



Tasman District Council

Public Places Bylaw 2024

Action	Approved	Reference	In Force
Bylaw made	28/11/2024	RCN24-11-11	01/02/2025
Minor amendment	13/02/2025	RCN25-02-7	13/02/2025
Next review to be completed by	28/11/2029		

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PART A – General

1 Introduction

- 1.1 Tasman District Council makes this bylaw in accordance with sections 145 and 146 of the Local Government Act 2002. The Mobile Trading and Retail Displays on Footpaths sections are also made in accordance with Section 22AB of the Land Transport Act 1998.

2 Title

- 2.1 The title of this bylaw is the Tasman District Council Public Places Bylaw 2024.

3 Commencement

- 3.1 This bylaw comes into force on 1 February 2025.

4 Purpose and application

- 4.1 The purpose of this bylaw is to:
- a) provide reasonable controls to protect public health and safety;
 - b) prevent nuisances that may arise in public places; and
 - c) regulate trading activities in public places.
- 4.2 This bylaw shall apply to public places, under the care, control or management of Tasman District Council.

5 Definitions and Interpretation

In this bylaw, unless the context otherwise requires:

The Act means the Local Government Act 2002.

Approval or Approved means approval, or approved, in writing by the Council or an authorised officer.

Authorised Officer means any officer appointed by the Council as an enforcement officer under section 177 of the Act.

Busker means any musician, actor, entertainer or other person who performs in an outdoor setting for the benefit of the public generally, whether such performance is free, for a fixed payment, or for contributions from the audience.

Bylaw means this Public Places Bylaw.

Commercial Service

Means the provision of goods or services in a public place in exchange for a fee, charge, or other valuable consideration, from a fixed or semi-fixed location. This may include activities such as permanent or semi-permanent coffee carts, kiosks, or stands established on Council property.

"Commercial Service" does not include "Mobile Trading," which refers to trading from vehicles or other transient setups without a fixed base. Commercial services also do not include honesty box stalls which are outside the scope of this bylaw.

Council means Tasman District Council.

Council Officer means a person authorised by Council to enforce the provisions outlined in this bylaw.

Mobile Trading means trading from a vehicle, whether self-propelled or not, from which goods, wares or merchandise (including food) are offered or exposed for sale, or from which such goods, wares, merchandise may be ordered; while such vehicle is in any public place.

Mobile trading does not include any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of such goods, wares or merchandise.

Owner of any real property includes a registered proprietor, a trustee, and any person for the time being entitled to receive the rent of the property, land, building, or premises or who would be entitled to receive to the rent if the property were let to a tenant. Where any such person is absent from New Zealand, 'owner' includes his or her attorney or agent.

Owner of any personal property includes the person having ownership, charge or the management of the property.

Premises means:

- a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or

- b) a separate dwelling on a property or allotment held under one certificate of title; or
- c) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- d) land held in public ownership (e.g. reserve) for a particular purpose; or
- e) an individual unit in a building, which is separately leased or separately occupied.

Person or any other words applying to any person or individual, shall include a firm and also a corporation.

Public Place means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.

Explanatory Note: Privately-owned public places, such as lanes or squares, will only fall within the above definition if they are also managed, maintained or controlled by the Council. The Council will consider on a case-by-case basis in discussion with the land-owner whether any privately-owned public places should come under Council's management, maintenance or control for the purposes of this Bylaw. Similarly, the Council may enter into an arrangement with the Crown to manage, maintain or control its land by mutual agreement, usually where the land is adjacent to Council-owned land.

Road shall have the same definition as in Section 2 of The Land Transport Act 1998.

Sandwich board means a self supporting and portable sign that is not mounted on a wall or building, and is removable.

Street Fundraising means any co-ordinated and organised event by organisations who ask for, or seek, any subscription or donation from members of the public. Street fundraising includes street appeals. Street fundraising also includes the sale of any item where all or some of the proceeds will be given to charity.

