



Order Paper for a meeting

HEARING OF SUBMISSIONS:

Draft Activities

in Public Places Bylaw 2023

to be held on

Thursday, 15 June 2023

commencing at 1.00pm

in the

Council Chambers, 10 Gorge Road,

Queenstown

9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

***Please note** that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.*

9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 17 November 2022.

QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING OF SUBMISSIONS ON:

DRAFT ACTIVITIES

IN PUBLIC PLACES BYLAW 2023

PANEL MEMBERS

Councillor B Bruce

Councillor L Cocks

Councillor N Gladding

Councillor E Whitehead

Chair of hearing panel to be determined at beginning of hearing.

**HEARING OF SUBMISSIONS:
Draft Activities in Public Places Bylaw 2023**



Agenda for a hearing of submissions on the proposed Draft Activities in Public Places Bylaw 2023 to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 15 June 2023 beginning at 1.00pm.

Item	Page Number	Report Title
		Election of Chairperson
		Apologies
		Declarations of Conflict of Interest
		Confirmation of Agenda
	Page 5	Schedule of submitters appearing at hearing
1	Page 6	Officer report: Submissions on the Draft Activities in Public Places Bylaw 2023
	Page 17	Attachment A: Draft Activities in Public Places Bylaw 2023 (track changes)
	Page 31	Attachment B: Statement of Proposal
	Page 36	Attachment C: Submissions
	Page 85	Attachment D: Activities in Public Places Bylaw 2016

Submitters speaking

1.05pm	Evan Jenkins	
1.10pm	Dave MacLeod	
1.15pm	Mark Williams	Queenstown Trails Trust
1.20pm	Jamie Seymour	Cancer Society Otago and Southland
1.25pm	Darelle Jenkins	Hospitality.org.nz

Hearings panel for the draft Activities in Public Places Bylaw 2023

15 June 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Strategy & Policy

Title | Taitara : Submissions on the draft Activities in Public Places Bylaw 2023

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to present the written submissions received by the Queenstown Lakes District Council on the draft Activities in Public Places Bylaw 2023 / Ngā ture mahi ki ngā wāhi tūmatanui (the draft bylaw, **Attachment A**), to provide those members of the public the opportunity to be heard, and to outline options to the Hearing Panel.

Executive Summary | Whakarāpopototaka Matua

On 23 March 2023, Council endorsed a statement of proposal (**Attachment B**), which included the draft bylaw, for public consultation. Submissions were accepted between 3 April and 5 May 2023.

Fifteen submissions were received on the draft bylaw, and these are included with this report in **Attachment C**. Five submitters requested to be heard on this matter, and will speak at this meeting.

The hearings panel is being asked to receive written and oral submissions, and recommend to Council a final form of the Activities in Public Places Bylaw 2023. At the Council meeting on 10 August 2023, officers are proposing to present the draft bylaw to Council for it to consider and adopt.

Recommendation | Kā Tūtohuka

That the hearings panel for the draft Activities in Public Places Bylaw 2023:

1. **Note** the contents of this report;
2. **Receives** all written submissions to the draft Activities in Public Places Bylaw 2023 and hears the submitters who wish to be heard; and
3. **Recommend to Council** a final form of the Activities in Public Places Bylaw 2023 to be adopted, following consideration of public feedback from the submissions.

Prepared by:



Carrie Williams
Policy Manager
7 June 2023

Reviewed and Authorised by:



Michelle Morss
General Manager Strategy and Development
7 June 2023

Context | Horopaki

1. Two bylaws are currently under review and are being progressed and consulted on together for efficiency. This includes:
 - Activities in Public Places Bylaw 2016 - in place since November 2016 and due for review and will expire if not reviewed prior to September 2023. Once reviewed, it will next have a five year review requirement.
 - Alcohol Restrictions in Public Places Bylaw 2018 - in place since November 2018, last reviewed in 2018 and due for review this year. If the review is completed before October 2023, it is eligible for a ten year review period.
2. Both bylaws have reached the stage in the process for hearings. The current progress of the bylaw is set out in the diagram below.



3. The review process and key milestones for this bylaw review are summarised below.

Date	Milestone
November 2022	Preliminary engagement – targeted emails to stakeholders as well as the opportunity for anyone in the community to provide general feedback on the bylaw
21 February 2023	Community and Services Committee recommended that Council endorse the draft bylaw for consultation.
23 March 2023	Council resolved to review the draft Activities in Public Places Bylaw 2023 in accordance with the Special Consultative Procedure, and appointed a hearings panel to receive submissions.
3 April – 5 May 2023	Submission period
15 June 2023	Hearings and consideration of options by hearings panel
10 August 2023	Council deliberates and adopts bylaw

The current Activities in Public Places Bylaw 2016

4. The purpose of the Activities in Public Places Bylaw 2016 includes protecting the public from nuisance, and currently contains specific provisions including:
 - a ban on the consumption of mind-altering substances in public places

- a ban on the distribution of leaflets in connection with a trading activity in a public place
- requiring permission for events in public places
- requiring permission for organised licensed premises tours in public places (commercial pub crawls)
- requiring registration for busking in public places.

Analysis and Advice | Tatāritaka me kā Tohutohu

Summary of submissions received

5. Council received 15 submissions on the draft bylaw and five submitters have requested to be heard. Copies of the submissions are included as **Attachment C**. Support and points raised in the feedback are divided by the topics in the bylaw below.
6. Minor changes to the bylaw definitions, and to clarify and to improve readability and align with other legislative changes are tracked in the draft bylaw.

Commercial hire of micromobility devices (e-scooters)

7. A key change recommended in the draft Activities in Public Places Bylaw 2023 is to add the commercial hire of micromobility devices in public places to the definition of 'trading activity' that may be regulated via the bylaw. This includes dockless e-scooters, but in the future could also include the commercial hire of e-bikes and other similar devices.
8. Of the submitters (seven) who answered the survey question asking whether they support the regulation of commercial e-scooters through the draft bylaw, six were supportive and one had no opinion. Two submitters commented that they did not support e-scooters or e-bikes in the district for safety and amenity reasons.
9. Te Whatu Ora, National Public Health Service - Southern (NPHS-S) provided support for the regulation of e-scooters through the draft bylaw, and provided information from medical journal publications outlining a growing concern about the usage of e-scooters.

Ban on the consumption of mind-altering substances in public places

10. This ban was added to the bylaw as an outcome of the 2016 review and was supported by Police and the District Health Board of the time. The problems associated with the consumption of mind-altering substances in public places include the potential for an unsafe public environment and offensive behaviour.
11. Of the submitters (seven) who answered the survey question asking whether they support the continued ban on the consumption of mind-altering substances in public places, six were supportive and one had no opinion.
12. One submitter stated that, "considering alcohol is the most prolific form of substance abuse with mind altering effects then presumably it is included in this bylaw." The definition of mind-altering substances in the draft bylaw excludes alcohol. The consumption of alcohol in public places is covered in the draft Alcohol Restrictions in Public Places Bylaw 2018, that is also under review.

Ban on the distribution of leaflets in connection with a trading activity in a public place

13. The provision in the current bylaw regarding the ban on leaflets is very narrow and only applies to leaflet distribution in connection to a trading activity in a public place. From the 2016 bylaw review it is evident that the problem is connected to leaflets placed on cars or handed out in a public place that relate to any business or event (whether the business trades from a public place or not) and the litter created by this activity. It is therefore recommended to increase the scope of this provision, to address leaflets and material handed out in a public place in relation to any commercial activity or business.
14. Seven submitters answered the survey question asking if they support the proposal to increase the scope of this provision to address leaflets and material handed out in a public place in relation to any commercial activity or business. Four people supported this provision, one did not and two submitters were neutral.
15. Two people commented that this provision helps with overall waste minimisation in the district. There was one comment that leafletting in public places should be allowed without a permit.

Requiring permission for events in public places

16. The potential problems from this type of activity without proper management include overcrowding of public places, leading to nuisance, obstructions and possible health and safety issues. Currently an event organiser is required to obtain permission from Council, and the bylaw enables Council to impose certain conditions on the event permission.
17. Of the submitters (seven) who answered the survey question asking whether they support the continued requirement for permission for events in public places, six were supportive and one had no opinion.
18. One submitter commented that it was unclear to them when an event triggers the requirement for permission, and suggested that there be increased clarity, communication and enforcement regarding this requirement.

Requiring permission for organised licensed premises tours in public places (pub crawls)

19. The potential problems from organised licensed premises tours in public places (pub crawls) include overcrowding of certain places, leading to nuisance and possible health and safety issues or offensive behaviour in public places.
20. It is recommended that the current bylaw requirement that tour organisers need Council permission where a tour occurs in any public places is maintained. The bylaw allows conditions to be imposed on tour operators to manage this activity to avoid these issues, as well as the ability to enforce these conditions. Conditions that may be imposed include designated times of operation, the ratio of staff to patrons and a limit on group size. When the bylaw was last reviewed in 2016, the requirement for permission for organised licensed premises tours received a fair amount of attention.
21. Eight submitters answered the survey question asking whether they support the continued requirement to obtain permission from Council for commercial pub crawls. Seven supported this requirement and one person did not.

22. The person who did not support this requirement viewed that it conflicts with rights of admission to private business. The draft bylaw is clear that the provision relates to commercial tours operating in public places, not individuals.

Requiring registration for busking, pop-up stalls and charity street collectors in public places

23. Currently prospective buskers (as well as pop-up stalls and charity street collectors) are required to register via an application form on Council’s website. If the applicant does not meet the conditions for undertaking their activity in a public place, they are required to apply for a permit. It is not proposed to change this system in principle. This is because a shift to a full permit system would not address the perceived issues with busking, related to crowding and arguably detrimental effects to the visitor experience on the Queenstown lakefront. Whether via registration or permit, the enforcement options under the bylaw are similar.

24. The seven people who answered the survey question asking whether they support the requirement for registration for busking, pop-up stalls and charity street collectors in public places supported this requirement.

25. A summary of the written feedback received regarding busking and pop up stalls is given below.

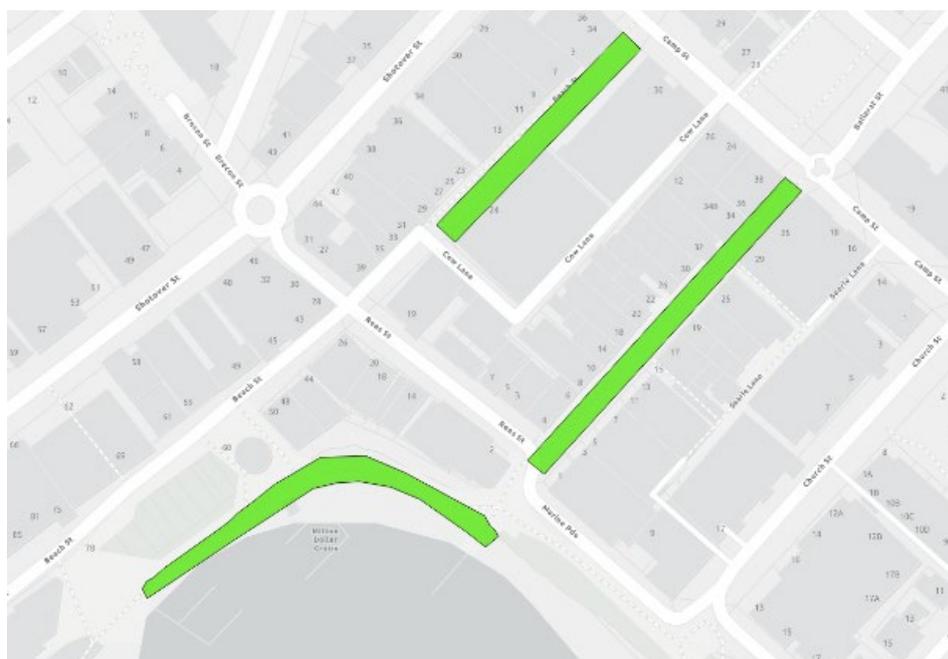
Submitter	Points raised in submission	Change sought
Jason Law	<ul style="list-style-type: none"> Feels that the sellers trading goods on the waterfront add to the atmosphere of the lakefront 	No change sought
Te Whatu Ora, National Public Health Service - Southern	<ul style="list-style-type: none"> Encourages Council to make it easy and affordable for buskers to perform as it has positive effects on social wellbeing Research cited in submission regarding the beneficial features of street performing to public spaces. 	No changes sought
Evan Jenkins	<ul style="list-style-type: none"> Views that buskers do not observe the rules, can be aggressive if approached regarding noncompliance and that there is insufficient enforcement. feels that market days provide added interest around the waterfront twice a week but that the rest of the week should be free of the traders. 	Ban amplification, increase enforcement, no pop up stalls except for market days.
Mark (no contact details provided)	<ul style="list-style-type: none"> feels that there is a lack of enforcement on Queenstown lakefront, including conditions of 50m between stalls, size of stall, moving locations after one hour, trading for only one hour during a 12 hour period. 	Would like stalls on lakefront to only be permitted during Saturday market.
Harley Aspinall	<ul style="list-style-type: none"> Believes it should be permissible to use an amplifier to produce a volume similar to that possible with acoustic instruments as certain musical styles require amplification to be heard. 	Permit use of amplification within certain volume constraints

Submitter	Points raised in submission	Change sought
Dave McLeod	<ul style="list-style-type: none"> • Feels conditions should be clearer that buskers are not permitted to intimidating, or putting down other buskers. • requests a better reporting system for buskers that contravene the guidelines repeatedly, and action taken 	Increased clarity and enforcement of busking conditions
Hospitality NZ	<ul style="list-style-type: none"> • Hospitality NZ members are frustrated that buskers don't have restrictions on noise when they do. • Hospitality NZ members pay fees for outdoor dining (as well as food and beverage licences) which is sometimes undermined by a nearby busker, who do not pay any fees to operate. 	Restrictions on busking volume.

26. Enforcement officers respond to complaints when they are received, and encourage people to report issues to Council when they arise so that they can be dealt with. A condition of eligibility to register via Council’s online system for permission to busk is that amplifiers are not permitted. If a person wishes to use an amplifier, they may apply to Council for a permit, and such applications will be considered on a case by case basis.

27. The online survey also asked whether people support the current places where busking, pop up stalls and charity street collection is currently permitted for Queenstown. Seven people answered this question. Two supported, two were against and three were neutral on this question.

28. Officers do not consider that the submissions support any change to the designated locations where busking is permitted. The current busking locations are shown in the map below.



29. The limitations in property designations in central Queenstown mean that whilst the permissible locations could be reduced, there are no additional areas where busking could be expanded. As such, officers do not recommend any changes to the designated places where busking is permitted. It is open to Council to review these locations at any time, a review does not need to occur in align with the review of the bylaw.

Other recommendations from submitters

30. The Queenstown Trails Trust (the Trust) requested that the proposed definition of public place be amended to exclude trails from regulation by the draft bylaw. The Trust views that the requirement to obtain permission from Council may dissuade food and beverage operators from establishing along trails in the district, which is something that the Trust would like to encourage.

31. Officers consider that regulating trading activity on the district's recreational trails will benefit all users, so that the safety and amenity value of these assets is retained. The intent behind requiring permission is not to dissuade operators, but to work with them to ensure that such activities in are in appropriate locations, with the potential for conditions to make sure that they don't obstruct the trail or the landscape that people enjoy. This is to the advantage of the Trust, Council and all trail users.

32. The definitions in the Proposed District Plan excludes trails from the definition of public place as they are drafted to fulfil resource management purposes, whilst a key intent of the bylaw is to promote safety of the public. It would defeat the intent of the draft bylaw and would result in inequitable outcomes if food and beverage operators were permitted to establish along trails in the district without obtaining permission under the bylaw, as the purpose of the bylaw is to regulate trade in public for the benefit of the public. It is therefore officer recommendation that the definition of 'public place' in the draft bylaw include trails.

33. In its submission, the Otago and Southland Cancer Society recommended that QLDC adopt a Smoke free Policy. The Cancer Society views that ensuring public places are smoke free aligns with key features of the draft bylaw, including that public spaces be free from harmful products or products that decrease the wellbeing of people in them, hence its submission to the bylaw review process.

34. Consultation on the central government Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill occurred in 2022. QLDC submitted to this process, advocating that the scope of the legislation should include prohibition of smoking in outdoor environments to support those who are trying to stop smoking, reduce the visibility of smoking to future generations and support the Government's goal of a Smokefree Aotearoa by 2025 smoking outside cafes, restaurants, and bars¹.

35. It is officer recommendation that Council wait until current legislation being developed is in place before a local policy is put in place. This is because it would be premature to implement a policy that may not reflect central government regulation that is currently being developed.

36. Currently all Council playgrounds, swimming pools and sports fields are smoke free. The capacity to implement this beyond Council controlled activities is limited, without large scale intervention and collaboration between business owners, the tourism industry and other stakeholders. Council looks forward to working with the Cancer Society and the National Public Health Service when the national direction and resourcing in this regard has been clearly established.

