

Elected Member Briefing – 13 May 2020 Audio Visual Link			
Time	Topic	Presenter(s)	Time Req'd (mins)
10.00am	Financial Strategy (Finance Committee)	David Bryant and Tracey Musty	45
10.45am	Kaiinga Ora - proposed housing development (Council)	Helen Paki and Kaiinga Ora representatives	60
Break 11.45pm			
1.30pm	Trading in Public Places Policy (Community Committee)	Sandra Murray and Grant Kettle	90
MEETING ENDS 3.00pm			

DISCUSSION TOPIC SUMMARY

Topic:	Reaffirming HCC's Financial Strategy
Related Committee:	Finance Committee
Business Unit/Group:	Corporate
Key Staff Contact/s:	David Bryant / Tracey Musty
Direction Discussion/Drop in Session recommended?	No
Information Status:	Open

PURPOSE OF TOPIC/INFORMATION

Councillor Rob, Chair of Finance Committee, has asked for this Briefing to test and reaffirm HCC's Financial Strategy and set of 12 guiding financial principles.

The Briefing will remind elected members of the key elements of Council's current Financial Strategy and will canvass elected members whether all still support the current Financial Strategy or whether there is any requirement to make amendments.

The Financial Strategy is used as a key guide to support elected member decision making associated with managing Council's finances as well as used to prepare Council's 2020/21 Annual Plan and 2021/31 10-Year Plan.

WHAT KEY THINGS SHOULD MEMBERS THINK ABOUT/ CONSIDER IN UNDERSTANDING THIS INFORMATION?

Elected members should review the Financial Strategy commentary as included in Councils 2018/28 LTP and Council's Revenue and Financing Policy.

Key things to think about are:

- whether the current HCC debt to revenue ratio limit of 230% needs to be reviewed
- whether the 12 guiding financial principles are still appropriate / relevant to best guide council decision making in the future.

KEY SUMMARY POINTS

The presentation will cover:

- Council's current Financial Strategy.
- The methodology of calculating Council's Financial Strategy limits and a review of the current Financial Strategy graphs as at 29 February 2020.
- A review of the 12 guiding financial principles.

WHERE CAN MEMBERS FIND MORE INFORMATION?

- [2018-28 10-Year Plan, Financial Strategy, Page 67](#)
- [Revenue and Financing Policy](#)

WHAT DIRECTION/FEEDBACK/INPUT IS NEEDED FROM MEMBERS

- Whether elected members would like to amend any of Council's current Financial Strategy limits including whether the current HCC debt to revenue ratio limit of 230% needs to be reviewed in light of the proposed LGFA covenant lift
- whether elected members would like to amend, or add to, any of Council's 12 guiding financial principles

Financial Strategy

13 May 2020 - Briefing



Purpose of today's briefing

- To review the key elements of Council's current Financial Strategy and 12 guiding financial principles
- To reaffirm these or determine whether any amendments are required to better guide financially prudent decision making in the future.

Financial Strategy Purpose

Local Government Act 2002 *(Sections 100-101)*

- To **facilitate prudent financial management** by providing a guide to consider proposals for funding and expenditure against; and
- To **provide a context for consultation** on proposals by making transparent the overall effects of those proposals on rates, debt, and investments.
- Balanced budget requirement: **balance the budget unless** it is prudent to do otherwise.

Financial Strategy Background

- The current Financial Strategy outlines an overall approach to managing Council's finances and provides guidance when making spending decisions.
- The strategy is typically reviewed every 3 years during the development of Council's 10-Year Plan.
- Last review was completed by the Finance & Revenue Taskforce chaired by Cllr Pascoe during the development of the 2018-28 10 Year Plan

Financial Strategy Background (cont.)

- The current Financial Strategy was amended following this review to allow for a sustainable response to growth that is cost effective to existing ratepayers.
- As a response to city growth, the 10-Year Plan includes our biggest ever capital programme. To fund these initiatives net debt (debt) is planned to increase but will stay within a prudent debt to revenue limit of 230%.
- The LGFA currently allows us to borrow up to a debt to revenue ratio of 250% which creates a buffer for unforeseen events e.g. civil defense emergency

Financial Strategy

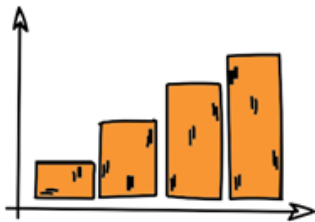


- Revenue and Financing Policy
 - Outlines the choices we have made in deciding appropriate sources of funding for operating and capital expenditure from those sources listed in the Local Government Act 2002.
 - Provides guiding principles (see later slides)

