
Trading and Events in Public Places Policy

July 2022



Restaurant + Bar

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1. Introduction

Trading and events can make our city more vibrant, diverse, inviting, and inspiring. The Council recognises that exciting and vibrant public spaces can also increase public safety and inclusivity as more people engage and take part in trading and event activities. The valuable contributions these activities can make to local communities, culture, and economy is also recognised.

Our public places are important - we use them to socialise, play, and work. We want them to be lively, active, and safe for everyone to use. There are a range of trade and event activities that occur in our public spaces. On our footpaths, activities occur such as outdoor dining, busking, street appeals, and sandwich boards. On the Waterfront, activities can range from recreation equipment hire, markets, events, food trucks,

and outdoor dining. In our gardens, reserves, and Wellington Town Belt, which are all covered by their own legislation¹, activities include professional dog walking, tours and guiding, events, and lessons and coaching. There are times these uses can conflict and can affect other users or the surrounding environment. The Council needs some rules and guidance on how these spaces are managed.



¹ Reserves Act 1977, Wellington Botanic Garden Vesting Act 1891, and Wellington Town Belt Act 2016.

2. Purpose

The purpose of this policy is to set the conditions for the management of trade and event activity in Wellington's public places. It also guides the prioritisation of footpath space for pedestrian activity.

While trade and event activities are valued for the vibrancy, attractiveness, safety, and diversity they can bring to Wellington, Council management is required to ensure accessibility and effective pedestrian movement, public health and safety, and the preservation of our urban, cultural, heritage, and natural environments. It will also help ensure that public space is allocated fairly and consistently for trade and event activities. This policy recognises that public spaces are primarily for public use and enjoyment. It provides a framework to balance and manage concerns related to the diverse, and sometimes competing, use of Wellington's public places.

This policy guides how events use and operate in public places². Regulating and supporting events in public places helps the Council ensure there are opportunities for a variety of events, appropriate services, and there are no conflicts with other bookings. It will also help the Council to assist with traffic and waste management planning and to ascertain whether building and/or resource consent is required.

This policy requires anyone wanting to undertake a trading or event activity on public land to obtain approval from the Council, recognising that it is a privilege to conduct commercial activities on public land. Operations must be consistent with legislation, our bylaws, strategies, guidelines, policies, management plans, and the District Plan. The Council will set general and specific conditions for where and when trading and event activities can occur. We will also ensure appropriate standards of health and safety, accessibility, and visual amenity are maintained, as well as consider the potential impacts on the environment, private property, and local established businesses.

² The Council's strategic vision for events in the capital is provided for in Aho Tini 2030: Arts, Culture and Creativity Strategy.



3. Objectives

This policy aims to enable, support, and promote opportunities to trade and hold events in our city’s public places. The objectives of this policy are to ensure that trading and events in Wellington’s public places:

- encourage vibrancy, diversity, and amenity
- maintain appropriate standards of public health, safety, and accessibility
- promote consistent and predictable access ways on footpaths
- minimise disruption to pedestrians
- actively recognise and support the urban, cultural, heritage, and natural environments

- promote social, cultural, and recreational opportunities in Wellington
- minimise the effects on private property and existing businesses.

This policy also aims to:

- ensure that costs are recovered from commercial activity on public land
- clearly outline the Council’s decision-making and approval process.

4. Scope

The scope of this policy is intended to be comprehensive and future-proofed. Activities covered by the policy include, without limitation:

- offering or carrying out commercial or non-commercial goods and services in a public place
- fundraising for a charitable cause, soliciting of any subscription, or collection of any one-off or ongoing donation
- distributing and/or displaying promotional goods and materials (including advertising and tasting/sampling activities)
- street performance / busking, including pavement art
- events and filming in public places, such as activations, weddings, protests, parades, festivals, and community and sports events.

The public has the right to peaceful assembly, so permission is generally not required for gatherings in public places such as a small group picnic or impromptu games. However, this right does not mean people can infringe on other people's right to freedom of movement. If the event or activity is important and a dedicated space is required, it can be booked through the Council.

4.1 Restricted activities

Trading and event activities that are prohibited or not appropriate for public places include, without limitation:

- any illegal activity or activities prohibited by Wellington City Council bylaws, management plans, policies, or the District Plan

- roadside windscreen washing, which is an offence under the Land Transport Amendment Act 2017
- the use of flags on footpaths or berms, which can cause obstructions³
- running power cords across footpaths (as part of an activity)
- discharging fireworks in public places, which is prohibited under the Council's Public Places Bylaw⁴.

4.2 Out of scope

Activities that are out of scope of the policy include:

- commercial and/or temporary signage⁵
- car share schemes, as these are managed under contractual arrangements⁶
- home video-type filming and amateur photography
- begging and rough sleeping, as the Council's Te Mahana strategy outlines our collaborative approach to begging in Wellington
- trading and event activity occurring on private land or land managed by other entities, as this is provided for under the District Plan.

³ However, if used as part of an event and/or if there is enough space to safely position them, the Council will consider permitting them on a case-by-case basis.

⁴ Note that the District Plan provides for public fireworks displays.

⁵ Signage rules are provided in the District Plan. For the avoidance of doubt, sandwich boards are provided for in this policy.

⁶ Note that the contracts include a requirement for compliance with all Council bylaws, plans, and policies.

5. Approval process

All businesses, organisations, groups, or individuals wanting to engage in trading or event activity on public land must first obtain Council approval.

Applications must contain all the information necessary for the Council to consider issuing an approval, be accompanied by the relevant application fee (if any) and be submitted in accordance with applicable Council guidelines. There may be further information or modifications that are required which will be discussed with the applicant before approval is granted. The Council will ensure accessible application options are provided.

Approvals will be in the form of written permission as either a:

- licence
- permit
- landowner approval
- concession
- booking.

Where the term approval is used in this policy it includes all of the above forms.

The applicant will be notified if further information is required, such as (without limitation):

- a Traffic Management Plan, including a parking and towing plan
- a Waste Management and Minimisation Plan, if required under the Solid Waste Management and Minimisation Bylaw 2021
- site location plan
- food control plan

- health, safety, and wellbeing plan, including an incorporation of Crime Prevention Through Environmental Design (CPTED) principles
- Corridor Access Request
- alcohol licence
- any other regulatory document appropriate in the circumstances.

The Council will assess applications on a case-by-case basis against the relevant guiding principles listed under section 6.

The Council will notify the applicant in writing of the outcome. If the Council declines an application, the reasons for the refusal will be provided in writing.

This policy supersedes any approval previously given by the Council and new approvals must be applied for in accordance with this policy. Any current approval with an expiry date may continue until the expiry date or as otherwise stated in the relevant approval.

An approval given under this policy only gives the applicant the right to trade or organise events in the specified public area(s). It is not an approval for the purposes of food hygiene, sale of alcohol, building or resource consent, traffic management, or any other regulatory requirements. Applicants should also check the District Plan's Temporary Activities chapter provisions to see if a resource consent is also required for the proposed activity.

Note that an approval given under this policy is for the business owner/operator to carry out the specified activity. If the business or operation changes ownership, the new owner/operator will need to apply for a new approval.

The Council may require proposed trading and event activities to carry out further engagement with any affected parties before approval is given. This includes, without limitation, mana whenua, local community groups, residents' associations, Business Improvement Districts, and advocacy groups, such as stakeholders from the disability sector.