37. If a Council policy is indicated after the regulations are in place, it is not necessary that Council progress this in line with review of the draft bylaw.

Options and Analysis

38. When reporting to Council, the officer report will need to incorporate a report from the hearing panel. The officer report to Council will identify and assess the reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

39. Note that Council is able to make changes to the draft bylaw as an outcome of formal consultation in response to feedback received, as long as the changes are within the scope of what is contemplated in the statement of proposal. Material changes to the draft bylaw proposed after consultation that are not contemplated in the statement of proposal may require Council to consult again.

40. **Option 1:** That the hearings panel receive all submissions and recommend that Council endorse the draft Activities in Public Places Bylaw 2023 with no changes to the draft bylaw that went out for consultation.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Council retains the ability to regulate busking, trading, events, the consumption of mind-altering substances, the distribution of leaflets and licenced premises tours in public places. • Council would have the ability to regulate commercial micromobility rental schemes (e-scooter hire) in public places. 	<ul style="list-style-type: none"> • The draft bylaw may not align with some community views. • There are costs associated with implementation of the bylaw.

41. **Option 2:** That the hearings panel receive all submissions and recommend that Council endorse the draft Activities in Public Places Bylaw 2023 with changes as an outcome of the consultation process.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Responds to information received in submissions (give info on what recommendations it responds to). • Council retains the ability to regulate busking, trading, events, the consumption of mind-altering substances, the distribution of leaflets and licenced premises tours in public places. • Council would have the ability to regulate commercial micromobility 	<ul style="list-style-type: none"> • The draft bylaw may not align with all community views received through submissions. • To avoid challenge, Council must ensure that any changes to the draft bylaw were contemplated in the statement of proposal that went out for consultation. • There are costs associated with implementation of the bylaw.

rental schemes (e-scooter hire) in public places.	
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42. **Option 3:** That the hearings panel receive all submissions and recommend that Council not endorse the draft Activities in Public Places Bylaw 2023.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> There would be reduced time and cost associated with implementation of the bylaw. 	<ul style="list-style-type: none"> The bylaw would lapse. Council would lose the ability to regulate busking, trading in public places, events, the consumption of mind-altering substances in public places, the distribution of leaflets and licenced premises tours. Council would not have the ability to regulate commercial micromobility rental schemes (e-scooter hire) in public places.

43. This report recommends that the hearing panel proceed with Option 1 for addressing the matter and receive the written submissions and hear the submitters who wish to be heard on the draft bylaw. The advantages of this option are to hear further community views on this matter, and to comply with (the special consultative procedure requirements in) the Local Government Act 2002. Recommending that Council adopt the draft bylaw that went out for consultation fulfils the purpose of the bylaw to protect the public from nuisance, and promotes health and safety of the public, whilst balancing individual rights and freedoms.

Next steps

44. It is intended Council will consider and adopt the draft bylaw at its meeting on 10 August 2023, to come into effect from September 2023.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

45. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because:

- the matters have minimal to moderate impact on the community
- the proposal will not change the level of services provided by Council, or Council's capacity
- there is a low level of financial consequence as a result of adopting the recommended option.

46. The persons who are affected by or interested in this matter are residents/ratepayers and visitors to the Queenstown Lakes District.
47. Officers have sought feedback from stakeholders and the community on this bylaw via the special consultative procedure. Through receiving submissions, Council will give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter, as required by the LGA (s.78(1)).
48. The statement of proposal and draft bylaw were publicly notified by advertisement on the QLDC website and in local newspapers, including the Otago Daily Times, the Mountain Scene and the Wānaka Sun, as well as on Council's Facebook page. The number of submissions received is relatively low, which could indicate that the community is amenable to the current bylaw as well as the proposed changes in the draft bylaw. An additional factor may be that Council's Annual Plan consultation period overlapped with the draft bylaw consultation period. This may mean that people prioritised providing feedback on proposed changes to the Annual Plan.
49. The draft bylaw, the statement of proposal and other supporting documents were made available on the Council's website, at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmore Street, Wānaka.

Māori Consultation | Iwi Rūnaka

50. Council contacted Te Ao Marama and Aukaha to invite any feedback at the pre-engagement and formal consultation stages of the review of this bylaw.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

51. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00018 Damage to the Environment - noise pollution events and facilities and RISK00038 Lack of Alignment - strategies and policies within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.
52. The approval of the recommended option will support the Council by allowing it to retain the risk at its current level. This shall be achieved by review of this bylaw to ensure that they respond appropriately to the issues in the district regarding alcohol control in public places.

Financial Implications | Kā Riteka ā-Pūtea

53. Costs associated with this work, such as staff time and advertising, are proposed to be met within current budgets. There are no proposed changes in the draft bylaw to current operational practice.
54. Whether through an MOU or the draft bylaw, the enforcement of micromobility device conditions could require additional resourcing in addition to what is provided for in current Council budgets. The draft bylaw does not propose any other significant changes to Council operations that would require additional funding.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

55. The following Council policies, strategies and bylaws were considered:

- the outcomes and principles of the Vision Beyond 2050
- QLDC Annual Plan
- the QLDC Ten Year Plan 2021-31

56. The recommended option is consistent with the with the principles set out in the named instruments.

57. Provision for bylaw review is included in the Ten Year Plan/Annual Plan.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

58. Council is bound by the LGA when making or reviewing bylaws. The base determination, notification and consultation procedures set out under sections 155, 156 and 157 of the LGA, apply. Legal advice has been received in relation to the draft bylaw and statement of proposal.

59. Council has made the determinations required under s.155 of the LGA before commencing the process of reviewing the current bylaw.

60. Consultation on the draft bylaw is following the requirements of the Special Consultative Procedure outlined in sections 83 and 86 of the LGA.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

61. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The draft bylaw promotes and improves community health and safety by reducing the potential for alcohol related offensive behaviour and harm, damage, disorder and crime. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act and:

- can be implemented through current funding under the Ten Year Plan and Annual Plan;
- is consistent with the Council's plans and policies; and
- would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Draft Activities in Public Places Bylaw 2023
B	Statement of Proposal
C	Submissions
D	Current Activities in Public Places Bylaw 2016

Attachment A



DRAFT Activities in Public Places Bylaw 2023
Ngā ture mahi ki ngā wāhi tūmatanui

Queenstown Lakes District Council

Date of making: [Insert]

Commencement: [Insert]

This bylaw is made under sections 145 and 146 of the Local Government Act 2002.

Deleted: adopted pursuant to

Deleted: and the Health Act 1956

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Part 1 – Preliminary

1 Title and Commencement

1.1 This bylaw is the Activities in Public Places Bylaw 2023.

1.2 This bylaw comes into force on [Insert date].

2 Application

2.1 This bylaw applies to the Queenstown Lakes District.

3 Purpose

3.1 The purpose of this bylaw is to:

- (a) protect the public from nuisance, ~~protect, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places;~~
- (b) ~~manage and~~ protect ~~Council-owned or controlled land, structures and other property and assets~~ from misuse, damage or loss; and
- (c) regulate trading in public places.

4 Interpretation

4.1 In this bylaw, unless the context otherwise requires,-

Act means the Local Government Act 2002

Busking means the provision of entertainment on or in a public place, usually while soliciting money or money's worth, and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and

Deleted: Area within which Bylaw applies

Deleted: <#>minimise the potential for offensive behaviour in public places;¶
protect, promote and maintain public health and safety;¶

Deleted: <#>under Council control

Deleted: Bylaw to bind the Crown¶
Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.¶

Delegation¶
Any of the various powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council.

Deleted: **Busker** means a person or persons who is or are busking.

performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form.

Deleted: Busking and Busking performance have a corresponding meaning.

Council means the Queenstown Lakes District Council.

District Plan means Queenstown Lakes District Council District Plan.

Enforcement officer means a person appointed to be an enforcement officer by Council.

Deleted: the Queenstown Lakes District

Event means an organised, temporary activity that takes place on one or more days including a market, pop-up stall, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this bylaw an indoor performance, indoor private function, tasting and sampling activity giveaway, sports practice or training is not an event.

Event organiser means a person who has responsibility or oversight of the management, operation or organisation of an event, and includes a person who is an owner, occupier or manager of an event.

Licensed premises has the meaning given in the Sale and Supply of Alcohol Act 2012.

Licensed premises tour organiser means a person who has responsibility or oversight of the management, operation or organisation of an organised licensed premises tour.

Market means a combination of trading activities at a common location, and includes an arts and craft market, farmers' market, and street market day.

Micromobility device means transportation using small, lightweight vehicles such as bicycles, skateboards, or scooters.

Mind altering substance means a substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate. It includes psychoactive substances as defined in the Psychoactive Substances Act 2013 and what is commonly known as glue sniffing, but does not include:

- a) medically prescribed substances ingested by the person for whom they were prescribed;
- b) substances purchased from a pharmacy without a medical prescription;
- c) alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Organised licensed premises tour means a tour of two or more licensed premises involving a group of persons using public places as part of the tour, that is marketed or advertised to the public or a section of the public. It does not include a privately organised tour of licensed premises that is not marketed or advertised to the public.

Deleted: Nuisance has the same meaning as given in section 29 of the Health Act 1956 and includes a person, animal, activity or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place

Deleted: in any form

Offence means an offence under section 239 of the Act.

Deleted: Local Government

Deleted: 2002 or section 66 of the Health Act 1956

13.1 Law

Deleted: Permission means an official approval granted by the Council under clause

Pop up stall or mobile shop means a stand, stall, structure, vehicle, awning, table or any temporary structure from which goods or services are offered for distribution or sale, and includes a temporary food outlet, or a temporary drinks outlet. It does not include any activity forming part of a market or a service delivery vehicle carrying goods which have been ordered.

Deleted: of this By

Public place means a place that is open to or used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and which is owned, managed, maintained or controlled by Council. It includes any road, street, footpath, court, alley, lane, park,

recreation ground, sports field, reserve, beach, pedestrian mall, cycle track, accessway, squares and carparks.

Explanatory note: Reserves and beaches are governed by the Reserves Act 1977.

Trading activity means an activity undertaken by any person involving the sale of goods, or the offering of a commercial service for payment, reward or otherwise, in a public place, including but not limited to: pop up stalls, mobile shops, micromobility device rental scheme operations, temporary drinks outlet or temporary food outlet. A trading activity may be temporary or permanent or occur on a one-off basis or as a series of activities.

Trade and Trading has a corresponding meaning to trading activity.

Temporary drinks outlet means a stall or vehicle, whether self propelled or not, from which drinks are offered or displayed for sale, or from which drinks may be ordered, and includes a coffee cart. It excludes a stall or vehicle that primarily offers goods and/or services other than drinks.

Temporary food outlet means a stall or vehicle, whether self propelled or not, from which food is offered or displayed for sale, or from which food may be ordered. It excludes a stall or vehicle that primarily offers goods and/ or services other than food.

4.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without amending the bylaw.

4.3

Part 2 – Activities in Public Places

5 Behaviour prohibited in public places

5.1 A person in a public place may not:

- (a) do anything to cause or allow a nuisance to occur.
- (b) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place.

Deleted: any place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it.

Deleted: where goods or services are offered for sale or hire, whether for commercial or charitable purposes

Deleted: any formality

Deleted: The Interpretation Act 1999 applies to this Bylaw.

Deleted: Nuisances

Deleted: must not use

Deleted: to

- (c) use any material or thing recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person.
- (d) do anything to cause or allow damage to any property owned or controlled by Council.

6 Consumption of mind altering substances in public places

6.1 A person must not consume, inject or inhale any mind altering substance in a public place.

7 Distribution of leaflets and canvassing

7.1 The primary purpose of this clause is to prevent littering in public places.

7.2 A person must not litter or otherwise cause a nuisance, in a public place by:

- (a) depositing leaflets, flyers or other promotional material relating to any commercial activity or business on any vehicle.
- (b) distributing leaflets, flyers or other promotional material relating to any commercial activity or business,
- (c) distributing samples,
- (d) touting, soliciting, canvassing, enticing, or accosting any person.

Deleted: in connection with a trading activity

Deleted: distribute

Deleted: except within retail premises offering related goods or services for sale or hire provided the owner or occupier has given permission for the distribution to occur

Deleted: distribute

Deleted: unless the distribution of samples occurs within retail premises offering related goods or services for sale or hire provided the owner or occupier has given permission for the distribution to occur

Deleted: entice

8 Busking in public places

8.1 A person may busk in a permitted busking area approved by Council under clause 11 of this bylaw if they have registered in the Council online busking register and agreed to comply with the busking conditions in clause 12 of the bylaw.

9 Trading activities, events and organised licenced premises tours in public places

9.1 No person may undertake or allow any other person to undertake on their behalf, a trading activity, event or organised licenced premises tour in a public place without permission obtained under this bylaw from Council.

- 9.2 Permission issued under this bylaw is subject to terms and conditions that Council deems appropriate in respect of the proposed trading activity.
- 9.3 Terms and conditions specified in a permit may include conditions identified in Part 3 of this bylaw and may also include, without limitation:
- (a) the name of the permit holder;
 - (b) the duration of the permit;
 - (c) the location to which the permit applies;
 - (d) the type of trading activity allowed by the permit; and
 - (e) the hours of trade allowed by the permit.
- 9.4 Permit holders must comply with the terms and conditions of the permit.

Part 3 – Permissions

10 Application for permission

- 10.1 Council may grant permissions for a trading activity, event, or an organised licensed premises tour, or busking. Unless Council specifies otherwise, an application for a permit must be made in writing, on the appropriate form provided by Council (if any), and supported by any information required by the Council.
- 10.2 When deciding whether to issue permission under this bylaw, Council may have regard to:
- (a) whether the proposed activity may result in an undue restriction on vehicle traffic or pedestrian flow;
 - (b) whether the proposed activity may pose a risk to public health and safety;
 - (c) whether the proposed activity may pose a risk to Council property;
 - (d) whether the proposed location of the activity is appropriate given the nature and scale of the activity proposed;
 - (e) whether the proposed activity may cause a nuisance; and

Deleted: Council

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Deleted: performance

- (f) whether the proposed activity is consistent with all applicable Council policies and plans.

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10.3 Council may grant permission under this clause subject to the conditions for that proposed activity set out in the bylaw.

11 Permitted trading activity areas and permitted busking areas

11.1 Unless specific permission has been granted, the holders of any permission may only busk or trade in the places or areas approved by Council.

11.2 Council may by resolution declare:

- (a) any public place or part of a public place to be an area where busking or a trading activity is approved or prohibited;
- (b) any public place or part of a public place to be an area where busking or a trading activity is restricted or only permitted in a specific location;
- (c) a trading activity to be prohibited for any period.

12 Conditions for busking

12.1 A person may busk in a public place provided all of the following conditions are met:

- (a) The busker has registered his or her details in the Council online busking register and agreed to comply with all busking conditions;
- (b) the busker agrees to perform in a permitted busking area;
- (c) the busker is at a distance of at least 50 metres from any others;
- (d) the busker is at a distance of at least 3 metres from any residential, retail or commercial premises unless the busker has the permission of the owner or occupier of the premises to busk at a closer distance;
- (e) the busker does not perform within 200 metres of the area designated for an event authorised by Council; and
- (f) the busker does not obstruct pedestrian flow;

- (g) the busker does not perform at the same location for longer than one hour, unless there is a 30 minute break between performances;
 - (h) the busker does not use an amplified sound system;
 - (i) the busker does not perform in a manner that in the reasonable opinion of a Council officer causes or is likely to cause injury or nuisance to any person or damage to any property owned or controlled by Council;
 - (j) the busker does not at any time argue, intimidate, insult or abuse the public;
 - (k) any other condition in the reasonable opinion of a Council officer is necessary to reduce the likelihood of the busking performance causing an injury or nuisance to any person.
- 12.2 A busker who cannot meet all the conditions in clause 12.1 of this bylaw must not busk except as authorised by:
- (a) permission obtained prior to commencing a busking performance under clause 10 of this bylaw; or
 - (b) a resource consent issued by Council.
- 12.3 If an enforcement officer has reasonable grounds to believe that a busker is not complying with the conditions in clause 12, or is causing offensive behaviour or nuisance in a public place, the enforcement officer may direct that the busker:
- (a) comply with any relevant conditions or to take action to prevent the offensive behaviour or nuisance from continuing;
 - (b) if the busker does not comply with the enforcement officer's direction in (a) within a reasonable time, the enforcement officer may:
 - (i) revoke the busking permission;
 - (ii) direct the busker to cease the busking performance;
 - (iii) direct that the busker move to a new location.
- 12.4 A busker must comply immediately with a direction from an enforcement officer under clause 12.3.