Financial Strategy

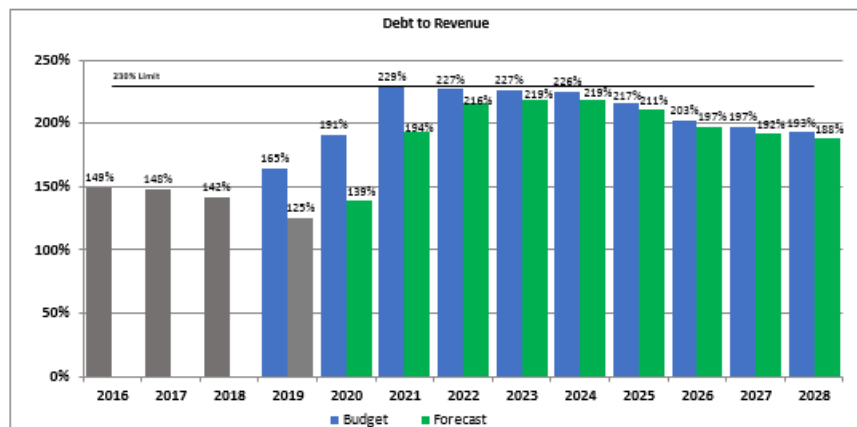


- Revenue and Financing Policy
 - Outlines the choices we have made in deciding appropriate sources of funding for operating and capital expenditure from those sources listed in the Local Government Act 2002.
 - Provides guiding principles (see later slides)



- Financial Strategy Limits are measured by the following graphs:
 - Net debt to revenue
 - Net debt
 - Balancing the books

Net debt to revenue



*As at 29 February 2020 (28 April 2020 meeting) Finance Committee

Revenue calculation:

Includes rates, revenue from operating activities, investment revenue, gains, finance and other revenue

Net Debt calculation:

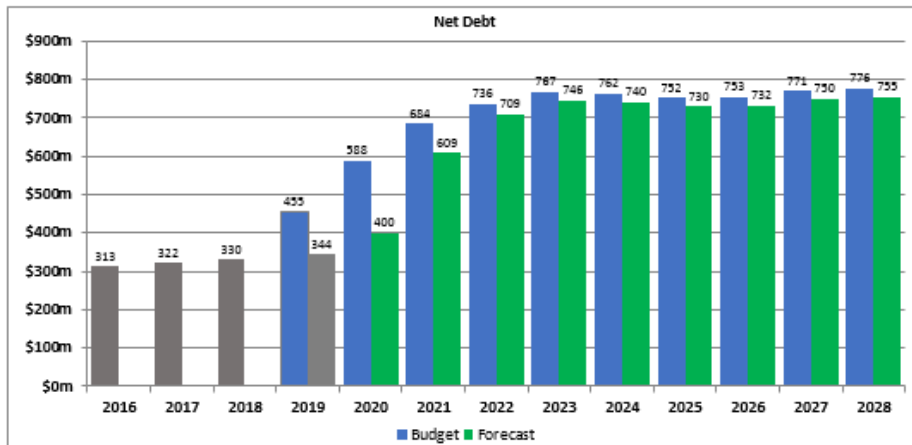
total amount of external debt less cash and term deposits

Debt-to-revenue limit:

Current limit is 230%, meaning we can borrow up to \$2.30 for every \$1 collected in revenue

- Statutory measure – limit on debt
- A key metric for our primary funder (LGFA), and credit rating agency to determine ability to repay debt
- HCC Financial Strategy includes a self imposed cap on net debt-to-revenue - currently 230%
- The LGFA allows us to borrow up to 250% which creates a buffer for unforeseen events e.g. civil defense emergency
- They are proposing to change to 300% for the years ending June 2021 and 2022 and decreasing 5% for each of the next four years until landing at 280% for the year ending June 2026 and beyond.

Net debt



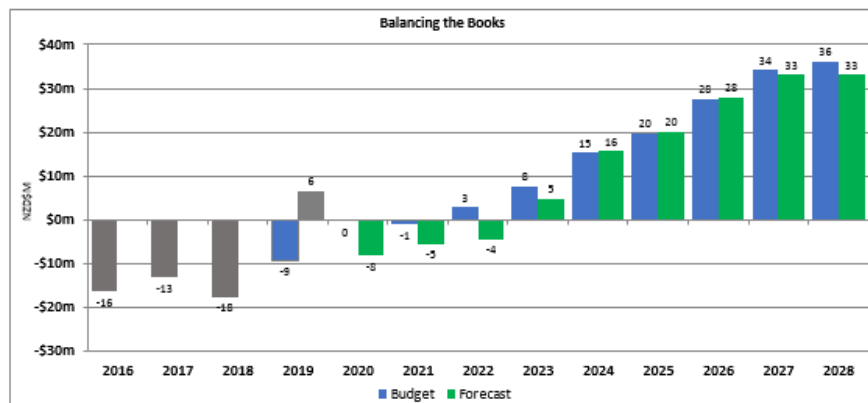
Calculation:
total amount of external debt less cash and term deposits