5.1 Sites and activities

The Council has identified sites in Wellington's public places that are suitable for trading and event activities. Some have services such as power and water. These identified sites and activities are set out on the Council's website. This list is not exhaustive, and the Council will accept and assess applications against this policy for other public sites not already identified. Sites that are prohibited from trading and event activities will also be listed on the Council website.

For activities on the Wellington Town Belt and reserves (including city parks and public gardens), the Council has identified sites suitable for stationary "pre-approved" activities, such as coffee carts, events, and recreational equipment hire. We have also identified reserves and Wellington Town Belt areas where mobile "pre-approved" activities such as commercial tours or guiding, commercial lessons or coaching, and professional dog walking can take place. Activities allowed on reserves and Wellington Town Belt must be low impact, temporary in nature, consistent with the reserve classification of the land, meet the applicable guiding principles set out in this policy, and be consistent with the relevant management plan.

5.2 Site approval process for activity on Wellington reserves

Activities on Wellington reserve areas are regulated by the Reserves Act 1977 and any management plan that has been adopted for that area. Authorised officers will assess all applications to operate a pre-approved activity at a site listed on our website against this policy, the management plan, and relevant legislation and will approve or decline them.

We will assess applications for any activity or site not identified on the Council's website on a case-by-case basis against this policy, the provisions of the Reserves Act, and any relevant management plan. The applications for sites that are not pre-approved may also require approval from a Council Committee and may require public notification. Under the Reserves Act, the Council can only approve activities on reserve land if the activities promote and are consistent with the classification the reserve land holds pursuant to the Reserves Act 1977 (which includes enabling the public to obtain the benefit and enjoyment of the reserve).

5.3 Site approval process for activity on Wellington Town Belt

Activities on Wellington Town Belt land are governed by the Wellington Town Belt Act 2016, and the Wellington Town Belt Management Plan 2018. Authorised officers will assess all applications to operate a pre-approved activity at a Wellington Town Belt site listed on our website against this policy, the Wellington Town Belt Management Plan, and Wellington Town Belt Act. Under section 17 of the Wellington



Town Belt Act, each individual licence to carry out trade or event activity on Wellington Town Belt land will still require approval by the Council or delegated committee. However, further public consultation may not be required for licences of a pre-approved nature that relate to a pre-approved site.

Applications for activities and sites not identified on the Council's website will require assessment against this policy, and the provisions in the Wellington Town Belt Act and Wellington Town Belt Management Plan. Council or delegated committee approval and public consultation will also be required for these activities and sites.

5.4 Approval process for activity on the Waterfront

Applications to trade and activate public places on the Waterfront will be considered against this policy and the Wellington Waterfront Framework. Trading activities for over 30 days and large-scale events may require the Waterfront's Technical Advisory Group (TAG) approval and resource consent.

The Waterfront has a long-established historical and cultural associations with mana whenua of Whanganui ā Tara (Wellington), Taranaki Whānui, and Ngāti Toa Rangatira. Trading and event activities on the Waterfront area may require engagement with Mana Whenua to help preserve the mouri/mauri of these areas. The District Plan sets out the specific provisions for the protection of these areas.

5.5 Managing Sites and Areas of Significance to Māori, Significant Natural Areas, and historic sites

The District Plan sets out the specific provisions to manage the effects of trading and event activities occurring on sites that are identified as Sites and Areas of Significance to Māori (SASM), Significant Natural Areas, and/or heritage. Any activity occurring on or near SASM listed in the District Plan requires consideration of the intrinsic relationship Mana Whenua has as kaitiaki of these sites and areas. Consultation with Heritage New Zealand may be required to manage activities on any historic sites.

5.6 Review of approval

The Council reserves the right to cancel, amend, or initiate a review of an approval issued under this policy where the following instances apply, without limitation:

- a. there are non-compliance issues
- b. there are quality and reliability issues
- c. the use of the area is causing public access to be compromised
- d. the activity is likely to interfere with intended works undertaken by or on behalf of the Council or a network utility operator
- e. the purpose of the site changes
- f. the activity is having a negative environmental impact
- g. urgent action is required for maintenance or to protect the public from unhygienic, unsafe, or hazardous conditions.

5.7 Expressions of interest

Where there are several similar suppliers wishing to trade in a location or where the Council wants to encourage trading and/or activation at a particular site, the Council may invite expressions of interest. The Council will promote opportunities and invite expressions of interest for trading or event activities in Wellington's public places when available on the Council's website.

5.8 Licence periods for trading

To encourage more opportunities for trading, which will contribute to greater vibrancy and diversity of activity, trading approvals issued under this policy will generally be no more than two years' duration.

6. Guiding principles

Applications will be assessed on a case-by-case basis. The Council's decisions on approving activities in public places will be reflective of its strategic vision for the city. The following guiding principles will be considered when assessing applications for trade and event activity in public places:

- a. The extent to which the vibrancy, amenity, visitor numbers, and values of the area are complemented or enhanced.
- b. The impacts on the surrounding urban, cultural, heritage, and natural environments (including cumulative impacts), such as accessibility, infrastructure, parking considerations, the impact on other businesses in the area and/or users as a result of noise, smell, glare, light spill, appearance or any other effects, and whether it is likely to cause a nuisance, obstruction, or a hazard, and whether these impacts have been appropriately mitigated.
- c. Where the activity is located on a footpath or other pedestrian accessway, whether the activity complies with the minimum width guidelines for the continuous accessible path of travel to enhance pedestrian priority and encourage safe walking routes in Wellington.
- d. Whether the activity protects the public's health and safety and utilises Crime Prevention Through Environmental Design (CPTED) principles.
- e. The significance and/or uniqueness of the product or offering, and whether it provides opportunities for the public to participate in diverse and quality activities.
- f. The level of additional benefits, enjoyment, and community use opportunities, and whether the activity contributes to the Council's commitment to promoting personal and community empowerment, health, and wellbeing.
- g. Whether the activity celebrates te reo Māori and recognises mana whenua values, including an assessment of areas that are significant to Māori and where the activity may not be appropriate.
- h. The suitability of a person to hold an approval considering the applicant's experience and track record.
- i. Any preference for mana whenua, Māori, or local providers and where applicable, whether the applicant is a registered charity or not-for-profit organisation.
- j. The extent to which sustainable and environmentally friendly practices are integrated into the operations. Including consideration of how waste will be minimised.
- k. The location of the activity and the degree with which it is consistent with Wellington City Council bylaws, strategies, policies, plans, and the District Plan, as well as other governing legislation. Including but not limited to the Reserves Act 1977, Wellington Town Belt Act 2016, Sale and Supply of Alcohol Act 2012, Food Act 2014, Health Act 1956, Smokefree Wellington Action Plan, Traffic and Parking Bylaw 2021, Accessible Wellington Action Plan, Te Tauihu - Te Reo Māori Policy, and the Solid Waste Management and Minimisation Bylaw 2021.

Note that for trading and event activities on reserves, public gardens, the Wellington Waterfront, and Wellington Town Belt land, applications may be assessed against additional criteria in the applicable statutes and corresponding management plans.

7. Fees and charges

Fees, unless specifically stated otherwise for individual activities (or as applicable), will be set in alignment with the Council's Revenue and Financing Policy, the Traffic and Parking Bylaw 2021, the Local Government Act 2002, the Parking Pricing Protocol 2021 and, where relevant, the Reserves Act 1977 and the Wellington Town Belt Act 2016. The fees and charges are reviewed annually. Fees for approvals issued under this policy are set in accordance with the Council's Public Places Bylaw. Fees may include the costs of providing the goods and services, such as:

- administrative costs for assessment and processing of applications
- managing licensing/permitting
- monitoring and enforcement
- maintenance, cleaning, and repairs
- electricity and water supply
- additional resources that the applicant requests or expects from the Council - such as the Council providing higher than normal levels of service on a particular space, extra facilities, equipment hire, security, or extra maintenance.

