



# Proposal: Amending the Trading in Public Places Policy

## Summary of Information

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Wellington City Council proposes amending the Trading in Public Places Policy to manage the following activities on Council's open spaces:

- Commercial and private functions/events through permits (already a practice on many open spaces),
- Organised commercial fitness activities through a Code of Conduct, and
- Commercial guided tours on the reserves through licences.

The above activities will be managed by amending the Trading in Public Places Policy (attached).

### Your chance to have a say

Before making any final decisions, we'd like to know your views.

The closing date for submissions is **5pm, 31 October 2014.**

Please use the attached form to make your submission.

# Summary of Information

## Background: Managing activities on our open spaces

The Council wants to get more people using, relaxing in and enjoying our open spaces. These spaces include all Council-owned or managed parks, reserves, gardens, cemeteries and beaches.

The Council is responsible for managing the different activities within open spaces and the effects of these activities. Officers have identified some commercial and private activities which are increasing in popularity. Those activities now require clearer

management systems, both for the benefit of the commercial operators, and for other users of our open space.

The Council proposes that the activities in the table below be managed by making additions and minor edits to the Trading in Public Places Policy (TPPP). Those proposed additions and edits are shown as blue text in the attached Statement of Proposal. Where text will be deleted, this is shown as ~~crossed-out text~~. Annex 2 to this document answers some frequently asked questions and provides diagrams of processes for approving the added activities.

Activity and issue that needs managing	Proposed way of managing the activity
<p><b>Commercial and private functions / events</b> are private events of over 30 people, such as concerts or company picnics, that have exclusive use of a land area. This exclusive use of the land directly prevents the general public from accessing or doing activities on the land while events occur.</p> <p>Additionally, private functions and events are already managed under a permits system (on many of our open spaces), but practice varies between different open spaces.</p>	<p>Organisers would need to apply to Council for a permit and cost-recovery fees will apply. Costs recovered would include processing applications, staff time in preparing sites for use, including hazard management and health and safety checks and ensuring appropriate levels of service. In addition, bonds may be required on a case by case basis to cover risks of damage.</p> <p>Council-sponsored events under the Events Policy - ie iconic, regional or community events, eg Island Bay Festival may be discounted or free.</p>
<p><b>Organised commercial group fitness activities</b> include gym sessions or circuit training, boot camps, boxing and pad training, or organised aerobic activity, and other fitness activities. The emergence of outdoor group training classes is increasing on parks and open spaces. Most of these activities are highly mobile and not site specific, but can impact on everyday public use.</p>	<p>Operators would not need to obtain permission, given that activities don't depend on a particular site being available, but would need to abide by a Code of Conduct (Annexed to the attached Statement of Proposal).</p> <p>If the activity is proposed on a sports field, then approval and fees will need to be paid as per the standard fees and conditions for sports field use.</p> <p>If an operator is not sure whether or not they can hold a class on a site, they should contact Council to confirm the appropriateness.</p>
<p><b>Commercial guided tours</b> are defined as groups managed by a guide for commercial purposes on public spaces for recreation, education or interpretation. Reserve Management Plans require these to be managed within reserve areas.</p>	<p>Guided Tour operators working within reserve areas would need to apply to Council to obtain licences.</p> <p>Guided tours normally take place on the same areas of land. A licence grants the licensee a (non-exclusive) interest in the land. This also helps the Council ensure that guided tours operate in the right areas and (if necessary) at the right times, and provide a safe and high quality experience for visitors. There will be cost-recovery fees associated with the time officers need to spend assessing applications and licensing, in accordance with the principles of the TPPP.</p> <p>Non-commercial guided tours (defined in the TPPP) will not need to obtain licences but would still need to get permission to operate on Council-owned land.</p>

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### **Greater clarity, fairness and quicker licencing**

Some other territorial authorities have created separate (concessions) policies to manage private and commercial activities that take place on green open spaces (beaches, parks, gardens, etc). However, WCC proposes that the same (existing) policy (TPPP) manages activities that occur across all our open spaces (including built and natural spaces). This would help ensure consistency and fairness between how each type of activity is managed.

Adding the activities (outlined in the previous table) to the TPPP would provide greater clarity for people wanting to run the activities. The rules around these activities and any requirements for licencing or permitting will be clearly visible. The rules also aim to fairly balance the ability to run private and commercial activities on our open spaces with providing great opportunities for casual public use.

For example, for walking, jogging and playing.

At the same time, for good customer service and being business-friendly, the Council proposes to streamline the process for granting licences to do activities on Council's open spaces. Council officers would be able to grant licences rather than Council's Environment Committee needing to do this (apart from for the Town Belt). That would reduce waiting times for licences (normally by several weeks). In most instances however, public notice would still be required.

Full copies of the proposed changes to the Trading in Public Places Policy are available from:

- [Wellington.govt.nz](http://Wellington.govt.nz)
- the Council's service centre, 101 Wakefield Street
- or phone 499 4444.