*As at 29 February 2020 (28 April 2020 meeting) Finance Committee

Net Debt includes:

- Long-term loans from the LGFA – majority of HCC's loans
- Short-term loans from banks - minor
- The \$180M interest-free loan from the Government's Housing Infrastructure Fund (HIF)

Balancing the books (Everyday costs = Everyday revenues)



HCC measure:

- Removes capital revenue
- Adds back interest portion of development contributions
- Removes certain revenue not considered everyday (e.g. Housing Infrastructure Fund (HIF) loan from Central Govt.)
- Removes certain one-off expenditure (e.g. discount unwind on HIF loan and grants for Waikato Regional Theatre)

Government measure:

- Includes capital revenue
- Removes ALL development contributions

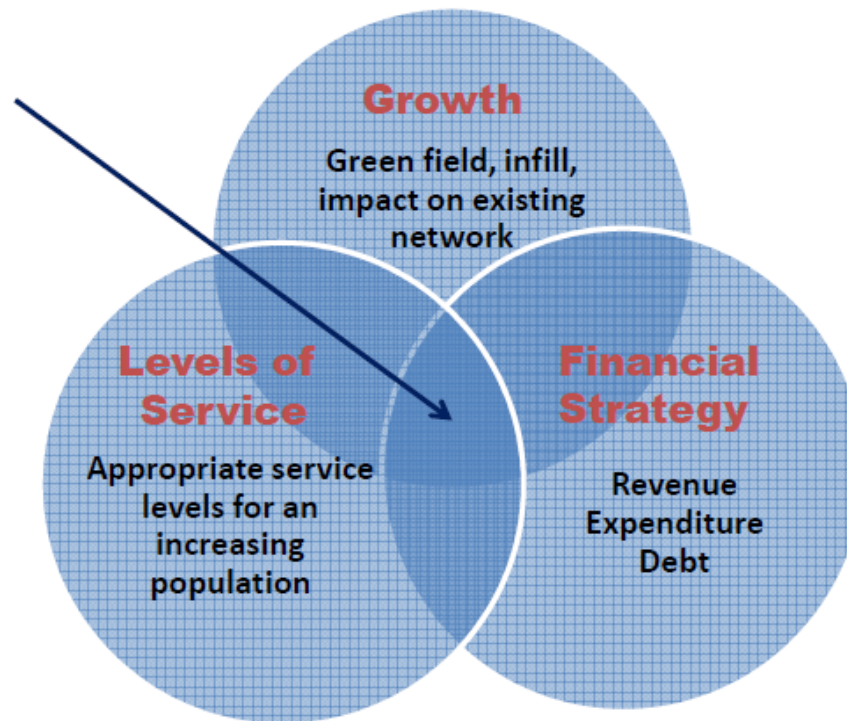
*As at 29 February 2020 (28 April 2020 meeting) Finance Committee

- This measure tracks whether we are paying for the everyday costs of running the city from everyday revenues (rates, fees and user charges, etc) rather than borrowing to make up the difference.
- The way we calculate this measure changed when we reviewed the Financial Strategy in 2018 – all capital items removed from calculation (E.g. Development Contributions, NZTA capital subsidies)
- Greatest transparency of living within our means

Budget challenge - recap

The ideal situation is to find the balance between our strategic drivers:

- To cater for strategic / future growth
- To ensure appropriate service levels are maintained
- To ensure Financial prudence is achieved



Guiding Financial Principles

Growth

1. Growth cells will be completed to an approved level of service.
2. Growth will pay for growth.

Levels of Service

3. Asset sale proceeds will be used to pay down debt.
4. We will fund maintenance and renewals as per approved Asset Management Plans.
5. We should explore external funding options for new discretionary projects whenever possible.

Financial Strategy

6. The everyday costs of running the city will be met from everyday revenues.
7. The main source of everyday revenue will be general rates.
8. Targeted rates could be used to fund our portion of new projects where the costs of these activities can be easily identified.
9. When a private benefit can be identified and it is efficient to collect the revenue, user charges will be considered.
10. Rates certainty will be a key consideration.
11. Affordability of rates will be considered.
12. Council will adopt a prudent Financial Strategy which supports its current credit rating.

