

Notice of Meeting:

I hereby give notice that an ordinary meeting of Hamilton City Council will be held on:

Date: Tuesday 9 February 2016
Time: 1:30pm
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Business and Investment Subcommittee OPEN AGENDA

Membership

Chairperson Her Worship the Mayor J Hardaker
Members Cr M Forsyth
Cr A King
Cr A O'Leary
Cr R Pascoe

Quorum: Three members

Meeting Frequency: Quarterly – or as required

Brendan Stringer
Committee Advisor

2 February 2016
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Terms of Reference:

- To enhance Hamilton's economic position.
- Promote investment and business attraction opportunities for Hamilton.
- Oversee implementation of the Economic Development Agenda.
- To receive information and provide advice in relation to potential major developments.
- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) and receive six monthly/quarterly and annual reports.
- Develop and recommend to the Strategy and Policy Committee the Central City Transformation Plan.
- Develop and recommend a strategy to optimize use of the Municipal Endowment Fund and the Domain Endowment Fund by 30 March 2014.

Special Notes:

- The sub-committee may request expert advice through the Chief Executive when necessary.
- This sub-committee monitors Hamilton Properties Ltd.

Power to act:

- Recommend funding for Hamilton & Waikato Tourism (HWT) and Hamilton Central Business Association (HCBA) to the Finance Committee or Council.
- Make operational decisions that are aligned to the outcomes of the Economic Development Agenda.

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1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum

No Public Forum is required.

Committee: Business and Investment Subcommittee

Date: 9 February 2016

Report Name: Public Places Bylaw 2016 and Public Places Policy - Hearings Report

Author: Julie Clausen

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Public Places Bylaw 2016 and Public Places Policy</i>
Financial status	<i>The budget allocation for this project of \$9,450 has been assigned within the Strategy budget. The costs have consisted of staff time and legal advice.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To provide an overview of the submissions received in relation to the Proposed Public Places Bylaw 2016 and Public Places Policy (Bylaw and Policy) which was adopted by Council on 9 December 2015 for the purposes of consultation.

3. Executive Summary

- The Public Places Bylaw and Policy consultation period commenced on 2 December 2015 and closed on 15 January 2016.
- In total, thirty two (32) written submissions were received with seven (7) respondents to be heard.
- The consultation was for both the Public Places Bylaw and the Public Places Policy combined.
- There were no submission responses on the content of the Public Places Bylaw.
- The majority of the submissions supported the direction of the draft Public Places Policy with the exception of changing the time buskers can entertain.
- The comments made by the submitters related to the Public Places Policy. A summary of the issues raised in response to the questions asked in the consultation are provided in Attachment 3 – Submission Comments Report – Public Places Bylaw 2016 and Public Places Policy.
- The detail of the submissions can be found at <http://www.hamilton.govt.nz/our-council/consultation-and-public-notice/haveyoursay/Pages/default.aspx>.

11. The profile of the respondents are:

Profile	Number of Respondents	Respondent Organisation
Suburban Residents	18	-
Central City Resident	1	-
Hospitality Businesses	4	Skycity Hamilton Limited The Lawrenson Group – Representing 18 tenancies in the Central City Iguana Restaurant and Little George Agenda
Community Groups	2	Hamilton Older Persons Advisory Panel CCS Disability Action Waikato
Industry Bodies (Hospitality & Property)	2	Hospitality New Zealand – Representing 81 Licenced Premises throughout Hamilton City New Zealand Property Council – Representing 84 organisations in Hamilton City.
Retail Business	1	Ucreate Multimedia
Mobile Business	1	Home Direct
Other Groups	1	Creative Waikato
Government Agency	1	The New Zealand Fire Service
Charitable Organisation	1	Waikato SPCA

12. Recommendations from Management

- a) That the report be received
- b) That the respondents be thanked for their time.

13. Attachments

- 14. Attachment 1 - Draft Public Places Bylaw 2016
- 15. Attachment 2 - Draft Public Places Policy
- 16. Attachment 3 - Draft Public Places Bylaw 2016 and Policy - Submission Comments Report

17. Key Issues

- 18. Consultation Question Responses
- 19. The following outlines the responses to the specific consultation questions asked during the consultations.

Question	No submissions of support	No submissions of not in support	No submissions of didn't know, or care or didn't answer
Standardised two metre clearway across the city	16 (50%)	8 (25%)	8 (25%)
Earlier start time for outdoor dining barriers and supervision	13 (40%)	6 (19%)	13 (41%)
Change definition of sign to include flag and banners	20 (63%)	2 (6%)	10 (31%)
Extension allowing three mobile traders to operate in the central city	17 (53%)	5 (16%)	10 (31%)
Extension of mobile trading operating times (hours)	13 (41%)	9 (28%)	10 (31%)
Change to time buskers can entertain	8 (25%)	14 (44%)	10 (31%)

20. The comments made by the submitters related to the Public Places Policy. A summary of the issues raised in response to the questions asked in the consultation are provided in Attachment 3 – Submission Comments Report – Public Places Bylaw 2016 and Public Places Policy.

21. Financial and Resourcing Implications

22. Resourcing has been covered within existing budgets.

23. Risk

24. The current Public Places Bylaw 2009 will be automatically revoked on 25 February 2016. If a Public Places Bylaw is not adopted and operational by 25 February 2016, there will be no Public Places Bylaw in place. With no Bylaw, Council will not have the ability to regulate the issues in relation to trading in public places. This risk is mitigated by ensuring that a Bylaw is adopted by Council at the 18 February 2016 Council meeting.

Signatory

Authoriser	Debra Stan-Barton, Acting General Manager City Environments
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**Hamilton City Council
BYLAWS**

Approved By: Council	Date Adopted : 25 February 2016
Date In Force: 25 February 2016	Review Date: 25 February 2021

DRAFT HAMILTON CITY PUBLIC PLACES BYLAW 2016

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts.



Hamilton City Council BYLAWS

This bylaw repeals The Hamilton City Public Places Bylaw 2009.

1. PURPOSE

- 1.1. The purpose of this bylaw is to:
- a) Protect the public from nuisance.
 - b) Protect, promote, and maintain public health and safety.
 - c) Minimise the potential for offensive behaviour in public places.
 - d) Regulate trading in public places.
 - e) Regulate, control, or prohibit signs.

2. APPLICATION

- 2.1. This bylaw applies to any public place within the Hamilton City Council boundary.

3. DEFINITIONS

- 3.1. The following definitions apply to this bylaw, except where inconsistent with the context:

Council	means Hamilton City Council.
Enforcement Officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
General Manager	means the Council General Manager responsible for the administration and enforcement of this Bylaw
Person	includes an individual, a corporation sole, or a body of persons whether corporate or otherwise.
Public Place	means any place or space that is owned or controlled by Council and which is open to the public, and any road whether or not it is controlled by the Council, but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw).
Road	means: <ul style="list-style-type: none"> • a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not; • Any bridge, culvert, ferry, ford forming part of a road or street or motorway to which the public have access whether as of right or not; • All sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and • Any service land or mall forming part of a road.
Sign	a sign is any material or device used for the purposes of advertising or to

Hamilton City Council BYLAWS

disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.

Explanatory Note: Please refer to Schedule 2 of the Draft Public Places Policy 2016 for detail.

Trade or trading includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

3.2 Explanatory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process.

4. PUBLIC PLACES

4.1. Persons occupying or using public places should take all reasonable steps to:

- a) Protect the public from nuisance.
- b) Protect, promote, and maintain public health and safety.
- c) Minimise the potential for offensive behaviour in public places.

5. ACTIVITIES THAT MAY CAUSE AN ADVERSE AFFECT ON PUBLIC HEALTH OR SAFETY IN A PUBLIC PLACE

- 5.1. Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity.
- 5.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety.

6. ACTIVITIES THAT MAY CAUSE A NUISANCE IN A PUBLIC PLACE

- 6.1. Any person intending to undertake any activity in a public place which is not specified in Council's Public Places Policy and which may cause nuisance in that public place must obtain approval from Council to undertake the activity.
- 6.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

7. PERMITS

- 7.1. A person must hold a permit issued by Council to undertake in a public place any trading or to collect donations for charity.
- 7.2. Any permit granted is personal to the person and is not transferable.

**Hamilton City Council
BYLAWS**

- 7.3. Council may revoke a permit if the holder fails to comply with the permit conditions and may refuse to issue that person with a new permit.
- 7.4. Council may waive any application under this bylaw if an approval is granted through another existing mechanism such as signs permitted by the District Plan Rule or a resource consent.
- 7.5. A person must hold a permit issued by Council to erect any sign in, on or over any public place.

8. FEES

- 8.1. The Council may charge fees for permits, including fees to process an application, to review an existing approval and to inspect activities and charges for the period of that approval.

9. OFFENCES

- 9.1. Any person who does not comply with this bylaw commits an offence.
- 9.2. The following are offences against this bylaw:
 - a) Obstructing emergency vehicles from gaining access to a public place.
 - b) Obstructing service vehicles from gaining access to a public place.
 - c) Trading in a public place without a valid permit.
 - d) Failure to produce a permit to an authorised officer upon request.
 - e) Failure to comply with the conditions of a permit issued.
 - f) Trading or carrying on an activity in a public place in such a way that causes nuisance or affects public health and safety.
 - g) Erecting a sign in, on or over any public place without a valid permit.