Street appeals usually involve more than one collection person operating at the same time.

Trading means the act of conducting commercial activities, such as buying, selling, or offering goods and services, in exchange for money or other forms of compensation.

6 Trading in Parks and Reserves

- 6.1 Unless permission has been applied for and granted in writing from the Council, trading in all parks and reserves is prohibited.
- 6.2 All applications must be in accordance with the Council's Reserves General Policies (including section 4.7 Commercial activities and commercial signs) and the relevant reserve management plans¹.

7 Mobile Trading

Requirements for Mobile Trading Activity

- 7.1 Mobile Trading Activity is a permitted activity unless:
- (a) the Mobile Trading Activity does not meet one of the applicable safety requirements contained in this bylaw; or
 - (b) the Mobile Trading Activity does not make adequate provision to contain and remove any litter generated from or by the Mobile Trading Activity or its customers²; or
 - (c) they remain in one location for more than four hours; or
 - (d) in the opinion of the Council, the Mobile Trading Activity is being conducted in a manner that causes nuisance, annoyance, or danger to any person; or
 - (e) it is being conducted on a road that has reserve land on either side including adjoining public areas. This includes but is not limited to the following areas:
 - between Martin Farm Road and the Breaker Bay hill;
 - The Kaiteriteri area;
 - Ken Beck Drive on Rough and Rabbit Island Reserve;
 - The Waikoropupu Springs access road and carpark; or
 - Totaranui Road, or
 - (f) the Mobile Trading Activity is being conducted within a 200 metre radius of a fixed premises selling similar products; or
 - (g) the Mobile Trading Activity is within 50 metres of any intersection or pedestrian crossing which in the Council's view poses a potential danger to members of the public.
- 7.2 Nothing in this bylaw exempts Mobile Trading Activity's from any traffic or parking restrictions.
- 7.3 If the Mobile Trading Activity is not permitted under the terms in 7.1, written permission of the Council is required before the Mobile Trading Activity goes ahead.

¹ These documents are available at: [Reserves - General policies and management plans | Tasman District Council](#)

² For the avoidance of doubt, reliance on Council provided rubbish receptacles does not amount to 'adequate provision'.

Safety requirements for Mobile Trading Activity

- 7.4 All Mobile Trading Activity (whether permitted or operated with Council permission) must meet the following safety requirements (if applicable):
- (a) the mobile trader has an electrical certificate (if applicable); and
 - (b) the mobile trader has an LPG installation certificate from a registered gasfitter (if applicable).
- 7.5 If the mobile trading activity (whether permitted or operated with Council permission) uses LPG, all cylinders must be securely stored outside the mobile shop. In addition the total net weight of the cylinder must not exceed 100kg.
- 7.6 If the mobile trading activity is unattended in a public place, any LPG cylinders must be secured against tampering.

Removal of permission and permitted activity status

- 7.7 Despite being a permitted activity (or having written Council permission) the Mobile Trader must relocate their activity as directed by any authorised Officer or Police Officer.
- 7.8 In case of non-compliance, or the mobile shop being left unattended for more than 2 hours, any authorised officer or Police officer may move the mobile shop to a safe position.

8 Commercial Services

Commercial Services to Require Formal Agreement

- 8.1 Any person intending to engage in permanent or semi-permanent commercial services in a public place, such as operating permanent coffee carts, must first establish a formal agreement with the Council.
- 8.2 This agreement will detail the terms and conditions under which the commercial service can operate on Council-owned land, including any charges associated with land use.
- 8.3 It is the responsibility of the commercial service provider to adhere to all terms and conditions outlined in the formal agreement with the Council. Failure to comply may result in termination of the agreement and cessation of commercial service operations on Council-owned land.

9 Street Fundraising

- 9.1 To be able to carry out street fundraising in Tasman, organisations must be a legally constituted, not for profit society, association or organisation (NPO); or a professional

fundraising organisation with written verification they are working on behalf of such a group.