13 Conditions for event permission

13.1 An event organiser must not cause or allow an event to occur in a public place, without first obtaining permission from Council under Part 3 of this bylaw, except where a Council officer is satisfied on reasonable grounds that the event organiser does not require permission because the event is:

Deleted: unless

- (a) of a small scale;
- (b) not open to the public or a section of the public; and
- (c) is unlikely to cause a nuisance in a public place or risk to public health and safety.

13.2 When granting an event permission, Council may impose conditions, including, but not limited to:

- (a) the designated times of operation (hours and days) including limitations on the hours of set up and pack down;
- (b) the duration of the permission;
- (c) the location of the event, taking into account the surrounding land uses and street layout and the minimum clear widths of footpaths required for pedestrian access;
- (d) a requirement that the event is not located in a public place in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;
- (e) that a continuous accessible path of travel is provided for;
- (f) requiring compliance with a traffic management plan and/or any waste management and minimisation plan;
- (g) specifications on the use of any furniture, structures, equipment, vehicles and other items associated with the activity;
- (h) safety, health and hygiene requirements;
- (i) the requirement for public liability insurance;
- (j) restrictions on the use of amplified music/sound; and

Deleted: activity

Deleted: activity

- (k) requiring compliance with [the District Plan and any other](#) relevant Council policies and plans.

13.3 A person must not undertake any trading activity (including a temporary food or temporary drinks outlet) in connection with an event held in a public place unless the event is authorised by permission granted under Part 3 of this bylaw.

Deleted: , or the event does not require permission under clause x

14 Conditions for organised licensed premises tour permission

14.1 When granting an organised licensed premises tour permission, the Council may impose conditions, including, but not limited to:

- (a) the designated times of operation (hours and days) for the organised licensed premises tour;
- (b) the ratio of staff involved in conducting tours to patrons;
- (c) the duration of permission;
- (d) a limit on group size for each organised licensed premises tour;
- (e) measures for dealing with intoxicated persons and persons involved in intimidatory or other offensive behaviour;
- (f) a requirement that the organised licensed premises tour is not conducted in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;
- (g) safety, health and hygiene requirements;
- (h) restrictions on the use of amplified music/sound;
- (i) requiring compliance with other Council bylaws including the [Alcohol Restrictions in Public Places Bylaw 2018 \(or successor bylaw\)](#) and any applicable Council policies and plans; and
- (j) requiring all staff members involved in conducting tours to:
 - (i) attend a host responsibility qualification or similar course or provide in-house training approved by an enforcement officer; and

Deleted: Alcohol Ban Bylaw 2014

- (ii) attend crowd control training or provide in-house training approved by an enforcement officer.

14.2 A licensed premises tour organiser must ensure that written confirmation of permission can be produced when requested to do so by an enforcement officer.

Deleted: A licensed premises tour organiser must ensure that the organised licensed premises tour does not breach the conditions of the permission granted under clause xx.

15 Request for review of original decision

15.1 A person may request in writing for Council to review its decision to:

- (a) decline an application for permission under this bylaw;
- (b) impose certain conditions under this bylaw or any permission granted by Council; or
- (c) revoke any permission under this bylaw.

Deleted: or

15.2 In determining any review, Council may decide to either:

Deleted: The

Deleted: has a discretion to review the original decision, and

- (a) confirm its original decision; or
- (b) amend the conditions imposed on any permission; or
- (c) issue a new permission.

Deleted: in the

16 Fees

16.1 Council may by resolution prescribe fees for:

- (a) permission granted under Part 3 of this bylaw;
- (b) processing an application;
- (c) reviewing an existing permission or a decision to decline or revoke permission; and
- (d) inspecting trading activities for the period of the permission.

Part 4- Enforcement

17 Breach of bylaw

17.1 A person breaches this bylaw when they:

- (a) breach any provision in Parts 2 or 3 of this bylaw;

- (b) breach any conditions of a permit granted under Part 3 of this bylaw;
- (c) fail to carry out any action reasonably requested by an enforcement officer under this bylaw.

17.2 A breach of this bylaw may result in the permit being suspended or cancelled.

17.3 Every person that has had a permit suspended or cancelled must immediately cease the activity or activities for which the permit was given, trading, until such time that Council may permit them to resume.

18 Enforcement

18.1 The Council may use its powers under the Act and Health Act 1956 to enforce this bylaw.

Deleted: Local Government

Deleted: 2002

19 Offences and Penalties

19.1 Every person who contravenes this bylaw commits an offence.

19.2 Every person who commits an offence against this bylaw is liable to the penalty imposed under section 242 of the Local Government Act 2002.

20 Revocations and savings

20.1 The Activities in Public Places Bylaw 2016 including all amendments is revoked

20.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in clause 20.1 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.

20.3 The revocation of the bylaw under clause 20.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.

Explanatory Note:

The Queenstown Lakes District Council Activities in Public Places Bylaw 2023 was adopted pursuant to a resolution passed by the Queenstown

Lakes District Council on xx 2023 pursuant to the Local Government Act 2002 and Health Act 1956

DRAFT

Statement of Proposal

Draft Activities in Public Places Bylaw 2023

1 INTRODUCTION

The purpose of the Activities in Public Places Bylaw 2016 includes protecting the public from nuisance, and currently contains specific provisions including:

- a ban on the consumption of mind-altering substances in public places
- a ban on the distribution of leaflets in connection with a trading activity in a public place
- requiring permission for events in public places
- requiring permission for organised licensed premises tours in public places (commercial pub crawls)
- requiring registration for busking in public places.

There is a separate statement of proposal for the Alcohol Restrictions in Public Places Bylaw 2018, that is also being reviewed. That bylaw prohibits the possession and consumption of alcohol in specific public places, dates and times within Queenstown Lakes District.

The Activities in Public Places Bylaw 2016 has been in place since November 2016, is due for review and will expire if not reviewed prior to September 2023. Though the designation of the permissible locations for activities like busking, pop-up stalls and charity collection sit outside the bylaw, Council is reviewing and seeking feedback on these permitted sites, alongside the bylaw review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Activities in Public Places Bylaw 2023 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA
- the reasons for the proposed amendments
- how you can have your say
- timetable for consultation.

2 PROPOSED CHANGES

Council is proposing the following amendments in the draft bylaw:

- amending the definition of 'trading activity' so that it includes the commercial hire of micromobility devices in public places so that these devices may also be regulated via the bylaw. This includes dockless e-scooters, but in the future could also include e-bikes and other similar devices
- amendments that ensure trading activities are separately covered in the bylaw instead of just in connection with an event
- amending the current ban on the distribution of leaflets needing to be in connection with a trading activity in a public place. This will now capture leaflets and material handed out in a public place in relation to any commercial activity or business. In addition, there is an amendment to clarify that the primary purpose for this ban is to prevent litter
- providing that Council can, by resolution, specify certain public places or parts of public places where trading activities and busking are permitted

- minor changes to the bylaw definitions, and to clarify and to improve readability and align with other legislative changes
- September 2023 commencement date.

All proposed amendments are identified in the draft bylaw by way of tracked changed text (~~strike through~~ and underline) included in the statement of proposal. Council proposes the new bylaw will come into effect in September 2023.

3 THE REASON FOR THE PROPOSAL

The key reasons for this proposal are to:

- address issues relating to activities occurring in public places, including trading, busking, events, the consumption of mind altering substances, the distribution of leaflets and licenced premises tours
- seek community views on the issues covered by the draft bylaw
- seek community views on the draft bylaw
- to encourage people to give feedback on the draft bylaw
- to let people know how they can give feedback.

The 23 March 2023 Council report contains more detailed information on these points:

<https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>.

4 HOW YOU CAN HAVE YOUR SAY

Anyone can make a submission online at <https://letstalk.qldc.govt.nz>. Submissions will be accepted from 8am on 3 April 2023 and must be received by 5pm on 5 May 2023.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to Council about this matter.

Copies of this statement of proposal and draft bylaw may be obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown, 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website: at <https://letstalk.qldc.govt.nz>. If you need help submitting please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council will be acknowledged and made available to the public.

Council intends to hold a hearing in June 2023. This is when anyone who has made a written submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audiovisual link. If at the hearing you have any requirements, please let us know.

5 TIMETABLE FOR CONSULTATION

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council’s Facebook page and website.

Date	Activity
23 March 2023	Council adopted the proposal for consultation
3 April 2023	Consultation period begins (8am)
5 May 2023	Consultation period ends (5pm)
June 2023	Oral submissions heard by Council hearing panel (date to be confirmed)
18 August 2023	Deliberations and adoption by Council

6 INFORMATION ABOUT THE PROPOSAL

Background

Council has the power under the Local Government Act 2002 to make bylaws to protect the public from nuisance, protect, promote, and maintain public health and safety and minimise the potential for offensive behaviour in public places.

Council undertook preliminary engagement during November 2022 to gather information as to what stakeholders view as the main issues with the existing bylaw.

Information about the draft bylaw

- Commercial hire of micromobility devices (e-scooters). The key change recommended in the draft bylaw is to add the commercial hire of micromobility devices in public places to the definition of ‘trading activity’ so these devices may also be regulated via the bylaw. This enables Council to regulate the hire and parking of micromobility devices on public land, by requiring permission from Council for this activity. Trading activities are also being treated separately from events, and conditions and restrictions may be provided for in the bylaw or by Council resolution.
- Ban on the consumption of mind altering substances in public places. Police have advised that this ban is a useful tool for them with respect to butane/ solvent abuse in public places, primarily by itinerant individuals, as these are mind altering substances for which there is no directly applicable legislation to prevent offensive behaviour prior to the solvent abuse occurring. It is proposed to maintain the current provisions in the bylaw.
- Ban on the distribution of leaflets in connection with a trading activity in a public place. The current bylaw applies to leafletting in connection with a trading activity in a public place. The extent of this provision is not

clear given leaflet distribution can be for businesses beyond those that trade in a public place. It is proposed to clarify and increase the scope of this provision, to address leaflets and material handed out in a public place in relation to any commercial activity or business. An explanatory clause has been added to the draft bylaw to clarify that the purpose of the ban is to address littering in relation to the distribution of leaflets and other material.

- Requiring permission for events in public places. It is proposed to maintain the provisions in the current bylaw for events in public places. Currently an event organiser is required to obtain permission from Council, and the bylaw enables Council to impose certain conditions on the event permission.
- Requiring permission for organised licensed premises tours in public places (pub crawls). The current bylaw provisions in relation to organised licensed premises tours are maintained in the draft bylaw. The bylaw requires that tour organisers need Council permission where a tour occurs in any public places. Conditions may be imposed, such as designated times of operation, the ratio of staff to patrons and a limit on group size.
- Requiring registration for busking in public places and review of permissible sites. The current bylaw requires prospective buskers (as well as pop up stalls and charity street collectors) to register via an application form on Council's website. If the applicant does not meet the busking conditions, they are required to apply for a permit. It is not proposed to change this system. To address concerns raised in the preliminary feedback regarding the Queenstown lakefront around perceived detrimental effects of busking due to noise and crowding, it is proposed to review the permitted sites for busking that the bylaw applies to, with a view to ensuring that they are located a reasonable distance from areas particularly sensitive to disruption or noise from busking activity. It is proposed to add a specific clause for Council to make resolutions to decide on permitted busking areas (and permitted trading areas). The bylaw does not apply to activities on reserves land, which is governed by the Reserves Act 1977.

As with the formal review, or making, of any bylaw, it is open to Council to consider other amendments that could be included in the bylaw.

During the consultation process, Council may consider community views that seek to:

- make changes to the issues that are regulated in the draft bylaw
- add additional issues that are regulated by the draft bylaw
- make additional changes to the draft bylaw
- not adopt a bylaw.

Before adopting the final bylaw, with any additional amendments, Council will consider whether there has been adequate consultation and, under section 155 of the LGA, must determine that a bylaw is the most appropriate way of addressing the perceived problems, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Council has also made these determinations in relation to the draft bylaw.

7 DETERMINATIONS UNDER SECTION 155 OF THE LGA

Council is empowered to make the bylaw in accordance with the Local Government Act 2002 which requires Council to make the following determinations.

The draft bylaw is the most appropriate way of addressing the perceived problems – The bylaw is an effective tool used by Council to regulate problems associated with trading, busking, events, the consumption of mind altering

substances, the distribution of leaflets and licenced premises tours in public places. Council has resolved that a bylaw is the most appropriate way to address the problems associated with activities in public places.

The draft bylaw is the most appropriate form of bylaw - Council resolved that the draft bylaw is the most appropriate form of bylaw. The draft bylaw enables Council to regulate the commercial hire of micromobility devices. Permission conditions may be added through a policy by resolution, when Council has more information as to specific issues that require regulation that are consistent with Council's bylaw making powers.

The draft bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 - The draft bylaw prohibits the use of mind altering substances in public places. As its purpose is to protect and promote public safety, this ban does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990. The proposed increase in the scope of the ban on the distribution of leaflets in the draft bylaw does not unreasonably restrict freedom of expression because it is restricted to leaflets that are in relation to a business or event. In addition, an explanatory clause has been added to the bylaw to clarify that the purpose of the provision relates to the littering, not limiting freedom of expression. The other issues covered in the draft bylaw permit certain activities to occur (events, licensed premises tours, busking, trading), provided that certain conditions are met to ensure that these activities do not cause a nuisance to other members of the community. Council has resolved that the provisions of the draft bylaw do not unreasonably interfere with any of the rights granted by the New Zealand Bill of Rights Act 1990.

8 WHAT HAPPENS NEXT?

After it has received written and oral submissions, Council will make decisions on the draft bylaw which is proposed to occur on 18 August 2023. Council may make other changes to the draft bylaw in response to feedback, but anything that is a significant departure from the options set out in this proposal may require further consultation.

Council will consider the following options about how to proceed:

- **Option 1** – adopt the draft bylaw
- **Option 2** – adopt an amended bylaw
- **Option 3** – do not adopt the draft bylaw (the current bylaw will expire in September 2023)



Draft Activities in Public Places Bylaw 2023
 submission pack
 June 2023

Name	Organisation (if any)	Speaking to submission	Page #
Aftaab Sandhu	-	No	2
Flynn Parker	-	No	4
Mark Rose	The Rees Hotel Queenstown	No	7
Murray Rabel	-	No	9
Monica Theriault (check if this is the speaker)	Te Whatu Ora, National Public Health Service - Southern (NPHS-S)	No	11
Jason Law	Jason Law Photography	No	15
Evan Jenkins	-	Yes	18
Darelle Jenkins	Hospitality NZ	Yes	21
Mark (surname not given)	-	No	24
Dave MacLeod	-	Yes	29
Jamie Seymour	Cancer Society Otago and Southland Division	Yes	30
Mark Williams	Queenstown Trails Trust	Yes	38
Harley Aspinall	-	No	42
Faye Roberston	Queenstown isite	No	43



Respondent No: 1

Login: Registered

Responded At: Apr 03, 2023 09:45:33 am

Last Seen: Apr 02, 2023 23:41:05 pm

- Q1. **Your name** Aftaab Sandhu
-
- Q2. **Organisation** not answered
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** Queenstown
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-
- Q8. **Please describe the reason for your position**
Common sense
-
- Q9. **Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Yes
-
- Q10. **Please describe the reason for your position**
Common sense
-
- Q11. **Ban on the distribution of leaflets The current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** No
-
- Q12. **Please describe the reason for your position**
I do not support the ban on this area
-

Q13. **Requiring permission for events in public places** Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district?

Yes

Q14. **Please describe the reason for your position**

Common sense

Q15. **Requiring permission for organised licensed premises tours in public places (pub crawls)** Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places?

Yes

Q16. **Please describe the reason for your position**

Common sense

Q17. **Busking, pop up stalls and charity street collection in public places (trading)** Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places?

Yes

Q18. **Please describe the reason for your position**

Common sense

Q19. **Current approved areas for busking, pop up stalls and charity collection** The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown?

No

Q20. **Let us know if you think there are areas that should be added or removed.**

The above mentioned areas should be added to the list where permits are required

Q21. **Do you have any final comments on the draft Activities in Public Places Bylaw?**

People should be allowed to distribute leaflets in public areas without the need for a permit

Q22. **Privacy statement**

I understand that all submissions will be treated as public information.



Respondent No: 2

Login: Registered

Responded At: Apr 03, 2023 21:46:03 pm

Last Seen: Apr 03, 2023 11:20:25 am

- Q1. **Your name** Flynn Parker
-
- Q2. **Organisation** not answered
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** **Other (please specify)**
Christchurch
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-
- Q8. **Please describe the reason for your position**
- It is my position that escooters and e-bikes would not be suitable for the district. As the foot traffic is far too busy in the town centres and it would cause a multitude of parking, and social issues additionally. Should emobility occur I do support regulation in comparison to no regulation imposed.
-
- Q9. **Ban on the consumption of mind-altering substances in public placesDo you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Neutral
-
- Q10. **Please describe the reason for your position**
- Dependent on the context they can cause damage and should be regulated. Unless for approved and necessary purposes.
-
- Q11. **Ban on the distribution of leafletsThe current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** Yes

Q12. Please describe the reason for your position

There is a need to reduce all litter. This regulation would be consistent with waste minimisation policies and is a positive step to reducing potential waste creators from burdening consumers with disposal.