10. PENALTIES AND POWERS

- 10.1. Under section 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

The COMMON SEAL of the HAMILTON CITY COUNCIL was hereunto affixed in the presence of:

Councillor: _____

Councillor: _____

Chief Executive: _____

<i>First adopted:</i>	25 February 2009
<i>Revision dates/version:</i>	November 2015 / Version 2
<i>Next review date:</i>	
<i>Engagement required:</i>	In conjunction with the Public Places Bylaw 2016
<i>Document number:</i>	D-1955147
<i>Associated documents:</i>	D-1954936 (Draft Bylaw)
<i>Sponsor/Group:</i>	City Growth



PUBLIC PLACES POLICY (DRAFT)

Purpose and Scope

1. This policy provides for businesses, groups and individuals to apply to use public places for trading activities that are consistent with the purpose of this policy.
2. The purposes of this policy are to:
 - I. Protect the public from nuisance.
 - II. Protect, promote, and maintain public health and safety.
 - III. Minimise the potential for offensive behaviour in public places.
 - IV. Regulate trading in public places.
 - V. Regulate, control, or prohibit signs.
 - VI. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
3. In applying these purposes, Council decisions will take into account the following principles. Public spaces should:
 - I. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
 - II. Be attractive, clean and safe.
 - III. Promote a welcoming image of Hamilton to residents and to visitors.
 - IV. Facilitate easy access for pedestrians and cyclists.
 - V. Provide spaces for people to gather for activities or social engagement and interaction.
 - VI. Strengthen the existing function of public space locations.

Definitions

Busker	means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	means Hamilton City Council.
Enforcement officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement of Council bylaws.
Hawker	means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	areas of special heritage character as defined in the District Plan.

Heritage buildings	buildings of special heritage character as defined in the District Plan.
Mobile shop	means: <ul style="list-style-type: none"> a vehicle from which goods are offered or exposed for sale
	<p>in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call;</p> <ul style="list-style-type: none"> it does not include any vehicle used to transport goods that have been order for delivery.
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Merchandise display	a display located in a public place outside a premise from which goods are offered or exposed for sale.
Public Place	means any place or space that is owned or controlled by Council and which is open to the public, and any road whether or not it is controlled by the Council, but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw).
Road	means: <ul style="list-style-type: none"> a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not; any bridge, culvert, ferry, ford forming part of a road or street or motorway to which the public have access whether as of right or not; all sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and any service land or mall forming part of a road.
Road frontage	the front/s of a premise that face out onto a public place.
Shade awning	means a single free standing or cantilevered shade or protective covering that may also be fixed to a building or that extends out over the footpath. It does not include a gazebo, marquee or tent.
Sign	means any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
Stall	includes any stationary but moveable stand or similar structure on or at or from which goods are sold or exposed for sale.
Trade or trading	includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

Policy

1. Outdoor Dining Areas

- 1.1 Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit.
- 1.2 Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.
- 1.3 An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol license or a variation of the area to which their alcohol licence applies.

1.4 General conditions that apply to Outdoor Dining Permits

- 1.4.1 There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
- 1.4.2 The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- 1.4.3 Use of fixed furniture is not permitted.
- 1.4.4 All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this policy and as provided for in the permit.,
- 1.4.5 No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
- 1.4.6 Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
- 1.4.7 No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
- 1.4.8 An outdoor dining permit must be either displayed or be available for inspection by an enforcement officer if requested.
- 1.4.9 The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.
- 1.4.10 The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6 pm until the end of the trading day.
- 1.4.11 Adequate supervision of the outdoor dining area must be maintained from 6pm until the end of the trading day.
- 1.4.12 Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.
- 1.4.13 Permit holders must comply with Council requests to remove some or all of the street furniture used in outdoor dining areas during normal business hours during a special event.
- 1.4.14 Ashtrays must be provided, except where smoking is prohibited.

1.5 Layout of outdoor dining areas

- 1.5.1 All outdoor dining areas must observe the layout requirements and criteria as set out in

Schedules 1 and 3.

1.6 Café umbrellas and shade awnings

- 1.6.1 Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.
- 1.6.2 Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

1.7 Planter boxes

- 1.7.1 Planter boxes must not be fixed to the footpath and must be strong, durable and wind resistant. The planter boxes and plants must be well maintained.

1.8 Heaters

- 1.8.1 Heaters may be free standing or fixed to verandas.
- 1.8.2 Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.
- 1.8.3 Freestanding patio heater should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.
- 1.8.4 All heaters must be located away from combustible materials and used in accordance with the operating instructions. They must not be placed where they pose a safety or fire hazard.
- 1.8.5 Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

1.9 Pull-down blinds and screens

- 1.9.1 Requests to include screens and/or pull-down blinds in outdoor dining areas will be assessed on a case by case basis. Consideration will be given to the potential for the screen/pull-down blind to obscure surveillance by Council CCTV cameras and to safety issues for pedestrians, cyclists and motorists caused by obscured sight lines.
- 1.9.2 If an applicant wishes to use screens and/or pull down blinds this information must be included with the permit application and outdoor dining area plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.
- 1.9.3 All pull-down blinds and screens must be rolled up or removed from the footpath outside of the hours specified in the outdoor dining area permit.

1.10 Barriers

- 1.10.1 Barriers may be used to define the boundaries of an outdoor dining area.
- 1.10.2 Barriers shall not exceed a maximum height of 0.9m.
- 1.10.3 Clearance from the ground is required to allow stormwater run-off.
- 1.10.4 Barriers must be of stable construction to prevent blowing over in strong wind.

2. Signs

2.1 Signs in public places are regulated under this policy. The District Plan regulates signs on zoned land.

2.2 This policy does not apply to:

- signs erected for or on behalf of Council
- billboards and overhead street banners (*note: contact Strategy and Communication's Group, Hamilton City Council*)

2.3 A person wishing to erect a sign in or over a public place must obtain a permit.

2.4 No public place is to be used to erect election signs (in, on or over) for the purposes of Parliamentary Elections or Local Body elections.

2.5 General conditions

2.5.1 All signs must be maintained in good order and condition. An enforcement officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.

2.5.2 A maximum of one sign per road frontage is permitted.

2.5.3 The footpath sign must not obscure road users visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.

2.5.4 The permitted size for signs is set out in Schedule 2.

2.5.5 A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.

2.5.6 The footpath sign must not resemble a warning sign or road traffic sign.

2.5.7 The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.

2.5.8 The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.

2.5.9 An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.

2.5.10 An enforcement officer may remove any sign which has been erected in, on or over any public place without a valid permit being issued.

2.5.11 Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.

2.5.12 All signs are to be removed from the footpath outside of hours of business.

2.5.13 Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.

2.5.14 Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.

2.5.15 Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.

2.5.16 Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.

2.5.17 Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

2.6 Signs in Heritage Areas

- 2.6.1 The design and location of signs in a public place in a heritage area or outside a heritage building (as defined or listed in the District Plan) must be compatible with the heritage significance of the area or the building so that they do not detract from that significance.
- 2.6.2 Signs in heritage areas or outside heritage buildings will be assessed on a case by case basis and special consideration may apply to signs approved for use to ensure that signs do not materially affect the heritage value of the area and/or building.

3. Markets, Stalls and Merchandise Displays

3.1 Street Markets and Stalls

- 3.1.1 A street market is not permitted to operate without a permit.
- 3.1.2 Council's general policy is to encourage stalls to be part of managed street markets however permits for individual stalls will be considered on a case by case basis. An applicant wishing to operate a standalone stall is not permitted to operate without a permit.
- 3.1.3 Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.
- 3.1.4 A market operator granted a permit is responsible for each individual stall owner complying with permit conditions and for having the necessary alcohol licenses.
- 3.1.5 Cleaning arrangements following the business hours of the market will be included in the permit conditions.
- 3.1.6 The following conditions will apply to stalls, including those stalls in a street market:
 - I. Stalls must not sell offensive material.
 - II. Stalls must not obstruct or hinder the flow of pedestrians in any public place.
 - III. Stalls selling, preparing and handling food must comply with food hygiene regulations.
 - IV. Stalls selling alcohol must hold the necessary alcohol licenses.

3.2 Merchandise Display

- 3.2.1 The following conditions will apply to merchandise displays:
 - I. Merchandise should be placed up against the façade of the shop it belongs to.
 - II. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
 - III. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
 - IV. Merchandise displays must not contain any form of offensive material.
 - V. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

4. Mobile Shops

- 4.1 Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for an event or street market, or as a standalone permit.
- 4.2 Unless approval is granted under clause 4.5 below, mobile shops are not permitted to operate within the Central City (see the map in Schedule 4).
- 4.3 Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- 4.4 The following conditions apply to all mobile shops:
 - I. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - II. The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any bylaw or traffic legislation.
 - III. Permits may include permission to have tables and chairs in close proximity to the mobile shop for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
 - IV. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
 - V. Mobile shops selling alcohol must hold the necessary alcohol licenses.
 - VI. Hours of operation are only permitted between 6am – 10pm.
 - VII. The permit must be displayed at all times.
- 4.5 In addition to the conditions in clause 4.4 above, the following extra conditions apply to mobile shops permitted to operate within the Central City (see the map in Schedule 4):
 - I. Up to 3 permits only may be granted at any one time.
 - II. They will be granted for a maximum period of 6 months only.
 - III. They will be issued for a specified location which will be in one of the permitted locations identified in the map in Schedule 4.
 - IV. Trading hours will be specified in the permit and may extend to 3am taking into account the location.
 - V. No alcohol consumption or sales will be permitted.