Growth

Guiding principle 1 of 12

Growth cells will be completed to an approved level of service

Taskforce discussion points:

- *Council needs to complete what its started (e.g. Rototuna)*
- *Council may wish to consider changes in Levels of Service (higher or lower) as well as deciding that some assets will not be replaced*

Growth

Guiding principle 2 of 12

Growth will pay for growth

Taskforce discussion points:

- *Those that benefit from growth will pay for the costs of growth*
- *Council should endeavour to minimise the impact of growth (new growth cells) on general rates.*
- *Concerns about defining “growth”*
- *Who should pay? Growth cell developers/residents etc. fund growth versus those that benefit from growth in a broader sense*

Levels of Service

Guiding principle 3 of 12

Asset sale proceeds will be used to pay down debt

E.g. The sale of Council owned buildings

Levels of Service

Guiding principle 4 of 12

**We will fund maintenance and renewals as per approved
Asset Management Plans**

Taskforce discussion points:

- *Council needs to make Levels of Service decisions in Asset Management Plans*

Levels of Service

Guiding principle 5 of 12

We should explore external funding options for new discretionary projects whenever possible

E.g. Destination playgrounds

Taskforce discussion points:

- *It may not be possible to get external contributions and Council should not be restricted by a need for external contributions.*
- *Would include discretionary level of service and growth projects.*

Financial Strategy

Guiding principle 6 of 12

**The everyday costs of running the city
will be met from everyday revenues**

Financial Strategy

Guiding principle 7 of 12

The main source of our everyday revenue will be general rates

Where the everyday costs of running the city cannot be easily identified

Financial Strategy

Guiding principle 8 of 12

Targeted rates could be used to fund our portion of new projects where the costs of these activities can be easily identified

Targeted rates increase transparency and help rate payers understand the drivers of significant costs

Financial Strategy

Guiding principle 9 of 12

When a private benefit can be identified and it is efficient to collect the revenue, user charges will be considered

E.g. Visitors to Hamilton Zoo or swimming facilities

Financial Strategy

Guiding principle 10 of 12

Rates certainty will be a key consideration

Taskforce discussion point:

- *The principle should be simplified.*
- *Transparency*

Financial Strategy

Guiding principle 11 of 12

Affordability of rates will be considered

Taskforce discussion points:

- *Affordability is important.*
- *Is affordability an individual level issue or a community wide issue?*
- *Is affordability a subjective issue and how can it be measured?*
- *Council has mechanisms to deal with affordability at individual level, with payment arrangements, remission policies and also rates rebate.*

Financial Strategy

Guiding principle 12 of 12

**Council will adopt a prudent Financial Strategy
which supports its current credit rating**


Any Questions?

FURTHER INFORMATION

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DISCUSSION TOPIC SUMMARY

Topic: (Trading in) Public Places Policy

Related Committee: Community Committee

Business Unit/Group: City Safe / City Growth

Key Staff Contact/s: Sandra Murray / Kelvin Powell

Direction Discussion recommended? Elected Member request

Information Status: Open

PURPOSE OF TOPIC/INFORMATION

- On the 20th February, the Community Committee requested this item be moved to a EM Briefing to specifically discuss issues related to Mobile Shops.
- In email discussions after the 20th February Community Committee meeting, between the GM City Growth and Elected Members, the scope of the EM Briefing discussion was clarified as being limited to the issue of Mobile Shops (specifically Food Trucks) in the CBD area during events and markets.
- Staff require direction/feedback from Members on this topic for report to Community Committee on 19th May.

WHAT KEY THINGS SHOULD MEMBERS THINK ABOUT/ CONSIDER IN UNDERSTANDING THIS INFORMATION?

- Staff recommend minor amendments to permit mobile shops (e.g. food trucks) to operate in the Central City area as part of a street market or event only.
- Staff recommend consulting on this issue to engage the community on how the existing policy is working and to consider feedback.

KEY SUMMARY POINTS

Extract from proposed policy, showing suggested changes in red.

Mobile shops

- 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.
- Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) **other than as part of a street market or event [addition]**.
- Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- The following conditions apply to all mobile shops:
 - No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - 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.

- 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.
- Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
- Mobile shops selling alcohol must hold the necessary alcohol licences.
- Hours of operation are only permitted between 6am and 10pm.
- The permit must be displayed at all times.

WHERE CAN MEMBERS FIND MORE INFORMATION?

