffic sign or signal. Offensive material on signs is regulated through clause 20 of Part 2 of this bylaw, as well as by the [Advertising Standards Authority](#).

27 Construction and maintenance of signs

- 27.1 Every sign on a public place must:
- a) be constructed in a professional manner; and

- b) at all times:
 - i) be maintained in good repair; and
 - ii) be clearly legible; and
 - iii) be in a safe condition.

Explanatory note: Additional provisions relating to signs are included in the District Plan and legislation including the [Building Act 2004](#).

28 Electoral hoardings

- 28.1 A person must not construct, maintain or display or cause an electoral hoarding to be displayed on, over or above a public place.

29 Temporary signs

- 29.1 A person must not on, over or above any public place, without prior approval from an authorised officer cause or permit the display, fixing, erection, construction or alteration of:
- a) any temporary 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 settlement, whichever is the earlier; or
 - b) any temporary sign (other than a sign described in paragraph a) for more than seven days following completion of the event to which the sign relates.

30 Banners

- 30.1 If a sign over or above a public place is a banner, the banner must comply with the conditions set out in Schedule 1 of this part of the bylaw.

31 Signs on parks and reserves

- 31.1 A person must not erect, display or construct any sign on a park or reserve without the prior approval of an authorised officer.
- 31.2 An approval under this clause will be subject to:
- a) any applicable reserve management plan; and
 - b) any applicable council policy dealing with signs located on Council parks and reserves.

PART 4: COMMERCIAL ACTIVITIES IN PUBLIC PLACES

32 Exclusions

32.1 Part 4 of this bylaw does not apply to:

- a) Any service delivery vehicles.
- b) The display of goods as permitted in clause 6.1 of this bylaw.
- c) Encroachments subject to a valid encroachment licence, airspace lease or subsoil lease as granted under clause 9 of this bylaw, or a licence to occupy granted under clause 10 of this bylaw.

Licences to trade

33 Licence required for trading in public places from stands, mobile shops or stalls

33.1 Council may control trading in public places in one or more of the following ways:

- a) Approving, issuing, amending and revoking licences to trade in a public place.
- b) Granting exemptions to requirements or conditions to licences to trade in a public place at specified times, dates or locations.
- c) Prescribing requirements or conditions to licences to trade in a public place; which may include (without limitation) any of those terms and conditions set out in Schedule 2 of this bylaw.

33.2 No person may trade in a public place in a manner which causes or could cause a public safety risk, nuisance, damage, obstruction, disturbance, or interference.

33.3 The owner of a mobile or travelling shop, or the operator of any stand or stall, or any other person, must not sell or hire any goods in any public place unless that person has:

- a) obtained a licence to trade in a public place from an authorised officer; and
- b) paid the relevant fee prescribed by the Council.

33.4 Every application for a licence to trade in a public place must be made at least 21 days before the applicant intends to begin trading.

Explanatory note: It is the responsibility of the applicant to ensure that all appliances used in connection with the sale or hire of goods comply with any other relevant licensing and safety regulations, and any other requirements that may be needed under other legislation are obtained. For example, licensing relating to food safety or the sale of food. Information can be found on Council's website: <https://www.npdc.govt.nz/services/licenses-and-regulations/food/>

Traders should be aware of the conditions and restrictions that may exist in Reserve Management Plans. Information can be found on Council's website: <https://www.npdc.govt.nz/council/strategies-plans-and-policies/plans/parks-and-reserves-management-plans/>

Nothing in this clause applies to any mobile or travelling shop that has a current approval to occupy a public place under any other enactment, encroachment licence or licence to occupy, or resource consent.

34 Display of licence

- 34.1 Any person holding a licence under clause 33.1 must, when engaged in the sale of goods in a public place, carry the licence and show the licence to an authorised officer on demand.

35 Licence not transferable

- 35.1 A licence granted under clause 33.1 is not transferable to any other person.

36 When licence may be suspended or cancelled

- 36.1 The Council may suspend or cancel a licence to trade in a public place in the following circumstances:
- a) Without notice if urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions, or urgent works are required in the public place where the licence applies.
 - b) On the giving of 48 hours notice to the person or operator of the market who holds the licence if the activity will interfere with intended road works, a special event or with the public's normal right of passage.
 - c) There are repeated breaches of the terms or conditions of the licence.
 - d) The permission to occupy the public place has been revoked or the agreement term for the occupation of the public place has ended.