5. Busking, Hawking and Charitable collections

- 5.1 Buskers are not permitted to operate without a permit. Applicants must apply for a busking permit before commencing trading.

5.2 Busking conditions

- 5.2.1 The following conditions apply to buskers:

- I. No busker will impede or inconvenience the flow of pedestrians and customers.
- II. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- III. Busking is permitted between the hours of 7am and 1 am but no busker is permitted to remain in a single location for longer than 2 continuous hours
- IV. Buskers must not enter any premises unless authorised by a person having control of those premises.
- V. Buskers are to carry a copy of the permit at all times and must produce a copy of to any enforcement officer if requested.
- VI. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailers, unless they are part of an event approved by Council.
- VII. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- VIII. Permits will be issued for a period of no more than 6 months.

5.3 Hawkers conditions

5.3.1 The following conditions apply to hawkers:

- I. Hawkers are not permitted to operate within the area shown in the map in Schedule 4.
- II. Hawkers must not enter premises which display a written notice prohibiting their entry.
- III. Shop doorways must be kept clear.
- IV. When visiting premises, a Hawker must leave immediately if requested to do so by the owner or occupier of the premises.
- V. Identification must be worn at all times.
- VI. The flow of pedestrians must not be impeded or inconvenienced in any way.
- VII. Hawkers are only permitted to trade during the hours of 8.30am and 8.30pm.

5.4 Charitable collections

- 5.4.1 No one is permitted to collect charitable donations in a public place without a permit.
- 5.4.2 Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.
- 5.4.3 Approval may include conditions such as location and hours permitted for the activity.

6. Other Activities on Footpaths

- 6.1 Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.
- 6.2 Applications will be considered on a case by case basis taking into account:

- I. The impact the activity could have on existing approved activities already occurring in or around the location.
 - II. Public health and safety and public nuisance.
 - III. Proposed hours for the activity to operate.
 - IV. Whether the activity is a one off event or reoccurring.
- 6.3 Any application will take into account any other permits granted for the space that is the subject of the application.

6.4 General Conditions

- 6.4.1 Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.
- 6.4.2 A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- 6.4.3 The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.
- 6.4.4 The activity must not interfere in traffic visibility

7. General Permit Conditions

- 7.1 All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.
- 7.2 Approval may be withheld if the applicant has previously breached approval conditions.
- 7.3 Permits under this policy are issued by the City Safe Unit.
- 7.4 Unless specified otherwise, all permits are issued for 12 months and will automatically expire.
- 7.5 Permits automatically expire when a business holding a permit is sold.
- 7.6 Permits issued under this policy are not transferable.
- 7.7 A permit may be cancelled or amended if:
 - I. If permit conditions are breached.
 - II. Other valid reasons that require cancellation, such as streetscape upgrades or refurbishment
- 7.8 Council reviews fees annually changes are notified by public notice.
- 7.9 The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

8. Enforcement

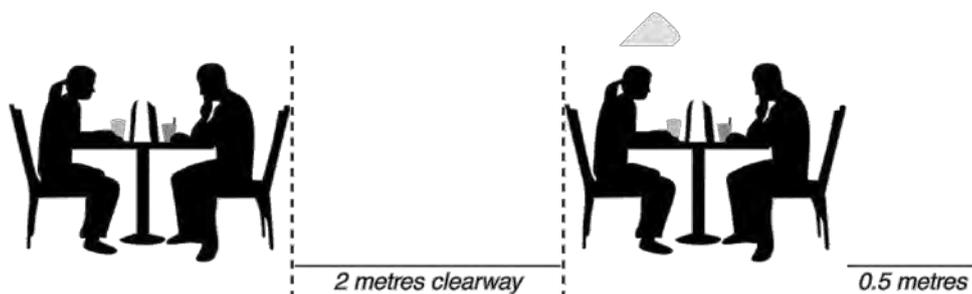
- 8.1 Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:
 - I. First breach: verbal notification of the breach and request to rectify

- II. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
 - III. Failure to remedy: the Council will consider revoking the permit.
- 8.2 Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.
- 8.3 If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.
- 8.4 The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

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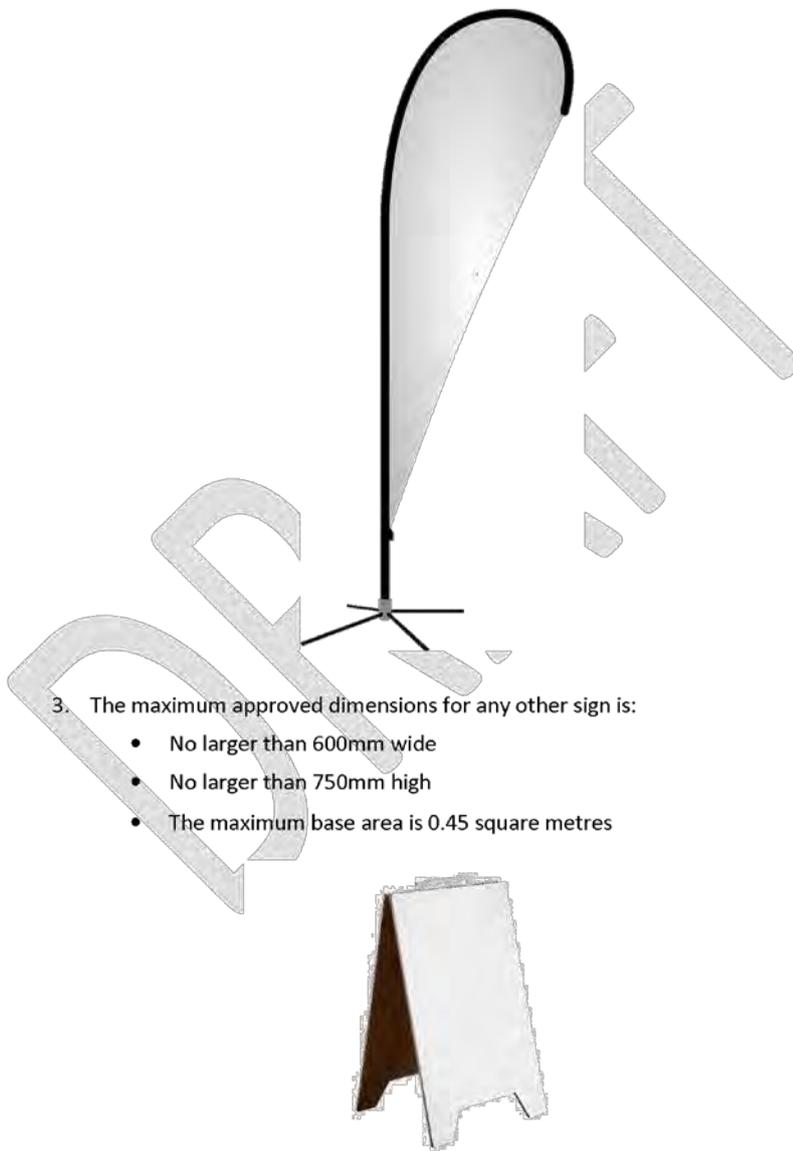
Schedule 1: Footpath Layouts

1. There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
2. The 2.0 metre clearway must exist when the tables and chairs are in use.
3. The continuous clearway must be in the middle of the footpath.
4. The vertical height permitted under this policy is a maximum height of 2.2metres.
5. The minimum distance from the kerb must be 0.5 metres.
6. The minimum setback from all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops must be 1 metre.



Schedule 2: Signs Dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
 - No larger than .75m wide
 - No larger than 3.2m high



3. The maximum approved dimensions for any other sign is:
 - No larger than 600mm wide
 - No larger than 750mm high
 - The maximum base area is 0.45 square metres

Schedule 3: Application Requirements for Certain Permits

1. General Requirements

- 1.1 All applications must be in the prescribed format and contain the information requested.
- 1.2 Applications not complying with these requirements will not be processed.
- 1.3 All applications must include the prescribed fee.

2. Information Required for Outdoor Dining Permit

- 2.1 Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
 - i. The location and dimensions of the proposed outdoor dining area.
 - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
 - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
 - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.

3. Information Required for Street Market Stalls Permit and Individual Stalls Permit

- 3.1 Applications for a Street Market Stall must include:
 - I. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - II. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - III. A traffic management plan showing:
 - the location of ingress and egress to the market
 - any parking provided, any temporary measures to control traffic to and from the market site
 - measures for loading and unloading of market goods and stall set up and pack down
 - the contact details for a person responsible for implementing the traffic management plan.

- IV. Details of public liability insurance.
- V. The name, address and contact details of the applicant and market operator.
- VI. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
- VII. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.
- VIII. Evidence that all market stalls selling alcohol hold the necessary alcohol licence.

4. Information Required for Charitable Collections Permit

4.1 Applications for approval to collect charitable donations must include:

- I. The date, time and location of the intended donation collection.
- II. Approval from the charity to collect donations.

5. Information Required for Mobile Shops Permit

5.1 Applications for a mobile shop permit must include:

- I. The intended location and trading hours.
- II. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
- III. If tables and chairs are intended to be provided:
 - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:50.
 - photographs of the tables and chairs to be provided.