The Council reserves the right to charge for occupancy of public spaces in addition to the above fees, where applicable. Such a charge would be assessed by the value of the location, and to ensure that businesses on private property are not unfairly disadvantaged. It may include a rental amount and/or an assessment of the opportunity cost (such as loss of potential parking revenue). In some circumstances, the Council may also require a bond.

The applicant is expected to pay the full prescribed fees and/or bond and have all the necessary permits before the approval will be issued.

The decision of whether to charge fees will remain at the discretion of the Council. Fee waivers or discounts may be considered for:

- events or activities for schools, charities, community groups, and not-for-profit groups
- events/activities exclusively associated with children/young people under 24 years of age
- where there is a high degree of significance and benefit to the city, and the public cannot be prevented from enjoying the activity
- photography and filming that is not commercial (as defined in the glossary)
- busking (not street performance on premium sites).

Note that there may be additional fees and charges associated with other consents that may be required for the activity.

8. Approval conditions

There are both general and specific conditions that may be relevant to activities that fall under the policy. The terms and conditions that may be imposed on specific activities under this policy are available in Schedule A and on the Council's website.

8.1 General approval conditions

The following general terms and conditions may apply for any activity or operation in a public place.

- a. The activity must only operate according to the designated duration and times (hours and days), including the hours of set up and pack down.
- b. With respect to the approved activity or object, safety of all public place users, including pedestrians, motorists, and cyclists must be protected.
- c. The activity or object must be constructed, fixed, and/or placed in a manner that it is not likely to cause a nuisance, unreasonable obstruction, or hazard. Emergency vehicle access must not be impeded.
- d. Pedestrian access must be maintained while the activity is operating, this excludes events and activities where there is exclusive use of a site.
- e. The required minimum continuous accessible path of travel must be maintained on footpaths.
- f. When operating on a footpath, objects are to be placed in line with other permanent footpath objects (eg lamp posts, trees, and rubbish bins) where possible to facilitate accessibility.
- g. Objects and activities must not be placed near mobility car parks or ramps, pedestrian crossings, fire exits, and bus stops.
- h. Objects and activities must be placed so they do not obstruct the visibility of any traffic control device or compromise sightlines from road intersections and vehicle entrances.
- i. The Council may set specifications or requirements on the use of any furniture, structures, containers, audio/projection equipment, stages, equipment, vehicles, and other items associated with the activity.



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- j. The activity must be conducted in a manner that does not cause damage to any public property or Council assets.
 - k. Objects and activities must be placed so they do not obstruct any entry, egress, and emergency assembly points for private residents and businesses.
 - l. Obtaining any other required permits, including any necessary traffic management plan, corridor access request, food plan or alcohol licences, resource consents, etc.
 - m. The Council may set conditions on waste management of activities and prefers that reusable products are used at first preference over compostable or recyclable products.
 - n. All waste must be removed from the trading or event site by operators.
 - o. Any activities that involve food services must comply with the Regional Event Packaging Guidelines.
 - p. All adventure activity operators (as defined in the Health and Safety at Work (Adventure Activities) Regulations 2016) are required to be registered with WorkSafe New Zealand.

Approval holders must also comply with, where applicable:

- a. any waste management and minimisation, health and safety, accessibility, fire safety, noise, parking and towing and traffic management plan, and/or any conditions of the approval
- b. the Food Act 2014, Sale and Supply of Alcohol Act 2012, and the Council's Alcohol

Management Strategy, when food or alcohol is to be sold

- c. safety, health, and hygiene requirements
- d. requirements for public liability insurance
- e. restrictions on the use of amplified music/sound
- f. conditions of required permits from Council Controlled Organisations and partners such as Screen Wellington
- g. conditions under relevant Wellington City Council bylaws, policies, consents, and plans.

8.2 Accessibility guidelines

Under this policy all activity in public places must ensure that unobstructed accessibility is maintained, recognising that public places are primarily for the enjoyment of all people in Wellington. Improving the city's accessibility will make it more inclusive and help the city remain attractive to residents and visitors of all ages and abilities. At all times placement of activities must observe the SOS principles of universal access - an accessible place is Safe, Obvious, and has Step-free⁷ choices.

The Council's Accessible Wellington Action Plan sets out the importance of providing information to support disabled people and their families plan accessible journeys through Wellington's public places. The Council has guidance available to support event organisers make their events accessible for all.

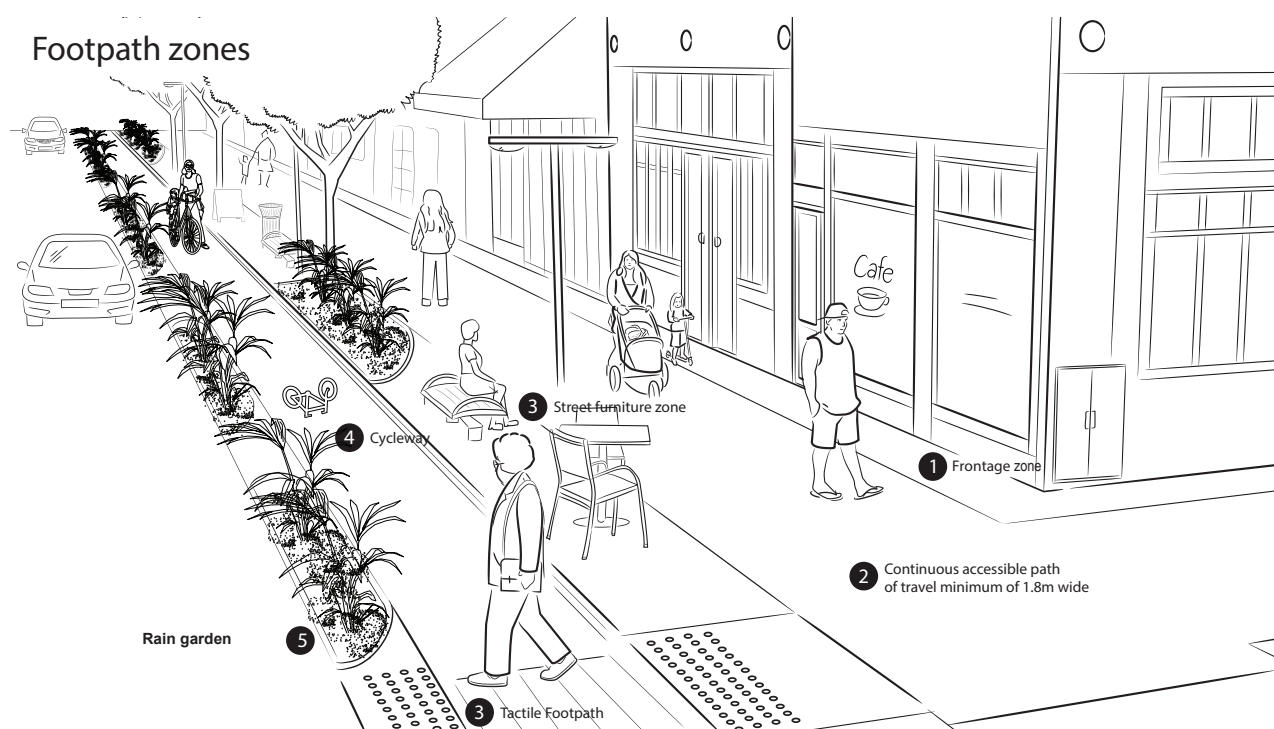
⁷ **Safe** - feeling safe by ensuring survivable speeds; and slow or separate walking routes. **Obvious** - wayfinding that is visual, tactile, and audible. **Step-free** - a safe and obvious step-free, obstacle-free route: no excessive diversions. **SOS** - a route that people can negotiate independently.