For further information, you can email us at [managedactivities@wcc.govt.nz](mailto:managedactivities@wcc.govt.nz)

You can make a submission on our website, by email or by filling out the submission form (back of this document) and posting it to Wellington City Council, PO Box 2199, Wellington 6140 or drop it off at our service centre.

## Statement of Proposal - Proposed changes to Trading in Public Places Policy

# Trading in public places policy

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\*Proposed added text shown in blue.

Proposed deleted text shown as ~~crossed-out~~.

## 1. Definitions

**Commercial** - means ‘business activity’, i.e. an undertaking carried on for pecuniary gain or reward.

**Commercial guided tours** - groups managed by a guide for commercial purposes on public spaces for recreation, education or interpretation. For example, walking, mountain biking, horse trekking and cemetery tours.

**Commercial and private functions / events** - private events that have exclusive use of a land area for up to 6 days at any one time.

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

**Hawker** - Trading from a vehicle and only stopping long enough to sell to a customer.

**Non-Commercial guided tours - same definition as for commercial guided tours** except for a tour to qualify as a “non-commercial guided tour”, the organisations running the tour must be:

- an incorporated society or trust
- a registered charity
- a voluntary organisation that does not charge for tours, or
- Council volunteers.

**Open Air Market** - Any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of several merchandise stalls grouped together.

**Organised commercial group fitness activities** - commercial fitness training activities. For example:

- Gym sessions or circuit training (with or without equipment)
- Bootcamps
- Boxing and pad training
- Organised aerobic activity.

**Permit** - permission to carry out an event / function that does not require an interest in land.

**Public Place** - Any road, street, footpath, court, alley, square, pedestrian mall, lane or access-way of a public nature open to or used by the public as of right and every place to which the public have access and every reserve, park, domain, beach, foreshore and recreational ground within the City, subject to the provisions of the Reserves Act 1977.

**Recreation Equipment** - Any equipment used for recreational purposes such as kayaks, canoes, boats, surfboards, bicycles, roller blades, or scooters.

**Reserve** - means an area of land classified under the Reserves Act 1977 or managed under other legislation (such as a Wellington Town Belt Act).

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

**Retail Kiosk** - A small, permanent structure used to sell goods such as newspapers, magazines or confectionary items.

**Temporary Retail** - Any stand, stall, tent, mobile shop, vehicle, vessel or other and Food Stalls setup from which goods and / or food are sold that is open in a temporary nature and removed when not in use. Note that ‘Temporary’ has a different meaning for Town Belt land<sup>2</sup>.

<sup>2</sup>Refer to the Wellington Town Belt Act - Section 5 ‘Interpretation’, at [www.legislation.govt.nz](http://www.legislation.govt.nz)



**Trading** - The act of selling or trading, or offering to sell or trade, goods or services, with or without use of a vehicle.

## 2. Introduction

Trading in public places can add to the character, vibrancy, visitor experience and safety of the city. It is important however to control trading activities in public places to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained. It is also important to consider the potential impacts on established businesses when determining where street vending activities can occur.

## 3. Objectives

The policy is to ensure that the public trading activities in Wellington City make public places more safe, lively and attractive without inhibiting the safety and efficiency of pedestrian movement. The Policy guides:

- the granting of licences or permits for trading in public places (if applicable)
- the types of trading that are allowed
- conditions for
  - health and safety
  - pedestrian access
  - consideration of established businesses.

## 4. Principles of the Policy

The following principles shall apply when considering trading activities in public places:

- The Council's decision to license and/or encourage trading in public places is reflective of its strategic vision for the city.
- Pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible.

- Wellington streetscapes and public places should be vibrant, safe and attractive.
- Wellington public places should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment.
- Businesses, groups and individuals that are permitted to use public places for trading activities are responsible for managing those activities in accordance with Council guidelines.
- Private trading activities that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted.
- Trading activities should add to the city's vibrancy, improve public safety and strengthen the existing function of areas.
- The effects on existing businesses will be taken into account.
- Fees shall be set on a cost-recovery basis. Licence holders or other permitted activities should not be unfairly advantaged over established businesses that have rent or rates overheads.

## 5. Scope of activities

The Trading in Public Places Policy provides guidelines for allowing the following trading activities on streets and public places:

- temporary retail and food stalls
- retail kiosks
- recreational equipment hire
- hawking
- open air markets
- commercial and private functions / events
- organised commercial group fitness activities
- commercial guided tours

## 6. Where is trading in public places allowed?

The Council will **permit and/or** grant licences against certain guidelines for trading in public places as an activity that will bring life and atmosphere to locations in the city as well as enhance the experience of certain areas. Factors that could be considered when determining locations for street vending activities include whether:

- the location
  - works well with the rest of the city
  - is highly visible
  - is easily accessible
  - has low activity levels and/or less than desired public safety
  - **is consistent with Reserves Management Plans, relevant legislation and District Plans**
- trading activities
  - do not disrupt safe and efficient pedestrian flows
  - support or enhance the existing function of the location
  - do not negatively effect locations designated as scenic areas or quiet open space.