Q13. Requiring permission for events in public places Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district? Yes

Q14. Please describe the reason for your position

There is a need to ensure that “public events” are consistent with public desires and that the activities occurring are beneficial to the wider community via a judgment process.

Q15. Requiring permission for organised licensed premises tours in public places (pub crawls) Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places? No

Q16. Please describe the reason for your position

I believe this is against the rights to be able to enter a premises. There is nothing stopping a patron from entering different bars consecutively, clear wording would be required to enable this bylaw in a fair and rightfully manner. It is my position that this bylaw would conflict with rights of admission to private business and be an overstep in authority by a district council. I would expect a large backlash with public and business groups involved, and a tarnished reputation of a fun, and people focused council.

Q17. Busking, pop up stalls and charity street collection in public places (trading) Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places? Yes

Q18. Please describe the reason for your position

For the purposes of accountability there is need for a record.

Q19. Current approved areas for busking, pop up stalls and charity collection The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown? Yes

Q20. Let us know if you think there are areas that should be added or removed.

These areas allow for a designated position well, and have historic ties. They are additionally out of the way of shops and create interest in the township.

Q21. Do you have any final comments on the draft Activities in Public Places Bylaw?

N/A

Q22. Privacy statement

I understand that all submissions will be treated as public information.



Respondent No: 3

Login: Registered

Responded At: Apr 04, 2023 19:43:06 pm

Last Seen: Apr 04, 2023 09:37:18 am

-
- Q1. **Your name** MARK ROSE
-
- Q2. **Organisation** The Rees Hotel Queenstown
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** Queenstown
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-
- Q8. **Please describe the reason for your position**
Commercial activities in public spaces need to be regulated by QLDC and need to reflect the will of the majority.
-
- Q9. **Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Yes
-
- Q10. **Please describe the reason for your position**
Common sense
-
- Q11. **Ban on the distribution of leaflets The current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** Yes
-
- Q12. **Please describe the reason for your position**
Interrupts the peaceful enjoyment of our visitors and locals
-

Q13. **Requiring permission for events in public places** Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district?

Yes

Q14. **Please describe the reason for your position**

Common sense

Q15. **Requiring permission for organised licensed premises tours in public places (pub crawls)** Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places?

Yes

Q16. **Please describe the reason for your position**

Common sense

Q17. **Busking, pop up stalls and charity street collection in public places (trading)** Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places?

Yes

Q18. **Please describe the reason for your position**

Common sense

Q19. **Current approved areas for busking, pop up stalls and charity collection** The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown?

Neutral

Q20. **Let us know if you think there are areas that should be added or removed.**

not answered

Q21. **Do you have any final comments on the draft Activities in Public Places Bylaw?**

It is our town and we need to make decisions that reflect/work for the majority of the people that live here - it is not up to "outsiders" (such as AirBnB) to tell us what is acceptable in our community.

Q22. **Privacy statement**

I understand that all submissions will be treated as public information.



Respondent No: 4

Login: Registered

Responded At: Apr 08, 2023 05:46:37 am

Last Seen: Apr 07, 2023 19:30:28 pm

- Q1. **Your name** Murray Rabel
-
- Q2. **Organisation** not answered
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** Hāwea
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-
- Q8. **Please describe the reason for your position**
Against e scooters in public places. Untidy and users can cause injury to themselves and innocent third parties
-
- Q9. **Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Yes
-
- Q10. **Please describe the reason for your position**
not answered
-
- Q11. **Ban on the distribution of leaflets The current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** Neutral
-
- Q12. **Please describe the reason for your position**
not answered
-

<p>Q13. Requiring permission for events in public places Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district?</p>	<p>Yes</p>
<p>Q14. Please describe the reason for your position</p>	
<p>not answered</p>	
<p>Q15. Requiring permission for organised licensed premises tours in public places (pub crawls) Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places?</p>	<p>Yes</p>
<p>Q16. Please describe the reason for your position</p>	
<p>not answered</p>	
<p>Q17. Busking, pop up stalls and charity street collection in public places (trading)Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places?</p>	<p>Yes</p>
<p>Q18. Please describe the reason for your position</p>	
<p>not answered</p>	
<p>Q19. Current approved areas for busking, pop up stalls and charity collectionThe current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown?</p>	<p>Neutral</p>
<p>Q20. Let us know if you think there are areas that should be added or removed.</p>	
<p>not answered</p>	
<p>Q21. Do you have any final comments on the draft Activities in Public Places Bylaw?</p>	
<p>I think the alcohol ban in Lake Hawea should remain. Allowing alcohol on the lake means more police resources will be needed to control badly behaving users. Who is going to pickup all the empty bottles and rubbish?</p>	
<p>Q22. Privacy statement</p>	<p>I understand that all submissions will be treated as public information.</p>



Respondent No: 5

Login: Registered

Responded At: May 05, 2023 12:39:21 pm

Last Seen: May 12, 2023 03:45:19 am

-
- Q1. **Your name** Monica Theriault
-
- Q2. **Organisation** Te Whatu Ora, National Public Health Service - Southern (NPHS-S)
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** Queenstown
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-

Q8. Please describe the reason for your position

Thoughtful, evidence-based implementation of e-scooter programs is critical to ensure a benefit to public and community health. Several medical journals, such as the American Journal of Public Health and the World Neurosurgery Journal has reported a growing concern about the usage of e-scooters. An increase in head and facial injuries, skull fracture, vertebral compression fracture, central chord syndrome, contusions and sprains have been reported. Amongst the most fatal collisions, death has also occurred (1,2,3,4,5,6,7). Since e-scooters are quite silent, injuries often arise as a result of sharing the footpath with pedestrians (3). One of the difficult issues in the development of e-scooters transportation is the creation of safe conditions. Most countries and cities prohibit the usage of e-scooter on footpaths. They are few exceptions to this trend observable in places such as Queensland and South Australia (8). Some experts call for the ban of e-scooters on footpaths (4,9). Another source of injuries is related to elderly people or people with a disability tripping over improperly disposed e-scooter (7,9). As the usage of e-scooter increases, it is highly probable that such collisions and other incidents continues to arise. NPHS-S is also concerned with the usage of e-scooter during winter, when black ice and occasionally snow are present on very steep streets. A systematic review of 34 studies worldwide showed that a significant number of injuries occurred to first-time riders (this include tourists) and were not wearing helmets. Alcohol consumption is a risk factor for injury (10) as several injuries reported were related to intoxicated operators. Understanding these trends by monitoring the number of injuries related to e-scooter and the development of appropriate public policies is essential. NPHS-S welcomes QLDC to any further conversation regarding this topic if needed. References: 1. Badeau, A., Carman, C., Newman, M., Steenblik, J., Carlson, M., & Madsen, T. (2019). Emergency department visits for electric scooter-related injuries after introduction of an urban rental program. *American Journal of Emergency Medicine*, 37(8), 1531–1533. <https://doi.org/10.1016/j.ajem.2019.05.003> 2. Bresler, A. Y., Hanba, C., Svider, P., Carron, M. A., Hsueh, W. D., & Paskhover, B. (2019). Craniofacial injuries related to motorized scooter use: A rising epidemic. *American Journal of Otolaryngology - Head and Neck Medicine and Surgery*, 40(5), 662–666. <https://doi.org/10.1016/j.amjoto.2019.05.023> 3. Nisson, P. L., Ley, E., & Chu, R. (2020). Electric scooters: Case reports indicate a growing public health concern. In *American Journal of Public Health* (Vol. 110, Issue 2, pp. 177–179). American Public Health Association Inc. <https://doi.org/10.2105/AJPH.2019.305499> 4. Schlaff, C. D., Sack, K. D., Elliott, R. J., & Rosner, M. K. (2019). Early Experience with Electric Scooter Injuries Requiring Neurosurgical Evaluation in District of Columbia: A Case Series. *World Neurosurgery*, 132, 202–207. <https://doi.org/10.1016/j.wneu.2019.08.237> 5. Šucha, M., Drimlová, E., Rečka, K., Haworth, N., Karlsen, K., Fyhri, A., Wallgren, P., Silverans, P., & Slootmans, F. (2023). E-scooter riders and pedestrians: Attitudes and interactions in five countries. *Heliyon*, 9(4). <https://doi.org/10.1016/j.heliyon.2023.e15449> 6. Trivedi, B., Kesterke, M. J., Bhattacharjee, R., Weber, W., Mynar, K., & Reddy, L. V. (2019). Craniofacial Injuries Seen With the Introduction of Bicycle-Share Electric Scooters in an Urban Setting. *Journal of Oral and Maxillofacial Surgery*, 77(11), 2292–2297. <https://doi.org/10.1016/j.joms.2019.07.014> 7. Trivedi, T. K., Liu, C., Antonio, A. L. M., Wheaton, N., Kreger, V., Yap, A., Schriger, D., & Elmore, J. G. (2019). Injuries Associated With Standing Electric Scooter Use. *JAMA Network Open*, 2(1), e187381. <https://doi.org/10.1001/jamanetworkopen.2018.7381> 8. Haworth, N., Schramm, A., & Twisk, D. (2021). Comparing the risky behaviours of shared and private e-scooter and bicycle riders in downtown Brisbane, Australia. *Accident Analysis and Prevention*, 152. <https://doi.org/10.1016/j.aap.2021.105981> 9. Radavoi, C. N., & Potter, W. (2022). Pedestrians' rights in the time of the e-scooter: What happened to the 'foot' in footpath? *Alternative Law Journal*, 47(3), 217–221. <https://doi.org/10.1177/1037969X221108806> 10. Singh, P., Jami, M., Geller, J., Granger, C., Geaney, L., & Aiyer, A. (n.d.). The impact of e-scooter injuries A SYSTEMATIC REVIEW OF 34 STUDIES. <https://doi.org/10.1302/2633-1462.39.BJO>

Q9. Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw? Yes

Q10. Please describe the reason for your position

Any butane inhalation may lead to instant death. Butane inhalation can also lead to psychological addiction. Other mind-altering substances can also pose a risk to health. <https://www.re-solv.org/volatile-substance-abuse/butane-and-other-gases/>

Q11. Ban on the distribution of leafletsThe current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?

Yes

Q12. Please describe the reason for your position

An environment free of pollution is appealing on an esthetic and health perspective.

Q13. Requiring permission for events in public places Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district?

Yes

Q14. Please describe the reason for your position

NPHS-S support this as council will analyse whether the proposed activity may pose a risk to public health and safety, and they can help event organisers to put in place rules and regulations to protect the health of the public during social events.

Q15. Requiring permission for organised licensed premises tours in public places (pub crawls) Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places?

Yes

Q16. Please describe the reason for your position

"Measures to prevent high levels of alcohol consumption before and during commercial pub crawls should aim to alter drinking behaviours such as preloading and rapid and excessive drinking. Organisers, local authorities, universities and participants should all be involved in ensuring the effective management of pub crawls, including implementation of harm prevention measures. Effective management of these events is crucial to preventing and minimising harm. Drinking behaviours such as preloading, rapid and excessive drinking, and street drinking need to be addressed in order to reduce levels of alcohol consumption on commercially organised pub crawls". Cited from: Quigg, Z., Hughes, K., & Bellis, M. A. (2013). Student drinking patterns and blood alcohol concentration on commercially organised pub crawls in the UK. *Addictive Behaviors*, 38(12), 2924–2929. <https://doi.org/10.1016/j.addbeh.2013.08.029>

Q17. Busking, pop up stalls and charity street collection in public places (trading) Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places?

Yes

Q18. Please describe the reason for your position

We agree that they should register with council, and we encourage council to make it easy and affordable for buskers to perform as it is part of the social fabric of the environment and seems to have positive effects on social wellbeing. Research has shown the connection between street performing in Berlin and the strengthening of a notion of cosmopolitanism and “authenticity” that is key to the construction of a very specific urban image and its ability to drive today’s economy. They act as a catalyst for more sociability in public spaces. They are able to give back to the city its vitality and to allow people to relax, observe, celebrate (1). Another research found that public space was perceived as more restorative with street performance than without street performance. Street performance is a beneficial feature to public space, and we encourage policy makers to promote street performance to the general public (2). 1. Ho, R., & Au, W. T. (2021). Effect of Street Performance (Busking) on the Environmental Perception of Public Space. *Frontiers in Psychology*, 12. <https://doi.org/10.3389/fpsyg.2021.647863> 2. Seldin, C. (2020). The Voices of Berlin: Busking in a “Creative” City Abstract. <http://www.cultureunbound.ep.liu.se>

Q19. Current approved areas for busking, pop up stalls and charity collection Neutral
The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown?

Q20. Let us know if you think there are areas that should be added or removed.

No particular opinion on this matter.

Q21. Do you have any final comments on the draft Activities in Public Places Bylaw?

Please contact NPHS-Southern if you have any question, need support or need further conversations about health in public places. Monica Theriault Health Promotion Advisor

Q22. Privacy statement I understand that all submissions will be treated as public information.



Respondent No: 6

Login: Registered

Responded At: May 04, 2023 19:16:47 pm

Last Seen: May 04, 2023 09:08:52 am

- Q1. **Your name** Jason Law
-
- Q2. **Organisation** Jason Law Photography
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** Queenstown
-
- Q5. **Would you like to present your submission in person at a hearing?** No
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** not answered
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** No opinion
-
- Q8. **Please describe the reason for your position**
not answered
-
- Q9. **Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Yes
-
- Q10. **Please describe the reason for your position**
not answered
-
- Q11. **Ban on the distribution of leaflets The current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** Neutral
-
- Q12. **Please describe the reason for your position**
not answered
-

Q13. Requiring permission for events in public places Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district? Neutral

Q14. Please describe the reason for your position

not answered

Q15. Requiring permission for organised licensed premises tours in public places (pub crawls) Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places? Yes

Q16. Please describe the reason for your position

not answered

Q17. Busking, pop up stalls and charity street collection in public places (trading) Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places? Yes

Q18. Please describe the reason for your position

I am a kiwi landscape photographer who has been selling my art at the Earnslaw Park Arts and Crafts market for the past 12 years. This summer I have been street trading in Queenstown on the water front on a regular basis. Throughout the summer there have been about 10 to 12 street traders working along the lake front footpath on a semi regular, consisting of both hand made retail product and food stalls. These traders setup early in the morning and often sell to 4/5pm most evenings. We provide a range of goods that are well received by tourists from all over the world. I feel we contribute to the atmosphere of the lake front in a non invasive peaceful manner and enjoy chatting with tourists who very rarely get the chance to have a good conversation with locals. Regarding the activities in a public place law for Queenstown. I would like to propose that street trading be treated slightly differently to musical/performative busking. Having the written requirement to move every hour for a retail stand is not feasible as it provides a large disruption to the working day. Given street trading does not have an invasive auditory element on the environment I see no reason for street traders to be subjected to this rule in the bylaw. Stalls along the lake edge are far enough away from other retail stores to not compete, and offer very different hand made products sold by the artists themselves.

Q19. Current approved areas for busking, pop up stalls and charity collection The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown? Yes

Q20. Let us know if you think there are areas that should be added or removed.

not answered

Q21. Do you have any final comments on the draft Activities in Public Places Bylaw?

not answered

Q22. Privacy statement

I understand that all submissions will be treated as public information.



Respondent No: 7

Login: Registered

Responded At: May 05, 2023 16:55:04 pm

Last Seen: May 05, 2023 04:58:50 am

- Q1. **Your name** Evan Jenkins
-
- Q2. **Organisation** self
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Location** **Other (please specify)**
Queenstown Bay
-
- Q5. **Would you like to present your submission in person at a hearing?** Yes
-
- Q6. **Please provide a phone number so our team can contact you about the hearing.** [REDACTED]
-
- Q7. **Commercial hire of micromobility devices (e-scooters) The draft bylaw proposes requiring operators to obtain permission from Council for the commercial hire of e-scooters in public places. Do you support the regulation of commercial e-scooter hire through the draft bylaw?** Yes
-
- Q8. **Please describe the reason for your position**
- It is only sensible to have some conditions and agreements with the community via Council if entities want to do business in our town. Enforcement is another matter!
-
- Q9. **Ban on the consumption of mind-altering substances in public places Do you support the continued ban on the consumption of mind altering substance (i.e. butane/solvents) in public places in the bylaw?** Yes
-
- Q10. **Please describe the reason for your position**
- Considering alcohol is the most prolific form of substance abuse with mind altering effects then presumably it is included in this bylaw. I am aware there is legislation relating to alcohol but it does not include this context.
-
- Q11. **Ban on the distribution of leaflets The current bylaw bans the distribution of leaflets that are in connection with a trading activity in a public place. The draft bylaw proposes to increase the scope of this to address leaflets and material handed out in a public place in relation to any commercial activity or business. Do you support this approach?** Yes
-

Q12. Please describe the reason for your position

enforcement should be easy. I think I submitted on this issue a couple of decades ago. My how slow the wheels turn. I am pleased nonetheless that my request from back then is finally being promoted.