The accessibility guidelines of this policy have been informed by the following:

- Waka Kotahi RTS 14 - Guidelines for facilities for blind and vision impaired pedestrians (2015 - 3rd Edition).
- The Council's Accessible Wellington Action Plan.
- The Waka Kotahi Pedestrian Network Guidance 2021.
- The New Zealand Standard 4121:2001 Design for access and mobility - Buildings and associated facilities (2001).
- The National Association of City Transportation Officials (NACTO) - Global Street Design Guide.

8.2.1 Footpaths

The primary purpose and priority use of footpaths is safe and efficient pedestrian movement. The Council recognises that activities on footpaths such as outdoor dining, retail stands, and busking add to the vibrancy and diversity of our city. However they can interfere with pedestrian flows and create congestion, obstructions, and safety hazards if not managed effectively. This policy requires that placement of activity on footpaths must make sure the continuous accessible path of travel (unobstructed footpath through zone) is maintained at all times.



The following priorities apply to the continuous accessible path of travel:

- it needs to be consistent and predictable
- it is positioned adjacent to the frontage zone, as pictured below
- it should be kept free of temporary and permanent obstacles such as sandwich boards, trading activities, seating, rubbish bins, utility poles, and bus shelters.

When placing trade and event activities on footpaths, the minimum width that must be maintained for the continuous accessible path of travel is 1.8m. In areas that have high volumes of pedestrian traffic and/or where the Council has widened the footpaths to improve the pedestrian experience, such as the Golden Mile, the minimum width may be wider. The Council's District Plan, Spatial Plan, and Wellington Design Manual⁸ will guide how the minimum widths of footpaths and through zones are implemented.

In some instances, the available footpath space is such that the minimum through zone width is unachievable because of the large variation of footpath width and landscapes that exist throughout Wellington. The Council may consider applications for activities on footpaths in these areas if it is safe and appropriate for the pedestrian volumes of that street.

⁸ The Wellington Design Manual is being drafted at the time of writing.

8.3 Auahi kore - mandatory smokefree and vapefree

This policy supports the Smokefree Wellington Action Plan 2019 and the government's goal of becoming a smokefree country by 2025 (where less than 5% of the population smokes). The Council aims to contribute to Wellington being a healthy place to be.

The Council's contribution to reaching the Smokefree Aotearoa goal is focused on making public places smokefree and having smokefree events in the city. Reducing the visibility and prevalence of smoking supports people to quit, reduces prompts (cravings) to smoke, denormalises smoking, and sets a good example to children and young people. It also helps people who are trying to quit and remain smokefree, and reduces public exposure to second and third-hand smoke.

All approvals issued under this policy will be mandatory smokefree and vapefree. Operators will no longer be entitled to discounted fees for running smokefree events and trading activities.

Operators are required to remove all ashtrays from outdoor furniture and provide adequate smokefree signage. It will be a requirement under this policy that the operator designate a contact person to provide oversight and for the Council to communicate with directly about smokefree issues and data. Operators are encouraged to ensure that any nearby doorways and entranceways remain smokefree, as these are the main entry and exit points for all members of public to use.



8.4 Display of approval

Unless exempted, all approvals issued by the Council for trading and event activities must be prominently displayed or available for inspection at all times.

8.5 Public liability insurance

All approvals under this policy will be responsible for claims made against them for personal injury or property damage and operators are encouraged to hold their own public liability insurance.

There are activities under this policy that will be required to show evidence of public liability insurance. Generally, the required public liability cover for these activities will be \$2,000,000. Any activities that have requirements for public liability cover that differs from this, will be detailed under the specific activity conditions set out in Schedule A and on our website.

8.6 Other consents

Event activities and associated temporary structures that do not meet the required standards under the District Plan will require resource consent. Activities that have temporary structures may need a building consent, exemption approval, and/or resource consent, as well as Council's approval as the landowner to hold the event or activity on public land. If resource consent is required, this will need to be obtained before any building work can commence. The Council website has information to help check whether consent for a temporary structure is required. It is generally recommended that applicants obtain landowner approval before applying for resource consent.

9. Monitoring and enforcement

9.1 Monitoring

Approval holders are responsible for managing activities in accordance with the relevant policy guidelines and legislation.

The Council will monitor trading and event activities in public places regularly to ensure that activities are being operated in compliance with the policy, licence, and/or code of conduct conditions, and that no unauthorised trading or event activity is occurring in public places.

Safety considerations remain paramount, and the Council retains the option of requiring immediate action in the event of an operator creating a risk to safety.

9.2 Enforcement

Where a person does not comply with the conditions of their approval the Council may take one or more of the following steps:

- a. Verbally notify the approval holder of the issue.
- b. Issue a written warning and required remedy to the approval holder.
- c. Review or revoke the approval and take any other steps to prevent the trading or event activity on public land.
- d. Require immediate removal of the activity property.
- e. Enforce any breach of the Public Places Bylaw, as provided for in the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, and/or Litter Act 1979.

Individuals or groups that trade or hold events on public spaces without an approval will be asked to remove their material and cease with the activity. The Council may issue a written warning and/or invite an application for an approval. If the infringement persists, the Council will reserve the right to confiscate the event or trading material pursuant to sections 163 and 164 of the Local Government Act 2002. The Council may dispose of confiscated property pursuant to section 168 of the Local Government Act 2002. Reasonable costs incurred as a result of enforcement may be recovered from the person(s) responsible for the non-compliance.

The provisions in the Reserves Act 1977 will apply to any offences or breaches on reserves. The Land Transport Act 1998 provisions may be used for offences on road reserve, where applicable.

9.3 Penalties

This policy guides the use of the Council's Public Places Bylaw. Non-compliance with the Public Places Bylaw is an offence under section 239 of the Local Government Act 2002 and a person may be liable to a maximum fine of \$20,000 upon conviction.

10. Complaints

Complaints about traders or events may be made to the Council via:

- the Council’s website
- phoning 04 499 4444
- emailing info@wcc.govt.nz
- the FixIt App.

When contacting the Council to make a complaint, the complainant should, where possible, provide:

- The name and approval details of the trading, event, or activity operator.

- The time, location, and type of activity.
- Photographs.
- Details of the issues.

Complaints regarding violent, disorderly, or offensive behaviour should be referred in the first instance to the Police, and then to the Council.





7 POKI TABLES
16 DRINKS ON UP

Top Kitchen

TARRAN DANCE

ABST

Top Kitchen

FAMILY SUPPLY

MUSIC Night

EATE
MOON

11. Definitions

In this policy the following definitions are used, unless context otherwise requires:

Activation - Is the creation of an event or interaction which enables participants or audiences to engage directly with what is being offered.