Schedule 4: Central City Map



Draft Public Places Bylaw 2016 and Policy – Submission Comments Report

This report provides a summary of the main themes and points in the respondents submissions to Council’s proposed Public Places Bylaw 2016 and Policy.	
Submission Period:	2 December 2015 - 15 January 2016
Total Submissions	32

1 Summary of Submission

A total of 32 submissions were received and 7 respondents have requested to be heard.

Of the 32 respondents:

Profile	Number of Respondents	Respondent Organisation
Suburban Residents	18	-
Central City Resident	1	-
Hospitality Businesses	4	Skycity Hamilton Limited The Lawrenson Group – Representing 18 tenancies in the Central City Iguana Restaurant and Little George Agenda
Community Groups	2	Hamilton Older Persons Advisory Panel CCS Disability Action Waikato
Industry Bodies (Hospitality & Property)	2	Hospitality New Zealand – Representing 81 Licenced Premises throughout Hamilton City New Zealand Property Council – Representing 84 organisations in Hamilton City.
Retail Business	1	Ucreate Multimedia
Mobile Business	1	Home Direct
Other Groups	1	Creative Waikato
Government Agency	1	The New Zealand Fire Service
Charitable Organisation	1	Waikato SPCA

The 7 respondents to be heard are:

- The New Zealand Property Council
- CSS Disability Action Waikato
- The New Zealand Fire Service
- Hospitality New Zealand
- The Lawrenson Group

- Home Direct
- Ucreate Multimedia Limited

The feedback from the respondents through written submissions and comments were that most agreed the Public Places Bylaw and Policy will promote activity and vibrancy in the city.

Some general concerns were raised including protecting public safety, managing the consumption of alcohol, and ensuring safe food management. However, these are already covered by legislation or existing Council Bylaws and Policies.

The following sections outline the key issues raised by the respondents to the specific consultation questions and their comments provided in the submissions.

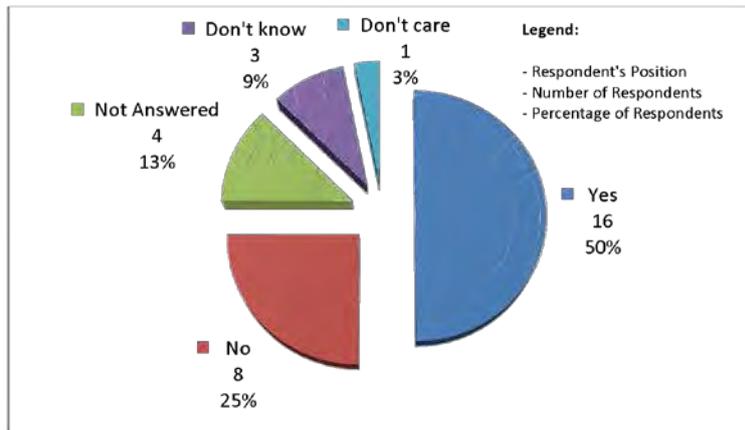
2 Outdoor Dining Areas

2.1 Footpath layouts

2.1.1 Consultation Question

“A standardised 2 metre clearway in the centre of city footpaths is proposed. Currently the clearway width and location varies across the city. Do you support this standardised approach to clearways?”

2.1.2 Response



2.1.3 Issues Raised by Respondents:

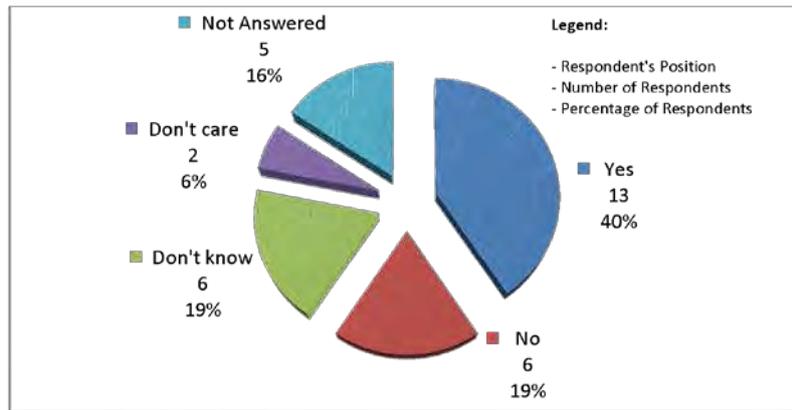
Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
<p>A. Width of clearway space - 2.0 metres is not wide enough to allow access (disability and older persons). 2 Residents (006, 014)</p>	<p>Policy s1.4.1 - Continuous 2.0 metre wide clearway.</p>	<p>The introduction of a standard clearway ensures a consistent and fair approach is applied to all operators. The 2.0 metre was based on research of current practice of other Councils and is within the guidelines of the NZTA Pedestrian Planning Guide. The standard clearway ensures that the 2.0 metre clearway is enforced at all times including when the table and chairs are in use to ensure the clearway is maintained.</p>
<p>B. Width of clearway space - There should be no set rule (business operators). 4 Respondents (1 Resident; 2 Businesses Iguana & Lawrenson Group; 1 Industry Body - Hospitality NZ). (011, 019, 027, 031)</p>	<p>Policy Schedule 4 – Central City map.</p>	<p>The 2.0 metre clearway includes Hamilton East, Frankton and all of the Central City (including Hood St) with the exception of Victoria Street. The change will only impact operators in Victoria Street and will reduce their space by 30 cm.</p>
<p>C. There are no rules for umbrella and shade clearance. 1 Community Group (CCS Disability Action Waikato). (022)</p>	<p>Policy Schedule 1 – 2.0 metre clearway maintained on all footpaths at all times.</p>	<p>The 2.0 metre requirement applies to all items on the footpath. Policy 1.6.2 – umbrellas or shade awnings must not interfere with pedestrian movement.</p>
<p>D. Exemption for businesses who have invested in furniture. 3 Respondents (2 Businesses – Iguana & Lawrenson Group; 1 Industry Body - Hospitality NZ). (019, 027, 031)</p>	<p>No exemption provision(s) in the Bylaw or Policy.</p>	<p>Exemptions are difficult to ensure a consistent and fair approach is applied to all operators. As the 2009 Bylaw would have expired by the adoption of the 2016 Bylaw, a transition period is not possible as no rule would exist.</p>

2.2 Earlier start time for outdoor dining barriers and supervision

2.2.1 Consultation Question

“For businesses that hold an outdoor dining permit, the time that outdoor dining barriers and supervision is proposed to start has changed from 9pm to the earlier time of 6pm. Do you support this change in time?”

2.2.2 Response



2.2.3 Issues Raised by Respondents:

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
<p>A. Providing supervision from the earlier time of 6pm imposes additional costs to operators. Liquor licences require supervision therefore additional supervision requirements are not required under the Public Places.</p> <p>2 Businesses (Agenda and Lawrenson Group). (028, 031)</p>	<p>Policy s1.4.11 - adequate supervision from 6pm until the end of the trading day.</p>	<p>6pm to 9pm is the peak dining time when foot traffic is higher and diners are sitting outdoors.</p>

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
<p>B. Furniture should be allowed until the close of business e.g. 2am in the Central City area.</p> <p>1 Business (Lawrenson Group). (031)</p>	<p>Provisional Alcohol Policy s6 - The sale and/or consumption of alcohol in any permitted outdoor dining area will not exceed 1am on any day.</p>	<p>The Policy refers to the end of the trading day as to when furniture must be cleared and secured. However if the operator holds a licence under the Sale and Supply of Alcohols Act, they must not allow consumption of alcohol in a public place (the footpath) after 1am. Operators have assumed they must clear furniture and people at 1am.</p>

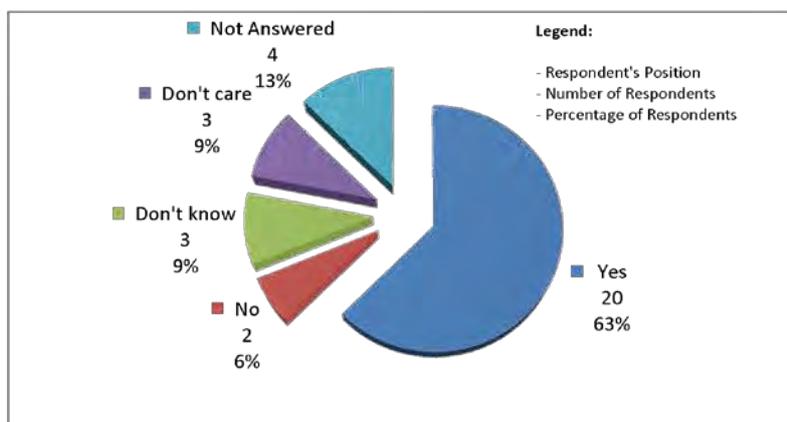
3 Signs

3.1 Change definition of sign to include flag and banners

3.1.1 Consultation Question

“The definition of 'Sign' (pg 2 of the draft Policy) has been broadened to include 'flags' and 'banners' to ensure there is a consistent approach to all signs erected in public places. Do you agree with this change?”

3.1.2 Response



3.1.3 Issues Raised by Respondents:

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
The National flag should be exempt 1 Business (Ucreate Multimedia Limited). (009)	Policy – Definition “Sign”	The definition of sign in the Policy relates only to flags which are used for advertising purposes. Any National flag is exempt. The Policy only relates to Public Places not private premises.

4 Markets, Stalls and Merchandise Displays

4.1 General Issues

No specific question was asked in the consultation.