~~The Wellington Waterfront Limited is responsible for approving trading activities along the land designated as the 'Waterfront'. Wellington City Council will require Wellington Waterfront Limited to provide an open air market on the waterfront.~~

## 7. Temporary Retail and Food Stalls, Retail Kiosks and Recreational Equipment Hire

The Council reserves the right to grant licences for temporary retail and food stalls, recreational equipment hire and retail kiosks in public locations throughout the city.

The Council will charge a fee for the licence. Licences are non-transferable and can be revoked at anytime due to non-compliance. The licence must be displayed to the public at all times.

The Council is responsible for identifying and agreeing any potential kiosk locations and designs and the terms of individual leases.

### 7.1 Type of commercial goods allowed

The type of goods that are allowed at temporary retail and food stalls, and kiosks, include handcrafted items, art, prepared food for consumption by the public, and produce such as fruit, vegetables, and flowers.

The Council wants to reinforce the image of Wellington as a creative capital by supporting vendors that sell art, photography and handcrafted items. The goods for a temporary retail stall must be approved by the Council during the application process. Licences may be revoked if goods are sold that are not consistent with what was approved by the Council.

Recreational equipment hire may also be licensed in public places, contingent on the above guidelines being adhered to.

### 7.2 Health and Safety Regulations

Temporary stalls selling fresh produce must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. The stall operator must pay the prescribed Council fee for a certificate of registration. Stalls must comply with relevant food safety and hygiene regulations. Stall operators that do not comply with food safety and hygiene regulations will have their certificate of registration and their temporary retail stall license revoked.

### 7.3 Times of operation and licence duration

The times of operation will be stated in the licence as will the duration of the licence. Stall holders that operate outside the times outlined in the licence may have their licence revoked.

### 7.4 Stall appearance and storage

The Council must approve the appearance of the stall. A photograph or a detailed sketch of the stall must be included in the application for a temporary retail stall. The stall must maintain high standards of appearance at all times. No changes may be made to the stall without prior approval.

The stall operator must be in attendance at all times.

Stalls are generally not permitted to be stored on site overnight and must be removed from the public place when not in use. The Council may revoke the stall licence if the licence holder does not keep the stall appearance tidy and safe to the satisfaction of the Council.

The trading area should be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed of. No rubbish should be stored in public view during operating hours. No goods are permitted to be stored outside a kiosk when not in use.

The operator must keep noise to reasonable levels to the satisfaction to the Council.

### **7.5 Application process**

The application for a temporary retail stall licence must include:

- detailed information of the type of goods to be sold (the Council may request to see the goods)
- the proposed days and hours of operations
- a photograph or detailed sketch of the vending stall
- the application fee
- evidence of public liability insurance
- information required for food hygiene and safety registration

### **8. Hawking**

The Council permits hawking outside the Central Business District as defined in the District Plan.

Hawkers selling food must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Hawkiers selling food must comply with food safety and hygiene regulations. Food-selling hawkiers that do not comply with food safety and hygiene regulations will have their certificate of registration revoked. Hawkiers must pay the prescribed Council fee for a certificate of registration.

Trading from a fixed location is not permitted.

Hawkiers must properly dispose of their rubbish. The operator must keep noise of reasonable levels to the satisfaction of the Council.

### **9. Open Air Markets**

The Council may license the establishment of open air markets on public places on a case-by-case basis, taking into account the nature of the public place and the potential effect on existing businesses. Individuals or groups must receive licensed permission from the Council to operate an open air market in a public place. Licence conditions may include:

- identifying the type of goods that can be sold at the market
- ensuring adequate space for pedestrians
- allocating set hours and days for operation
- identifying issues relating to storage.

Any group or individual interested in establishing an open air market on public land should contact the Council.

Stall holders in open air markets, on public or private land, where food is sold, need to obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974.

### **10. Commercial and private functions / events**

Organisers of commercial private functions must apply for permits for exclusive use of a land area. Bonds may be required on a case by case basis to cover risks of damage.

Details needed in the application include contact details, the type, date and time of event, number of people attending and special requirements. Organisers would also need to confirm that they have appropriate systems for managing health and safety under the Health and Safety in Employment Act and agree to any other conditions, such as those prescribed by Reserve Management Plans.

Council-sponsored events under the Events Policy - i.e. iconic, regional or community events e.g. Island Bay Festival may be discounted or free<sup>3</sup>.

### **11. Organised commercial group fitness activities**

Organisers of commercial outdoor fitness groups and exercise classes must abide by the Code of Conduct annexed to this policy. Otherwise, the Council may take legal action to prevent the fitness trainer or exercise class using Council spaces.

Permission for these activities does not generally need to be approved by the Council. Note, however, that if the activity is proposed on a sportfield, then approval will be required and fees will need to be paid as per the standard booking fees and conditions for sportfield use.