- 9.2 All collecting must take place on public footpaths in such a manner that no obstruction is created.
- 9.3 All fundraising must ensure that pedestrian access is maintained in public places at all times and that they, and their audience, do not block footpaths, doorways, bus stops, fire escapes or roads.
- 9.4 Collectors must also comply with the following conditions while on duty:
 - (a) carry and display ID so that any potential donor can verify who they are, who they are working for and on whose behalf, they are fundraising/recruiting;
 - (b) not operate after 6.00 pm;
 - (c) collectors must behave professionally and respectfully;
 - (d) not cause unreasonable annoyance to pedestrians and not pressurise or harass people;
 - (e) if the Police or an authorised Council Officer consider that any clause in Section 9 has not been adhered to, street fundraisers must comply with the instructions given by the Police or authorised Council Officer.

10 Busking

- 10.1 While performing as a busker in a public place no person shall:
 - (a) occupy any footpath or pedestrian way in such a way as to obstruct or impede the free movement of pedestrians along the footpath, or way or through the public place;
 - (b) allow the persons forming the audience to obstruct or impede the free movement of pedestrians along the footpath or way or through the public place;
 - (c) use language or behaviour which is abusive, insulting, threatening or offensive;
 - (d) undertake or perform any busking activity which generates any excessive or unreasonable noise which in the opinion of any authorised Officer or Police Officer unreasonably interferes with the peace, comfort and/or convenience of the public; or
 - (e) continue to occupy any place or site on a footpath or in any public place for longer than 2 hours, or after being requested by an authorised Officer or Police Officer, to move to another place or site.
- 10.2 An authorised Officer or Police Officer may require any busker who is not complying with the provisions of this bylaw to cease busking.
- 10.3 After 2 hours or being asked by an authorised Officer or Police Officer to relocate, buskers must relocate at least 100 metres from their original location.

11 Retail Displays on Footpaths

Footpath displays

- 11.1 Unless written permission is provided by Council no operator of a business shall place, erect, or establish any retail display on the public footpath or road. This includes displays of goods sold from the business or otherwise.
- 11.2 If written Council permission is provided for a display, no person shall establish on the footpath any display that poses a hazard to pedestrians due to its design or location, or that reduces the width of the footpath available to pedestrians to less than 1.8 metres.

Sandwich board regulations

- 11.3 Each business may have one sandwich board, located immediately outside the business and not obstructing other businesses.
- 11.4 Placement must be on the roadside edge of the footpath, ensuring a minimum of 1.8 metres of clear footpath width.
- 11.5 If the footpath width does not allow for 1.8 metres of clear footpath after a sandwich board is placed, no board is permitted.
- 11.6 Maximum dimensions for sandwich boards are 600mm wide and deep, 900mm high; larger signs or flags are not permitted.
- 11.7 Sandwich boards must not obscure visibility or impact road safety, particularly near intersections or pedestrian crossings.
- 11.8 Boards must be stable and weighted to resist movement in the wind; folding boards must be secured to prevent opening or closing in windy conditions.
- 11.9 During heavy winds, sandwich boards must be brought indoors to mitigate hazards to pedestrians.
- 11.10 Sandwich boards, including the base, must be brought onto private property outside of business hours and may not be left overnight on the footpath.
- 11.11 Sandwich boards must not obstruct or impact users of accessible parking, bus stops or pedestrian crossings.
- 11.12 The Council reserves the right to dictate the exact location for the placement of boards, prioritising pedestrian safety and convenience.
- 11.13 Notwithstanding clause 11.3, 11.4 and 11.5, the Council retains the right to remove any board deemed a nuisance or non-compliant with these requirements at any time.
- 11.14 The Council may, at its discretion, grant exemptions to the requirement that the sign be placed directly outside the business. Exemptions may be considered in cases such as businesses located down alleyways, where placing a sandwich board on the main

footpath is necessary, provided it does not obstruct the footpath and maintains the required 1.8 metres of clear pedestrian space.

12 Outdoor Dining

- 12.1 Any business wishing to provide outdoor dining facilities on public pavements or public thoroughfare areas must obtain a Licence to Occupy from the Council. This licence reserves the space for the exclusive use of the business for outdoor dining purposes and contributes to the general upkeep of the area. Businesses must comply with any requirements, fees or conditions set by the Council.
- 12.2 Businesses wishing to provide outdoor dining facilities on public pavements must ensure that they have all liquor and food licences required by Council.
- 12.3 When considering a Licence to Occupy fee the Council may offer a 20% discount for businesses that voluntarily maintain their outdoor dining areas as smoke and vape-free zones.
- 12.4 To ensure the safety of all pedestrians, street furniture within outdoor dining areas should not encroach upon footpaths or create hazards. Business owners are responsible for arranging their outdoor furniture in a manner that maintains a clear 1.8 metre wide pathway for pedestrians.
- 12.5 The Council reserves the right to revoke or suspend a Licence to Occupy, in a manner consistent with the terms of that licence, if the business fails to comply with the conditions set forth in this bylaw or breaches any relevant regulations.
- 12.6 Licences to Occupy for outdoor dining areas shall be subject to periodic review and renewal by the Council. Businesses must apply for renewal in a timely manner and comply with any updated requirements, fees or conditions set by the Council.
- 12.7 The Council may grant an exemption to the requirement for a 1.8 metre wide clear pathway for pedestrians in isolated sections of a path where there are constraints such as street furniture, pole, rubbish bins or a narrow section of path.

13 Transfer of Rights and Responsibilities

- 13.1 A customer shall not transfer to any other customer or premises, any rights granted by Council under this bylaw, without the written approval of the Council.

14 Applications to the Council

- 14.1 Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this bylaw;
 - (a) the Council may at its discretion grant or decline the application;

- (b) any approval may be given subject to such conditions as the Council considers reasonable;
- (c) the applicant shall comply with the conditions of any approval given by the Council to the applicant; and
- (d) the applicant shall pay the Council all fees and charges payable to the Council in connection with the application, and any approval given by the Council, as prescribed in the Council's Schedule of Fees and Charges.

14.2 When considering what reasonable conditions to impose the Council may consider:

- (a) the potential for the activity to cause a nuisance to the public;
- (b) the protection, promotion, and maintenance of public safety;
- (c) the effect that the activity may have on businesses in the area; and
- (d) the desirability of having that activity in a public place.

PART B – Enforcement

15 Offences and Penalties

- 15.1 Every person who fails to comply with any section of this bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council and the penalties set out in the Act. A person who is convicted of an offence against this bylaw is liable to a fine not exceeding \$20,000.
- 15.2 Every person who fails to comply with Section 7 or 11 of this bylaw commits an offence under section 22AB of the Land Transport Act 1998.
- 15.3 When a police officer identifies a non-compliant Mobile Trading Activity or non-compliant sandwich boards, they may issue an infringement notice not exceeding \$500 to the operator responsible for the activity.
- 15.4 The Council may, for any reasons as it thinks fit, refund, remit or waive any fee or charge prescribed by this Bylaw.

16 Removal of works and recovery of costs

- 16.1 In accordance with Section 163 of the Act, any authorised Council employee or contractor may:
- a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
 - b) recover on demand the costs of removal or alteration from the person who committed the breach.

16.2 If any person defaults in undertaking any action required under this bylaw the Council may at its discretion, upon giving notice to that person, undertake that action and recover on demand from them the full cost of undertaking that action from that person.

17 Council resolution

This bylaw was made by Tasman District Council at a meeting of the Council on 28 November 2024.

The common seal of the Tasman District Council is attached in the presence of:


_____ Mayor


_____ Chief Executive