Under general comments the respondents raised the following points:

Issue Raised	Response
A. Concern over the type of products sold at markets and stalls 1 Resident. (006)	Policy s3.1.1-3.1.2 – Stalls are required to have a permit to operate. Policy s3.1.6 – Stalls must not sell offensive material and stalls selling alcohol must hold the necessary alcohol licenses. The sale and supply of psychoactive substances is covered by the Psychoactive Substances Policy. Bylaw s5 – Any activity in a public place not specified in the Policy which may cause adverse effect on public health or safety must obtain approval from Council.

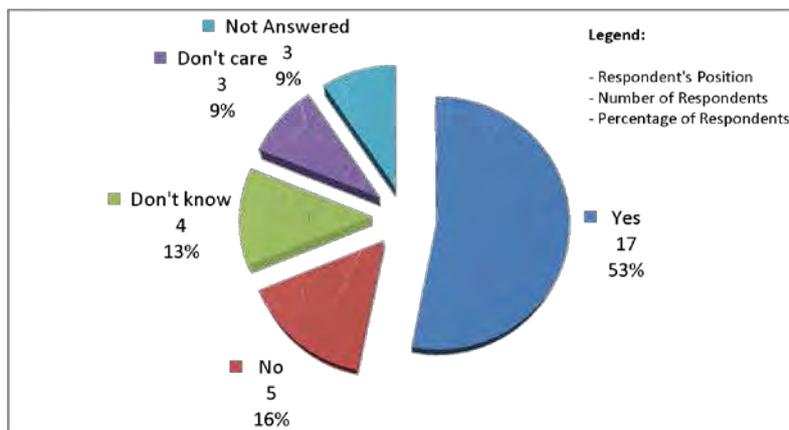
5 Mobile Shops

5.1 Extension allowing up to three mobile traders to operate in the central city

5.1.1 Consultation Question

“A change in the policy to allow three traders to operate in the central city is proposed. Do you support the extension of mobile trading in the central city?”

5.1.2 Response



5.1.3 Issues Raised by Respondents:

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
A. Selection criteria for mobile traders 2 Residents. (011, 023)	No selection criteria was outlined in the Bylaw or Policy.	Criteria were under development.
B. Mobile traders compete with existing businesses (especially in the Central City and for food). Mobile traders have an advantage over Central City businesses that contribute to permanent place costs that mobile traders do not have to. 5 Respondents (1 Resident; 3 Businesses - Iguana, Agenda and Lawrenson Group; 1 Industry Body – Hospitality NZ). (008, 019, 027, 028, 031)	Policy s4.5 – mobile shops permitted to operate within Central City.	A market rental fee for Central City trading will be determined when the bylaw is adopted. Mobile traders will also pay a permit fee. The fee will be set under Councils fees and charges schedule.

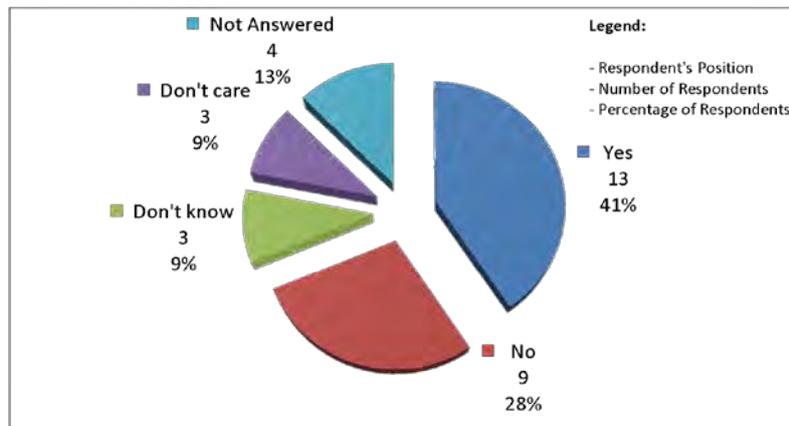
Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
C. Mobile traders will be allowed to sell alcohol. 1 Resident. (023)	Policy s4.4(v) – Mobile traders selling alcohol must hold the necessary alcohol licences.	Policy 4.5(v) - No alcohol consumption or sales will be permitted within the Central City by mobile traders.
D. Mobile traders not able to stop in any area where the speed limit is greater than 60km and this may limit business. 1 Mobile Business – Home Direct. (020)	Policy 4.4(l) No mobile shop is permitted to operate where speed limit is greater than 60km per hour.	Mobile shops stopping in a higher speed limit zone places increased risk on the trader, other motorists and customers. Exemptions are difficult to ensure a consistent and fair approach is applied to all operators.

5.2 Extension of mobile trading operating times (hours)

5.2.1 Consultation Question

“The operating times for mobile traders across the city is proposed to change from 8am – 8.30pm, to 6am – 10pm. Do you support this extension in mobile trading operating times?”

5.2.2 Response



5.2.3 Issues Raised by Respondents:

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
<p>A. The hours are too extensive in the Central City where there are already a number of food options available at night.</p> <p>3 Respondents (1 Resident, 2 Businesses – Iguana & Skycity). (012, 019, 024)</p>	<p>Policy s4.4 (VI) - Hours of operation permitted 6am to 10pm.</p>	<p>The proposed hours gives the operator an opportunity to service demand (e.g. coffee in the morning).</p>

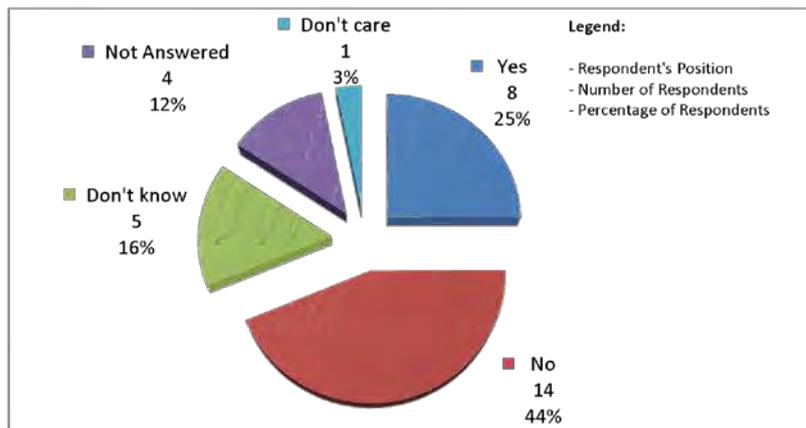
6 Busking, Hawking and Charitable Collections

6.1 Change to time buskers can entertain

6.1.1 Consultation Question

“A change of time is proposed to the time of day that buskers are allowed to entertain from 8.30am -8.30pm, to 7am – 1am the following day. Do you support these changes in busking times?”

6.1.2 Response



6.1.3 Issues Raised by Respondents:

Issue	Draft Bylaw/Policy Position	Rationale for the position in the Bylaw/Policy
A. Extending the hours will impact on residents in the Central City. 3 Residents. (007, 010, 030)	Policy s5.2 (III) – Busking permitted between 7am-1am.	Policy 5.2.1 (VI) Buskers are not permitted to use voice enhancement equipment (microphones, amplifying equipment, loud hailer).
B. The Bylaw and Policy should control the “scammers” collecting for charity and begging. 1 Charitable Organisation and 1 Resident. (029, 030)	Policy s5.4.1 – No one is permitted to collect charitable donations in a public place without a permit.	The requirement for all charity collectors to have permits ensures for the regulation of the activity.
C. Charities (SPCA) will be impacted by having to pay for permit fees. 1 Charitable Organisation and 1 Resident. (029, 030)	Policy s7.1 – Applications to be accompanied by the prescribed fee.	There is no fee for permit applications for charities.
D. Buskers should not be allowed to operate on religious holidays. 1 Resident (014)	No restrictions were outlined in the Bylaw or Policy.	Buskers are allowed to operate on all days to allow freedom of expression as long as they operate within the permitted hours.

7 Other Activities on Footpath

7.1 General Issues

No specific question was asked in the consultation.

Under general comments the respondents raised the following points:

General Issue(s) Raised	Response
A. Utilise spaces in Hamilton CBD with LED Displays 1 Business – Ucreate Multimedia (009)	This Bylaw and Policy regulates the use of signage in public places. LED signs in public places have to comply with the definition of signs under the Policy. Private use of signage including LED displays are outside the scope of the Public Places Bylaw and Policy.

Committee: Business and Investment Subcommittee

Date: 9 February 2016

Report Name: Public Places Bylaw 2016 and Public Places Policy - Deliberation Report

Author: Julie Clausen

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Public Places Bylaw 2016 and Public Places Policy</i>
Financial status	<i>The budget allocation for this project has been assigned within the Strategy budget. The costs have consisted of staff time and legal advice.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To provide options which address the key issues raised from the submissions received in relation to the Proposed Draft Public Places Bylaw 2016 and Public Places Policy which was adopted for consultation by Council on 9 December 2015.

3. Executive Summary

- The consultation was for both the Public Places Bylaw and the Public Places Policy combined.
- There were no submission responses on the content of the Public Places Bylaw.
- The majority of the submissions supported the direction of the draft Public Places Policy with the exception of changing the time buskers can entertain.
- The two key issues raised were:
 - The impact of the introduction of a standard 2 metre clearway on hospitality operators within the Central City.
 - The increase from 1 to 3 mobile shops within the Central City.