Q13. Requiring permission for events in public places Do you support the requirement in the draft bylaw to obtain permission from Council for events in public places in the district? Yes

Q14. Please describe the reason for your position

An 'Event'. When is an 'event' not an event? Some activities I have encountered on the waterfront are what I would consider an event but they may argue the definition. Needs to be clear, publicized & enforced.

Q15. Requiring permission for organised licensed premises tours in public places (pub crawls) Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places? Yes

Q16. Please describe the reason for your position

obvious reasons. see above. I presented a written & gave a verbal submission on this issue maybe 6-8 years ago.

Q17. Busking, pop up stalls and charity street collection in public places (trading) Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places? Yes

Q18. Please describe the reason for your position

I have submitted on this more than once previously. Hours of my time researching & submitting. Nothing changes. The 'buskers' are in control. The same issues continue. Busking culture does not respect rules. I have a certain amount of empathy for that ethos. ("RULES ARE FOR THE OBEDIENCE OF FOOLS & THE GUIDENCE OF WISE MEN & WOMEN" a quote of Group Captain Sir Douglas Bader, DFC, CBE, DSO & Bar, DFC & Bar, DL, FRAeS. WW2 fighter pilot Ace & War Hero. 1931 Lost both legs above knee in aircraft crash while practising aerobatics but joined RAF as fighter pilot 1939. Plane shot down 1941, bailed out over France, POW, 3 escape attempts, ended up in Colditz Castle until war's end.) please excuse the sidetrack. back to the issue. There is no enforcement. Busking continues occasionally until midnight. Buskers can be aggressive if approached & challenged regarding their non compliance with the rules. Buskers can sometimes be heard as far away as One Mile. This is crazy. Some 'buskers' are not buskers. It is a full time job for them. Same prime location, every fine day & night for the last few years - free rent of prime space, no tax, etc. Ban amplification, no selling CD's, do not store all the gear against the wall all day, keep to the rules of how much space is used, stop impeding pedestrian & pay your tax and gst like the rest of us do. Some cities around the world have banned buskers altogether. They take over & are LOUD. Pop-ups. Our waterfront looks like a Bangkok market. We built the stone wall to stop wave action during flooding episodes, to tidy and beautify the walk along the lake & to lean on to relax & enjoy the majestic views. That space beside the wall is now a row of wheelbarrow junkfood & trinkets sellers. There is no access for strollers to lean on the wall. In my opinion the Market days & traders are fun & provide added interest around the waterfront twice a week but I think the rest of the week should be free of the traders. Special occasions excepted. It is prime real-estate against the wall & the pop-ups are tacky. I know, trying to make a living, bring vibrancy blahblah. What exactly is vibrancy? Can we not try & be a little more sophisticated in how we use the great space we have created along the waterfront rather than what it has become. The lake view is impeded by this curtain of stalls & signage! Sometimes there are stalls with very large signs promoting their politics or causes. Maybe it's Save the Whales, All very worthy but it is a huge barrier to the views down the lake that everyone would like access to.

Q19. Current approved areas for busking, pop up stalls and charity collection
The current approved areas for busking, pop up stalls and charity street collection in Queenstown are shown in green on the map below. Reserve land is not covered by the bylaw. Do you support the current places where busking, pop up stalls and charity street collection is permitted for Queenstown?

No

Q20. Let us know if you think there are areas that should be added or removed.

These green areas are all primo locations in our relatively small CBD. In fact it is 7pm so past the 5pm deadline for submission so no time to consider alternatives at this time.

Q21. Do you have any final comments on the draft Activities in Public Places Bylaw?

Interested to see if there is a positive, in my opinion, impact with these proposed amendments. Also interested in other submitter's views. I would suggest the decision-makers take a few walks around said waterfront during a fine day & also in the evening. School holiday time would be informative. Of course, the summer months attract more action than a southerly however holiday periods bring out the traders & other enterprises. Thank you for reading & considering this submission.

Q22. Privacy statement

I understand that all submissions will be treated as public information.



Hospitality New Zealand

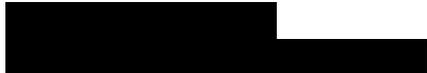
TO QUEENSTOWN LAKES DISTRICT COUNCIL

SUBMISSION ON

ACTIVITIES IN PUBLIC PLACES BYLAW 2023

MAY 2023

CONTACT DETAILS: Hospitality New Zealand
Contact: Darelle Jenkins


www.hospitality.org.nz

About Hospitality New Zealand:

1. Hospitality New Zealand (“Hospitality NZ”) is a member-led, not-for-profit organisation representing approximately 3,000 businesses, including cafés, restaurants, bars, nightclubs, commercial accommodation, country hotels and off-licences.
2. Hospitality NZ has a 121-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive Julie White. We have a team of seven Regional Managers located around the country, and a National Office in Wellington to service our members.
3. We also have 18 local Branches covering the entire country, representing at a local level all those member businesses which are located within the region. Any current financial member of Hospitality NZ is automatically a member of the local Branch.
4. Our Central Otago branch comprises of 175 members, 134 of which operate within Queenstown lakes District Council. These are a mixture of Food & Beverage and Accommodation providers, 95 of which hold an alcohol licence.
5. This submission relates to the draft Activities in Public Places Bylaw 2023 (“the bylaw”).
6. Enquiries relating to this submission should be referred to Darelle Jenkins, Senior Regional Manager – Lower South Island, at darelle@hospitality.org.nz and 0226834249.

General Comments:

7. Hospitality New Zealand welcomes the opportunity to comment on Queenstown Lakes District Council’s draft Activities in Public Places Bylaw 2023.

Requiring permission for organised licensed premises tours in public places (pub crawls) .

Do you support the requirement in the draft bylaw to obtain permission from Council to undertake organised licensed premises tours in public places?

8. Yes, Hospitality NZ members support this requirement.
9. Hospitality NZ members appreciate the regulation that comes with the permission being obtained. Host Responsibility is of utmost importance and shouldn’t be undermined.

Busking, pop up stalls and charity street collection in public places (trading).

Do you support the requirement that registration with Council is required for busking, pop up stalls and charity street collection in public places?

10. Hospitality NZ members are frustrated that buskers don’t have restrictions on noise when they do.

11. Hospitality NZ members have some buskers near their venues due to the zoning and sometimes they are competing with a busker to improve the atmosphere of their venue.
12. Hospitality NZ members pay fees for outdoor dining which is sometimes undermined by a nearby busker.
13. Hospitality NZ members also pay a lot of different fees for being able to sell Food & Beverage, and these buskers potentially take some of the market share without having to pay fees to operate.

Conclusion:

14. We thank Queenstown Lakes District Council for the opportunity to provide input into the consultation.
15. We would be happy to discuss any parts of this submission in more detail, and to provide any assistance that may be required.
16. On behalf of our members, we wish to speak to our submission during the verbal deputation process.

Dear Officers

This is regarding the Draft activities in public places bylaw 2023. This provides the council with information about what the popup stalls in the public areas have been doing by my actual observation. I hope it can have some helps with the new bylaw.

Bylaw a stall must be 50m from another stall. The actual situation is that they are next to each other on the waterfront because so many stalls turn up (more than 20 stalls concentrate on the waterfront during summer). It is smoky and messy when the food stalls grill and fry food. It is crowded when people gather to choose commercial products. The waterfront has lost its beauty when so many stalls set up there.

The worst thing is that many popup stalls completely ignore the conditions by which they are only allowed to trade for one hour in one location within 12 hour period. They are there all day long and go there almost everyday except the days of bad weather. For example due to the location of my work place I have witnessed the photoprint stall (Jason Law) has been trading 8 hours regularly everyday at the same spot on the waterfront in the past 5 months. He has enlarged his stall size and literally turned his popup stall into a permanent shop on the waterfront. A few food stalls have become permanent Take Aways in the last two or three years. Since nobody checks and monitors the stalls, they can pretty much do whatever they like. It doesn't even matter if the traders have permit or not. Anyone can just sit down to sell their stuff. The waterfront is like a lawless area. The stalls enjoy the best location for business with 0 cost. The stalls not only spoil the landscape but also put the retail shops which pay high rent in an unfair competition. The business of some stalls is never small, better than many small to medium shops.

The questions come to that, who gets to set up the stall when so many permits are issued? Who manages and monitors their trading time? It is already proven that the stalls don't want to follow the conditions of permit because the money drive is too powerful. And they know there is no check up from the council. It can only encourage more and more people going there to trade without following the rules if the council continues to ignore this area. It is so obvious that the numbers of regular stalls have increased from a couple to more than 20 now in the past three or four years. I don't understand why there are officers regularly checking parking, noise, animals, alcohol, road and some other areas but not in this part. This is in the heart of Queenstown, one of the high light of our scenic areas.

Personally I think the stalls should be in the Saturday market only , not in the public areas daily. This will also save council work by doing so. There weren't any stalls in the street a few years ago. The waterfront looked tidy and pretty. Walking and sitting along the waterfront used to be so enjoyable and peaceful. It is now the smell, noise, congestion and filth, particularly bad during the summer high season. The stalls have also occupied and blocked many good viewing spots. People from all over the world want to see the beautiful landscape on the waterfront , not the crowded stalls which are not supposed to be there all the time bylaw.

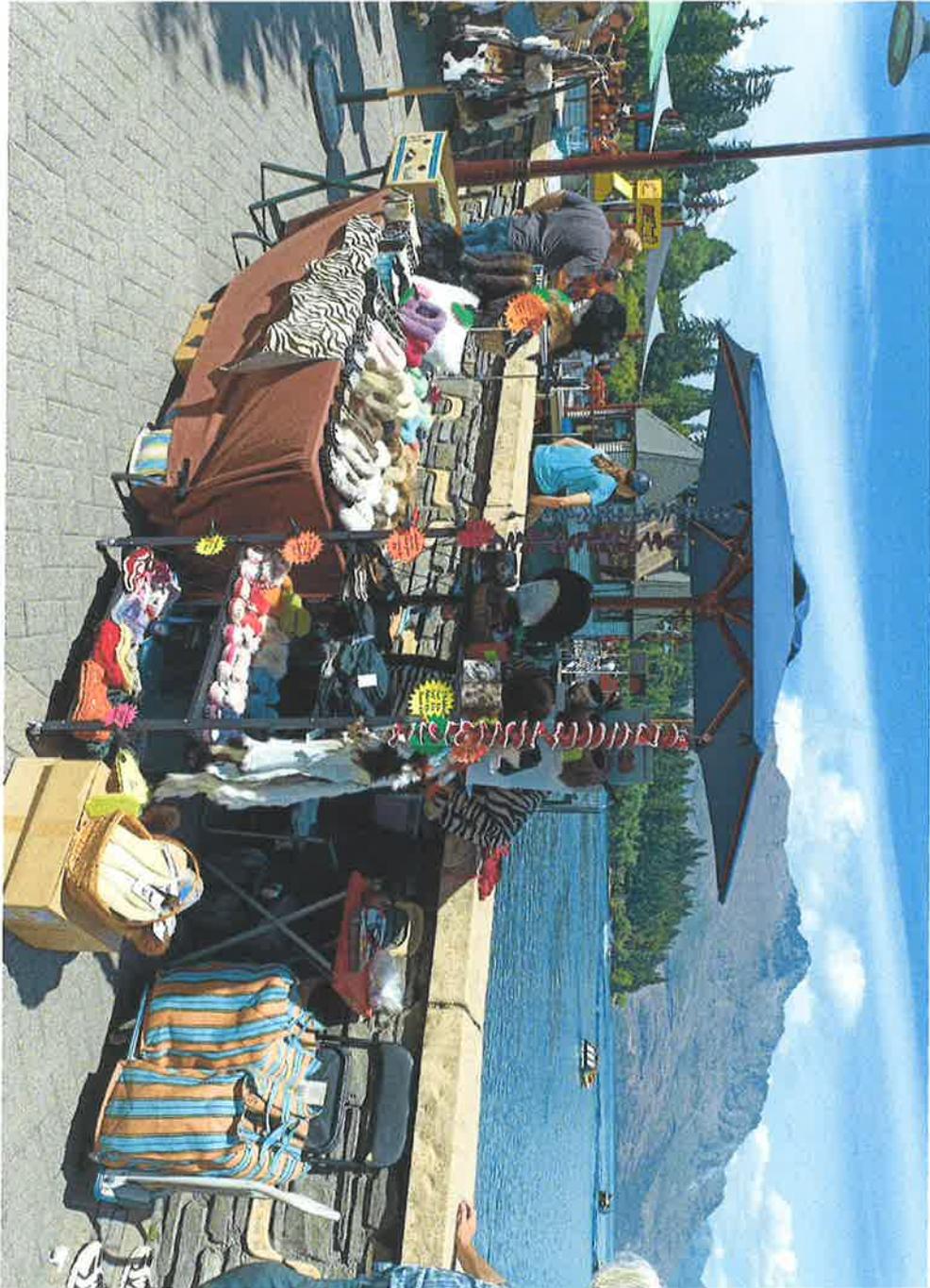
I am just a tiny long time local resident but I feel that I still have the obligation to protect our beautiful town. Someone has to speak out. It is sad when I see the beauty of our town is spoiled by the lawbreakers who are greedy for their own wallet . I'd be happy if this letter has any positive contributions to our home.

Kind Regards

Mark, Queenstown local

QUEENSTOWN

04 MAY 2023



QUEENSTOWN

04 MAY 2023



QUEENSTOWN

04 MAY 2023



QUEENSTOWN

04 MAY 2023



QUEENSTOWN

04 MAY 2023

From: Dave MacLeod [REDACTED]
Sent: Wednesday, April 19, 2023 6:39 PM
To: Let's Talk <letstalk@qldc.govt.nz>
Subject: activities in a publicplace bylaw

Re the advised framework that has been written for **BUSKING**.... A couple things: firstly...the malls have changed, a map is required for any new terrain busking that may be permitted on....where is the map...? Just so us buskers know what the proposed new plan is..?

Secondly... buskers should not harass, intimidate, or try and organise another busker or put down other buskers, this is not clear in the ammendments...mutual respect must exist regardless of the instrument played an where..?

Thirdly if there are going to be new guidelines there needs to be a better reporting system in place for buskers that contravene the guidelines repeatedly and action taken.

Happy to speak on busking..

Regards Dave

Dave Macleod
Director/Guide/Height Safety
Independent Mountain Guides Ltd

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

www.independentmountainguides.co.nz

QLDC Draft Activities in Public Places Bylaw 2023

To: Attn: Queenstown Lakes District Council – Let’s Talk QLDC
Private Bag 50072
Queenstown 9348
Email: letstalk@qldc.govt.nz

Details of Submitter Jamie Seymour
Health Promoter, Central Otago & Queenstown Lakes
[REDACTED]
[REDACTED]

Address for Service Cancer Society of NZ, Otago and Southland Division
1st Floor Aurum House, Terrace Junction
1092 Frankton Rd., Frankton 9300

Date 5th May 2023

OIA We wish to be heard with regards to this submission

Background

The Cancer Society of New Zealand, Otago & Southland Division is a non-profit organisation, which aims to improve community wellbeing by reducing the incidence and impact of cancer for those living in the Southern Region. The Cancer Society has three key work streams including: the provision of supportive care for people and their families who are impacted by cancer, funding of cancer related research, and health promotion activities.

Cancer is a major cause of disease, disability, and death in New Zealand. Although cancer is unlikely to be eradicated, current evidence indicates around 50% of cancers are potentially preventable. The health promotion work stream aims to advocate for the health of the community and build health into all public policy areas to help create a future with less cancer. We aim to work collaboratively in the community to create social, cultural, and physical environments that support health and wellbeing and reduce the population’s risk of developing cancer.

Introduction

Thank you for the opportunity to submit on the QLDC Draft Activities in Public Places Bylaw 2023. Upon meeting with councillors Whitehead and Gladding in April, they suggested that although the topic of Smokefree/Vapefree policy is not currently included in the Bylaw, that I should convey my concerns in a submission to the Bylaw. The councillors agreed that Smokefree and Vapefree policy aligns with the purpose of the Bylaw to “protect, promote and maintain public health and safety.”

The Cancer Society proposes creating a strategy to implement Smokefree and Vapefree policy for the district with a future goal of including the policy into bylaw.

Cancer Society supports a Smokefree and Vapefree policy that seeks to discourage smoking within Smokefree areas, using education tools such as signage and promotion. Smokefree and Vapefree areas are a positive step in normalising Smokefree/Vapefree lifestyles and environments, and no punitive measures will need to be taken for those in breach of the policy. The purpose of the policy is to fulfil QLDC's commitment to promote positive health choices and outcomes for the district through the 10 Year Plan and Vision Beyond 2050. We recognise that other councils including but not limited to Central Otago, Dunedin, Invercargill, Christchurch, Auckland, Wellington, Palmerston North, and Rotorua have similar education policies that are not enforced by council.