### **12. Guided tours**

Organisers of commercial guided tours taking place within Reserve areas throughout the city must apply for licences to Council officers in the Council Business Unit that administers parks and open spaces and pay relevant fees. Organisers of non-commercial guided tours (as defined by this policy) must obtain permission to run their activities, but are exempt from licensing.

#### **12.1 Licence conditions**

Organisers of guided tours must have systems in place to manage safety and comply with the Health and Safety in Employment Act and its Regulations, including having public liability insurance.

Guided tour operators also need to:

- prevent damage to public spaces
- report any damage or safety hazards to the Council immediately on 499 4444
- not restrict access to other people who want to use a given public space
- comply with any Reserves Management Plans covering the area where a tour takes place (Council will advise on this)

- meet health and safety standards
- provide a quality experience for visitors
- comply with any other conditions that may be set as part of the permit, including any guidelines that the Council provides with the permit.

#### **12.2 Application process**

The application for a guided tour operator licence must include:

- company name
- likely size of tour
- nature of tour - e.g. walking, mountain bike training, horse riding
- where and when the tour will take place
- approximate frequency that it would take place
- evidence of public liability insurance.

### **13. Fees, Monitoring and Enforcement**

Fees will be set in alignment with the Council's revenue and financing policy which requires that the costs of this policy will be fully recovered from licence fees. Licence Fees are expected to include the costs of:

- licensing/permitting
- monitoring and enforcement
- administration
- additional resources that the applicant requests or expects from the Council - such as Council providing higher than normal levels of service on a particular space, extra facilities, equipment hire or extra maintenance.

The Council reserves the right to charge a rent for occupancy of public spaces in addition to the licence fee. Such a rent would be assessed by the value of the location and to ensure that businesses on private property are not unfairly disadvantaged.

The licence/permit applicant must pay the full licence-cost-recovery fee and have all the required permits before the licence/permit will be issued.

<sup>3</sup>It is expected that (apart from warranted exceptions) most community events will be free of charge. The focus is on activities that involve trading.



The Council will monitor trading activities in public places regularly to ensure that traders are complying with their licence, [permit](#) or [Code of Conduct](#) conditions, and that no unauthorised trading is occurring in public places.

The Council reserves the right to revoke trading licences, [permits](#) or leases for non-compliance issues. The standard protocol for non-compliance is as follows:

1. if a trader does not comply with the conditions of this policy, the Council will verbally notify the trader of the issue
2. if the problem persists, the Council will provide a written warning to that trader identifying the issue(s) and required remedy
3. if the business continues to infringe, the Council will consider revoking the trading [permit](#), licence or lease, [and take any other steps to prevent the trading on Council land](#).

Individuals or groups that trade on footpaths or other public spaces without a pavement licence will be asked to remove their material and cease with the trading activity. The Council will issue a written warning to the person. If the infringement persists, the Council will reserve the right to confiscate the stall setup or trading material pursuant to sections 163 and 164 of the Local Government Act, 2002, and under part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

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

## **Annex - Code of Conduct For Fitness Training on Wellington City Council's managed open spaces**

\*Proposed new addition to the Trading in Public Places Policy

\*This Code of Conduct is likely to be endorsed by the Exercise Association of New Zealand and has been informed by Auckland City Council's Code of Conduct

The Council wants to promote active and healthy lifestyles and provide opportunities for people to engage in physical exercise on its parks and other open spaces. Outdoor group exercise classes where participants are motivated to achieve fitness goals are supported by the Council.

Fitness Trainers are not required to obtain landowner approval by way of a concession or booking to operate on the Council's spaces. They are however expected to operate in a manner that minimises:

- damage to open space values and assets,
- conflict with other open space users, and
- negative impacts on adjoining landowners and businesses.

This Code of Conduct outlines the Council's expectations in relation to how Fitness Trainers should conduct their activities on open space in respect to other open space users, health and safety aspects, use of fitness training equipment, parking, promotional material, public liability and the response to complaints.

If a complaint is received about a Fitness Trainer, the relevant Council business unit will contact the Fitness Trainer to:

- a) follow up on any breach of the Code of Conduct with a warning,
- b) invoice the Fitness Trainer for the cost of remediation works, if the complaint relates to damage to the park or park facilities, and /or
- c) assess whether the activity is appropriate for the area, and if necessary, determine alternate site options with the Fitness Trainer.

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If significant complaints are received about a Fitness Trainer, the relevant Council business unit will issue a further warning and may take legal action to prevent the fitness trainer or exercise class using Council spaces.

The Council encourages you to be receptive and adaptable at all times to the needs of all park users and to cooperate with and provide information to Council staff upon request to assist with the effective management of our open spaces.