8. Recommendations from Management (*Recommendation to Strategy and Policy Committee*)

- That the report be received.
- That the Draft Public Places Bylaw 2016 be recommended for adoption.
- That the Amended Draft Public Places Policy be recommended for adoption.

9. Attachments

- 10. Attachment 1 - Amended Public Places Policy Draft

11. Key Issues

- 12. Introduction of a standard 2 metre clearway
- 13. The concept of a standard 2 metre clearway to be maintained at all times (even when furniture is in use) was supported by the disability and older persons responses.
- 14. The Hospitality sector opposed the introduction of the standard 2 metre clearway, requesting that the current arrangements remain in place. It should be noted that the 2 metre clearway is already the current arrangement in Hamilton East, Franklin and the Central City (including Hood Street) with the exception of Victoria Street.
- 15. The rationale for the standard 2 metre clearway was to provide consistency for all operators across the city.
- 16. Council recognises that this change may require some existing operators to alter their furniture and barriers and has added an exemption clause that allows a time period until the 1 July 2016 before the change will be enforced.

Staff Recommendation	Rationale
Add an exemption for existing permit holders: Public Places Policy s1.4.2 – Existing permit holders at the adoption of this Policy are exempt from clause 1.4.1 until the renewal of their permit on 1 July 2016.	Allows a transition period for the existing permit holders.

17. Outdoor Dining Barriers and Supervision

- 18. Hospitality operators raised concerns that the Policy implies additional supervision requirements during the hours of 6pm to 9pm and at the end of the trading day.
- 19. The intention was not to add additional requirements and therefore staff recommend changes to the Policy to provide clarity.

Staff Recommendation	Rationale
Remove Public Places Policy s1.4.11.	The Sale and Supply of Alcohol Act 2012 s214 requires that a manager be on duty at all times alcohol is sold. Therefore supervision at all times is already provided.
Add clarification to the Public Places Policy: Public Places Policy s1.4.11 - Between 1am and the end of the trading day all outdoor dining furniture on the kerbside of the clearway must be removed and secured so that it cannot be accessed or used by customers or the public.	This would allow operators to keep the outdoor dining area directly in front of their premises operational while provide a clear kerbside space.

20. Mobile Shops – location and type

- 21. A number of submitters in the hospitality sector raised concerns that:
 - The introduction of mobile shops within the Central City would create direct competition with existing businesses and therefore will reduce the attraction of the Central City as a business location.

- The basis for deciding on the location and the type of products/services offered by the mobile shops is not defined in the Policy.
22. Staff recommend that additional clauses are added into the Policy. This is to provide clarity on the information which will be considered in relation to the location and type of product/service of the mobile shop.
 23. A number of submitters in the Central City raised concerns that the hours of operation (6am to 10pm) were too extensive and will compete with existing businesses.
 24. The hours (s4.4 VI) apply to all mobile shops across the city. Council could include a limitation of hours of mobile shops within the Central City by adding an additional clause to s4.5 which outlines the provisions specific to the Central City mobile shops.

Staff Recommendation	Rationale
<p>Provide clarity on the information considered in the decision of location and type of product/service of the mobile shop by implementing the following changes:</p> <p>Amend Public Places Policy s4.5</p> <p>VI. Permit applications for Intake 1 (period 1 July to 31 December) must be received by Council on 1 May of year the permit relates to.</p> <p>VII. Permit applications for intake 2 (period 1 January to 30 June) must be received by Council on 1 December of the year prior.</p> <p>VIII. Permit for the Central City mobile shops will be assessed on the information provided in Schedule 3 – clause 5.</p> <p>Amend Public Places Policy Schedule 3 – to include:</p> <p>IV. Evidence of public liability insurance to a minimum of \$1 million cover.</p> <p>V. For the Central City Mobile Shops</p> <p>(i) Provide a specific location as indicated on a map</p> <p>(ii) Provide proposed trading hours</p> <p>(iii) Outline the niche products and/or services the mobile shop will provide in relation to a 200m radius around the location of the mobile shop.</p>	<p>The additional clause provides clarity for applicants regarding the permit application process. The information requested from applicants includes information to assist in understanding the impact on the existing businesses.</p>
<p>That Council determines the suitability of Public Places Policy S4.5 (mobile shops in the Central City) including a possible restriction of trading hours.</p>	

25. Mobile Shops – Permit Fees
26. Submitters commented that mobile shops may have a commercial advantage as the fee for operating in the Central City would be substantially lower than that incurred by “bricks and mortar” businesses.
27. Fees are set in the Councils Fees and Charges Schedule during the Annual Plan process.
28. A fee will be set to reflect a commercial rate and finalized once the Public Places Bylaw and Public Places Policy are determined and adopted. The proposed fee is as follows:
 - For Central City mobile shops:
 - Proposed permit fee is \$120 per six months.
 - Proposed rental fee is \$384 per month.

The rationale for the rental fee is as follows:
 A mobile shop will occupy a space comparable to approximately 10m2.
 Council charges \$2 an hour (Central City) for a carpark.
 Based on a standard business day (8 hours) and 6 days (Parking is free on Sunday) this equates to \$96 per week, \$384 per month - **\$38m2 per month.**
 The rental for a retail premise in the Central City, based on a 61sqm space, is \$583 per month - **\$10m2 per month.**

- 29. Mobile Shop – Location with Speed Zones
- 30. Home Direct submitted that the Policy limiting mobile shops to stop only in speed zones of 60km or lower would restrict their business opportunities.
- 31. The speed zone restriction is to protect the safety of the residents and other road users and therefore staff do not recommend any change to the restriction.
- 32. Busking Hours
- 33. Central City residents submitted that the extension of hours from 7am in the morning could be a nuisance issue for them. The Hospitality sector commented that the later finishing time of 1am could compete with other entertainment options in the Central City.
- 34. Staff recognise these concerns and recommend the current starting time for busking of 8.30am be retained and the finishing time reduced to 11pm.

Staff Recommendation	Rationale
Amend Public Places Policy s5.2.1 (III) Busking is permitted between the hours of 8.30am and 11pm but no busker is permitted to remain in a single location for longer than 2 continuous hours.	The change in hours will mitigate the concerns of Central City residents.

- 35. Fees payable by Charitable Organisations
- 36. Charities (SPCA) raised a concern that they will have to pay a fee for the permit to collect charitable donations.
- 37. Council fees are set in the Councils Fees and Charges Schedule during the Annual Plan and it is proposed the fee be zero for the permit to collect charitable donations.
- 38. Although the fee is set to zero, the requirement to hold a permit is important as it allows Council to regulate the organisations that collect charitable donations in public spaces.

39. Financial and Resourcing Implications

- 40. Resourcing has been covered within existing budgets.

41. Risk

- 42. The current Public Places Bylaw 2009 will be automatically revoked on 25 February. If a Public Places Bylaw is not adopted and operational by 25 February 2016, there will be no Public Places Bylaw in place. With no Bylaw, Council will not have the ability to regulate the issues in relation to trading in public places. This risk is mitigated by ensuring that a Bylaw is adopted by Council at the 18 February 2016 Council meeting.

Signatory

Authoriser	Debra Stan-Barton, Acting General Manager City Environments
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First adopted:	25 February 2009
Revision dates/version:	November 2015 February 2016 / Version 32
Next review date:	In conjunction with the Public Places Bylaw 2016
Engagement required:	In conjunction with the Public Places Bylaw 2016
Document number:	D-1955147D-2040582
Associated documents:	D-1954936D-1965487 (Draft Bylaw)
Sponsor/Group:	City Growth



Amended PUBLIC PLACES POLICY (DRAFT)

Purpose and Scope

1. This policy provides for businesses, groups and individuals to apply to use public places for trading activities that are consistent with the purpose of this policy.
2. The purposes of this policy are to:
 - I. Protect the public from nuisance.
 - II. Protect, promote, and maintain public health and safety.
 - III. Minimise the potential for offensive behaviour in public places.
 - IV. Regulate trading in public places.
 - V. Regulate, control, or prohibit signs.
 - VI. Ensure public spaces are safe and used in ways that positively contribute to the city's identity and people's enjoyment of public spaces.
3. In applying these purposes, Council decisions will take into account the following principles. Public spaces should:
 - I. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
 - II. Be attractive, clean and safe.
 - III. Promote a welcoming image of Hamilton to residents and to visitors.
 - IV. Facilitate easy access for pedestrians and cyclists.
 - V. Provide spaces for people to gather for activities or social engagement and interaction.
 - VI. Strengthen the existing function of public space locations.

Definitions

Busker	means any person/s performing for voluntary donations in any public place, such as an itinerant musician or actor.
Council	means Hamilton City Council.
Enforcement officer	means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Hawker	means any person/s who, in a public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop.
Heritage precinct	areas of special heritage character as defined in the District Plan.
Heritage buildings	buildings of special heritage character as defined in the District Plan.
Mobile shop	means: <ul style="list-style-type: none"> • a vehicle from which goods are offered or exposed for sale

	<p>in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call;</p> <ul style="list-style-type: none"> it does not include any vehicle used to transport goods that have been order for delivery.
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Market	any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of a number of merchandise stalls grouped together.
Merchandise display	a display located in a public place outside a premise from which goods are offered or exposed for sale.
Public Place	includes any place or space that is not private property and which is open to the public but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 and any amendments to that bylaw.
Road	<p>means:</p> <ul style="list-style-type: none"> A road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not; Any bridge, culvert, ferry, ford forming part of a road or street or motorway or place to which the public have access whether as of right or not; All sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and Any service land or mall forming part of a road.
Road frontage	the front/s of a premise that face out onto a public place.
Shade Awning	means a single free standing or cantilevered shade or protective covering that may also be fixed to a building or that extends out over the footpath. It does not include a gazebo, marquee or tent.
Sign	means any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
Stall	includes any stationary but moveable stand or similar structure on or at or from which goods are sold or exposed for sale.
Trade or trading	includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture.