- further information to be attached via appendix to this topic summary document
 - Proposed policy (tracked changes)
 - Powerpoint with background information

WHAT DIRECTION/FEEDBACK/INPUT IS NEEDED FROM MEMBERS

- Guidance from Elected Members on the direction for the (Trading in) Public Places Policy regarding Mobile Shops.
- Staff would like to know if there is anything further that Members would like covered in the staff report for the Community Committee meeting on the 19th May.
- Agreement to group the (Trading in) Public Places Policy and the Safety in Public Places Bylaw for public consultation to maximise consultation resources.

First Adopted	25 February 2009
Revision Dates / version	17 February 2016 / Version 4 August 2020 / Version 5
Next review date	In conjunction with Public Places Bylaw 2016
Engagement required	In conjunction with Public Places Bylaw 2016
Document number:	D-2049849
Related documents	D-1965487
Sponsor/Group:	General Manager City Growth

Trading in Public Places Policy

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:
 - 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.
 - f. 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:
 - a. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
 - b. Be attractive, clean and safe.
 - c. Promote a welcoming image of Hamilton to residents and to visitors.
 - d. Facilitate easy access for pedestrians and cyclists.
 - e. Provide spaces for people to gather for activities or social engagement and interaction.
 - f. Strengthen the existing function of public space locations.

Definitions

Definition	Detail
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 a vehicle from which goods are offered or exposed for sale in any public place, or from which goods or services may be ordered whether or not as a result of any invitation to call; it does not include any vehicle used to transport goods that have been ordered for delivery. <u>A mobile shop is not a stall.</u>
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	A display located in a public place outside a premise from which goods are

display	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	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 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. <u>A mobile shop is not a stall.</u>
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

Outdoor Dining Areas

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

General conditions that apply to Outdoor Dining Permits

7. There must be a continuous 2.0-metre-wide clearway maintained on all footpaths at all times with the exception of Victoria Street within the area contained in the map in Schedule 4 which must be a continuous 1.7 metre wide clearway.
- ~~8. Existing permit holders at the adoption of this Policy are exempt from clause 7 of this Policy until the renewal of their permit on 1 July 2016.~~
- ~~9-8.~~ The outdoor dining area must not cause any damage to any ornamental verge or kerbing.
- ~~10-9.~~ Use of fixed furniture is not permitted.
- ~~11-10.~~ 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.
- ~~12-11.~~ No sharp edges or projections which could cause injury are permitted and all street furniture must be of durable construction.

~~13-12.~~ Permit holders are responsible for cleaning the footpath and removing litter in the outdoor dining areas.

~~14-13.~~ No waste material including sweepings, detergents and cleaning agents is to be disposed of into the street gutter or stormwater drains.

~~15-14.~~ An outdoor dining permit must be either displayed or be available for inspection by an Enforcement Officer if requested.

~~16-15.~~ 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.

~~17-16.~~ The boundaries of an outdoor dining area must be clearly defined through use of barriers or other appropriate street furniture from 6pm until the end of the trading day.

~~18-17.~~ 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.

~~19-18.~~ 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.

~~20-19.~~ 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.

~~21-20.~~ Ashtrays must be provided, except where smoking is prohibited.

Layout of outdoor dining areas

~~22-21.~~ All outdoor dining areas must observe the layout requirements set out in Schedules 1 and Schedule 3.

Café umbrellas and shade awnings

~~23-22.~~ Umbrellas or shade awnings must be of stable design and properly secured to prevent blowing over in strong wind.

~~24-23.~~ Umbrellas or shade awnings must not penetrate or damage the surface of Council footpaths or interfere with pedestrian movement.

Planter boxes

~~25-24.~~ 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.

Heaters

~~26-25.~~ Heaters may be free standing or fixed to verandas.

~~27-26.~~ Overhead heaters must be securely fixed to verandas and should be turned off outside of hours of business.

~~28-27.~~ Free standing patio heaters 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.

~~29-28.~~ 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.

~~30-29.~~ Fire extinguishing equipment must be kept in close proximity to where the heaters are being used.

Pull-down blinds and screens

~~31-30.~~ 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.

~~32-31.~~ 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.

~~32.~~ 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.

Barriers

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

Signs

- 37. Signs in public places are regulated under this Policy. The District Plan regulates signs on zoned land.
- 38. This Policy does not apply to:
 - a. signs erected for or on behalf of Council; and
 - b. billboards and overhead street banners (note: contact Strategy and Communication's Group, Hamilton City Council).
- 39. A person wishing to erect a sign in or over a public place must obtain a permit.
- 40. No Council-owned land is to be used to erect election signs for Parliamentary Elections or local body elections.