### General rules

1. Fitness training activities can operate in accordance with this code of conduct in any open spaces other than those restricted in accordance with Reserve Management Plans. Note however, that if the activity is proposed on a sports field then approval and fees will need to be paid as per the standard fees and conditions for sports field use.
2. Fitness training activities should generally be conducted between 5am and 10pm.
3. Any one fitness training session must have a maximum of 30 participants and last for a maximum of 90 minutes.
4. At all times the Fitness Trainer must conduct the fitness training activities in a manner that does not adversely affect the park, any other open space user(s) and local neighbours or businesses.
5. The Fitness Trainer does not have exclusive use of any area at any time. This means the Fitness Trainer can only use any area while a session is in use, can not set up any semi-permanent space, and must take all equipment away from any open space when a session is not in-progress. The Council may, at its discretion, instruct a fitness trainer to relocate their activity.
6. The Fitness Trainer must:
  - a. Conduct themselves in an orderly and considerate manner and must comply with the Council's noise control guidelines and ensure any noise created during the training shall not unduly impact on other users or nearby residential properties.
  - b. Not use obscene or intimidating language.
  - c. Manage the training to minimise wear and tear on grassed areas (this includes avoiding wet and boggy areas, rotating activity within an area and / or alternating activities, if more than one).
  - d. Not cause damage to grass or intentionally mark it permanently (such as through scraping ground or paint).
  - e. 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.
  - f. Ensure that any exercise equipment brought on to the park does not create any hazard or obstruction to park users.
  - g. Ensure training activities do not dominate, monopolise and/or obstruct any stairways or pathways and that their participants run in single file when running in narrow areas.
  - h. Ensure that training activities do not interfere with any other Council pre-approved or booked activities, including but not limited to: functions, special events or sporting activities.
  - i. Ensure the natural features, animals, plants or historic resources within the park are not interfered with, removed, damaged or endangered.
  - j. 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.
  - k. Inspect the area used for any hazards before each session and take appropriate action to remove hazard or alter session if required, and
  - l. Notify the Council on 499 4444 of any hazards / issues / park maintenance on or in the vicinity of the area which may constitute a danger to the public or the environment or require the Council's attention.

7. The Fitness Trainer's conduct should at all times reflect best industry practice and the operator shall ensure they and their employees comply with all relevant statutes, regulations, by-laws, the District Plan, and with any operative Reserves Management Plan and relevant open spaces policies or plans.
8. The Fitness Trainer shall cover the costs of any damage caused to the Council's assets and/or any cleaning required as a result of the training activity.

#### **Health and Safety**

9. The Fitness Trainer must ensure they:
  - a. Have a First Aid Kit and Cellphone.
  - b. Have a policy to deal with extreme weather (such as snow, lightning, or temperatures over 35 degrees celsius).
  - c. Satisfy all occupational health and safety legislation and regulations. It is recommended that all trainers be level 2 First Aid qualified.

#### **Fitness Training Equipment**

10. Any equipment brought on to the park must be portable by an individual by hand and free standing at all times (ie equipment must not be pegged into the ground or hung from trees).
11. The following equipment is expressly prohibited on the park:
  - a. 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), and
  - b. whistles and megaphones.
12. Small equipment not attached to any park fixture or trees is permitted (for example, small plastic cones, speed ladders or hand-held boxing mitts).

#### **Vehicles**

13. All vehicles belonging to or directly associated with the operator must use only designated car park facilities on the park unless otherwise agreed with the relevant Council business unit.

#### **Promotional material**

14. The Fitness Trainer shall ensure that, where appropriate, all advertising material produced promoting their training activity shall specify that it is being carried out on a park.
15. The Fitness Trainer shall not erect any advertising material such as signs, 'A' frames or banners on the park. The exception to this is a single sign that indicates a session is in-progress, within 15 minutes either side of any fitness session.
16. Any signs indicating that a session is in-progress must be free-standing, not attached to any park fixture or trees, and not block public access to different spaces.

#### **Public Liability**

17. The Council shall not be responsible for any property of the operator its employees or participants that may be left on the park or for any loss of any property.
18. The Council shall not be liable for and does not accept any responsibility for indirect or consequential loss to the operator due to any natural disaster, vandalism, sabotage, fire or exposure to the elements, except where such damage or interference is caused by any wilful act by or negligence on the part of the Council, its employees, agents or contractors.
19. It is recommended the Fitness Trainer takes out an appropriate level of public liability insurance against liability for loss, damage or injury arising out of conducting their fitness training activity.

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### **Recommended Professional Registration**

20. Registration with the New Zealand Register of Exercise Professionals at the personal trainer (contractor) level is recommended as a way of ensuring all industry standards are met.

### **Complaints**

21. If a complaint is received in the first instance Council officers will work with the Fitness Trainer to review whether the issue can be addressed through changes to how the fitness training is undertaken. The Fitness Trainer will be responsible for the cost of any remediation works, if the complaint relates to damage to the park or park facilities. The Fitness Trainer may be requested to relocate their fitness training activity to a more suitable location on the park or to an alternate park.
22. If further significant complaints are received about an operator, the Council may take legal action to prevent the fitness trainer or exercise class using Council spaces.