Amenity - Has the meaning assigned to that term under section 2(1) of the Resource Management Act 1998. It means the natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Amusement device - Has the same meaning assigned under the Machinery Act 1950. It includes any fairground rides and other mechanically powered units that are used for rider entertainment. It includes bumper boats, bungee jumping, and merry-go-rounds. It does not include single, individually propelled machines, such as outdoor go karting operations and jeeps (unless referred to explicitly in the Regulations) or inflatable devices. However these devices still need to meet obligations under the Health and Safety at Work Act 2015 (HSWA).

Authorised officer - An officer or other person appointed by the Council to perform duties or give permissions under the Public Places Bylaw.

Bulk bin - Is any receptacle used for the collection and/or eventual disposal of waste products by a waste management company. These may include (but are not limited to) metal skip bins, plastic wheel bins, flexi bins, and other similar objects.

Busking - In the context of this policy, a busker is an entertainer who is actively providing a public performance in a public place in exchange for a donation. Examples include musicians, singers, dancers, magicians, mimes, puppeteers, pavement art, and living statue artists. Busking is a form of street performance.

Commercial - Means selling or hiring goods or services in exchange for payment, reward, or otherwise.

Commercial filming - The recording of images, moving or still, for commercial purposes or at a scale that may require exclusive use or restrict or obstruct a person's use of a public place. It includes any commercial filming by drones. It excludes the recording of a private celebration or event, or the recording of current affairs or news for immediate release.

Commercial group fitness training - Activities where the participants pay the fitness/personal trainer to participate in fitness training classes on public land. It includes, without limitation, gym sessions or circuit training (with or without equipment), bootcamps, and boxing and pad training. It excludes organised running, cycling, and walking groups that are non-commercial in nature.

Commercial lessons and coaching - Is where participants pay instructors for lessons and coaching for activities that take place on the Council's public places. It includes without limitation, mountain bike coaching and windsurfing lessons.

Commercial photography - The recording of images for commercial purposes at a scale that may require exclusive use or restrict or obstruct a person's use of a public place. It does not include student projects, or small-scale and/or non-commercial photography.

Commercial/professional dog walking and training - Is a business where dog walkers or handlers walk and/or train groups of dogs in public places in exchange for payment.

Commercial tours or guiding - Is a business where an operator/leader guides or leads a group of participants or tourists in exchange for payment. Examples include mountain bike tours, public garden tours, 4-Wheel Drive tours, and Wellington Town Belt Tours.

Community/neighbourhood event - Is where the target audience is a particular community or celebrates a particular community (geographic communities or communities with a shared interest or culture). It includes small-scale, low-risk events which are approved by the Council to be run on public land. Community events are typically organised by local communities for locals.

Continuous accessible path of travel / unobstructed footpath through zone - Is the unobstructed area on footpaths where the pedestrian route is safe and convenient for everyone, especially people with impaired mobility, and people who are blind or have low vision. It has even surfaces, gentle slopes, and is kept free of permanent and temporary obstacles at all times.

The Council - The Wellington City Council or any committee or elected member of the Council or officer authorised to exercise authority of the Council.

Dangerous materials or objects - Are materials and objects used by street performers that could be a risk or hazard to the public and performers. They include, without limitation, flammable materials and chemicals, fire, smoke, flares, whips, knives, and chainsaws.

Drones - Also known as UAVs (unmanned aerial vehicles), RPASs (remotely piloted aircraft systems) and unmanned aircrafts. Approval is required under this policy for commercial use of drones, such as filming, data gathering, surveying, and scientific research.

Event - Is an organised temporary activity or activation that takes place on one or more days including, without limitation, an organised gathering, parade, demonstration, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi-venue sports event of a significant scale, fun run, marathon, duathlon, or triathlon. For the purposes of this policy an indoor performance, indoor private function, tasting and sampling activity, giveaway, market, sports practice, or training is not an event.

Expression of Interest - In the context of this policy, an expression of interest is when an individual or group provides information to demonstrate their suitability, interest, and availability in an opportunity.



Face-to-face fundraisers - Are charity-based fundraisers who raise ongoing, regular subscriptions or donations (usually by direct debit or credit card) from donors through face-to-face street fundraising.

Footpath - Means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.

Hawking - Is selling goods and services informally and without invitation. For the purposes of this policy hawking is a form of touting. It does not include mobile trading but includes trading from a vehicle and only stopping long enough to sell to a customer, for example Mr Whippy.

Market - Any public place where there is more than one stall at a common location offering goods and/or services for sale or hire, whether for commercial or charitable purposes.

Micromobility device - Transportation using small, lightweight vehicles such as bicycles, skateboards, or scooters. Public micromobility share schemes refers to part of a self-service scheme in which people hire micromobility devices, usually electric, for short-term use within a town or city.

Mobile shop/trading - Is a contrivance, whether self-propelled or not, standing in a public place and from which goods or services are offered or exposed/displayed for sale. It is a temporary trading activity from a location that can be vacated once trading has ended for the day. Examples include stalls, kiosks, coffee carts, and food trucks.

Obstruct - Is to impede, interfere with, or block pedestrian or vehicular traffic or access on, to, or from a public place.

Outdoor dining - Is where part of a road, Waterfront, or other public place is used by an adjacent business premises for the purpose of providing food and/or drink.

Parklet - A public space created from an on-street car parking bay.

Pavement art - Also known as street art, street painting, and sidewalk art, is the performance art of rendering artistic designs on malls, streets, Waterfront, and other public places. It does not include passively sitting or standing next to pre-fabricated, static or commercial brand displays, or portraiture/caricature. In the context of this policy, pavement art is a form of busking and street performance.

Public place - Any area of a public nature that is open to or used by the public, whether free or requiring payment, which is owned, managed, maintained, or controlled by the Council or Council Controlled Organisation. It includes any road, street, footpath, court, alley, lane or accessway, park, recreation ground, sports field or facility, reserve, beach, Wellington Town Belt, Waterfront, pool, pedestrian mall, wharf, breakwater, boat ramp, pontoon, public open space, community facility, cycle track, bridleway, public garden, berm, grass verge, public square, cemetery, foreshore and dune, accessway, square, and carpark, and any part of the public place. Public place does not cover private roads, state highways or other roads under the control of the New Zealand Transport Agency, except where responsibility has been delegated to the Council.

Explanatory note: Reserves, city parks, and beaches are also governed by the Reserves Act 1977, and the Wellington Town Belt is governed by the Wellington Town Belt Act 2016. The Waterfront is managed in accordance with the Wellington Waterfront Framework.

Recreation equipment hire - Any equipment hired or rented out for recreational purposes such as kayaks, canoes, boats, surf boards, hover boards, bicycles, Crocodile Bikes, roller blades, or scooters. It can also include electric assisted recreational equipment such as e-bikes and electric scooters.

Reserve - Is an area of land classified and managed under the Reserves Act 1977.

Reserve Management Plan - Is an adopted management plan for any park, reserve, or other type of open space under the Reserves Act 1977.

Retail display - A structure, usually placed outside shops, used by businesses to help increase sales and attract customers into shops. They are deemed to be an extension of the retail display inside the shop.

Road - Has the meaning assigned to that term under section 2(1) of the Land Transport Act 1998 and its amendments.

Sandwich board - Is a portable sign used as an advertisement tool with messages and/or graphics on it placed on footpaths or other public places.

Spruiking - Is the use of voice to generally promote or advertise goods and services to passing pedestrians on a street or in a public place.

Street appeal - A coordinated and organised event by organisations that ask for, or seek, any collection or donation from members of the public (both monetary and written via a petition or survey). Street appeals can involve one or more people and can operate at more than one location at the same time.