Busking and solicitation

37 Busking in public places

- 37.1 Buskers are permitted in all public places except in or adjacent to swimming pools, museums, libraries, public art galleries, public theatres, and stadia unless prior approval is obtained from an authorised officer.
- 37.2 If an authorised officer considers the busker is causing a nuisance, annoyance, obstruction or other inconvenience to the public whether as a result of a complaint or otherwise, they may require the busker to cease busking.

- 37.3 If a person has been required to cease busking under clause 37.2, they may not recommence busking in any public place unless prior approval is obtained from an authorised officer.

Explanatory note: Guidance for successful busking

To avoid causing a nuisance, annoyance, obstruction or other inconvenience, buskers can take the following steps:

- *Avoid using offensive language or actions.*
- *Keep noise levels low.*
- *When looking for a site to busk, make contact with the neighbouring shopkeepers.*
- *Don't obstruct pedestrians.*
- *Avoid standing in any one place for a long period of time.*
- *Don't solicit or canvass for donations.*

Noise in public places is also addressed in clause 19 of this bylaw.

More information is available on Council's website: <https://www.npdc.govt.nz/services/licenses-and-regulations/busking/>

38 Other commercial activities in public places

- 38.1 A person must not, without the prior approval of an authorised officer, accost or impose upon any person for the purposes of:
- a) soliciting subscriptions, collections or donations; or
 - b) carrying out any fundraising; or
 - c) promoting or furthering any product or project.

PART 5: GENERAL PROVISIONS AND ENFORCEMENT

39 Approvals under this bylaw

- 39.1 This clause applies to an approval by an authorised officer under this bylaw.
- 39.2 To avoid doubt, this clause does not apply to the Council approval of a licence to occupy, encroachment licence, airspace lease, or subsoil lease under Part 2 of this bylaw, or a licence to trade under Part 4 of the bylaw.
- 39.3 The Council may prescribe application forms and set fees for an approval under this bylaw.
- 39.4 If an application for approval must be in writing, it must contain all information necessary for the authorised officer to consider issuing the approval.
- 39.5 The authorised officer may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan or site location plan.

- 39.6 If an application for approval is granted it may be subject to such reasonable terms and conditions as the authorised officer thinks fit. Terms and conditions may include, without limitation, such matters as:
- a) The duration of the approval.
 - b) The public place or places to which the approval applies.
 - c) Any ongoing fees and charges that must be paid.
 - d) The type of activity, event, or obstruction covered by the approval.
 - e) Details of arrangements to manage the effects of the activity, event, or obstruction.
 - f) If the approval must be displayed.
- 39.7 An approval may be revoked by an authorised officer after reasonable notice (applicable to the circumstances) is given to the holder of the approval, for any reason, including:
- a) If the holder of the approval has breached any conditions of the approval.
 - b) The circumstances of the public place have change so the approved activity approved is no longer appropriate.
- 39.8 If an application is refused the authorised officer will provide reasons to the applicant.
- 39.9 If the Council is satisfied that compliance with any requirements in this bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, the authorised officer may grant an approval, in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

40 Fees

- 40.1 Council may in accordance with [section 150](#) of the Local Government Act 2002 prescribe fees or charges for any written permission, certificate, licence, approval, permit, consent form, or inspection made by Council under this bylaw as set out in Council's Schedule of Fees and Charges.
- 40.2 Where a fee has been paid for a service which has not been provided, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

41 Removal or alteration of things in breach of this bylaw

- 41.1 The Council may under [section 163](#) of the Local Government Act 2002:
- a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and

- b) recover the costs of removal, repair or alternation from the person who committed the breach.

42 Breaches of this bylaw

- 42.1 Every person who fails, refuses or neglects to do anything required to be done under this bylaw, or does anything prohibited by this Bylaw, commits an offence.

43 Offences and penalties

- 43.1 Every person who commits an offence under this bylaw is liable to a penalty under [section 242](#) of the Local Government Act 2002.
- 43.2 Every person who commits an offence under this bylaw that is an offence under the [Land Transport Act 1998](#) is liable to penalty under that Act.

Explanatory note:

The Council may use any applicable powers under the [Local Government Act 2002](#), or the [Land Transport Act 1998](#) to enforce a breach of this bylaw.

Enforcement powers under the [Local Government Act 2002](#) included court injunction ([section 162](#)), seizure and disposal of property ([sections 164, 165, 168](#)), powers of entry ([sections 171, 172, 173](#)), cost recovery for damage ([sections 175, 176](#)), and power to request name and address ([section 178](#)).

Enforcement powers under the [Land Transport Act 1998](#) include issuing infringement notices.

