

# MANUKAU CITY CONSOLIDATED BYLAW 2008

## CHAPTER 7

### EVENTS AND TRADING IN PARKS AND PUBLIC PLACES

#### EXPLANATORY NOTE

<i>Bylaw made using powers of</i>		<i>Local Government Act 2002</i>	
<b>Description</b>	<b>Date Made</b>	<b>Council Minute</b>	<b>Commencement</b>
<i>Bylaw first adopted by Council with updated chapter and bylaw references.</i>	26 Jun 2008	CL/JUN/737/08 CL/JUN/745/08	01 Oct 2008
<i>Minor corrections</i>	28 Aug 2008	CL/AUG/994/08	01 Oct 2008

*The purpose of this Bylaw is to provide for the control of public places and parks in Manukau City, to enable people to use and undertake activities within these places, while ensuring public health and safety is maintained, obstructions are managed, inappropriate behaviour is avoided, and damage and mis-use of Council controlled land, structures and infrastructure is prevented.*

*The Bylaw includes clauses on –*

- (a) trading in public places, including the types of trading activities that are allowed, those which require permission from Council, and those which are prohibited;*
- (b) events in public places.*

*This Bylaw should be read in conjunction with the entire Manukau City Consolidated Bylaw 2008 and other regulations affecting public places, parks and reserves not necessarily repeated within this Bylaw, including (but not limited to) the Resource Management Act 1991, the Building Act 2004, the Reserves Act 1977, District Plan, and Regional Plans including the Auckland Regional Plan: Coastal.*

*This Explanatory Note is for information purposes only and does not form part of this Bylaw. Council resolutions made for this Bylaw are attached also for information purposes only and do not form part of this Bylaw.*

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## 1 Interpretation

1.1 In this chapter, unless inconsistent with the context:

**BUSINESS ZONE** means any area for the time being zoned for business purposes in the District Plan.

**BUSKER** means a person who entertains for voluntary donations by way of speech, song, music, theatrical or juggling acts in any public place. The activity of “busking” has a corresponding meaning.

**CHARITABLE ORGANISATIONS** means a non-profit organisation that raises funds for the benefit of a community group for the overall benefit of the public.

**EVENT** means an activity that takes place on one or more days that draws a gathering of people for a specified purpose, and includes any community event, commercial event, private event in a public place, performance, concert, sporting event, parade, filming, demonstration, public meeting or exhibition. This definition excludes any informal recreation, regular scheduled sports and games and the use of Council facilities, where those facilities have been booked prior to the event for a particular purpose.

**MARKET** means more than one stall at a common location where goods and/or services are, whether for commercial or charitable purposes.

**MARKET OPERATOR** means any person who operates a Market.

**MOBILE SHOP** means a vehicle, whether self-propelled or not, standing on a road or other public place and from which:

- (a) goods are offered or exposed for sale; or
- (b) goods may be ordered (whether or not in pursuance of an invitation to call with the goods or
- (c) services are offered for sale;

but does not include any vehicle used for the purpose of transporting and delivering goods pursuant to a prior order placed for the delivery of goods, or a mobile library.

**PUBLIC PLACE** means a place that is owned by or under the control of the Manukau City Council and that is open to, or being used by, the public. It includes Council controlled reserves, parks, civic areas, beaches and roads (including footpaths and carriageways).

**OUTDOOR BUSINESS DISPLAY** means the display of goods and/or services in a public place associated with an adjoining business premise, and includes any display structures.

**OUTDOOR DINING AREA** means a public place used by an adjoining business premise for the purpose of providing food or drink.

**RESERVE** means:

- (a) land vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council.

**RURAL ZONE** means any area for the time being zoned for rural purposes in the District Plan and for the avoidance of doubt includes any area in the Special Rural 1 Zone, Puhinui Rural Zone, Mangere Puhinui Heritage Zone, or Future Development zone.

**STALL** means a stand, stall, structure or contrivance from which any goods and/or services are offered for distribution or sale and which is erected, placed or maintained in or on a public place.

**TRADING IN PUBLIC PLACES** means an activity undertaken by any person or organisation involving the sale of goods in a public place or the performance of a service in a public place for payment, including but not limited to the keeping of stalls or stands, outdoor business displays, outdoor dining areas, market operations, mobile shop operations, and busking. Trading in public places includes any of the foregoing activities that occur in a public place, notwithstanding that such activity may be undertaken as part of or in association with any business conducted on adjacent private premises.