Street performance - Means entertainment on or in a public place, and includes a musical, dramatic, or other performance involving musical, theatrical or circus performance skills including busking, playing musical instruments, dancing, singing, clowning, juggling, pavement art, poetry, or doing other acts of a similar nature. In the context of this policy, street performers refer to a 'professional busker' who performs as one of their main income sources, has a repertoire that would enable performing for at least 30 minutes without repeating a song, and has a website, YouTube, Facebook, or other profile.

Temporary activity - Any activity that is temporary and non regular in nature and removed when not in use. Note that 'Temporary' has a different meaning for Wellington Town Belt land.

Temporary structure - Are short-term structures that are constructed for an activity or event and then dismantled and removed as soon as the event or activity has finished. Temporary structures can include marquees, hoardings, scaffolds, seating, bleachers, stalls, stages, and temporary ablutions.

Touting - Is attempting to sell something typically by a direct or persistent approach. It includes hawking and spruiking. All touting activities require approval from the Council.

Trading in a public place - Is an activity, whether it is a one-off or a series of activities, undertaken by any person or organisation involving the sale or the offering of goods or commercial services for payment, reward, or otherwise in a public place. Trading goods means all structures, items, furniture, screens, barriers, objects, stalls, signs, vehicles, and any other equipment associated with the trading activity.

Traffic Management Plan (TMP) - Is a standardised legal document written by a qualified individual that details how a safe environment will be created for all road users while work or activity takes place on the roading corridor (road, footpath, or berm). The plan will detail all signage, temporary traffic controls, and detours (if necessary) to allow the activity to take place.

Vehicle - Has the same meaning assigned to that term under section 2(1) of the Land Transport Act 1998 and its amendments.

Waterfront - Is comprised of the area in central Wellington between Herd Street and the North end of Lady Elizabeth Lane. This property is owned by Wellington Waterfront Limited and managed by the Council.

Wellington Town Belt - Is an area of land classified and managed under the Wellington Town Belt Act 2016.

Wellington Town Belt Management Plan - Is the adopted management plan for any part of the Wellington Town Belt under the Act.

Schedule A: Specific approval conditions

Council approval is required for all trading and event activities operating on public land. As well as the general approval guidelines in the policy, the following are conditions related to specific activities under the policy.

Note that this list is not exhaustive. For any activity not specifically listed, the Council will need to be contacted to discuss the approval required for the activity.

1. Amusement rides and devices

As required under the Amusement Devices Regulations 1978, amusement devices and rides need to first be registered with WorkSafe New Zealand by the device owner. The device needs



to be inspected and a fee paid to regulatory team from the Council, as set out in the Regulations.

If the device or ride is to be erected on public land, the Council's approval as landowner is also required under this policy.

2. Bulk, waste, recycling, and skip bins

Waste and recycling bins should only be put on footpaths, road reserve, or in another public place during collection times and they are not to be regularly stored in or on a public place at any other time.

Under this policy, Council approval is required prior to bulk bins being placed on public land. Bulk bins are not permitted to be placed on any Wellington footpaths. The Council's Public Places Bylaw regulates the placement of bulk bins on public land, including parking spaces.

3. Busking and street performance

Buskers and street performers help to enhance Wellington's reputation as the vibrant, diverse, inviting, and inspiring capital. The Council welcomes the opportunity to support high-quality street performances. It will take into account the needs of residents, businesses, pedestrians, and street performers. These guidelines have been developed to help performers, residents, pedestrians, retailers, and visitors understand the rules around performing on Wellington's streets, while still supporting a vibrant street performance culture.

The following conditions apply to all buskers and street performers wanting to perform in public places:

- a. Busking approvals are issued to individuals or groups.
- b. Approvals cannot be transferred to other performers.
- c. Performers under the age of 12 must have parental or legal guardian consent to apply for an approval. The Council recommends that street performers under twelve are supervised by an adult at all times when performing.
- d. All buskers and street performers must have their licence and photo identification on their person while performing.
- e. There are specific areas and times where amplified busking is not allowed, see Sound Performances section below.
- f. Sites may move, be temporarily unavailable, or permanently removed at the Council's discretion.
- g. If a street performer is performing immediately outside a retail premises and is asked by the retailer to move on, they must do so.
- h. Street performers or their audiences must not at any time block footpaths, residential doorways, bus stops, pedestrian crossings, fire escapes, or shop doorways (during business hours).

- i. A busker can only perform at one site for a maximum time of 90 minutes per day. This allocated time includes both performance and non-performance time (set up, breaks, and pack down).

Busking and street performances add to the vibrancy of the city and are also a valid way for people to make money, but members of the public should not feel coerced to give money. Buskers and street performers can have a written sign asking for donations and can ask the audience for donations, but they cannot approach individuals for money.

Provided they are not using dangerous materials or objects, performers employed for a scheduled event approved or organised by the Council (including protests, community festivals, and commercial promotions) do not need an individual busking or street performance approval for that event. However, organisers of the event must ensure that the policy conditions are complied with.

⁹ The Council reserves the right to specify areas and times where no amplification is permitted.

3.1 Sound performances

The Council will consider how the sound performance might adversely impact on the amenity of the area, with special regards to noise levels. Sound performances should not reach an unreasonable level of volume and should be considerate of pedestrians and the public. As a guide only, noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres, horizontally or vertically, from where the performance is taking place. For detailed requirements, applicants should refer to the District Plan rules for the area.

The following special conditions apply to sound performances:

- a. Sound performances that meet all busking and street performance conditions are allowed in any public place in Wellington between 7am and 9pm⁹.
- b. Between the hours of 9pm and 3am on Friday and Saturdays only certain areas are available for street performance. These areas are listed on our website.
- c. Sound performances that receive complaints may be requested to setup in different locations and times through a special condition on the licence.
- d. Sound performances should be separated by a minimum distance of 50 metres between acts.
- e. The Council reserves the right to place special conditions on busking and street performance approvals such as amplification limits and restrictions on drums and bag pipes.

3.2 Street performers

The Council may set aside designated premium sites throughout Wellington for street performance. These sites will be available for street performers (professional buskers) only and will require a premium busking approval. Information about the sites and approvals will be provided on our website.

Street performers require special approval to use dangerous materials or objects in their performance. The locations available for street performance involving dangerous materials and objects are provided on our website.

The following special conditions apply to performances using dangerous materials or objects:

- a. Performers are required to be skilled and experienced in using dangerous materials or objects.
- b. A health and safety plan may be required.
- c. Fireworks are not permitted in street performances.
- d. The performance space must be defined by setting a visible boundary of at least two metres between the performer and the audience, for example, using a rope, chain, or chalk line that is removed once the performer has completed the act.
- e. The Council reserves the right to withhold permission for street performances involving fire if a fire ban is in force in the city.

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- f. The only flammable liquid/hazardous substance permitted in street performance acts is kerosene. No other flammable liquids or hazardous substances will be permitted.
 - g. A fire blanket or fire extinguisher must be part of performance kits when using fire, and it must be visible and accessible throughout the performance.
 - h. Kerosene must be stored in portable, unbreakable, closed containers of a 5-litre maximum capacity and clearly labelled 'Kerosene/Poison'.
 - i. Kerosene fuel should be prevented from being dripped, tipped, or flicked onto people, vegetation, or property. Any kerosene stains on ground surfaces must be removed immediately following the end of the performance.
 - j. It is recommended that street performers using dangerous materials or objects in their performance have at least \$1,000,000 public liability insurance cover.