Although this Bylaw is not made under the [Health Act 1956](#), the Council is also able to use enforcement powers under that Act in relation to any nuisance, including court orders ([section 33](#)), cost recovery for council to abate nuisance ([section 34](#)), powers of entry ([section 128](#)), and power to request name and address ([section 134](#)).

44 Revocation and savings

- 44.1 Parts 5, 7 and 12 of the New Plymouth District Council Bylaw 2008 including all amendments are revoked.
- 44.2 The revocation of bylaws under clause 44.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and any such proceedings will continue to be dealt with and completed as if those bylaws had not been revoked.
- 44.3 Any resolution, approval, permit or other decisions made under the bylaws revoked under clause 44.1 remain in force until such resolution, approval, permit or other decision is repealed or revoked, has expired or is replaced.

45 Transitional provisions

- 45.1 Any person to which clause 9 (encroachment on public places from adjoining land) or clause 10 (other encroachment on public places) applies, where the encroachment is unlicensed or otherwise unapproved, is required to obtain an appropriate licence for the encroachment within six months of the date this bylaw comes into force, or Council may require that person to remove the encroachment.
- 45.2 If any amendment to the bylaw affects the compliance of a sign under any former bylaw made by Council, the sign must comply fully with any new requirements within 12 months of the date the bylaw comes into force.

SCHEDULE 1: Banners

As per clause 30.1 of this bylaw, banners must comply with the following conditions:

- A. No part of a banner may be less than 5.5 metres above road height (or above the carriageway at any point), where applicable.
- B. Lettering and symbols used must be at least 300 millimetres in height.
- C. No reflective material may be used on a banner.
- D. The banner must not display more than six words or symbols.
- E. The banner must be fixed securely.
- F. The owner of a banner is responsible for any damage caused by that banner.
- G. The banner must not remain in place for more than two weeks in any year.
- H. The banner's anchor points must be constructed to withstand wind gusts and the banner should not tear or flap in the wind (air holes may be necessary).
- I. The banner must not impair the effective operation of any traffic signs signals, street lights or other control devices.
- J. The banner must not be erected on roads that form part of designated routes for over-dimensional loads.

SCHEDULE 2: Terms and conditions of licences to trade

As per clause 33.1 of the bylaw, terms and conditions of licences to trade may relate to the following matters:

- A. Duration of the licence.
- B. Location (including limits on the operation in a fixed location in the case of mobile and travelling shops).
- C. Types of goods for sale.
- D. Area available for sale.
- E. Hours of trade.
- F. Persons entitled to sell.
- G. Safety and hygiene requirements including location of toilet facilities.
- H. Use of signage.
- I. Restrictions on the use of musical chimes or other audible devices for attracting customers.
- J. Removal of rubbish from the site.
- K. Name and address to be conspicuously displayed on stall, stand or vehicle.

APPENDIX 1: Beach areas where horses are restricted

This appendix is for information purposes only. This appendix is not part of the New Plymouth District Council Bylaw 2008.

~~As resolved on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), horses are not permitted on the following beaches, at the times specified below:~~

- ~~A. Ngāmotu Beach (includes the reserve, beach and playground area) at all times.~~
- ~~B. East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.~~
- ~~C. Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.~~

Note: The restrictions relating horses on beaches are the same restrictions that were formerly contained with the Public Places Bylaw 2008, with the exception of Ōākura, where the area has been extended west from the Ōākura Beach camp up to include the area up to Ahu Ahu Road.

Council Meeting Resolution 24 June 2025

- a) Amends the resolution made on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), setting out beach areas where horses are restricted, as follows:
 - (1) The restrictions in (2) apply for the period from 10am 25 October 2025 to 11.59pm on 6 April 2026 (Easter Monday).
 - (2) Horses are not permitted on the following beaches, at the times specified below:
 - a) Ngāmotu Beach (includes the reserve, beach and playground area) at all times.
 - b) East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily.
 - c) Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily.

Note: The effect of the prohibition is to enable a trial during summer 2025/26 which will reduce the restrictions for horses on beaches at Ōākura and East End/Fitzroy allowing more opportunity for horse riding at these beaches.

- b) Resolves that from 12am on 7 April 2026 beach areas where horses are restricted, the restrictions revert to those made on 4 July 2013 (unless the Council determines otherwise), as follows:
- A. Ngāmotu Beach (includes the reserve, beach and playground area) at all times.
 - B. East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 9am to 6pm daily during the period daylight saving for New Zealand is in force.
 - C. Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 9am to 6pm daily during the period daylight saving for New Zealand is in force.