**UNOBSTRUCTED FOOTPATH** means the area of public footpath that is completely clear of objects that could obstruct the public right of passage, including (but not limited to) parking meters, signs, power poles, trees, tables, chairs, clothing racks, trestles, planters and any other fixtures or goods. For the purposes of this definition, the “footpath” means the paved area measured in a parallel line between the nearest permanent or temporary obstructions.

## **2. Exemptions**

- 2.1 Nothing in this bylaw limits the Council, its authorised officers or agents from undertaking works and services in public places, or restricts work authorised by the Council in public places.

## **3. Trading in any Public Place**

- 3.1 No person may undertake the following trading activities in a public place:
- (a) washing or cleaning windows of any vehicles for payment or donation;
  - (b) use of the road for the purposes of selling or offering goods or services of any kind, unless otherwise provided by clauses 3.2 or 3.3.
- 3.2 A person may undertake the following trading activities in a public place, provided they comply with any relevant requirements and standards made by Council from time to time by resolution:
- (a) sausage sizzles or similar fundraising activities undertaken by charitable organisations provided:
    - (i) the activity is limited to one stall;
    - (ii) the activity does not occupy a public place for a period in excess of 12 consecutive hours; and
    - (iii) the written approval of both the owner and occupier of any property adjacent to the site has first been obtained;
  - (b) collections for fundraising undertaken by charitable organisations, provided that the permission from the Police has first been obtained when collections are to occur in the road carriageway;
  - (c) busking;
  - (d) outdoor business displays;
  - (e) the sale of newspapers from a stand or stall.
- 3.3 A person must hold a permit issued by the Council to undertake any trading activity in a public place that is not prohibited in clause 3.1 and not provided for in clause 3.2, including (but not limited to):
- (a) outdoor dining areas;
  - (b) markets or stalls;
  - (c) soliciting of any subscription;
  - (d) any trading activity provided for in clause 3.2 that does not comply with any relevant requirements and standards made by the Council from time to time by resolution;
  - (e) trading from mobile shops.

**4. Events in any Public Place**

- 4.1 The organiser of any event in a public place must hold a permit issued by Council for that purpose.

**5 Powers of the Council**

- 5.1 The Council may from time to time by resolution make the following:
- (a) requirements, guidelines and standards for trading in public places;
  - (a) matters to be considered when deciding whether to grant a permit required by this bylaw, including for trading or events in a public place;
  - (b) any conditions that may be imposed in any permit;
  - (c) fees and charges, including for any permit application, for occupation of a public place, and for the on-going monitoring and administration of a permit.

# ATTACHMENTS TO CHAPTER 7 EVENTS AND TRADING IN PARKS AND PUBLIC PLACES

## OF THE MANUKAU CITY CONSOLIDATED BYLAW 2008

### FOR INFORMATION PURPOSES ONLY

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#### HISTORY OF THE ATTACHMENT

Description	Date Made	Council Minute	Commencement
Attachment first adopted under 2008 consolidated bylaw	25 Sep 2008	CL/SEP/1083/08	01 Oct 2008
Clause 3.3(g) of Attachment F amended	27 Aug 2009	CL/AUG/966/09	27 Aug 2009
Clause 4 of Attachment F amended	29 Jul 2010	CL/JUL/748/10	29 Jul 2010

#### INTRODUCTION

Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008 allows the Council by resolution to determine:

- (a) requirements and standards for trading in public places;
- (b) matters to be considered when deciding whether to grant a permit under the bylaw, including for trading or events in a public place;
- (c) any conditions that may be imposed in any permit;
- (d) fees and charges, including for any permit application, for occupation of a public place, and for the on-going monitoring and administration of a permit.

Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008 contains general provisions in relation to permits. This document consolidates, for information purposes only, matters associated with trading in public places to assist Council officers, persons wishing to apply for a permit, and the general public.

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**1. Interpretation**

The following definitions are quoted from clause 1.1 of Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008:

**BUSINESS ZONE** means any area for the time being zoned for business purposes in the District Plan.

**BUSKER** means a person who entertains for voluntary donations by way of speech, song, music, theatrical or juggling acts in any public place. The activity of “busking” has a corresponding meaning.

**CHARITABLE ORGANISATIONS** means a non-profit organisation that raises funds for the benefit of a community group for the overall benefit of the public.