Key Recommendations

We recommend that QLDC adopt a Smokefree Policy to sit alongside the Draft Activities in Public Places Bylaw 2023. Ensuring public places are Smokefree aligns with key features of the bylaw, including that public spaces be free from harmful products or products that decrease the wellbeing of people in them.

To achieve Smokefree Aotearoa 2025 will require leadership at all levels and across all sectors and organisations. Collectively councils can make a significant contribution to support the legislated measures in the 2025 goal; however, with 2025 right around the corner, it is imperative that QLDC acts now.

A draft staged implementation plan for a Smokefree policy has previously been introduced to QLDC:

ORDER OF POLICY IMPLEMENTATION – TIMED AROUND POLICY REVIEW (EVERY 3 YEARS)	Key policy areas
1ST POLICY REVIEW	Implementation of Smokefree and Vapefree beaches policy Officially endorse Smokefree Aotearoa 2025 Include ‘QLDC officially support Smokefree Aotearoa 2025’ in policy and include a Smokefree page on the QLDC website Include Smokefree and Vapefree transport hubs and bus stops in policy
2ND POLICY REVIEW	Include parks and reserves in the Smokefree and Vapefree policy Introduce voluntary Smokefree and Vapefree to Table and Chair policy covering outdoor dining
3RD POLICY REVIEW	Introduce Smokefree and Vapefree outdoor dining policy or bylaw

The Cancer Society alongside Te Whatu Ora are happy to support QLDC with matters such as:

- supporting QLDC with the writing and development of their policy and communications
- supporting QLDC with design and location of signage
- promoting the policy via our media and promotion channels
- assisting in conducting public surveys regarding the policy

Supporting Comments

Councils play a vital role in de-normalising the acts of and reducing the prevalence of smoking and vaping by creating Smokefree and Vapefree Outdoor Spaces policies. 59 out of the 67 Councils¹ across New Zealand already have some sort of policy in place.

Why create Smokefree and Vapefree Outdoor Spaces?

1. There is strong community support

In 2019 we surveyed 211 people from Otago about the Smokefree legislation they would like the central government to enact. We found:

- 99% wanted playgrounds to be Smokefree
- 97% wanted Smokefree and Vapefree transport hubs, such as bus stops
- 91% wanted all outdoor areas in cafes, restaurants and bars to be Smokefree
- 89% wanted all Smokefree places to also be Vapefree

We appreciate councils are concerned with how tourists perceive Smokefree spaces, however, we have found tourists are very supportive. Over Chinese New Year 2017 in Queenstown 70 tourists were surveyed about their views of Smokefree outdoor spaces, and overall they were very supportive of outdoor spaces being Smokefree:

- 74% supported outdoor areas being free from second-hand smoke
- 99% said adults should not smoke around children and young people
- 85% said Smokefree areas would give a positive image Queenstown for tourists
- 95% felt Smokefree areas would reduce cigarette litter

Public support for Smokefree outdoor places continues to increase over time, with reasons for support including^{2 3}:

- Positive modelling for young people
- Litter control
- Reducing involuntary exposure to second-hand smoke (particularly in areas where children are present or people congregate)
- Reducing opportunities for people to smoke
- Making spaces more family friendly
- Creating a level playing field for businesses

2. Protects children and non-smokers from the effects of second-hand smoke

With 10.5% of the Queenstown Lakes District⁴ population who smoke, providing Smokefree spaces protects the majority of people who do not smoke.

2018 - Percentage of People who Regularly smoke by Ethnicity in Queenstown Lakes District							
Queenstown Lakes District	All People	European	Māori	Pacific peoples	Asian	Middle Eastern/ Latin American/ African	Other ethnicity
People who Regularly smoke	10.5%	10.4%	19.2%	16.1%	10.5%	10.1%	10.6%

Note: The classification criteria of a People who Regularly Smoke is people aged 15 years & over who currently smoke one or more cigarettes a day

Second-hand smoke can be hazardous to health and can increase the risk of lung and nasal cancers, as well as other known diseases such as stroke and heart disease among non-smokers. Children are particularly susceptible, as they have smaller lungs, are more sensitive, and often have no way of moving themselves away from cigarette smoke⁵.

Studies have found that outdoor second-hand smoke exposure can be just as harmful as indoor exposure, particularly when in close proximity or in areas where people congregate, such as outdoor dining, sports venues, and events. In addition, smoking directly outside of building openings can create second-hand smoke inside^{6 7}.

International research has found the exposure to second-hand smoke can be reduced by 21% for both people who smoke and those who don't, following the introduction of Smokefree policies such as in outdoor dining areas⁸.

Creating Smokefree and Vapefree outdoor spaces in places such as alfresco dining and main streets can also support workplace health and safety legislation by reducing exposure to the hazard of second-hand smoke by workers.

3. De-normalises smoking and vaping and reduces uptake in children

Children copy what they see and increasing Smokefree and Vapefree areas will de-normalise smoking and vaping by reducing the amount of smoking/vaping seen by children. This will provide positive role modelling that smoking/vaping is not a normal adult behaviour⁹. Research has found that smokefree spaces, such as in public places, schools and at home, can reduce teenage initiation into smoking^{10 11}.

Creating Smokefree environments also helps with reducing inequalities. While 16.5% of the general New Zealand population smoke, this is much higher for Māori, at 32.7%¹². Māori are also the youngest to start smoking, with an average age of initiation of 14¹³.

4. Supports individuals to quit smoking

Smokefree policies not only reduce harm to non-smokers, they also reduce harm to people who smoke by decreasing the number of cigarettes smoked and increasing the likelihood of a successful quit attempt¹⁴. Smokefree policies give people who smoke more reasons to quit¹⁵ and reduces visual cues to smoke from seeing others smoking¹⁶. A study found that 54% of people trying to quit found that seeing someone with a cigarette was a trigger to relapse, and 40% found that smelling a cigarette was a trigger¹⁷.

An evaluation of the Queensland tobacco laws found 27% of ex-smokers stated the laws had helped them remain non-smokers, 29% had decreased the number of cigarettes they smoked, and 22% had attempted to quit smoking¹⁸.

5. Protects the environment and reduces cleaning costs

Cigarettes are the most littered item in New Zealand, with an estimated 4.5 trillion littered every year worldwide¹⁹. A study in Petone found that 50% of rubbish collected in a main street storm water drain was cigarette butts²⁰.

In 2018, a Queenstown woman collected more than 10,000 cigarette butts over a month's time from the Queenstown Bay and Frankton Beach areas²¹. She presented her evidence to QLDC and asked for a beachfront smoking ban, to which council offered verbal support but no action on such a ban.

Cigarette butt waste can be seen as a socially acceptable form of littering, but smokefree outdoor spaces such as parks, beaches, and streets can help reduce butt littering²². A study of Wellington bus stops found new cigarette butt litter within 24 hours, despite rubbish bins being nearby²³.

Cigarette filters are not bio-degradable and much of the chemicals used in the manufacturing of cigarettes form leachate that creates aquatic toxicity, which can affect the health of marine life^{24,25}. Furthermore, they are harmful when accidentally consumed by pets, wildlife, and children²⁶.

The cost of cleaning up cigarette butts can be huge for Councils and businesses. This can include cleaning streets, sidewalks and public places of litter, abatement from storm water and sewer treatment systems, the costs associated with harm to the ecosystem and harm to industries dependent on clean and healthy ecosystems²⁷.

Smokefree policies mean there is less opportunity for cigarette butt littering and reduces the cost of cleaning and on the environment²⁸. Rotorua Lakes Council has reported a major decrease in cigarette butt litter at bus stops since the introduction of their Smokefree policy.

Vaping devices are also quickly polluting our environment as improperly discarded devices can leach toxic chemicals, heavy metals, flammable ion batteries, and microplastics into our waterways and natural environments²⁹. In addition, the risk of battery failure/explosion or other vape-related injuries³⁰, is on the rise in New Zealand³¹ and in many other countries. Vaping devices are often disposed into rubbish bins where the batteries pose a dangerous risk for fires in public waste/recycling areas or on rubbish trucks³². For example, a recent fire in a Waikato recycling truck was caused by vape products³³.

6. Supports economy and tourism

Studies from New Zealand and internationally have found hospitality venues report increased patronage and sales after going Smokefree. While support for Smokefree outdoor dining is already high, case studies from Australia indicate this support increases once the public experience Smokefree outdoor dining³⁴. The review of Queensland's Smokefree laws found that 21% of people were visiting outdoor dining places more often after the introduction of the laws³⁵.

The Fresh Air Project was piloted in 2018/19 with support from QLDC³⁶. 20 venues across Queenstown, Dunedin, and Invercargill participated in the five-month programme. We found that the public and businesses were very supportive of having Smokefree Vapefree outdoor dining:

- 95% of customers at the Queenstown cafés supported Smokefree Vapefree outdoor dining areas
 - 4% were not in support
- 73% were more likely to visit the venue again because of the Smokefree outdoor dining areas
 - 21% said the Smokefree areas made no difference to whether they would visit again
 - 4% said they were less likely to visit again
- All of the cafés involved chose to remain Smokefree and Vapefree after the pilot

Furthermore, with Smokefree spaces increasing internationally, visitors are now expecting Smokefree environments. New Zealand, and Queenstown Lakes District in particular, is marketed as a place of natural beauty and a great place to enjoy the outdoors. Visitors may be disappointed if this vision is ruined by cigarette smoke and cigarette butt litter.

7. Supports the New Zealand Government's Smokefree 2025 goal

In 2011 the New Zealand Government committed to a goal of New Zealand becoming Smokefree by 2025³⁷ and in late 2022 passed legislation³⁸ intended to significantly reduce retail availability and to prevent our tamariki, and the generations born after them, from ever taking up smoking.

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act came into force on 1 January 2023 and makes three key changes:

- decreases the number of retailers able to sell smoked tobacco products (effective from 1 July 2024)
- reduces the amount of nicotine that is allowed in smoked tobacco products (effective from 1 April 2025)
- prohibits the sale of smoked tobacco products to anyone born on or after 1 January 2009 (effective from 1 January 2027)

Councils can make a significant contribution to normalising smokefree environments and creating healthier, safer communities. Local authorities' leadership plays a big role towards achieving the 2025 goal by creating comprehensive Smokefree and Vapefree outdoor spaces policies to further support the legislated measures. Such policies give their residents and ratepayers the opportunity to directly engage in the process of future proofing their own towns, cities, and regions from the harm caused by tobacco products.

Ko tōu rourou, ko tāku rourou, ka ora ai te iwi

With your contribution and my contribution, we will make progress

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Friday, 28 April 2023

To: Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

YOUR DETAILS

Name: Queenstown Trails Trust
Phone: [REDACTED]
Email Address: [REDACTED]
Postal Address: PO Box 91070, Wakatipu, Queenstown 9349

THE TRUST'S SUBMISSION IS:

Points for submission to proposed Public Places Bylaw 2023

Objectives

1. The Trust is in a period of growth and seeks to diversify and enhance the trails as an asset for the community. Significant growth in tourism in the Queenstown Lakes District has resulted in large numbers of trail users frequenting and enjoying the trails and associated amenities they offer.
2. Part of the Trust's vision is to enhance not only the trail network as a physical asset in and of itself, but enhance the visitor and local experiences on trails by adding to the amenities and experiences that are associated with use of the trails.
3. Proposals for food and beverage carts along the trails in particular are growing in popularity. Such activities have the opportunity to further diversify the benefits of the trails network, thereby adding to their economic and cultural resiliency.
4. The Trust is currently actively working with potential vendors and other operators to offer services along its trail networks, and seeks to ensure that the proposed Bylaw does not unnecessarily or inadvertently constrain the ability for this vision and growth to occur.

Particular submission points on the Bylaw

5. New and existing definitions in the Bylaw (relevantly) include:
- a. **'Public Place'** means a place that is open to or used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place, and **which is owned, managed, maintained or controlled by Council.** It includes any road, street, footpath, court, alley, lane, park, recreation ground, sports field, reserve, beach, pedestrian mall, **cycle track,** accessway, squares and carparks.
 - b. **Trading activity** means an activity undertaken by any person where goods or services are offered for sale or hire, whether for commercial or charitable purposes involving the sale of goods, or the offering of a commercial service for payment, reward or otherwise, in a public place, including but not limited to: **pop up stalls, mobile shops, micromobility device rental scheme operations, temporary drinks outlet or temporary food outlet.** A trading activity may be temporary or permanent or occur on a one-off basis or as a series of activities.
 - c. **Temporary drinks outlet** means a stall or vehicle, whether self propelled or not, from which drinks are offered or displayed for sale, or from which drinks may be ordered, and includes a coffee cart. It excludes a stall or vehicle that primarily offers goods and/or services other than drinks.
 - d. **Temporary food outlet** means a stall or vehicle, whether self propelled or not, from which food is offered or displayed for sale, or from which food may be ordered. It excludes a stall or vehicle that primarily offers goods and/ or services other than food.
6. The Trust is concerned that the broadened definition of public places to explicitly include cycle tracks 'owned, managed, maintained or controlled' by Council could capture a number of trails which are created through easements in gross in favour of QLDC, and thus become subject to regulation under the Bylaw. It is particularly interested in the regulation of trading activities (requiring permits under clause 9) and which would include pop up stalls and temporary food and drinks outlets (i.e. food trucks and caravans).
7. The Trust draws the attention to the QLDC Proposed District Plan definitions, which explicitly excludes trails created by easements from the definition of 'Public Place'. While accepting the Proposed District Plan achieves a different statutory purpose than

the Bylaw, there may be some merit in aligning the definitions between both the Bylaw and the District Plan.

8. Public Place (Proposed District Plan)

Means every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.

9. Trail (Proposed District Plan)

Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. roads, including road reserves;
- b. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and
- c. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.

Trading activities in public places

10. Clause 9 of the Bylaw restricts trading activities without permission of Council (i.e. grant of a permit, subject to conditions, under the Bylaw):

9.1 No person may undertake or allow any other person to undertake on their behalf, a trading activity, event or organised licenced premises tour in a public place without permission obtained under this bylaw from Council.

11. The Trust is concerned that the requirements to obtain permits under clause 9 for food and drink truck vendors on the trails will dissuade such operations establishing. While the need for regulation of such activities in public places is understood, the trails are generally located in the rural environment (e.g. the Wakatipu Basin Rural Amenity Zone / Precinct, Gibbston Character Zone, or the Rural Zone under the District Plan), and regulated under the District Plan, as well as less likely to cause public nuisance as compared to commercial or town centre zones.



12. A narrow exclusion or exemption for food and beverage outlets on the trails will not compromise the purpose of the Bylaw which seeks (inter alia) to protect the public from nuisance, and manage and protect Council owned or controlled land and assets.

Potential solutions / relief sought by the Trust

13. Amend the definition of public place to match the District Plan Definition and / or otherwise exclude trails from public places and regulation under the Bylaw;
14. Clarify that trails (as defined in the QLDC Proposed District Plan) are not public places that are 'owned, managed, maintained or controlled by Council' and therefore do not fall within the regulation of the Bylaw;
15. Exempt / permit trading activities (specifically temporary food and drinks outlets) on trails from requiring permits under clause 9;
16. Council pass a resolution under clause 11.2 to achieve the intention of the above.

Kind regards

A handwritten signature in black ink, appearing to read "Mark Williams".

Mark Williams | CEO | Queenstown Trails Trust



www.queenstowntrail.org.nz



**See the best
of New Zealand
by bike**



From: [REDACTED]
Sent: Tuesday, May 2, 2023 12:10 PM
To: Let's Talk <letstalk@qldc.govt.nz>
Subject: Draft Activities in Public Places Bylaw 2023

To whom it may concern,

I would like to make a suggestion regarding the busking aspect of the bylaw.

The current bylaw prohibits all use of amplification by buskers. I understand that this is likely due to ease of enforcement, however I would like the board to consider wording that would permit use of amplification within certain volume constraints. I propose using a decibel measurement at a set distance, which would match the current noise control parameters (as used for house parties etc).

I suggest this because I am a vocalist who can use both operatic and pop vocal techniques, with the former being equal in volume to my use of an amplifier with the latter. I believe that it should be permissible to use an amplifier in a way which produces a volume similar to that possible with acoustic instruments and operatic voice, as certain musical styles require amplification to be heard. Consider the quiet vocal style of Billie Eilish for example, she would not be heard even 5 meters away while singing her signature style, but a prudent use of amplification would be an unobtrusive requirement for this artistic expression.

I appreciate your time in considering this submission.

Kind regards,
Harley Aspinall

04 May 2023

Queenstown Lake District By Law Submission

On behalf of Queenstown isite, we wish to present the following:

- (1) Introduction Background
- (2) Outline of breach
- (3) Response from Council Office.
- (4) Some of photographic evidence sent to Council and Niki.
- (5) Possible solution

To address the nearly 3 years of touting, selling from the street not to mention Nuisance factor.