## Annex 2 - Trading in Public Places Policy Amendments - Questions and answers

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### **Q1. Why does the Council need to regulate those activities? What is the problem?**

The Council is responsible for managing the different activities within open spaces and the effects of these activities. The Council has identified some commercial and private activities that are increasing in popularity and require clearer management systems for the benefit of all users of our parks and open spaces. We're aiming to formalise our existing process around event permits for private and/or commercial uses that impact on the wider community's ability to use and enjoy parks and reserves. This will not affect normal community uses of parks and reserves, nor will it affect community run events or regionally significant events.

Private and/or commercial uses would, for example, include commercial guided tours, sports events that require sections of reserve to be cordoned off, and large events that involve the erection of marquees or other structures etc.

What it certainly won't affect are private activities like family picnics, casual sports, the private scattering of ashes, photography and other activities that can be generally considered to be 'typical' uses of parks and reserves.

The Council seeks to license and control activities in parks and reserves to make sure as many people as possible enjoy their experience. As an example, we want to control commercial guided tours so there is no conflict between tour operators, that visitors enjoy their tour, and there are not too many people in one spot at one time.

We want all visitors to have a high-quality experience - this is consistent with promoting Wellington as a great destination.

### **Q2. Is this a revenue-gaining exercise by Council?**

This is not about making money - we would expect any income from this policy to be less than \$10,000 a year and the focus is on cost recovery. The aim of the TPPP is to ensure the activities it helps manage are done to an appropriate standard. Charges will be set to recover the costs of managing the activities under the TPPP (for example making sure a site people want to use is suitably tidy), rather than generating additional revenue.

### **Q3. Do other territorial authorities charge for these activities?**

Yes - absolutely. Other territorial authorities charge comparable amounts, including Greater Wellington Regional Council and Auckland Council. The Department of Conservation also charges for activities on its land.

### **Q4. Won't there be a lot of unnecessary bureaucracy and red-tape for a small gain?**

There will not be much bureaucracy. We will minimise the paperwork and make things as efficient as possible for both Council and members of the public. Of course, there would have to be some discussion and negotiation with applicants to ensure a satisfactory result for all concerned.

### **Q5. Does this mean I have to now get a permit and pay for my wedding?**

The Council is not aware of a strong trend for weddings to be held in parks and reserves - though it is not unheard of. If a couple want to erect a marquee and invite a large number of guests then such a large event would require a permit. Other than existing charges in the Wellington Botanic Gardens, there will be no charges for wedding photos.



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**Q6. Will I need to now get a permit and pay more for family funerals and scattering of ashes?**

We are also not aware of a trend toward funerals being held in parks and reserves. We would approach a plan for a funeral in a similar way to an approach for a wedding. We are more concerned about the size and impact of an event rather than the nature of the event itself.

In terms of scattering of ashes, there is no change to the existing process. If people do want to scatter ashes, Karori Cemetery has a specific ash scattering area. Some other sites may also be deemed suitable for scattering or burying ashes for example, some parks and reserves with low to moderate public use. People should apply to the City Council, as not all sites across the city are suitable. The application form can be found under the Commemorative Policy on this website.

**Q7. I'm a professional photographer. Will I need a permit or be charged?**

It depends on the size and impact of your photo shoot. If you are taking a photo of individuals or a group of people or some other activity with minimal impact and the shoot is relatively short in duration and does not inconvenience other park users, then the answer is no.

If it is a large event that requires your exclusive use of a section of park or reserve then it will likely need a permit.

**Q8. I run guided tours / organise or run events / am planning an event. What does this new policy mean for me? Will it take longer to get approval?**

Typically no longer than at the moment - this proposed policy is definitely not about putting more hurdles in front of operators. It is about making things clearer, which will hopefully save tour operators time and money (through greater certainty). The benefit of a licence or permit is guaranteed use of a given land area at a given time with minimal conflict with other activities.

For more details, see the flow chart at the back of this Annex.