Policy

1. Outdoor Dining Areas

- 1.1 Cafes, bars and restaurants wishing to use part of the footpath space directly outside their premises for outdoor dining must obtain a permit.
- 1.2 Applicants must provide the information in Schedule 3 when applying for a permit for outdoor dining.
- 1.3 An applicant wishing to serve alcohol as part of an outdoor dining area must apply to the District Licensing Authority for an alcohol license or a variation of the area to which their alcohol licence applies.

1.4 General conditions that apply to Outdoor Dining Permits

- 1.4.1 There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
- ~~1.4.2~~ Existing permit holders at the adoption of this Policy are exempt from clause 1.4.1 until the renewal of their permit on 1 July 2016.
- ~~1.4.2~~~~1.4.3~~ The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- ~~1.4.3~~~~1.4.4~~ Use of fixed furniture is not permitted.
- ~~1.4.4~~~~1.4.5~~ All street furniture (tables, chairs, planter boxes, pull-down blinds etc.) must be arranged within the dining areas in compliance with this policy and as provided for in the permit.,
- ~~1.4.5~~~~1.4.6~~ No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.
- ~~1.4.6~~~~1.4.7~~ Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.
- ~~1.4.7~~~~1.4.8~~ No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.
- ~~1.4.8~~~~1.4.9~~ An outdoor dining permit must be either displayed or be available for inspection by an enforcement officer if requested.
- ~~1.4.9~~~~1.4.10~~ The owner of the premise must hold public liability insurance to a minimum value of \$2,000,000 indemnifying Council against any claim arising from damage caused by any piece of outdoor furniture in the outdoor dining area.
- ~~1.4.10~~ The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6 pm until the end of the trading day.
- ~~1.4.11~~ Adequate supervision of the outdoor dining area must be maintained from 6pm until the end of the trading day.
- ~~1.4.11~~~~1.4.12~~ Between 1am and the end of the trading day all outdoor dining furniture on the kerbside of the clearway must be removed and secured so that is cannot be accessed or

| [used by customers or the public.](#)

| ~~1.4.12~~1.4.13 Between the end of the trading day and 7am all street furniture used in an outdoor dining area must be secured together so that it cannot be used by the public and, as far as practicable, removed from the footpath or when requested by Council to enable street works, services or repairs, or other public utilities.

~~1.4.13~~ 1.4.14 Permit holders must comply with Council requests to remove some or all of the street furniture used in outdoor dining areas during normal business hours during a special event.

~~1.4.14~~ 1.4.15 Ashtrays must be provided, except where smoking is prohibited.

1.5 Layout of outdoor dining areas

1.5.1 All outdoor dining areas must observe the layout requirements set out in Schedules 1 and 3

1.6 Café umbrellas and shade awnings

1.6.1 Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.

1.6.2 Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

1.7 Planter boxes

1.7.1 Planter boxes must not be fixed to the footpath and must be strong, durable and wind resistant. The planter boxes and plants must be well maintained.

1.8 Heaters

1.8.1 Heaters may be free standing or fixed to verandas.

1.8.2 Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

1.8.3 Freestanding patio heater should be of stable design and of a height not exceeding 2.5 metres measured from the base to the top of the heater. They should be located on a flat surface.

1.8.4 All heaters must be located away from combustible materials and used in accordance with the operating instructions. They must not be placed where they pose a safety or fire hazard.

1.8.5 Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

1.9 Pull-down blinds and screens

1.9.1 Requests to include screens and/or pull-down blinds in outdoor dining areas will be assessed on a case by case basis. Consideration will be given to the potential for the screen/pull-down blind to obscure surveillance by Council CCTV cameras and to safety issues for pedestrians, cyclists and motorists caused by obscured sight lines.

1.9.2 If an applicant wishes to use screens and/or pull down blinds this information must be included with the permit application and outdoor dining area plan. Details of any proposed fixing of a pull down blind to the pavement must also be included.

1.9.3 All pull-down blinds and screens must be rolled up or removed from the footpath outside of the hours specified in the outdoor dining area permit.

1.10 Barriers

1.10.1 Barriers may be used to define the boundaries of an outdoor dining area.

1.10.2 Barriers shall not exceed a maximum height of 0.9m.

1.10.3 Clearance from the ground is required to allow stormwater run-off.

1.10.4 Barriers must be of stable construction to prevent blowing over in strong wind.

2. Signs

2.1 Signs in public places are regulated under this policy. The District Plan regulates signs on zoned land.

2.2 This policy does not apply to:

- signs erected for or on behalf of Council
- billboards and over head street banners (*note: contact Strategy and Communication's Group, Hamilton City Council*)

2.3 A person wishing to erect a sign in or over a public place must obtain a permit.

2.4 No Council owned land is to be used to erect election signs for Parliamentary Elections or Local Body Elections.

2.5 General conditions

2.5.1 All signs must be maintained in good order and condition. An enforcement officer may issue a notice requiring specified remedial work to be carried out if that officer reasonably believes the sign does not comply with this clause or if a sign will cause a safety hazard.

2.5.2 A maximum of one sign per road frontage is permitted.

2.5.3 The footpath sign must not obscure road users visibility or be placed in a position that restricts vehicle access to a right of way or to any public place which provides a right of access for vehicles.

2.5.4 The permitted size for signs is set out in Schedule 2.

2.5.5 A footpath sign must be located in a way that does not impinge on the continuous clearway and it must observe the setback requirements in Schedule 1.

2.5.6 The footpath sign must not resemble a warning sign or road traffic sign.

2.5.7 The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.

2.5.8 The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.

2.5.9 An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.

2.5.10 Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.

2.5.11 All signs are to be removed from the footpath outside of hours of business.

2.5.12 Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.

2.5.13 Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.

2.5.14 Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.

2.5.15 Signs attached beneath verandas should observe a set back of 0.5m from a vertical line from the edge of the kerb.

- 2.5.16 Signs located on top and on the fascia of a veranda must not extend beyond the fascia of the building and will be set back not less than 0.5m from an imaginary vertical line from the road kerb.

2.6 Signs in Heritage Areas

- 2.6.1 The design and location of signs in a public place in a heritage area or outside a heritage building (as defined or listed in the District Plan) must be compatible with the heritage significance of the area or the building so that they do not detract from that significance.
- 2.6.2 Signs in heritage areas or outside heritage buildings will be assessed on a case by case basis and special consideration may apply to signs approved for use to ensure that signs do not materially affect the heritage value of the area and/or building.

3. Markets, Stalls and Merchandise Displays

3.1 Street Markets and Stalls

- 3.1.2 A street market is not permitted to operate without a permit.
- 3.1.3 Council's general policy is to encourage stalls to be part of managed street markets however permits for individual stalls will be considered on a case by case basis. An applicant wishing to operate a stand alone stall is not permitted to operate without a permit.
- 3.1.4 Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.
- 3.1.5 A market operator granted a permit is responsible for each individual stall owner complying with permit conditions and for having the necessary alcohol licenses.
- 3.1.6 Cleaning arrangements following the business hours of the market will be included in the permit conditions.
- 3.1.7 The following conditions will apply to stalls, including those stalls in a street market:
- I. Stalls must not sell offensive material.
 - II. Stalls must not obstruct or hinder the flow of pedestrians in any public place.
 - III. Stalls selling, preparing and handling food must comply with food hygiene regulations.
 - IV. Stalls selling alcohol must hold the necessary alcohol licenses.

3.2 Merchandise Display

- 3.2.1 The following conditions will apply to merchandise displays:
- I. Merchandise should be placed up against the façade of the shop it belongs to.
 - II. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
 - III. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
 - IV. Merchandise displays must not contain any form of offensive material.
 - V. Merchandise displays are to be removed at the end of trading hours or when requested by Council staff to enable street works, services or repairs, or other public utilities.

4. Mobile Shops

~~4. Mobile Shops~~

- 4.1 Mobile shops are not permitted to operate without a permit. A permit to operate may be given as part of a permit for an event or street market, or as a stand alone permit.
- 4.2 Unless approval is granted under clause 4.5 below, mobile shops are not permitted to operate within the Central City (see the map in Schedule 4).
- 4.3 Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- 4.4 The following conditions apply to all mobile shops:
- I. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - II. The location of mobile shops will not impede or inconvenience the flow of traffic, pedestrians or customers and must not breach any bylaw or traffic legislation.
 - III. Permits may include permission to have tables and chairs in close proximity to the mobile shop for the purposes of dining. Council has sole discretion to determine what constitutes close proximity.
 - IV. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
 - V. Mobile shops selling alcohol must hold the necessary alcohol licenses.
 - VI. Hours of operation are only permitted between 6am – 10pm.
 - VII. The permit must be displayed at all times.
- 4.5 In addition to the conditions in clause 4.4 above, the following extra conditions apply to mobile shops permitted to operate within the Central City (see the map in Schedule 4):
- I. Up to 3 permits only may be granted at any one time.
 - II. They will be granted for a maximum period of 6 months only.
 - III. They will be issued for a specified location which will be in one of the permitted locations identified in the map in Schedule 4.
 - IV. Trading hours will be specified in the permit and may extend to 3am taking into account the location.
- ~~V.~~ No alcohol consumption or sales will be permitted.
- ~~VI.~~ Permit applications for intake 1 (period 1 July to 31 December) must be received by Council on 1 May of the year the permit relates to.
- ~~VII.~~ Permit applications for intake 2 (period 1 January to 30 June) must be received by Council on 1 December of the year prior.
- ~~VIII.~~ Permit for the Central City mobile shops will be allocated in the order received provided the applicant has met all requirements under clause 4.5 and Schedule 3 –

| [clause 5.](#)

5. Busking, Hawking and Charitable collections

5.1 Buskers are not permitted to operate without a permit. Applicants must apply for a busking permit before commencing trading.