**EVENT** means an activity that takes place on one or more days that draws a gathering of people for a specified purpose, including any community event, commercial event, private event in a public place, performance, concert, sporting event, parade, filming, demonstration, public meeting or exhibition. This definition excludes any informal recreation, regular scheduled sports and games and the use of Council facilities, where those facilities have been booked prior to the event for a particular purpose.

**MARKET** means more than one stall at a common location, where goods and/or services are traded using the location temporarily, whether for commercial or charitable purposes.

**MARKET OPERATOR** means any person who operates a Market.

**MOBILE SHOP** means a vehicle, whether self-propelled or not, standing on a road or other public place and from which:

- (a) goods are offered or exposed for sale; or
- (b) goods may be ordered (whether or not in pursuance of an invitation to call with the goods) or
- (c) services are offered for sale;

but does not include any vehicle used for the purpose of transporting and delivering goods pursuant to a prior order placed for the delivery of goods, or a mobile library.

**PUBLIC PLACE** means a place that is owned by or under the control of the Manukau City Council and that is open to, or being used by, the public. It includes Council controlled reserves, parks, civic areas, beaches and roads (including footpaths and carriageways).

**OUTDOOR BUSINESS DISPLAY** means the display of goods and/or services in a public place associated with an adjoining business premise, and includes any display structures.

**OUTDOOR DINING AREA** means a public place used by an adjoining business premise for the purpose of providing food or drink.

**RESERVE** means:

- (a) land vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council.

**RURAL ZONE** means any area for the time being zoned for rural purposes in the District Plan and for the avoidance of doubt includes any area in the Special Rural 1 Zone, Puhinui Rural Zone, Mangere Puhinui Heritage Zone, or any Future Development zone.

**STALL** means a stand, stall, structure or contrivance from which any goods and/or services are offered for distribution or sale and which is erected, placed or maintained in or on a public place.

**TRADING IN PUBLIC PLACES** means an activity undertaken by any person or organisation involving the sale of goods in a public place or the performance of a service in a public place for payment, including but not limited to the keeping of stalls or stands, outdoor business displays, outdoor dining areas, market operations, mobile shop operations, and busking. Trading in public places includes any of the foregoing activities that occur in a public place, notwithstanding that such activity may be undertaken as part of or in association with any business conducted on adjacent private premises.

**UNOBSTRUCTED FOOTPATH** means the area of public footpath that is completely clear of objects that could obstruct the public right of passage, including (but not limited to) parking meters, signs, power poles, trees, tables, chairs, clothing racks, trestles, planters and any other fixtures or goods. For the purposes of this definition, the “footpath” means the paved area measured in a parallel line between the nearest permanent or temporary obstructions.

## **ATTACHMENT B**

### **General Requirements and Standards for all Trading Activities in Public Places**

#### **1. Requirements and Standards**

The activities identified in clause 3.2 of Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008 are subject to the following requirements:

- (a) no trading is undertaken in or on a reserve or beach;
- (b) trading is located in or on public places within or immediately adjacent to a business zone, except for trading from mobile shops;
- (c) trading must not cause an obstruction that impedes the movement of persons or vehicles, or causes any danger or obstruction;
- (d) every trading activity must, when requested to do so by the Council, move from a position in or on a public place to another part of that public place as the Council may direct.

## **ATTACHMENT C**

### **Specific Requirements for Buskers**

#### **1. Requirements and Standards**

The activities identified in clause 3.2(c) of Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008 are subject to the following requirements:

- (a) No person may continue to engage in the act of busking when directed to stop by the Council;
- (b) No person may undertake busking in a manner that creates or is likely to create a nuisance.

**ATTACHMENT D**

**Specific Requirements and Standards for Outdoor Business Displays**

**1. Requirements and Standards**

The activities identified in clause 3.2(d) of Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008 are subject to the following requirements:

**1.1 All outdoor business displays (including goods, objects and structures used to display or advertise the goods and / or services such as stalls, tables, signs, sun shelters and umbrellas) must:**