**Q9. I run boot-camps, outdoor fitness activities. What does this new policy mean for me?**

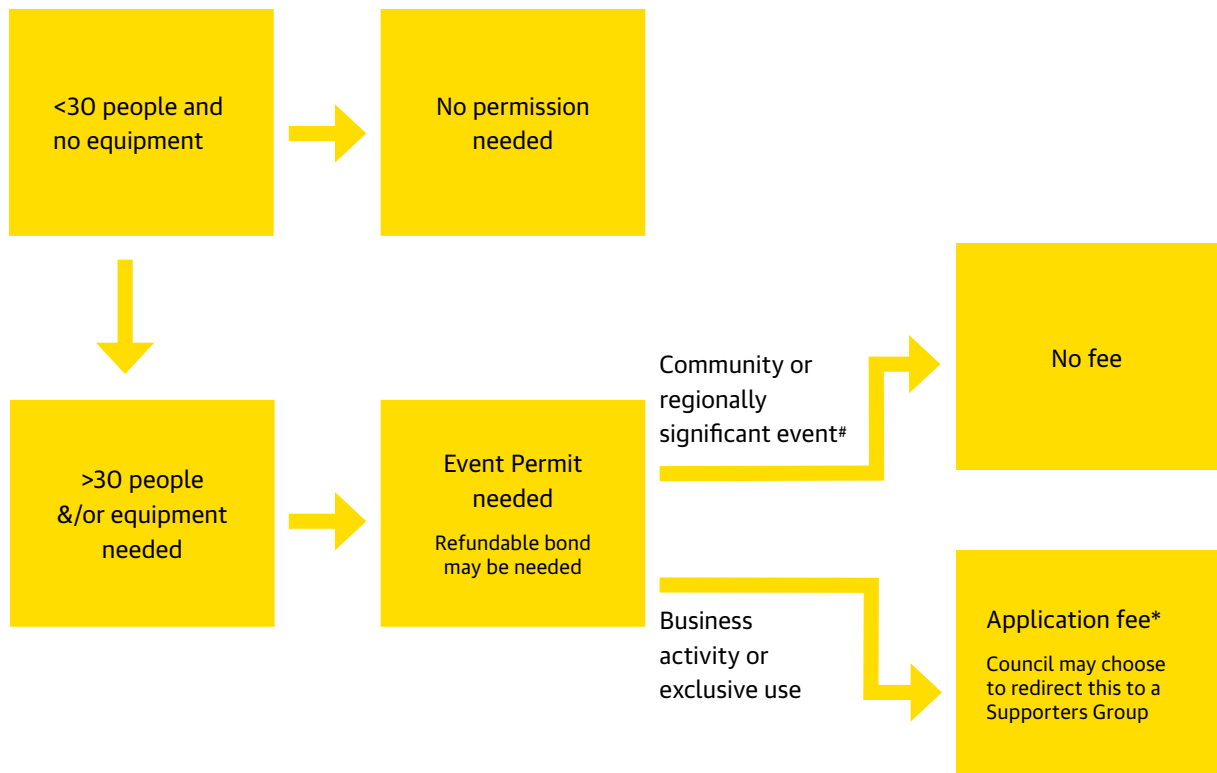
Although there has been an upsurge in bootcamps in recent years, we do not propose charging operators for the use of our parks - unless their activities start to cause wear and tear or impinge on the activities of others. We have adopted a code of conduct similar to Auckland City. The Exercise Association of New Zealand have helped us develop this code of conduct and are happy to endorse it.

If organisers of any activity (bootcamps, fitness, or otherwise) want to book a specific time on a sportsfield to guarantee a space, then they would need to pay existing sportsfield booking fees.

**Q10. If I want to meet friends for a social picnic, sports game, or dog walking, will I need to now apply for a permit and pay for this?**

Probably not - but if the sports activity will be on one of our sports-fields then the organisers will have to make a booking to avoid conflict with other users.

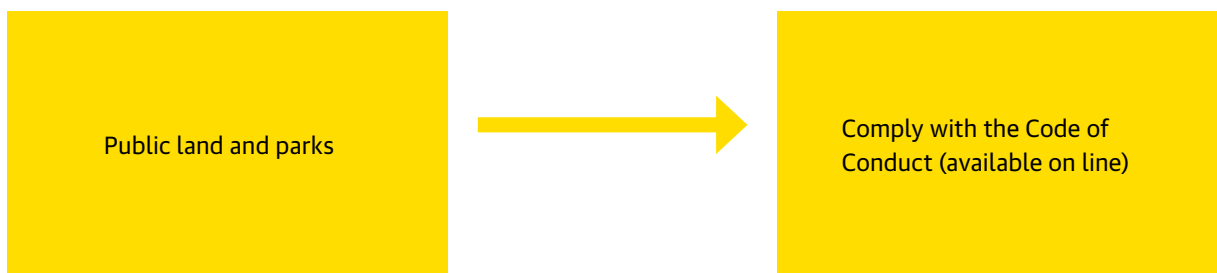
### Proposed process for holding an event on a park, beach or reserve