Queenstown is working so hard rebuild our town literally and importantly as a viable tourist destination again. Help us be the best.

A handwritten signature in black ink, appearing to read 'Fae Robertson', is positioned above the printed name.

Fae Robertson

Senior Travel Consultant -- Queenstown isite

QLDC
05 MAY 2023
QUEENSTOWN

We are Queenstown isite Visitor Centre intrusted with the task of providing visitor information to our local community, domestic and international clients.

Example: Where can they obtain a wheelchair, purchase a bee card and is there a printed bus timetable? Where can they park for free? Obtain a map or information about road conditions? What accommodation will allow covid? What buses are running in the South Island?

When Destination Queenstown gets a query, they forward it to us for immediate action.

A little background information-- Queenstown isite originally was owned by our government and traded as Government Tourist Bureau which opened New Zealand 1901 in Rotorua. It changed to NZ Tourist and Publicity. 30 years ago, it was sold to a Christchurch Family.

90% of the isites across New Zealand were taken over by various Councils and the smaller offices by The Department of conservation. Queenstown Council decided to set up Destination Queenstown with operators to market Queenstown overseas.

We are a one-stop tourist shop providing maps, brochures and information on accommodation transport, sightseeing to tourists as well as being a rich source of information for our locals.

We serve as the hub for local businesses to promote and sell activities/events and give an unbiased selection to both tourists and locals, so they choose what they prefer.

We did a survey of foot traffic prior to covid. For a year foot traffic was 300 thousand. Last year it was over 170 thousand. This includes the Travelex foreign exchange customers. Foot traffic refers to the people entering our shop.

We are extensively well trained in welcoming service, care from Locals to all visitors. 70% of our work is information related and from happy visitors our sales are generated.

Over the past 3 years we have experienced touting from two of several shops -- Happy Travellers and Happy Tours on either side of our shop. They are an Australian owned business. Staff are trained to sell from the street.

CLBC
05 MAY 2023
QUEENSTOWN



You make a ruling that you monitor their shops when it is at times quieter you look at removing the large blackboards which means visitors will need to go into their shops and the marketplace is fair for all.

Final question does it breach Trading in public places nuisance behaviour or simply illegal touting.

I leave the last thought from

Kiwi Host Training in 1995 Service is our business.

05 MAY 2023
QUEENSTOWN

Request RG22/1589 completed

QLDC Services <services@qldc.govt.nz>

1/11/2022 15:42 ☆ 📧

To Fae Robertson

Reply Reply all Forward Spam Delete Blacklist ☰

Kia Ora,

Thank you for raising request RG22/1589, the following action has been taken in regard to resolving your request.

1.11.22 Walked past all 3 stores. No one came and talked to me and therefore no breaches to touting can be enforced. Closing RFS SM

This matter has now been closed in our system. If you have any questions, or require further assistance, please contact us at services@qldc.govt.nz or call 03 441 0499

Kind regards, Ka mihi

Queenstown Lakes District Council

P: +64 3 441 0499(QT) | +64 3 443 0024 (WK)

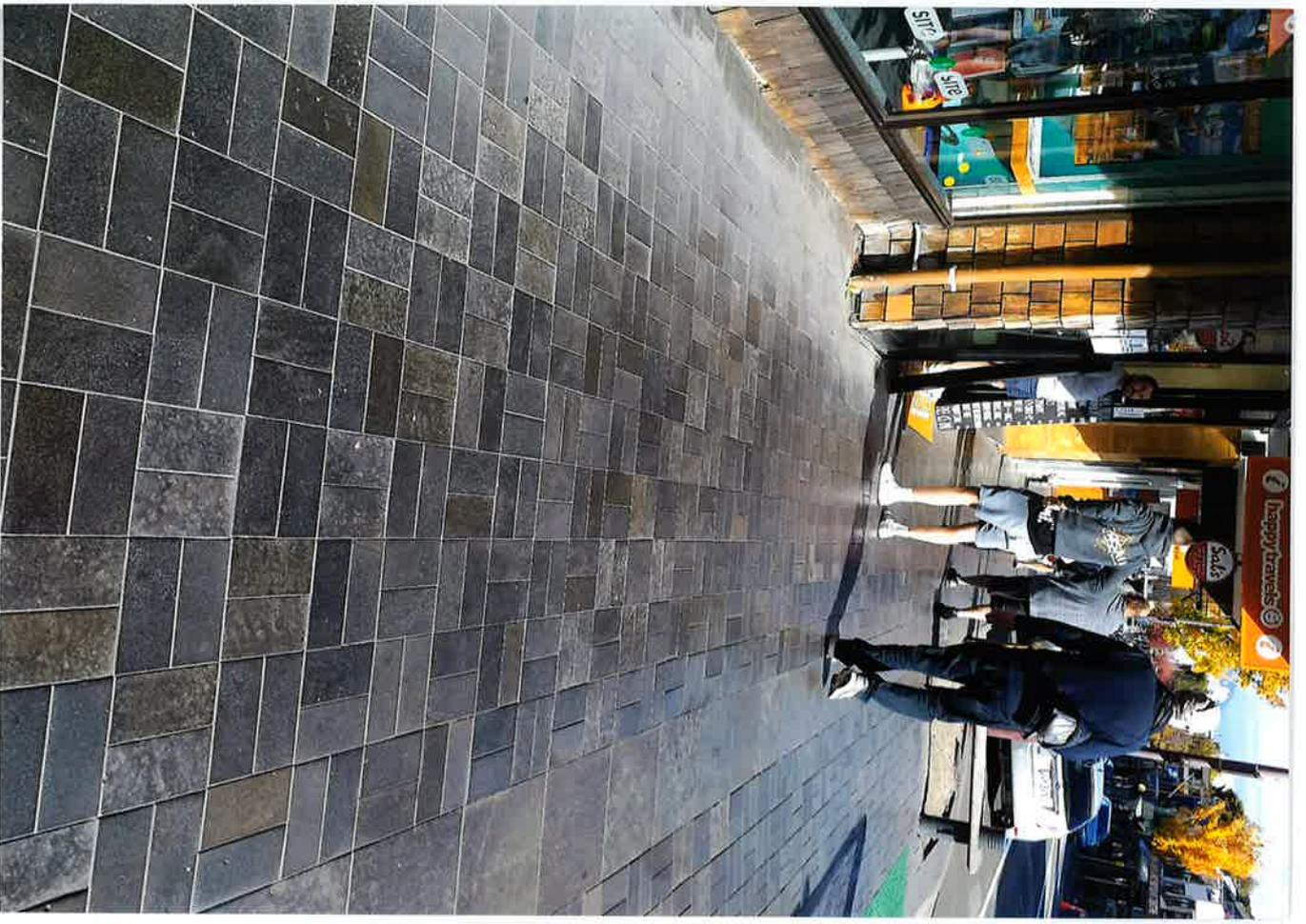
E: services@qldc.govt.nz

QLDC

05 MAY 23

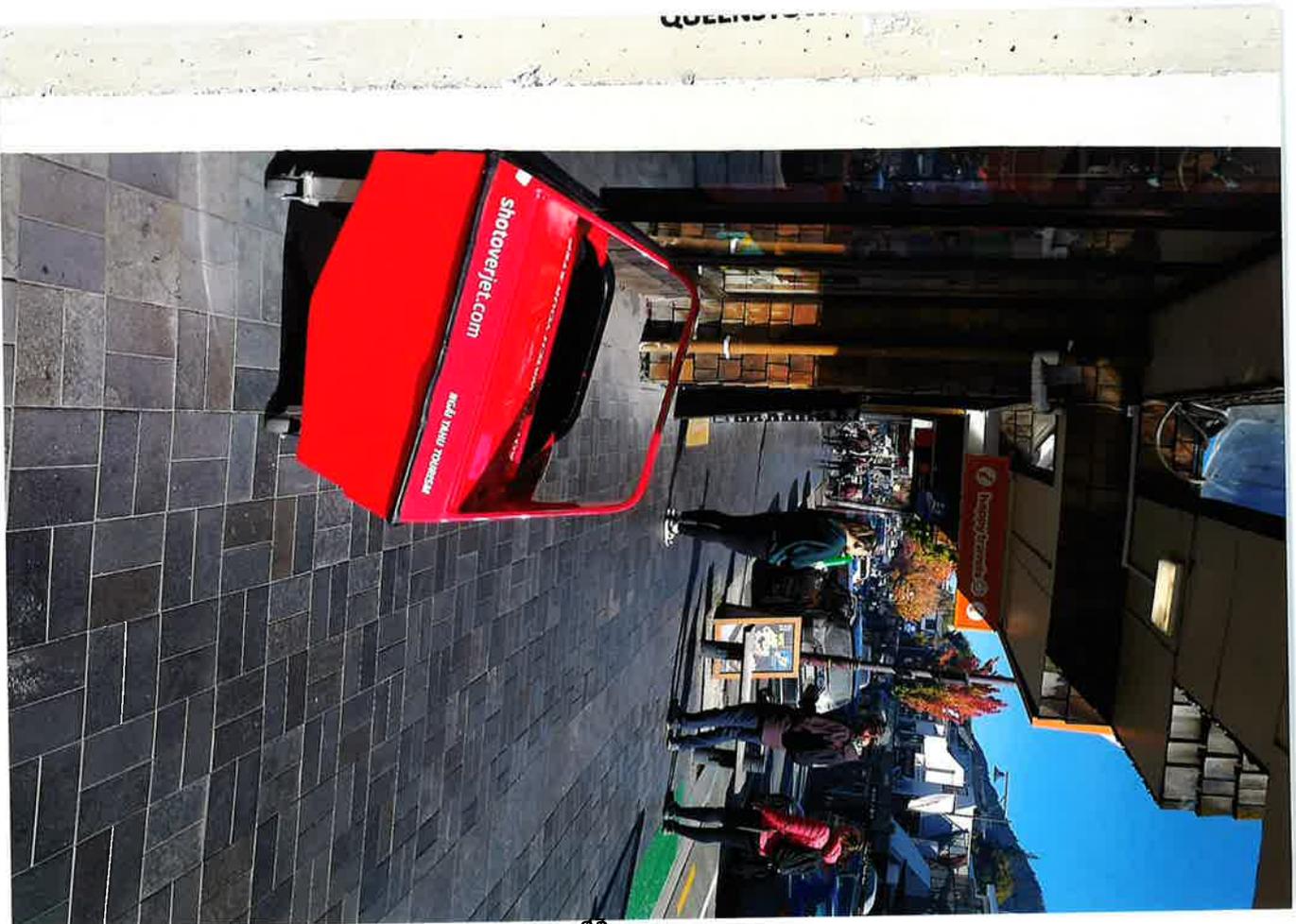
QUEENSTOWN

ORIGINAL STAFF

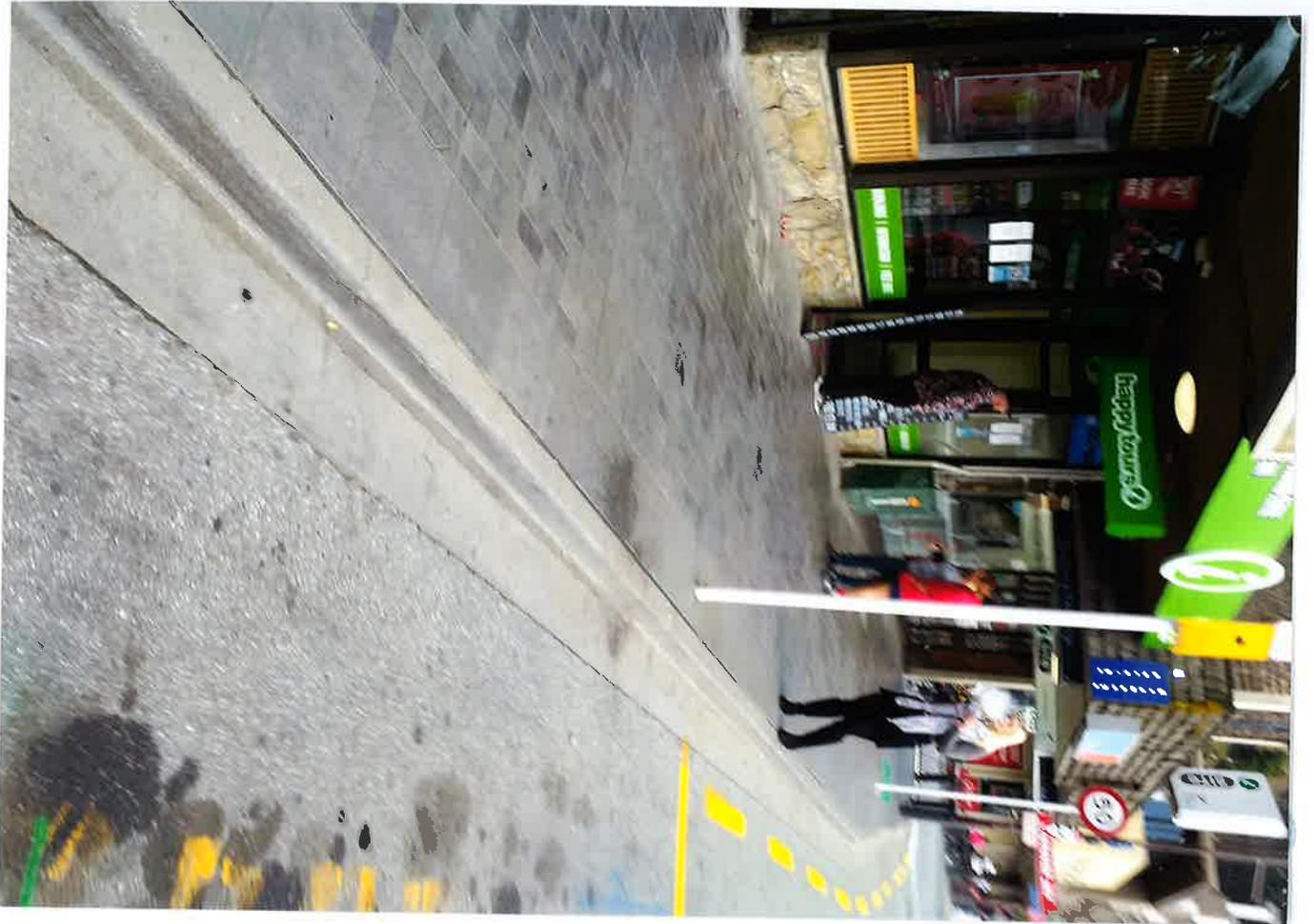


OLD
05 MAY 2023

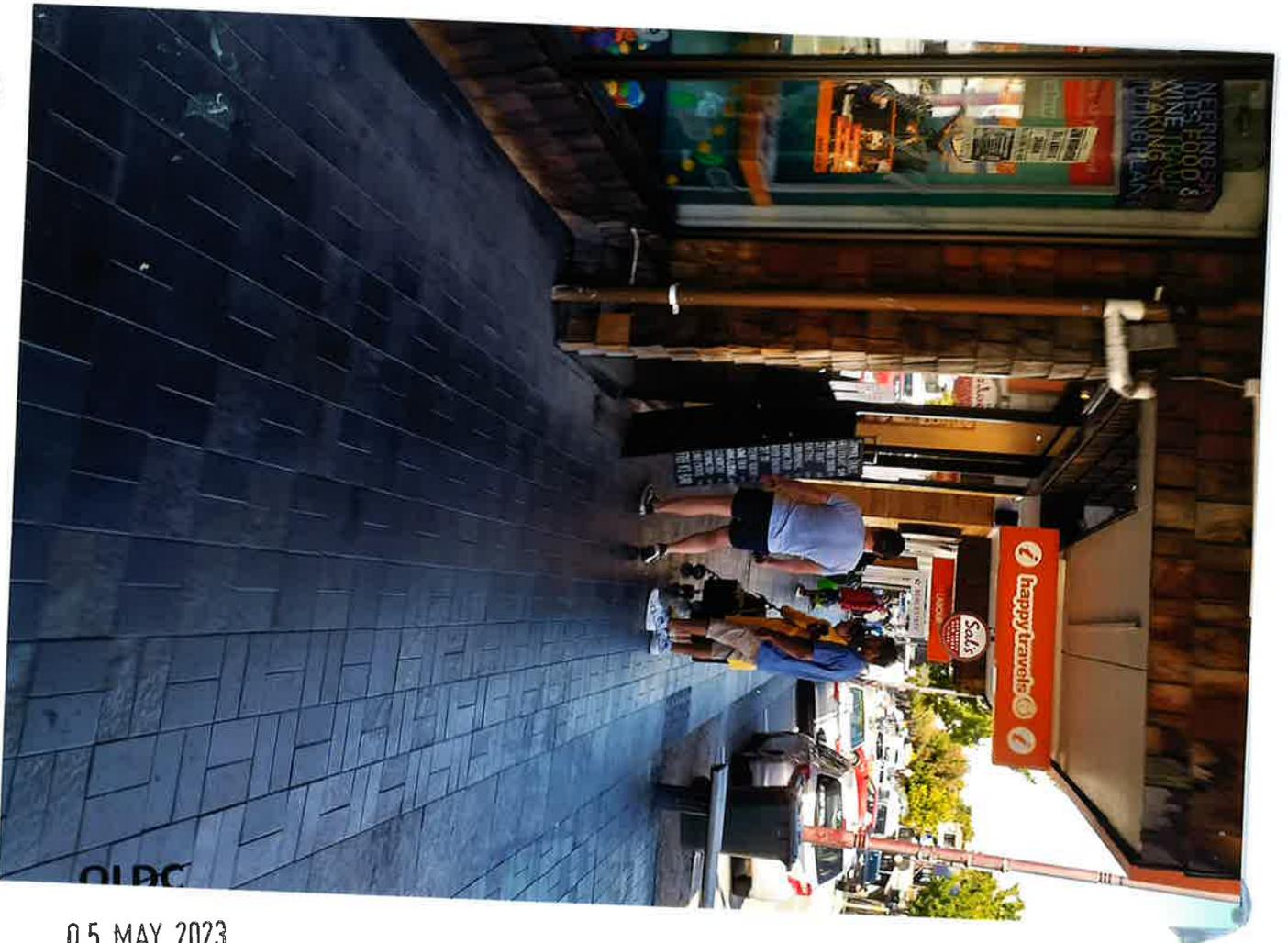
NEW STAFF



ORIGINAL BOSS!