General conditions that apply to signs

- 41. 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.
- 42. A maximum of one sign per road frontage is permitted.
- 43. The footpath sign must not obscure road user's 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.
- 44. The permitted size for signs is set out in Schedule 2.
- 45. 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.
- 46. The footpath sign must not resemble a warning sign or road traffic sign.
- 47. The footpath sign must not have sharp edges or projections which may cause injury to pedestrians.
- 48. The sign must be constructed to ensure it is secure against all weather conditions and gusts of wind.
- 49. An enforcement officer may request removal of sign/s to allow works or maintenance services to take place.
- 50. Advertising shall not be illuminated, have reflective surfaces or resemble a traffic sign.
- 51. All signs are to be removed from the footpath outside of hours of business.
- 52. Signs on verandas are restricted to signs advertising businesses, services or products located on the site associated with the sign.
- 53. Signs located on top or beneath verandas should be structurally sound and be fixed to the veranda in a safe manner.
- 54. Signs attached beneath verandas should leave a clearance of 2.75m to the footpath.
- 55. Signs attached beneath verandas should observe a setback of 0.5m from a vertical line from the edge of the kerb.
- 56. 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.

Signs in Heritage Areas

- 57. 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.
- 58. 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.

Markets, stalls and merchandise displays

Street markets, mobile shops and stalls

~~58-59.~~ A street market is not permitted to operate without a permit.

~~59-60.~~ 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.

~~60-61.~~ Applicants must provide the information in Schedule 3 when applying for a permit to operate a street market or an individual stall.

~~61-62.~~ A market operator granted a permit is responsible for each individual mobile shop or stall owner complying with permit conditions and for having the necessary alcohol licences.

~~62-63.~~ Cleaning arrangements following the business hours of the market will be included in the permit conditions.

~~63-64.~~ The following conditions will apply to stalls, including mobile shops and ~~these~~ stalls in a street market:

- a. Stalls must not sell offensive material.
- b. Stalls must not obstruct or hinder the flow of pedestrians in any public place.
- c. Stalls selling, preparing and handling food must comply with food hygiene regulations.
- d. Stalls selling alcohol must hold the necessary alcohol licences.

Merchandise display

~~64-65.~~ The following conditions will apply to merchandise displays:

- a. Merchandise should be placed up against the façade of the shop it belongs to.
- b. Merchandise displays must observe the requirements on setbacks and clearways set out in Schedule 1.
- c. The merchandise display must not have sharp edges or projections which may cause injury to pedestrians or create a nuisance.
- d. Merchandise displays must not contain any form of offensive material.
- e. 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.

Mobile shops

~~65-66.~~ 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.

~~66-67.~~ Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) other than as part of a street market or event.

~~67-68.~~ Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.

~~68-69.~~ The following conditions apply to all mobile shops:

- a. No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
- b. 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.
- c. 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.
- d. Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
- e. Mobile shops selling alcohol must hold the necessary alcohol licences.
- f. Hours of operation are only permitted between 6am and 10pm.
- g. The permit must be displayed at all times.

Busking, hawking and charitable collections

~~69-70.~~ Buskers, hawkers and charitable collectors are not permitted to operate without a permit from Council. Applicants must apply for a busking permit before commencing trading.

Busking conditions

~~70-71.~~ The following conditions apply to buskers:

- a. No busker will impede or inconvenience the flow of pedestrians and customers.
- b. Buskers must be courteous and mindful of surrounding businesses and the general public. If valid complaints are received, a permit may be revoked.
- c. Busking is permitted between the hours of 8.30am and 8.30pm but no busker is permitted to remain in a single location for longer than two continuous hours.
- d. Buskers must not enter any premises unless authorised by a person having control of those premises.
- e. Buskers are to carry a copy of the permit at all times and must produce a copy of to any Enforcement Officer if requested.
- f. Buskers are not permitted to use voice enhancement equipment, including, microphones, amplifying equipment and loud hailer, unless they are part of an event approved by Council.
- g. 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.
- h. Permits will be issued for a period of no more than six months.

Hawkers conditions

71-72. The following conditions apply to hawkers:

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

Charitable collections

72-73. No one is permitted to collect charitable donations in a public place without a permit.

73-74. Applicants must provide the information in Schedule 3 when applying for a permit to collect charitable donations.

74-75. Approval may include conditions such as location and hours permitted for the activity.

Other Activities on Footpaths

75-76. 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.

76-77. Applications will be considered on a case-by-case basis taking into account:

- a. The impact the activity could have on existing approved activities already occurring in or around the location.
- b. Public health and safety and public nuisance.
- c. Proposed hours for the activity to operate.
- d. Whether the activity is a one-off event or reoccurring.