3.3 Pavement art

Another form of busking and street performance is pavement art - design, drawing, images, and decals. Approval is required for pavement art in Wellington and the following conditions apply:

- a. It must be temporary.
- b. An agreed timeframe and removal plan must be in place and agreed with the Council.
- c. The art must be removed when it is no longer needed or relevant.
- d. It is not permitted on footpaths.
- e. It is only permitted in certain areas of Wellington, which will be listed on the Council's website.
- f. Materials used must be easily washed off without leaving any residue.
- g. The materials must not be slippery or create a trip hazard.
- h. If the pavement art is created on a removable surface, such as plastic, canvas or paper/card, and is fixed to the pavement, it must be with a product that does not leave any residue.
- i. The site must be kept clean, tidy, and safe at all times.
- j. Commercial advertising is not permitted.
- k. Offensive material and/or images is not permitted.

The sale of any goods as part of the street performance activity requires a separate trading permit.

4. Commercial/professional dog walking, handling, and trainers

Professional dog walkers, handlers, and trainers¹⁰ require approval under this policy to operate in public places. The rules for professional dog walkers and trainers operating in public places include minimising the:

- a. negative impact or conflict with other public space users
- b. damage to public place amenity and assets.

Under this policy, professional dog walkers, handlers, and trainers must complete the Council's competency course before they can obtain approval to operate in public places. The course sets out the rules and conditions for operating in our public places. All professional dog walkers, handlers, and trainers must comply with the Dog Control Act 1996 and the Council's Dog Policy 2016 which set out that dogs must be kept under control at all times.

5. Commercial group fitness activities, lessons, coaching, and tours

The Council wants to promote active and healthy lifestyles and provide opportunities for people to engage in physical exercise and enjoy the visitor experience in our parks and other open spaces.

Organisers of commercial group fitness activities, lessons, coaching, tours, and guiding that take place on public land must first obtain Council approval.

General rules for use of public places:

- a. At all times the operator must conduct the activities in a manner that does not adversely affect the environment, any other user(s), and private residents or businesses.
- b. Activities should generally be conducted between 5am and 10pm.
- c. There may be a maximum number of participants in each class, which will be dictated by the specific location's characteristics.
- d. Ensure participants do not step on, or walk on, or in any other way inappropriately use the Council's furniture, structures, public art works, shrines, or memorials.
- e. Ensure activities do not dominate, monopolise, and/or obstruct any stairways or pathways.
- f. Ensure the natural features, animals, plants, or historic resources within the area are not interfered with, removed, damaged, or endangered.

¹⁰ Note, in this policy professional dog trainers only refers to those trainers operating in public places, and does not include those operating in licensed areas for dog training purposes.

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- g. Ensure any area used is left clean after each period of use and/or in the same condition it was at the commencement of use.
 - h. The operator shall cover the costs of any damage caused to the Council's assets and/or any cleaning required as a direct result of the training activity.
 - i. Any equipment used must be portable by hand and free standing at all times (ie equipment must not be pegged into the ground or hung from trees).
 - j. All vehicles belonging to or directly associated with the operator must use only designated car park facilities unless otherwise agreed with the relevant Council business unit.
 - k. No advertising material such as signs, 'A' frames, or banners are permitted to be used to promote the activity. The exception to this is a single sign that indicates a session is in progress. These signs must be free-standing, not attached to any Council fixture or trees, and not block public access to different spaces.
 - l. The Council reserves the right to restrict the handing out of promotional material such as flyers and brochures.

The following conditions apply to group fitness activities, lessons, coaching, and tours that are stationary (ie not transitory or moving around a park or open space):

- m. The activity must run for no longer than 90 minutes, including set up and pack down.
- n. The operator does not have exclusive use of any area at any time. This means they can only use any area while a session is in use, cannot set up any permanent space, and must take all equipment away from any open space when a session is not in-progress.
- o. If there are members of the public in the area at the time the operator sets up and the class is unable to move location, the operator needs to give them at least ten minutes notice to vacate the site.
- p. The Council may, at its discretion, instruct an operator relocate their activity.
- q. Wear and tear on grassed areas or tracks must be minimised (this includes avoiding wet and boggy areas, rotating activity within an area and/or alternating activities, if more than one).

For fitness groups, the following equipment is expressly prohibited in public places:

- r. large gym equipment or anything that attaches to any park fixture or trees (for example, weight benches, weight stacks, stationary bikes, punching/boxing bags, treadmills, steppers)
- s. whistles and megaphones.

6. Events

The Council's Aho Tini 2030: Arts, Culture and Creativity Strategy articulates the Council's vision, role, and plans for the events sector. The Council welcomes events in our city's public places as they add to our city's vibrancy and diversity and can make Wellington an exciting place to be. However, to minimise disruption to pedestrians and other users, events held in a public place require the Council's approval as soon as reasonably practicable prior to the event so that any required waste, accessibility, health and safety, and traffic management plans can be developed.

The overall event approval covers all the activity that takes place within the event's footprint. For example, for events that include performance, the individual performers are not required to hold street performance licences as the event organisers are responsible for ensuring the performance complies with the conditions.

For events with food stalls or trucks, the event organiser needs to ensure that the individual stallholders have a food registration certificate and meet any requirements of the Council's Public Health Team and the Food Act 2014.

Event organisers will also need to ensure the activity meets the rules and standards in the Temporary Activities Chapter of the District Plan. Resource consent may also be required if events do not meet these standards.

The public liability insurance cover required for events will be assessed on a case-by-case basis and will depend on the scale and activities involved in the event.

6.1 Community events

The Council aims to support community events in the interests of supporting community inclusiveness, connectivity, and wellbeing. This policy commits to improve opportunities and information for community events by providing updated guidance on areas such as accessibility, hazard management, and health and safety planning.

6.2 Protests

The Council is committed to protecting fundamental rights and freedoms such as the right to freedom of expression and freedom of peaceful assembly. If you are planning a protest or demonstration that might affect other people's access to or use of public space or to vehicle traffic, you shall provide advance notice to the Council.

It is advised that you give us at least three weeks' notice so we can assist you with health and safety, and traffic management plans. It is strongly advised that you contact the police to notify them of your planned protest.



7. Markets

Any group or individual interested in establishing an open-air market in a public place should contact the Council. The Council will assess applications to establish a market on a case-by-case basis against this policy. Market stall applicants must approach the market organiser directly for a site. Note that resource consent may also be required, in accordance with the District Plan.

8. Mobile trading

The Council welcomes operators to trade from various locations throughout Wellington. Operators can only trade from their exact approved location(s). Details of the mobile trading vehicle and any associated signs or display must be provided to the Council. The hours or days that the mobile trading shop or vehicle occupies a public place at any one time will also need to be provided.

A mobile trading licence may be issued which allows trade at multiple approved locations in Wellington per year. A mobile trading licence does not give operators a lease or any permanent use of the public land. Parking restrictions and road rules must be complied with at all times.

9. Outdoor dining

Outdoor dining can add to the city's vibrancy and contributes to Wellington's sense of place if well designed and located. It can also add significant value to cafes, bars, and restaurants through increased customer capacity and demand. However, if outdoor dining is not managed well, the furniture can clutter public places and create obstacles for pedestrians.