ORIGINAL STAFF



05 MAY 2023

QUEENSTOWN



New staff

Q*BC
05 MAY 2023
QUEENSTON



Activities in Public Places Bylaw 2016

Queenstown Lakes District Council

Date of making: 29 September 2016 [minor amendment made on 6 October 2016]

Commencement: 30 November 2016

This bylaw is adopted pursuant to the Local Government Act 2002 and Health Act 1956.

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the Queenstown Lakes District Council Activities in Public Places Bylaw 2016.
- 1.2 This bylaw comes into force on 30 November 2016.

2 Area within which Bylaw applies

- 2.1 This bylaw applies to the Queenstown Lakes District.

3 Purpose

- 3.1 The purpose of this bylaw is to:
 - (a) protect the public from nuisance;
 - (b) minimise the potential for offensive behaviour in public places;
 - (c) protect, promote and maintain public health and safety;
 - (d) protect land under Council control from misuse, damage or loss; and
 - (e) regulate trading in public places.

4 Bylaw to bind the Crown

- 4.1 Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

5 Delegation

- 5.1 Any of the powers and functions of the Council set out in this bylaw may be delegated by it to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any other Officer of Council.

6 Interpretation

- 6.1 In this bylaw, unless the context otherwise requires, –

Busker means a person or persons who is or are busking.

Busk means to perform in a public place, including but not limited to the playing of an instrument, singing, dancing, juggling, mime,

puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual form.

Busking and **Busking performance** have a corresponding meaning.

Council means the Queenstown Lakes District Council.

Enforcement officer means a person appointed to be an enforcement officer or an environmental health officer by the Queenstown Lakes District Council.

Event means an organised, temporary activity that takes place on one or more days including a market, pop-up stall, parade, protest, wedding, private function (which is independent of premises), festival, concert, celebration, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this bylaw an indoor performance, indoor private function, tasting and sampling activity giveaway, sports practice or training is not an event.

Event organiser means a person who has responsibility or oversight of the management, operation or organisation of an event, and includes a person who is an owner, occupier or manager of an event.

Licensed premises has the meaning given in the Sale and Supply of Alcohol Act 2012.

Licensed premises tour organiser means a person who has responsibility or oversight of the management, operation or organisation of an organised licensed premises tour.

Market means a combination of trading activities at a common location, and includes an arts and craft market, farmers' market, and street market day.

Mind altering substance means a substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate. It includes psychoactive substances as defined in the Psychoactive Substances Act 2013 and what is commonly known as glue sniffing, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed;
- (b) substances purchased from a pharmacy without a medical prescription;
- (c) alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Nuisance has the same meaning as given in section 29 of the Health Act 1956 and includes a person, animal, activity or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

Organised licensed premises tour means a tour of two or more licensed premises involving a group of persons, that is marketed or advertised to the public or a section of the public in any form. It does not include a privately organised tour of licensed premises that is not marketed or advertised to the public.

Offence means an offence under section 239 of the Local Government Act 2002.

Permission means an official approval granted by the Council under clause 13.1 of this Bylaw.

Pop up stall means a stand, stall, structure, vehicle, awning, table or temporary structure from which goods or services are offered for distribution or sale, and includes a temporary food outlet, or a temporary drinks outlet. It does not include any activity forming part of a market.

Public place means any place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it.

Trading activity means an activity undertaken by any person where goods or services are offered for sale or hire, whether for commercial or charitable purposes.

Temporary drinks outlet means a stall or vehicle, whether self propelled or not, from which drinks are offered or displayed for sale, or from which drinks may be ordered, and includes a coffee cart. It excludes a stall or vehicle that primarily offers goods and/or services other than drinks.

Temporary food outlet means a stall or vehicle, whether self propelled or not, from which food is offered or displayed for sale, or from which food may be ordered. It excludes a stall or vehicle that primarily offers goods and/or services other than food .

- 6.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.
- 6.3 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Specific Controls

7 Nuisances

7.1 A person must not use a public place to:

- (a) do anything to cause or allow a nuisance to occur.
- (b) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place.
- (c) use any material or thing recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person.
- (d) do anything to cause or allow damage to any property owned or controlled by the Council.

8 Consumption of mind altering substances

8.1 A person must not consume, inject or inhale any mind altering substance in a public place.

9 Distribution of leaflets and canvassing

9.1 A person must not in connection with a trading activity in a public place:

- (a) deposit leaflets, flyers or other promotional material on any vehicle.
- (b) distribute leaflets, flyers or other promotional material except within retail premises offering related goods or services for sale or hire provided the owner or occupier has given permission for the distribution to occur.
- (c) distribute samples unless the distribution of samples occurs within retail premises offering related goods or services for sale or hire provided the owner or occupier has given permission for the distribution to occur.
- (d) tout, solicit, canvass, entice, or accost any person.

10 Events in public places

10.1 An event organiser must not cause or allow an event to occur in a public place, without first obtaining permission from the Council under Part 3 of this bylaw, unless an enforcement officer is satisfied on reasonable grounds that the event organiser does not require permission because the event is:

- (a) of a small scale;

- (b) not open to the public or a section of the public; and
 - (c) is unlikely to cause a nuisance in a public place or risk to public health and safety.
- 10.2 A person must not undertake any trading activity (including a temporary food or temporary drinks outlet) in connection with an event held in a public place unless the event is authorised by permission granted under Part 3 of this bylaw, or the event does not require permission under clause 10.1.
- 10.3 If an enforcement officer has reasonable grounds to believe that an event organiser is not complying with clause 10.1, the enforcement officer may direct the event organiser to close down the event until permission is obtained under Part 3 of this bylaw.
- 10.4 If an enforcement officer has reasonable grounds to believe that permission has been breached, or the event is causing a nuisance in a public place, or it is necessary to protect public health and safety, the enforcement officer may:
- (a) direct that the event organiser comply with any relevant condition of the event permission or to take action to prevent the nuisance from continuing or to protect public health and safety;
 - (b) revoke the event permission if the event organiser does not comply with the enforcement officer's direction in (a), within a reasonable period of time; and
 - (c) issue a direction requiring the event organiser to close down the event if the permission is revoked under (b).
- 10.5 An event organiser must comply immediately with a direction from an enforcement officer under clause 10.3 or 10.4.
- 11 Organised licensed premises tours**
- 11.1 A licensed premises tour organiser must not cause or allow an organised licensed premises tour to occur in a public place, without first obtaining permission from the Council under Part 3 of this bylaw.
- 11.2 No person, agency, or business may sell tickets to, or otherwise promote an organised licensed premises tour that is to occur in a public place unless the tour is authorised by permission from the Council under Part 3 of this Bylaw.
- 11.3 If an enforcement officer has reasonable grounds to believe that a licensed premises tour organiser is not complying with clause 11.1, the enforcement officer may direct the licensed premises tour organiser to stop the organised licensed premises tour until permission is obtained under Part 3 of this bylaw.

- 11.4 If an enforcement officer has reasonable grounds to believe that an organised licensed premises tour permission has been breached in a public place, or the organised licensed premises tour is causing offensive behaviour or a nuisance in a public place, the enforcement officer may:
- (a) direct that the licensed premises tour organiser comply with any relevant condition of the organised licensed premises tour permission or to take action to prevent the offensive behaviour or nuisance from continuing;
 - (b) revoke the organised licensed premises tour permission if the licensed premises tour organiser does not comply with the enforcement officer's direction in (a), within a reasonable period of time; and
 - (c) issue a direction requiring the licensed premises tour organiser to stop the organised licensed premises tour if the permission is revoked under (b).
- 11.5 A licensed premises tour organiser must comply immediately with a direction from an enforcement officer under clause 11.3 or 11.4.

12 Busking

- 12.1 A person may busk in a public place provided all of the following conditions are met:
- (a) the busker has registered his or her details in the Council online busking register and agreed to comply with all busking conditions;
 - (b) the busker is at a distance of at least 50 metres from any other busker;
 - (c) the busker is at a distance of at least 3 metres from any residential, retail or commercial premises unless the busker has permission of the owner or occupier of the premises to busk at a closer distance;
 - (d) the busker does not obstruct pedestrian flow;
 - (e) the busker does not perform in the same location for longer than one hour, unless there is a 30 minute break between performances;
 - (f) the busker does not use an amplified sound system;
 - (g) the busker does not perform in a manner that in the reasonable opinion of a Council officer causes or is likely to cause an injury or nuisance to any person or damage to any property owned or controlled by the Council;

- (h) the busker does not at any time argue, intimidate, insult or abuse the public; and
 - (i) The busker does not perform within 200 metres of the area designated for an event authorised by Council.
- 12.2 A busker who cannot meet all of the conditions in clause 12.1 of this bylaw must not busk except as authorised by:
- (a) permission obtained prior to commencing a busking performance under Part 3 of this bylaw; or
 - (b) a resource consent issued by the Council.
- 12.3 If an enforcement officer has reasonable grounds to believe that a busker is not complying with the conditions in clause 12.1 above, or the conditions of a busking permission, or is causing offensive behaviour or a nuisance in a public place, the enforcement officer may direct that the busker:
- (a) comply with any relevant condition or to take action to prevent the offensive behaviour or nuisance from continuing; and
 - (b) if the busker does not comply with the enforcement officer's direction in (a) within a reasonable time, the enforcement officer may:
 - (i) revoke the busking permission;
 - (ii) direct the busker to cease the busking performance; and
 - (iii) direct that the busker move to a new location.
- 12.4 A busker must comply immediately with a direction from an enforcement officer under clause 12.3.

Part 3– Permissions

13 Application for Council permission

- 13.1 The Council may grant permissions for an event, an organised licensed premises tour, or a busking performance.
- 13.2 When deciding whether to issue permission under this bylaw, the Council may have regard to:
- (a) whether the proposed activity may result in an undue restriction on vehicle traffic or pedestrian flow;
 - (b) whether the proposed activity may pose a risk to public health and safety;

- (c) whether the proposed activity may pose a risk to council property;
 - (d) whether the proposed location of the activity is appropriate given the nature and scale of the activity proposed;
 - (e) whether the proposed activity may cause a nuisance; and
 - (f) whether the proposed activity is consistent with any applicable Council policies and plans.
- 13.3 The Council may grant permission under this clause subject to the conditions for that proposed activity set out in this part of the bylaw.

14 Conditions for event permission

- 14.1 When granting an event permission, the Council may impose conditions, including, but not limited to:
- (a) the designated times of operation (hours and days) including limitations on the hours of set up and pack down;
 - (b) the duration of the permission;
 - (c) the location of the activity, taking into account the surrounding land uses and street layout and the minimum clear widths of footpaths required for pedestrian access;
 - (d) a requirement that the activity is not located in a public place in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;
 - (e) that a continuous accessible path of travel is provided for;
 - (f) requiring compliance with a traffic management plan and/or any waste management and minimisation plan;
 - (g) specifications on the use of any furniture, structures, equipment, vehicles and other items associated with the activity;
 - (h) safety, health and hygiene requirements;
 - (i) the requirement for public liability insurance;
 - (j) restrictions on the use of amplified music/sound; and
 - (k) requiring compliance with relevant Council policies and plans.
- 14.2 An event organiser must ensure that the event does not breach the conditions of the permission issued under clause 14.1.

- 14.3 An event organiser must ensure that written confirmation of permission is either displayed during the event or can be produced when requested to do so by an enforcement officer.

15 Conditions for organised licensed premises tour permission

- 15.1 When granting an organised licensed premises tour permission, the Council may impose conditions, including, but not limited to:
- (a) the designated times of operation (hours and days) for the organised licensed premises tour;
 - (b) The ratio of staff involved in conducting tours to patrons;
 - (c) the duration of permission;
 - (d) a limit on group size for each organised licensed premises tour;
 - (e) measures for dealing with intoxicated persons and persons involved in intimidatory or other offensive behaviour;
 - (f) a requirement that the organised licensed premises tour is not conducted in a way that it is likely to cause a nuisance, unreasonable obstruction or hazard to pedestrian and vehicle access;
 - (g) safety, health and hygiene requirements;
 - (h) restrictions on the use of amplified music/sound;
 - (i) requiring compliance with other Council bylaws including the Alcohol Ban Bylaw 2014 and any applicable Council policies and plans; and
 - (j) requiring all staff members involved in conducting tours to:
 - (i) attend a host responsibility qualification or similar course or provide in-house training approved by an enforcement officer; and
 - (ii) attend crowd control training or provide in-house training approved by an enforcement officer.
- 15.2 A licensed premises tour organiser must ensure that the organised licensed premises tour does not breach the conditions of the permission granted under clause 15.1.
- 15.3 A licensed premises tour organiser must ensure that written confirmation of permission can be produced when requested to do so by an enforcement officer.

16 Conditions for busking permission

- 16.1 When granting a busking permission, the Council may impose conditions, including, but not limited to:
- (a) the minimum distance between the applicant and another busker;
 - (b) the minimum distance from other permitted events;
 - (c) the minimum distance from any retail premises;
 - (d) measures to mitigate obstructions to pedestrian flow;
 - (e) duration of busking performance and breaks between busking performances;
 - (f) the hours during which the performance can occur;
 - (g) the maximum volume of the busking performance;
 - (h) whether amplified sound can be used; and
 - (i) any other condition in the reasonable opinion of a Council officer is necessary to reduce the likelihood of the busking performance causing an injury or nuisance to any person.
- 16.2 A busker must ensure that the busking performance does not breach the conditions of the permission granted under clause 16.1.
- 16.3 A busker must ensure that written confirmation of permission can be produced when requested to do so by an enforcement officer.

17 Request for review of original decision

- 17.1 A person may request in writing for the Council to review its decision to:
- (a) decline an application for permission under this bylaw;
 - (b) impose certain conditions under this bylaw; or
 - (c) revoke permission under this bylaw.
- 17.2 The Council has a discretion to review the original decision, and to either:
- (a) confirm its original decision;
 - (b) amend the conditions in the permission; or
 - (c) issue a new permission.

18 Fees

- 18.1 The Council may by resolution prescribe fees for:
- (a) permission granted under Part 3 of this bylaw;
 - (b) processing an application;
 - (c) reviewing an existing permission or a decision to decline or revoke permission; and
 - (d) inspecting trading activities for the period of the permission.

Part 4 – Enforcement**19 Enforcement**

- 19.1 The Council may use its powers under the Local Government Act 2002 and Health Act 1956 to enforce this bylaw.

20 Offences and Penalties

- 20.1 Every person who contravenes this bylaw commits an offence.
- 20.2 Every person who commits an offence against this bylaw is liable to the penalty imposed under section 242 of the Local Government Act 2002.

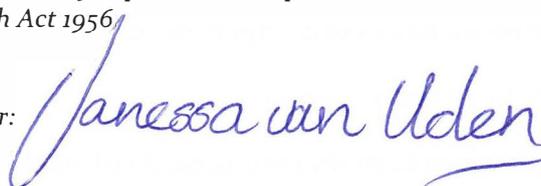
21 Revocations

- 21.1 The Control of Activities and Obstructions in Public Places Bylaw 2010, including any amendments, is revoked.

Explanatory Note:

The Queenstown Lakes District Council Activities in Public Places Bylaw 2016 was adopted pursuant to a resolution passed by the Queenstown Lakes District Council on 29 September 2016 pursuant to the Local Government Act 2002 and Health Act 1956.

Mayor:



Chief Executive Officer:

