

CONDITIONS FOR COMMERCIAL USE OF FOOTPATHS

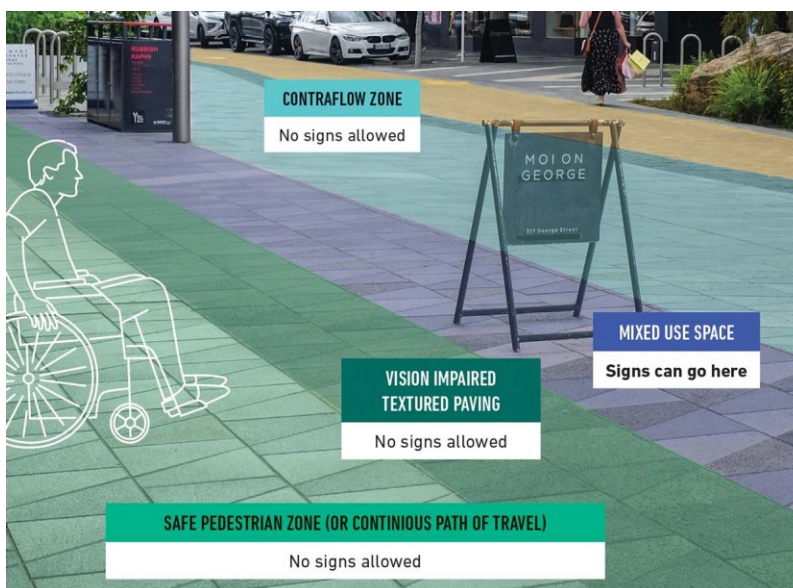
1. PURPOSE

Dunedin City Council supports local businesses and lively streets. These conditions provide for the use of footpaths for commercial purposes and also ensure that footpaths stay safe and accessible for everyone, helping to create a vibrant atmosphere in the city.

2. ALL PERMITS

- 2.1 A Council permit is required to place any items on footpaths.
- 2.2 Permits apply only to Council-managed land.
- 2.3 Applications must be made in writing and on the appropriate form provided by the Council.
- 2.4 Conditions apply to all items placed on footpaths or suspended over it up to a height of 2.5 metres including:
 - Portable signs
 - Portable screens
 - Goods and produce displays
 - Tables, chairs and planter boxes
- 2.5 Conditions do not apply to:
 - Mobile shop trading which are covered by mobile shop trading conditions.
 - Approved community events (e.g. market days).
- 2.6 All permit holders must:
 - 2.6.1 Comply with all relevant legislation and bylaws including the Health and Safety at Work Act 2015, Food Act 2014, Sale and Supply of Alcohol Act 2012, Building Act 2004, Dunedin City District Plan (2GP), Trading in Public Places Bylaw 2025, and Roading Bylaw 2020.
 - 2.6.2 Display the permit clearly.
 - 2.6.3 Remove the object before 10pm unless otherwise approved.
 - 2.6.4 Construct, fix and place the object in a way that does not pose a danger or a nuisance to property or the public, in the opinion of the Council.
 - 2.6.5 Ensure pedestrian access is maintained at all times and that objects do not block footpaths, doorways, bus stops, fire escapes or roads. Pedestrian access means a minimum width of unobstructed area for pedestrian movement of 3 metres in the Central Business District and 1.5 metres in all other areas.
 - 2.6.6 Contain objects outside the premises of the permit holder unless specifically permitted by the Council. The Council will consider permitting objects in front of premises other than the permit holder's on a case-by-case basis when there is written permission of the premises occupier that the items will be placed outside.

- 2.6.7 Place objects near the kerb and where appropriate and possible, in line with other permanent objects on the footpath e.g. lamp posts, rubbish receptacles.
- 2.6.8 Where relevant, ensure objects are not placed on the textured paving that runs parallel to the building line. This paving helps vision impaired people locate the safe pedestrian zone (e.g. George St).



- 2.6.9 Ensure objects are able to be easily moved.
- 2.6.10 Ensure that no object:
 - 2.6.10.1 is attached to any tree, pole, or public fixture.
 - 2.6.10.2 obstructs the sightline of any corner, intersection, vehicle entrance, traffic signal or traffic sign.
 - 2.6.10.3 resembles, or is likely to be confused with, any traffic signal or sign.
 - 2.6.10.4 uses reflective materials or flashing or revolving lights that may interfere with a road user's vision.
 - 2.6.10.5 is painted, drawn or marked directly on the footpath.
 - 2.6.10.6 obstructs access to building entrances or exits.
 - 2.6.10.7 obstructs the opening of car doors.
 - 2.6.10.8 sits within 2 metres of any road corner or intersection.
- 2.6.11 Promote smokefree and vape-free at outdoor hospitality areas.

3. PORTABLE SIGNS

- 3.1 The permit holder must ensure that:
 - 3.1.1 There is only one portable sign per business.
 - 3.1.2 All signs must have a stable, solid base that extends to at least the outer edges of the sign.
 - 3.1.3 Maximum size is 0.9 metres high by 0.6 metres wide with maximum surface area of 0.54m².
- 3.2 Signs smaller than 0.9 metres x 0.6 metres that are secured against the front face of a building and do not project onto or over the footpath are exempt from charges and approval.

4. PORTABLE SCREENS

4.1 The permit holder must ensure that:

4.1.1 A screen is used if tables and chairs are placed near the kerb where there is either kerb side parking, or bus stops. A minimum 0.5 metre gap must be maintained between the screen and the kerb.

4.1.2 Screens are approved metal and canvas type of the colour Black Bean BS5252 or Black.

4.1.3 The maximum screen height is 1 metre, and the minimum height is 0.8 metre.

4.1.4 Screens do not display any product advertising.

4.1.5 The number of screens per premises is the minimum needed to define the extent of the area.

4.2 Screens may display the name or logo of the business on either or both sides of the screen provided the signage does not exceed 0.54m².

4.3 Screens may be placed along the kerb edge in areas where there is no kerb side parking, provided a 1 metre gap is maintained between any two screens where the overall length exceeds 10 metres.

4.4 Screens may be placed at right angles to screens placed at the kerb provided they do not encroach on the pedestrian corridor.

5. DISPLAY OF GOODS

5.1 The display of goods for sale may be used as an alternative to a sign.

5.2 The permit holder must ensure that displayed goods are contained in an area no wider than 1 metre, no higher than 1.8 metres, with a solid base, and allow for the required footpath access.

6. TABLES, CHAIRS, BAR LEANERS AND PLANTER BOXES

6.1 The permit holder must ensure that the total occupancy does not exceed the Building Warrant of Fitness limit. Total occupancy includes any space occupied by patrons on the footpath.

6.2 The maximum number of tables and chairs depends on the available space and the toilet facilities at the premises.

6.3 For premises licensed pursuant to the Sale and Supply of Alcohol Act 2012 any current alcohol licence covers the use of any tables and chairs.

6.4 Planter box size is determined by Council based on location and pedestrian flow.

6.5 A special licence for an event may temporarily override these permit conditions.

7. REMOVAL OF NON-COMPLYING OBJECTS

7.1 If an item is placed without permission or does not meet permit conditions:

- A notice will be issued requiring removal within two hours of the notice being issued.
- If not removed, Council may remove it and recover costs from the permit holder.

7.2 Repeat non-compliance may result in immediate removal.

7.3 Removed items will be returned once costs are paid.

7.4 Items not claimed within:

- 6 months may be sold or disposed of (any profit after costs goes to the permit holder).

- 24 hours (if perishable) may be disposed of.

8. FEES

- 8.1 Fees are reviewed annually.
- 8.2 Current fees are listed at “Fees and Charges” at www.dunedin.govt.nz/transport-fees-and-charges .
- 8.3 If fees are not paid within the time specified on the application, items may be removed, and costs recovered.

9. LIABILITY

- 9.1 Permit holders are fully responsible for managing their items.
- 9.2 Applicants must indemnify the Council in writing against all liabilities, demands, fees, claims, costs and expenses incurred or arising out of, or in connection with the use of the footpath for the commercial purposes described under these conditions.

10. RIGHT OF REVIEW

- 10.1 Any applicant who is dissatisfied with a Council decision made in relation to the applicant under these conditions may appeal the decision under the terms stated in the Trading in Public Places Bylaw.