- (a) Not impede the movement of persons or vehicles, create or likely to cause danger or obstruction to any person;
- (b) Be placed in or on a public place in a way that maintains a minimum unobstructed footpath width of no less than 2 metres;
- (c) Not be placed more than 0.6 metres into or onto the public place when measured from the adjoining property boundary or building face;
- (d) Not have sharp edges protruding into or onto the public place;
- (e) Not be in a public place outside the business hours of the business;
- (f) Not be placed on a vehicle carriageway or on a footpath crossing or be placed in such a way as to in any way impede the safety or movement of vehicles;
- (g) Be moved to another part of the public place if directed by the Council to do so;
- (h) Not be placed closer than 5 metres from an intersection and 2 metres from a pedestrian crossing;
- (i) Be placed immediately adjoining the premises from which the good and services displayed may be purchased;
- (j) Not be placed in a public place within 2 metres of a bus stop;
- (k) Have structures used to display or advertise the goods and/or services that are a different colour from, and able to be easily distinguished from, the footpath;
- (l) Not be placed in or on a carriageway, driveway, footpath crossing, grass berm or centre median;
- (m) Not display knives and firearms;
- (n) If hanging from a veranda or other building projection, must maintain a minimum of 2.4 metre overhead clearance measured from the outdoor business display to the footpath or ground level directly below, except that this requirement shall not apply where the public place immediately below is occupied by an outdoor business display complying with the standards above.

## **ATTACHMENT E**

### **Specific Requirements for Mobile Shops**

#### **1. Requirements and Standards**

The activities identified in clause 3.3(e) of Chapter 7 Events and Trading in Parks and Public Places of the Manukau City Consolidated Bylaw 2008 are subject to the following requirements:

##### **1.1 Trading from mobile shops must:**

- (a) Be operated in a safe manner that does not cause or be likely to cause a hazard to pedestrians or other vehicles;
- (b) Not be conducted within 50 metres of an intersection;
- (c) Not be conducted within 100 metres of any shop that sells similar goods or services;
- (d) Not be conducted unless all licences or permits relevant to the particular goods and / or services being traded have been obtained. For instance, any relevant permits for the sale of food for human consumption.

## **ATTACHMENT F**

### **Guidelines for the Assessment of Permits for Trading in Public Places and Events**

The following information is a guideline of the information which may be required to be provided with permit applications for trading in public places and events. It also provides a guideline for the matters against which such applications may be assessed and the type of conditions which may be imposed. The guideline does not limit the Council from requiring other information, fees and charges, assessing permit applications against other matters or imposing other conditions in terms of any other Council policy.

#### **1 Permits for Outdoor Dining Areas**

##### **1.1 An applicant for a permit for an outdoor dining area must provide the following information:**

- a) The name, address and contact details of the applicant.
- b) A scale plan delineating the extent of the public area to be occupied by the seating layout, the siting and the number of units of furniture proposed, and nearby structures and activities.
- c) Specifications and a photograph of the proposed furniture.
- d) Specifications of any barriers, signs and screens.
- e) The details of public liability insurance.

**1.2 When considering an application for a permit for an outdoor dining area the Council will assess the following matters:**

- a) Whether adequate clear footpath space is available for pedestrians. As a minimum, the Council will require 2 metres distance between the edge of any table, chair or associated barrier and the nearest kerb edge or obstruction. As a guide, where footpaths are greater than 4 metres wide, outdoor dining areas may occupy up to 25% of the width of the footpath, where a 75% width is available for unobstructed pedestrian movement. The purpose of this is to provide specific areas for outdoor dining while also providing for unobstructed pedestrian access. Direct pedestrian spaces shall be provided past the outdoor dining area.
- b) Whether the footpath area at the intersection of two roads is able to be kept clear. This zone is defined as the area within two lines projecting from the property boundary of each corner property in a straight line out to the kerb edge.
- c) Whether the footpath area set aside for tables and chairs is appropriate and does not exceed the width of the business frontage to which it relates.
- d) Whether the hours and days of operation of the outdoor dining area are such that the outdoor dining area does not permanently occupy the public space, ie. the tables and chairs and associated equipment are removed from the public place at the end of each business day. In areas set aside for outdoor dining, tables and chairs may be left in public places for longer periods of time as approved through the permit process.
- e) Whether the applicant has public liability insurance of at least a minimum of one million dollars.
- f) Whether the permit fee has been paid.
- g) Whether any barriers, signs and screens associated with the outdoor dining area can be kept to a minimum and are appropriately designed and fixed or weighted so as not to give rise to visual clutter or adverse effects on traffic and pedestrians (including the disabled and elderly).
- h) Whether a licence under the Sale of Liquor Act 1989 has been obtained.