Each outdoor dining furniture element to be located within an approved area is deemed to constitute a temporary obstruction. This may include, but is not limited to, tables, chairs, menu boards, umbrellas, heaters, potted plants, queueing furniture, and barriers or fences. The following rules apply to the placement of outdoor dining furniture:

- a. It will not interfere with safe and efficient pedestrian movement and if on footpaths, the minimum continuous accessible path of travel is maintained.
- b. It must be located outside the approval holder's premises.
- c. Barriers or markers may be required to delineate the approved area, pedestrian thoroughfares, and the area licensed for alcohol consumption.
- d. Unobstructed access to and from the premises must be maintained.
- e. There must be sufficient space for easy movement of chairs and people.
- f. All furniture should be high quality, durable, waterproof, and weather resistant, designed for outdoor use and well-maintained.

- g. The type of any proposed heating devices must be identified, and the required safety features.
- h. All furniture should integrate well with the surrounding environment and must be safe.
- i. All furniture must be stored away from public areas outside of the hours specified on the licence.

It is the approval holder's responsibility to reasonably ensure that any items placed on the footpath remain in their designated locations, if shifted by the wind or patrons. Licensees may be required to submit a proposed pedestrian thoroughfare and traffic management plan. If alcohol is to be supplied, served, or consumed it is the approval holder's responsibility to ensure compliance with the Sale and Supply of Alcohol Act 2012.

Outdoor seating will not be permitted on street corners with pedestrian crossings or near entry points of designated pedestrian crossings. Requests from businesses for seating approvals above ground level are unlikely to be approved because of the management responsibilities required. If there is not enough space on the footpath to safely place outdoor furniture, the Council should be contacted to discuss options.

10. Parklets

Parklets are the setting aside of road corridor land for a use not related to traffic. When parklets are used commercially or privately for trading or event activities, approval will be required under this policy for the activity.

11. Public micromobility share schemes

Commercial operators of public micromobility share schemes will require a licence to trade in a public place. The operators will be subject to prohibitions and restrictions imposed by the licence and Code of Practice.

The prohibited and/or restricted areas for the riding of commercial micromobility devices will be set out as conditions in the Code of Practice.

Micromobility devices are not allowed in designated cycle lanes that are part of the road¹¹, and they are not permitted on footpaths in the following areas:

- Cuba Mall
- The Botanic Gardens
- Bolton Street Cemetery
- Ōtari-Wilton's Bush
- Truby King Park
- The Golden Mile.

A minimum of \$5,000,000 public liability insurance is required for any public micromobility shared schemes.

12. Retail displays

Retail displays are considered an extension of the goods or services inside the shop. High quality retail displays can enhance the variety and vitality of footpaths. However, if they are not properly managed, they can create obstacles for pedestrians and impede pedestrian flows. The following rules apply to retail displays:

- a. Must be relevant to the goods or services sold within the shop.
- b. Retail displays should be located within the width of their building frontage. They must always maintain the minimum continuous accessible path of travel.
- c. The stand must be elevated from the ground and have a solid base extending to the outer edges of the display.
- d. Retail displays must be secured, not have sharp edges or protrusions that may create an obstacle or a safety hazard.
- e. Displays must not block footpaths, doorways, bus stops, fire escapes, mobility parks, or roads.
- f. Alcohol, knives, firearms, or dangerous and offensive objects must not be displayed.
- g. The retail display is not a point of sale, all items must be purchased inside the premises.
- h. The stand must not use voice, music, amplified sound, or any other material to attract customers.

¹¹ At the time of writing they are not allowed in designated cycle lanes that are part of the road, but this may change when Waka Kotahi NZ Transport Agency and Ministry of Transport review the legislation that covers transport devices.

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- i. The stand must be removed from the public space outside of business hours.
 - j. Any hanging goods must have a minimum of 2.5m clearance from the footpath.
 - k. Food displays must comply with any requirements of the Council's Public Health Team and the Food Act 2014.

13. Sandwich boards

In the context of this policy, sandwich boards must hold a current approval to be placed on public footpaths and other public places.

The following rules apply to the placement of sandwich boards on footpaths:

- a. The pedestrian priority principle must be applied, and the minimum continuous accessible path of travel maintained.
 - b. They must be placed at the kerb edge of the footpath adjacent to the relevant premise.
 - c. Sandwich boards should be positioned in line with other obstructions, such as other sandwich boards, verandah or street sign poles, and rubbish bins.
 - d. Access to or egress from the premises must not be obstructed.
 - e. No sandwich boards shall be placed adjacent to bus stops, mobility parks, taxi stands, or pedestrian crossing locations.
 - f. Sandwich boards may not be attached to fixed or temporary street furniture without prior written approval from the Council.
 - g. The approval holder is responsible for ensuring the sandwich board remains located in the designated position, including if moved by pedestrians or wind.
 - h. Sandwich boards must be removed from the footpath outside of the business's trading hours.
- The following rules apply to the design and quality of sandwich boards:
- i. Information on the boards must comply with relevant Advertising Standards Authority requirements.
 - j. They must have a wide base which can be identified easily by people who are blind or have low vision. To improve visibility, the base or a strip on the base must be of a colour in contrast to the footpath.
 - k. They should be safe and have no sharp edges or protrusions that could create an obstacle or safety hazard for pedestrians. Rotating designs will not be approved anywhere in Wellington.
 - l. The maximum dimensions are 600mm wide by 600mm deep by 900mm high.
 - m. They must be weighted to ensure stability and must be taken inside when there is a risk that wind gusts may topple them or change their position. Bases designed to be weighted by water must be kept in operating order.
 - n. To prevent them collapsing in windy conditions, easel-type boards must have a mechanism that locks them in their open position.
 - o. They must be kept in a clean and tidy condition.

14. Street appeals and charity face-to-face fundraisers

The Council aims to support organisations with their street appeals and charity fundraisers in a managed way to minimise conflict with other activities on public spaces such as pedestrian movement and retail activity.

The following conditions apply to all street appeals and face-to-face fundraising:

- Collectors and fundraisers must not obstruct or pursue members of the public to solicit a donation or subscription.
- Collectors and fundraisers are to be clearly identified and display the name of the organisation and the appeal. Face-to-face fundraisers must wear Council approved identification at all times.
- Pedestrian access is to be maintained at all times.
- No furniture is to be used in conjunction with the activity.
- Rubbish is to be kept to a minimum and collection areas must be left clean and tidy.
- No more than three collectors at any one collection point.

The Council rosters the annual street appeals. National charities that have a designated street appeal date are given special consideration. Applications for a street appeal approval require evidence of the organisation's legal structure and non-profit status. The number of street appeal collectors and proposed collection locations must be provided to the Council, which will be made publicly available.

A fee is not required for street appeals and charity face-to-face fundraisers; however all collectors must comply with this policy.

The Council works with the Public Fundraising Regulatory Association (PFRA) to roster the charity face-to-face fundraisers. All face-to-face fundraisers must be a member of PFRA under this policy. The PFRA website sets out the rules and code of conduct that all face-to-face fundraisers must comply with. It also sets out the complaints process and form. If the public have any concerns about fundraiser's behaviour, PFRA will investigate. As part of their investigation, fundraisers may be required to be re-trained, or further observed by the PFRA. Should a fundraiser be found to be breaking any rules, PFRA can issue fines and penalties, including standing the fundraiser down.

The PFRA website hosts an interactive map which shows the approved site locations and the days and times the site can be used by fundraisers. The Council's website will integrate this information with links to the PFRA website.

15. Other activities

For activities not specifically listed in this policy, contact the Council to discuss whether an approval is required. Applications for approval to undertake trading or event activities other than those identified will be assessed against this policy on a case-by-case basis.