77-78. Any application will take into account any other permits granted for the space that is the subject of the application.

General conditions

78-79. Voice enhancement equipment, including microphones, amplifying equipment and loud hailer are not permitted.

79-80. 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.

80-81. The activity must not impede or inconvenience the flow of traffic, pedestrians and customers.

81-82. The activity must not interfere in traffic visibility. General Permit Conditions

~~82-83.~~ 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.

~~83-84.~~ Approval may be withheld if the applicant has previously breached approval conditions.

~~84-85.~~ Permits under this Policy are issued by the City Safe Unit.

~~85-86.~~ Unless specified otherwise, all permits are issued for 12 months and will automatically expire.

~~86-87.~~ Permits automatically expire when a business holding a permit is sold.

~~87-88.~~ Permits issued under this Policy are not transferable.

~~88-89.~~ A permit may be cancelled or amended if:

- a. if permit conditions are breached.
- b. other valid reasons that require cancellation, such as streetscape upgrades or refurbishment.

~~89-90.~~ Council reviews fees annually changes are notified by public notice.

~~90-91.~~ The applicant must pay the full permit fee and have met all the requirements of the permit prior to it being issued.

Enforcement

~~91-92.~~ 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:

- a. First breach: verbal notification of the breach and request to rectify.
- b. Failure to rectify: a written warning to that permit holder identifying the issue/s and required remedy.
- c. Failure to remedy: the Council will consider revoking the permit.

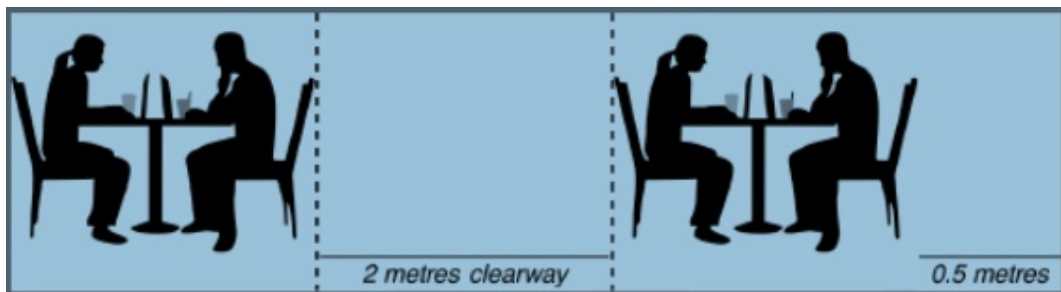
~~92-93.~~ Individuals or groups that trade on footpaths or other public spaces without a permit will be asked to remove their material and cease the trading activity. Council will issue a written warning to the person.

~~93-94.~~ 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.

~~94-95.~~ 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 2.2 metres.
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.