**1.3 Without placing any limitations on the Council to impose conditions of a more general or specific nature, the following conditions may be placed on a permit for an outdoor dining area:**

- a) The exact operating location(s) of the outdoor dining area and any tables and chairs, and the minimum clear widths of footpath required to be maintained.
- b) The numbers of tables and chairs permitted.
- c) The payment of a permit fee on an annual basis.
- d) The payment of a charge for the occupation of the public place.
- e) The hours and days of the operation.
- f) A requirement that the outdoor dining area be kept clean.
- g) Requirements for the design and placement of any tables, chairs, barriers and screens and limitations on the size, placement and content of any advertising associated with the outdoor dining area.

- h) Restrictions on the use of any amplified form of musical entertainment in the public place.
- i) Restrictions on the duration of the permit.
- j) That the permit issued be displayed in a position clearly visible to the public.
- k) That the permit may be suspended or revoked where, as a consequence of non-compliance with the conditions of the permit or the bylaw, it has been necessary to do so to protect the public from unhygienic, unsafe or hazardous conditions.
- l) That the permit holder be liable for all costs of repair to any damage or cleaning to the footpaths, which arises from the use of the outdoor dining area.

#### **1.4 Transitional Provision**

- a) A holder of any existing Council approved lease or licence for an outdoor dining area is exempt from compliance with clause 3.3 of the bylaw (the requirement to hold a permit) until the date that such a lease or licence expires or is terminated.

## **2 Permit for Markets**

### **2.1 An applicant for a permit for a market must provide the following information to the Council:**

- a) The name, address and contact details of the applicant and market operator.
- b) The details of the type of market stalls, hours of operation and names, addresses and contact details for each market stall operator.
- c) Evidence that all market stalls selling, preparing and handling food comply with food hygiene regulations.
- d) A scale plan delineating the extent of the public area to be occupied, the siting and the number of market stalls proposed and any associated facilities such as public toilets.
- e) Specifications of any barriers, signs and screens including any ground supporting fixtures.
- f) 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 and contact details for a person responsible for implementing the traffic management plan.
- g) Details of public liability insurance.

**2.2 The Council when considering a permit application for a market will assess the following matters:**

- a) Whether adequate clear footpath is available for pedestrians around the market and its market stalls. As a minimum, the Council will expect a 2 metre width from the edge of any stall or associated display to the nearest kerb edge or obstruction.
- b) Whether the hours and days of operation of the market is such that it does not permanently occupy the public space.
- c) Whether appropriate traffic management measures are in place to avoid adverse effects on the safety and flow of pedestrians and vehicles.
- d) Whether the market operator has appropriate public liability insurance (at least one million dollars public liability insurance will be expected).
- e) Whether barriers, signs and screens associated with the market are kept to a minimum and are appropriately designed and fixed or weighted so as to not give rise to adverse effects on traffic and pedestrians.
- f) Whether the individual stall holders have approved food hygiene qualifications, where food is to be sold, and the market and stalls have appropriate food storage and preparation facilities to meet food hygiene regulations.
- g) Whether adequate access to public toilets has been provided.
- h) The views of adjacent land owners and occupiers.

**2.3 Without placing any limitations on the Council to impose conditions of a more general or specific nature, conditions controlling the following matters may be placed on a permit for a market:**

- a) The exact location(s) of the market and any associated signs and displays.
- b) The type, size and position of stalls to be used within the market.
- c) The payment of a permit fee on an annual basis and a charge for the occupation on the public place.
- d) The hours and days of the market operation, including limitations on the hours of set up and pack down.
- e) A requirement that the area around the market or stall be kept clean.
- f) Conditions requiring compliance with an approved traffic management plan.
- g) A requirement to provide, maintain and empty litter bins.
- h) Where food is to be sold, requirements for compliance with food hygiene regulations.
- i) The payment of a cash payment of an amount determined appropriate by the Council for the cleaning and maintaining of any Council owned public toilets used by the market.
- j) The payment of a cash deposit of \$2000.00 to the Council, which will be used for payment of cleaning contractors and related administration charges should the market operator fail to clean the market area and the immediate surrounding area. Should for any reason the balance of the cash deposit is reduced to \$500, the market operator shall pay the appropriate amount to reinstate the full \$2000.00 cash deposit.

- k) The payment of an inspection fee each time Council officers inspect the market for compliance with the bylaw and permit conditions.
- l) A limitation on the duration of the permit to one year from the date it was granted.
- m) A limitation that the permit applies only to the applicant and/or market operator and may not be transferred to any other person.

### **3. Permits for Stalls and Mobile Shops**

#### **3.1 An applicant for a permit for a stall or mobile shop must provide the following information:**

- a) Name, address and contact details of the applicant.
- b) Details of the type of stall or mobile shop, the product to be sold or service offered and its hours of operation.
- c) Evidence that all market stalls and mobile shops selling, preparing and handling food satisfy food hygiene regulations.
- d) A scale plan delineating the extent of the public area to be occupied, the siting of the stall or mobile shop and any associated displays or signs.
- e) Specifications of any barriers, signs and screens including ground supporting fixtures.
- f) Details of public liability insurance.
- g) The duration that the mobile shop occupies a public place for any one time.
- h) The impact of the mobile shop on the safety and flow of vehicular and pedestrian movements.

#### **3.2 The Council when considering a permit application for a stall or mobile shop will assess the following matters:**

- a) Whether adequate clear footpath is available for pedestrians around the stall or mobile shop and any associated display or sign. As a minimum, the Council will expect a 2 metre width from the edge of any stall, mobile shop or associated display or sign to the nearest kerb edge or obstruction.
- b) Whether the hours and days of operation of the stall or mobile shop are such that it does not permanently occupy the public space.
- c) Whether the stall or mobile shop operator has appropriate public liability insurance.
- d) Whether barriers, signs and screens associated with the stall or mobile shop are kept to a minimum and are appropriately designed and fixed or weighted so as to not give rise to adverse effects on traffic and pedestrians.
- e) Whether stall or mobile shop holders have approved food hygiene qualifications, where food is to be sold and the stalls or mobile shops have appropriate food storage and preparation facilities to meet food hygiene regulations.
- f) The views of adjacent land owners and occupiers.

**3.3 Without placing any limitations on the Council to impose conditions of a more general or specific nature, conditions controlling the following matters may be placed on a permit for a stall or mobile shop:**

- a) The exact location(s) and duration of occupation of the stall or mobile shop and any associated signs and displays. In the case of mobile shops, an occupation of any one place for less than 20 minutes will generally be considered appropriate.
- b) The type, size and position of stall or mobile shop.
- c) The payment of a permit fee on an annual basis and a licensing fee for the occupation of the public place.
- d) The hours and days of the stall or mobile shop operation, including limitations on the hours of set up and pack down.
- e) Where food is to be sold, requirements for compliance with food hygiene regulations.
- f) The payment of an inspection fee each time Council officers inspect the stall or mobile shop for compliance with the bylaw and permit conditions.
- g) A limitation on the duration of the permit.
- h) A limitation that the permit applies only to the applicant and may not be transferred.

**4 Permits for Events (“Events Permit”)**

**Explanatory Note**

The Council recognises the social, cultural and economic benefits of events in Manukau City and that the community has more tolerance for events because of the benefits, infrequent occurrence, short duration.

Events often require a number of permissions from Council for activities associated with the event. Council provides an events facilitation process to assist event organisers to navigate the regulatory environment and in delivering a safe and successful event, regardless of its scale. The Events Permit formalises in a regulatory way the events facilitation process.

The level of facilitation will vary depending on the scale and location of the event. Small events such as a wedding may simply require a park booking, while a mainstreet parade may require detailed management plans, a permission to close a road etc...

**4.1 Extent to which Council may Grant an Events Permit**

The Council will decline an application for an Events Permit in the following circumstances:

- a) The applicant is not considered suitable in the opinion of Council;
- b) The site is not available for use in the opinion of Council;
- c) The site is not suitable for the event in the opinion of Council;
- d) It is not possible to adequately manage any actual or potential effects of the event on the location and surrounding area to the satisfaction of Council.

**4.2 An applicant for an events permit must provide the information required by and to the satisfaction of the Council. Further information may be required at any time.**

If required information is not supplied, not supplied to the satisfaction of the Council, or not supplied by the required timeframe, the application may not be processed in time for the event or may be declined.

Without placing any limitations on the Council to require information of a more general or specific nature, information may be required on the following matters (actual information requirements will vary depending on the nature and scale of the event):

**Applicant Details**

- a) Name, address and contact details of the applicant.
- b) Details of history of applicants previous experience as an event organiser
- c) Details of persons to contact on the day(s) the event

**Details of Event**

- d) Programme / schedule of event, including description of event, purpose of event, catering, road activities
- e) Estimated number of people attending, including attendees, staff and volunteers
- f) Details of proposed future of event (ie. is event proposed to be a one-off or annual event)
- g) Event site plan, including structures and designated areas. This may include but not limited to parking (staff and public), toilets, stages, marquees, tents including sound tent, stalls, rubbish bins, fences / barriers, signs, and generators
- h) Specifications of any temporary buildings, tents, marquees and other structures associated with the event and copies of building permits for such buildings and structures (where required).
- i) Details of amplified sound
- j) Details of power requirements
- k) Details of water requirements
- l) Details of food or commercial stalls including how many, what they are selling and how they are going to comply with food hygiene and handling requirements
- m) Details of parking, including vehicles used in set-up
- n) Details of set up/pack down, including hours, noise, parking, structures, equipment

**Management Plans/Consents/Permits/Certificates/Approvals**

- o) Alternative rain date, and rain venue site plan, including structures and designated areas
- p) Environmental Sustainability Management Plan
- q) A Traffic Management Plan (TMP) prepared by a certified Site Traffic Management Supervisor (STMS)
- r) Waste Management Plan
- s) Parking Management Plan
- t) Risk Management or Health and Safety Plan
- u) Fireworks Test Certificate from an Independent Test Certifier and approval of the New Zealand Fire Service
- v) Local Resident Notification of Event Plan
- w) Applications for any applicable resource consent, building consent, liquor licence, fireworks permit, liquor ban exemption permit, market or stalls permit, and temporary signs permit.

**Monies/Finance/Insurance**

- x) Applicable fees, deposits and bonds.
- y) Details of insurance, including indemnity and liability insurance
- z) Any sponsorship arrangements or grants

**4.3 Without placing any limitations on the Council to consider other matters, the Council when considering a permit application for an event will have regard to the following matters where applicable:**

**Suitability**

- a) The suitability of the applicant
- b) The suitability of the site for the event

**Nature of Event**

- c) Whether the event adequately manages any actual or potential effects of the event on the location and surrounding area:
  - (i) including in relation to hours of operation, duration and frequency of the event on the site; and
  - (ii) including in relation to waste, recyclables, traffic, parking, access, egress, health, safety, emergency management, risk management, security, noise, amplified sound, dust, litter, odour, light, glare and other nuisance both within the event site and the surrounding area, in particular adjoining residential properties.
- d) Whether the proposed set up and pack down times and activities minimise any actual and potential effects on properties adjoining the event site.
- e) Whether there is adequate and safe provision of water, power.

**Management Plans/Consents/Permits/Certificates/Approvals**

- f) The suitability of any alternative rain date and/or rain venue.
- g) Whether any required management plan (this includes any Environmental Sustainability Management Plan, Traffic Management Plan, Parking Management Plan, Waste Management Plan, Risk Management or Health And Safety Plan, and/or Local Resident Notification of Event Plan) adequately manages any actual or potential effects of the event on the environment including event site and properties surrounding the event site. In particular:
  - (i) Whether the proposed Waste Management Plan ensures any area associated with the activity, including the event site and local streets, are left in a clean and tidy condition.
  - (ii) Whether the proposed Traffic Management Plan, Parking Management Plan adequately manages issues associated with parking, access and egress for residents, businesses and emergency vehicles, and health and safety of event participants and the general public, and the safety and flow of pedestrian and vehicular traffic.

In general, Council seeks that the general public are not unduly inconvenienced and that public and private access ways for both traffic and pedestrians are kept clear at all times.
- h) Whether the event is consistent with any relevant reserve management plan
- i) Whether all other necessary consents, permits, certificates and/or approvals have been obtained, for instance in relation to road closure, liquor licence, resource consent, building consent, fireworks, liquor ban, food hygiene and handling, and temporary signs.
- j) The views of the New Zealand Police, Ambulance and Fire Services.

**Insurance**

- k) Whether the applicant has adequate public liability and insurance

**4.3 Without placing any limitations on the Council to impose conditions of a more general or specific nature, conditions controlling the following matters may be placed on a permit for an event:**

**General**

- a) That the event be carried out in general accordance with the information and plans submitted with the application and approved by Council.

**Duration**

- b) That the event dates and times (hours of operation) shall be as specified.
- c) That the permit expires on a specified date  
[the above conditions can be worded to either allow for a one-off event or a repeat event until the permit expires]

**Attendance**

- d) That there shall be no more than a specified number of attendees at the event at any one time.

**Set-Up and Pack Down**

- e) That set up and pack down dates and times (hours of operation) shall be as specified.
- f) That all construction and setup activities carried out on the site shall be undertaken in accordance with specified requirements, including in relation to noise, artificial lighting, traffic, access, egress, parking, safety and natural environment.
- g) That all physical construction works are carried out a minimum specified distance from any utilities located below, on, above or adjacent to the event site.

**Management Plans**

- h) That approved management plans are implemented and complied with at all times to the satisfaction of Council.
- i) That specified management measures be implemented to the satisfaction of Council in relation to environmental sustainability, waste, recyclables, traffic, parking, access, egress, health, safety, emergency management, risk management, security, noise, dust, litter, odour, light, glare and other nuisance both within the event site and the surrounding area.

**Noise**

- j) That noise (including amplified sound) from the event complies with specified noise limits at all times.

**Toilet Facilities**

- k) That portable toilet facilities be provided on the event site in accordance with specified ratios.

**Protection of Environment**

- l) That specified practicable measures be employed to minimise damage to vegetation, nuisance or threats to fauna and/or other ecological values, degradation of water or waterways or heritage sites or values on or adjacent to the event site.

**Reinstatement of Site**

- m) That the event site is reinstated to its original condition within a specified time period following the completion of the event to the satisfaction of the Council.
- n) That all temporary structures be removed within a specified time period following the completion of the event.
- o) That all signage associated with the event be removed within a specified time following the completion of the event.

**Use of Council Brand**

- p) That Council's name and/or logo may or may not be used in relation to the event or to represent that the event is sponsored by the Council, unless otherwise expressly agreed.

### **Monitoring**

- q) That the permit holder ensure officers representing the Council responsible for monitoring, compliance and / or enforcement of the event have free access to all areas of the event site to enable them to carryout their functions, powers and duties.

### **Debrief Meeting**

- r) That the permit holder attends a post event debrief meeting at a specified date, time and venue.

### **Fees, Charges, Bonds**

- s) That a bond be paid to cover the cost of repairs to damage of Council property and for any clean up.
- t) That all monies, including fees, charges and bonds, be paid by a specified date (this does not include the application fee which is paid upon application).

### **Insurance**

- u) That the Council shall not be liable for any act or omission of the organiser in relation to the event.
- v) That the permit holder is to at all times indemnify the Council in respect of any direct loss, damage, cost or expense, whether arising in contract, tort (including negligence or breach of statutory duty) or otherwise, which may be suffered or incurred by the Council as a direct result of any breach by the permit holder of any condition of this permit or as a direct result of any other act, error, or omission on the part of the permit holder (including any employee, contractor, or volunteer engaged by or on behalf of the organiser) in relation to the event.
- w) That the permit holder is to at all times hold and provide proof of specified levels of insurance.

### **Review of Conditions**

- x) That the Council may review any or all of the conditions of the permit to address, in the opinion of Council, any problem that arises from the exercise of the permit.

### **Advice Notes**

- a) That the permit holder advises the Council as soon as possible of any proposed change to the event. A permit is specific to the information provided with the application. Changes to the event may require a new permit.
- b) That the permit holder is required to comply with all applicable laws and regulations in respect of the activity, and with all other consents, permits, certificates and/or approvals obtained in relation to the event, including in relation to road closure, liquor licence, resource consent, building consent, fireworks, liquor ban, food hygiene and handling, and temporary signs.
- c) That there is no right of objection to conditions of a permit to Council.
- d) That the permit is not transferable to any other person or organisation, and does not authorise any person or organisation other than those named to act in any way under its terms and conditions<sup>1</sup>.
- e) That the Council may suspend or revoke a permit in certain circumstances, including breach of conditions, acting contrary to intent of bylaw, conviction, or site no longer used<sup>2</sup>. Should a Council officer suspend or revoke a permit, the permit holder can make an application to object to that decision to Council.
- f) That failure to comply with any permit condition, obstruction of an officer, or other breach of a bylaw is an offence, and the Council may use any power available to it under any Act or Regulation to enforce the Bylaw, including instant fines, Court conviction, Court fine, injunctions, removing works, seizing property, and cost for damages<sup>3</sup>.

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1 Refer Clause 2.5 of Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008 for actual wording

2 Refer Clause 2.6 of Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008 for actual wording

3 Refer Clause 5 and 6 of Chapter 1 General Administration of the Manukau City Consolidated Bylaw 2008 for actual wording