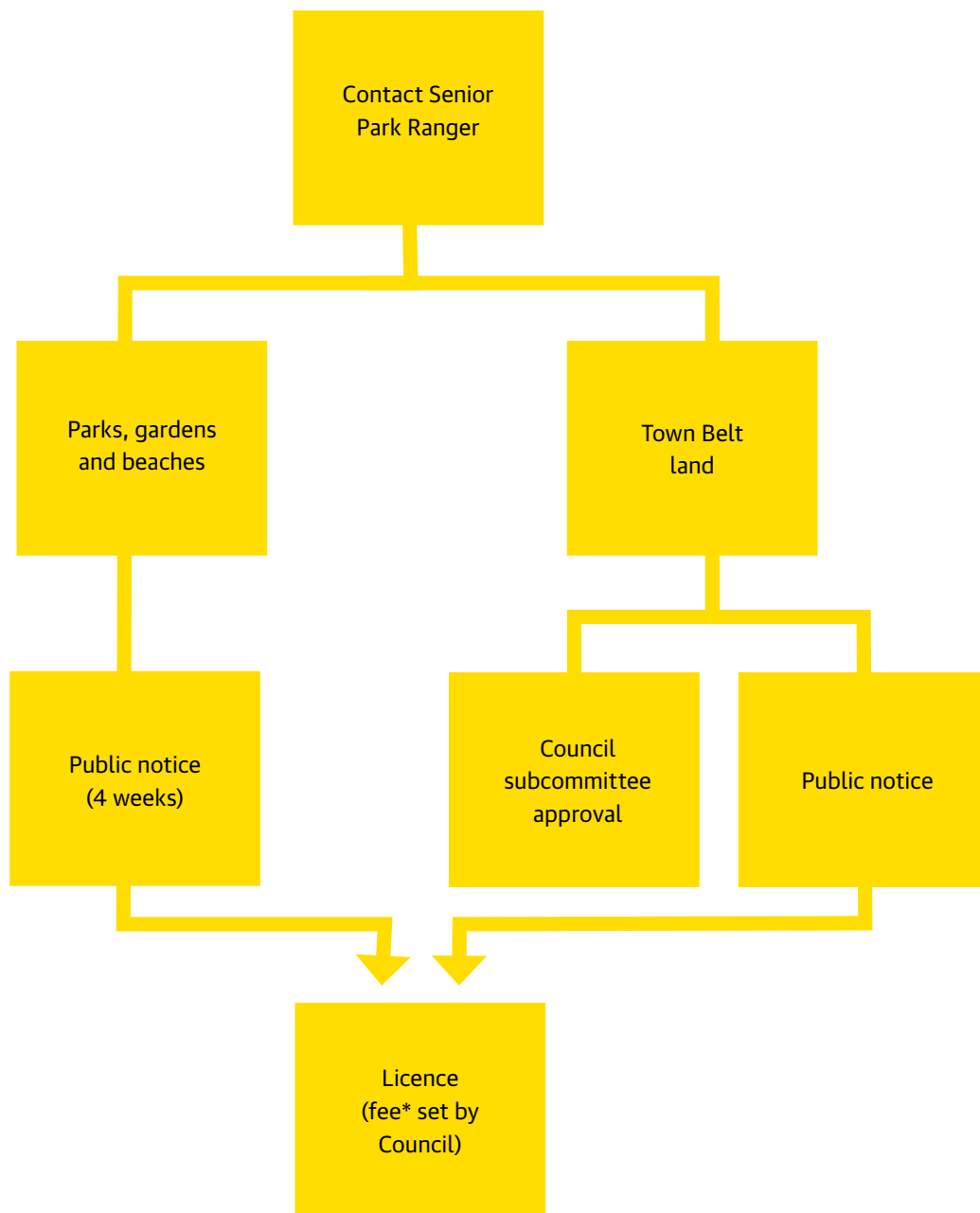
\*Fee would be \$100 excl GST for a standard booking, plus any other costs of assessing or preparing the site.

# It is expected that (apart from warranted exceptions) most community events (or events supported by Council that are regionally significant) will be free of charge.

### Proposal for running an outdoor fitness activity or boot camp



**Want to run commercial guided tours in parks, beaches or a reserve?**



\* One-off application fee of \$310 excl GST, plus an annual licence fee of between \$100 and \$410 excl GST, depending on scale/frequency of tours.

# Proposal: Amending the Trading in Public Places Policy: SUBMISSION FORM

## Section one - details for the submission form

Wellington City Council would like your feedback on the proposals

You can have your say:

- submitting online at Wellington.govt.nz,
- emailing managedactivities@wcc.govt.nz or
- making a submission on this form or in writing and post it to us - PO Box 2199, Wellington 6140.
- phone us on 04 499 4444.

## Enter your name and contact details

Mr  Mrs  Ms  Miss  Dr

First name\*

Last name

<input type="text"/>	<input type="text"/>
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Street address\*

Phone/mobile

Email

<input type="text"/>	<input type="text"/>
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\* Mandatory fields

I am making a submission  As an individual  On behalf of an organisation

Name of organisation

### Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

## Section two - questions

Do you agree with our proposals and what are your reasons for agreeing or disagreeing?

Yes  No

Do you think that our proposals strike the right balance for ensuring fairness and clarity around how different activities are managed?

Yes  No

Are fees (see the flow chart in the consultation document: Annex 2) set at the right levels? What people or circumstances would you like to see exempted?

Yes  No

Do you agree with our proposals to streamline the process for granting licences (through delegating this power to officers)? Can you see any way of improving this process?

Yes  No

Any other comments you wish to make:

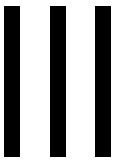
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*2nd fold here*

Free Post Authority Number 2199

**Absolutely Positively  
Wellington City Council**

Me Heke Ki Pōneke



Freepost Wellington City Council  
Proposal: Amending the Trading in Public Places Policy (REPL01)  
Wellington City Council  
PO Box 2199  
Wellington 6140