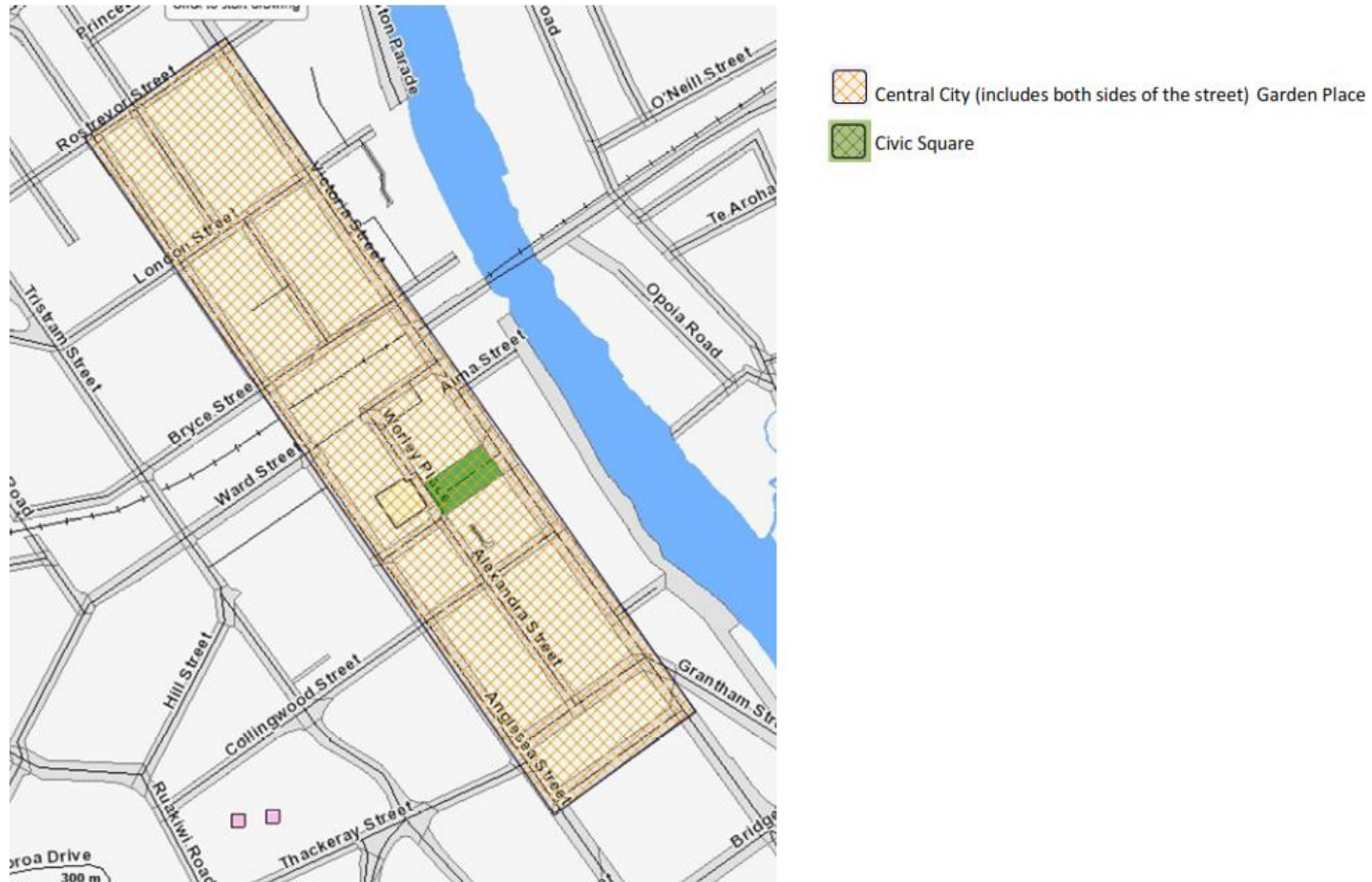


Schedule 3: Application requirements for certain permits

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. Evidence of public liability insurance to a minimum of \$2 million cover.
 - 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 1:5.
 - Photographs of the tables and chairs to be provided.
 - iv. Evidence of public liability insurance to a minimum of \$2 million cover.

Schedule 4: Central City map



Discussion regarding Mobile Shops in the *(Trading in) Public Places Policy*

Background information



Context / Drivers

- The *Public Places Policy* has been reviewed as part of the three yearly review cycle.
- Staff recommend minor amendments to permit mobile shops (e.g. food trucks) to operate in the Central City area as part of a street market or event only. The item was taken to the Community Committee meeting on the 20th February.
- A recommendation was made for the Community Committee to recommend to Council that the (*Trading in*) *public Places Policy* be consulted on, grouped together with the reviewed *Safety in Public Places Bylaw* to maximise consultation resources.

Context / Drivers

- On the 20th February, the Community Committee requested the item be moved to a EM Briefing to specifically discuss issues related to Mobile Shops.
- In email discussions after the 20th February Community Committee meeting, between the GM City Growth and Elected Members, the scope of the EM Briefing discussion was clarified as being limited to the issue of Mobile Shops (specifically Food Trucks) in the CBD area during events and markets.

Specific Clauses in Policy

Mobile shops

- 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.
- Mobile shops are not permitted to operate within the Central City (see the map in Schedule 4) **other than as part of a street market or event [addition]**.
- Applicants must provide the information in Schedule 3 when applying for a permit for a mobile shop.
- The following conditions apply to all mobile shops:
 - No mobile shop is permitted to operate in a traffic zone where the posted speed limit is greater than 60km per hour.
 - 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.
 - 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.
 - Mobile shops selling, preparing and handling food must comply with food hygiene regulations.
 - Mobile shops selling alcohol must hold the necessary alcohol licences.
 - Hours of operation are only permitted between 6am and 10pm.
 - The permit must be displayed at all times.

See also tracked changes version of the proposed policy available in Diligent.

Outcome of EM Briefing

The purpose of this session is to provide Elected Members with an opportunity to discuss the issue of Mobile Shops.

Outcomes:

- Guidance from Elected Members on the direction for the *(Trading in) Public Places Policy* regarding Mobile Shops.
- Staff would like to know if there is anything further that Members would like covered in the staff report for the Community Committee meeting on the 19th May.
- Agreement to group the *(Trading in) Public Places Policy* and the *Safety in Public Places Bylaw* for public consultation to maximise consultation resources.