5.2 Busking conditions

5.2.1 The following conditions apply to buskers:

- I. No busker will impede or inconvenience the flow of pedestrians and customers.
- II. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- III. Busking is permitted between the hours of ~~7am-8.30am~~ and ~~11pm-1am~~ but no busker is permitted to remain in a single location for longer than 2 continuous hours
- IV. Buskers must not enter any premises unless authorised by a person having control of those premises.
- V. Buskers are to carry a copy of the permit at all times and must produce a copy of to any enforcement officer if requested.
- VI. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailers, unless they are part of an event approved by Council.
- VII. A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.
- VIII. Permits will be issued for a period of no more than 6 months.

5.3 Hawkers conditions

- 5.3.1 The following conditions apply to hawkers:
 - I. Hawkers are not permitted to operate within the area shown in the map in Schedule 4.
 - II. Hawkers must not enter premises which display a written notice prohibiting their entry.
 - III. Shop doorways must be kept clear.
 - IV. When visiting premises, a Hawker must leave immediately if requested to do so by the owner or occupier of the premises.
 - V. Identification must be worn at all times.
 - VI. The flow of pedestrians must not be impeded or inconvenienced in any way.
 - VII. Hawkers are only permitted to trade during the hours of 8.30am and 8.30pm.

5.4 Charitable collections

- 5.4.1 No one is permitted to collect charitable donations in a public place without a permit.
- 5.4.2 Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.
- 5.4.3 Approval may include conditions such as location and hours permitted for the activity.

6. Other Activities on Footpaths

- 6.1 Cafes, bars and restaurants and other businesses wishing to use part of the footpath space directly outside their premises for entertainment or promotional activities must apply for a permit.
- 6.2 Applications will be considered on a case by case basis taking into account:
 - I. The impact the activity could have on existing approved activities already occurring in or around the location.
 - II. Public health and safety and public nuisance.
 - III. Proposed hours for the activity to operate.
 - IV. Whether the activity is a one off event or reoccurring.

6.3 Any application will take into account any other permits granted for the space that is the subject of the application.

6.4 General Conditions

6.4.1 Voice enhancement equipment, including microphones, amplifying equipment and loud hailers are not permitted.

6.4.2 A reasonable level of noise is to be maintained at all times having regard to the place and situation. If, at the Council's discretion, it is decided that a reasonable level of noise has not been maintained a permit may be revoked.

6.4.3 The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.

6.4.4 The activity must not interfere in traffic visibility

7. General Permit Conditions

7.1 All applications for any permit must be made on the approved application form, contain all the information requested and be accompanied by the prescribed fee. Applications not complying with the requirements will not be processed.

7.2 Approval may be withheld if the applicant has previously breached approval conditions.

7.3 Permits under this policy are issued by the City Safe Unit.

7.4 Unless specified otherwise, all permits are issued for 12 months and will automatically expire.

7.5 Permits automatically expire when a business holding a permit is sold.

7.6 Permits issued under this policy are not transferable.

7.7 A permit may be cancelled or amended if:

I. If permit conditions are breached.

II. Other valid reasons that require cancellation, such as streetscape upgrades or refurbishment

7.8 Council reviews fees annually changes are notified by public notice.

7.9 The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

8. Enforcement

8.1 Permit conditions are monitored regularly to ensure activities in public places are occurring in terms of the permit granted. The following process applies if permit condition/s are breached:

I. First breach: verbal notification of the breach and request to rectify

II. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.

III. Failure to remedy: the Council will consider revoking the permit.

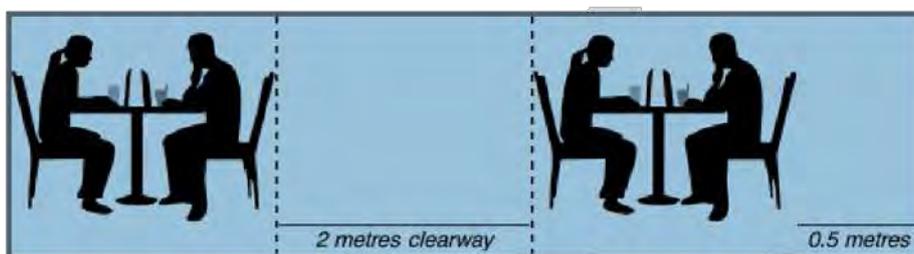
8.2 Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.

8.3 If the infringement persists, Council reserves the right to confiscate the stall setup or trading material under sections 163 and 164 of the Local Government Act 2002.

8.4 The Council may dispose of confiscated property under to section 168 of the Local Government Act 2002.

Schedule 1: Footpath Layouts

1. There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times.
2. The 2.0 metre clearway must exist when the tables and chairs are in use.
3. The continuous clearway must be in the middle of the footpath.
4. The vertical height permitted under this policy is a maximum height of 2.2metres.
5. The minimum distance from the kerb must be 0.5 metres.
6. The minimum setback from all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops must be 1 metre.



Schedule 2: Signs Dimensions

1. The definition of a sign is contained in the definition section of the policy.
2. The approved dimensions for a flag or banner, that is either affixed or free standing, is:
 - No larger than .75m wide
 - No larger than 3.2m high



3. The maximum approved dimensions for any other sign is:
 - No larger than 600mm wide
 - No larger than 750mm high
 - The maximum base area is 0.45 square metres



Schedule 3: Application Requirements for Certain Permits

1. General Requirements

- 1.1 All applications must be in the prescribed format and contain the information requested.
- 1.2 Applications not complying with these requirements will not be processed.
- 1.3 All applications must include the prescribed fee.

2. Information Required for Outdoor Dining Permit

- 2.1 Applications for an Outdoor Dining Permit must include two copies of a plan and specifications of the proposed outdoor dining area on a scale of 1:50 showing:
 - i. The location and dimensions of the proposed outdoor dining area.
 - ii. The position of furniture including tables and chairs, planter boxes, screens, heaters, blinds/dividers, patio heaters, signage and umbrellas to be provided in the proposed outdoor dining area (please refer to Schedule 1 for these requirements).
 - iii. The area either side of the boundaries (up to 10 metres) of the proposed area indicating the location of all footpaths, public facilities, public places, streets and street alignments.
 - iv. Photographs or brochures of the furniture to be set up in the proposed outdoor dining area.
 - v. Specifications for enclosures or screens/dividers including ground and supporting fixtures. This includes any semi continuous or continuous overhead, side and front enclosures (including those that are retractable) that are supported by any fixed supports, structural frames or columns in the public place, whether or not the enclosure contains outdoor furniture.

3. Information Required for Street Market Stalls Permit and Individual Stalls Permit

- 3.1 Applications for a Street Market Stall must include:
 - i. A scale plan showing:
 - the extent of the public area to be occupied
 - the siting and the number of market stalls proposed
 - any associated facilities such as public toilets.
 - ii. Specifications of any barriers, signs and screens including any ground supporting fixtures.
 - iii. A traffic management plan showing:
 - the location of ingress and egress to the market

- any parking provided, any temporary measures to control traffic to and from the market site
- measures for loading and unloading of market goods and stall set up and pack down
- the contact details for a person responsible for implementing the traffic management plan.

IV. Details of public liability insurance.

V. The name, address and contact details of the applicant and market operator.

VI. The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.

VII. Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.

VIII. Evidence that all market stalls selling alcohol hold the necessary alcohol license.

4. Information Required for Charitable Collections Permit

4.1 Applications for approval to collect charitable donations must include:

- I. The date, time and location of the intended donation collection.
- II. Approval from the Charity to collect donations.

5. Information Required for Mobile Shops Permit

5.1 Applications for a mobile shop permit must include:

- I. The intended location and trading hours.
- II. The location of, and distance measurements to, footpaths, roads, all street trees, street furniture (such as benches and seats), cycle racks, phone boxes, mobility parking zones and bus stops and any other structures.
- III. If tables and chairs are intended to be provided:
 - a plan of the location and dimensions of the proposed area where they will be situated, including information about proximity to the mobile shop. The dimensions must be to scale 1:5.
 - Photographs of the tables and chairs to be provided.

IV. Evidence of public liability insurance to a minimum of \$1 million cover.

V. Evidence of a track record (This may include any previous experience of delivering the activity/operation in the proposed area (or other areas where the operator is new to the proposed area).

~~IV-VI.~~ Evidence of how the mobile shop is relevant to the site and extends the range of products and/or services provided by existing businesses within a 200m radius of the proposed site.-

Schedule 4: Central City Map

Item 6

Attachment 1

