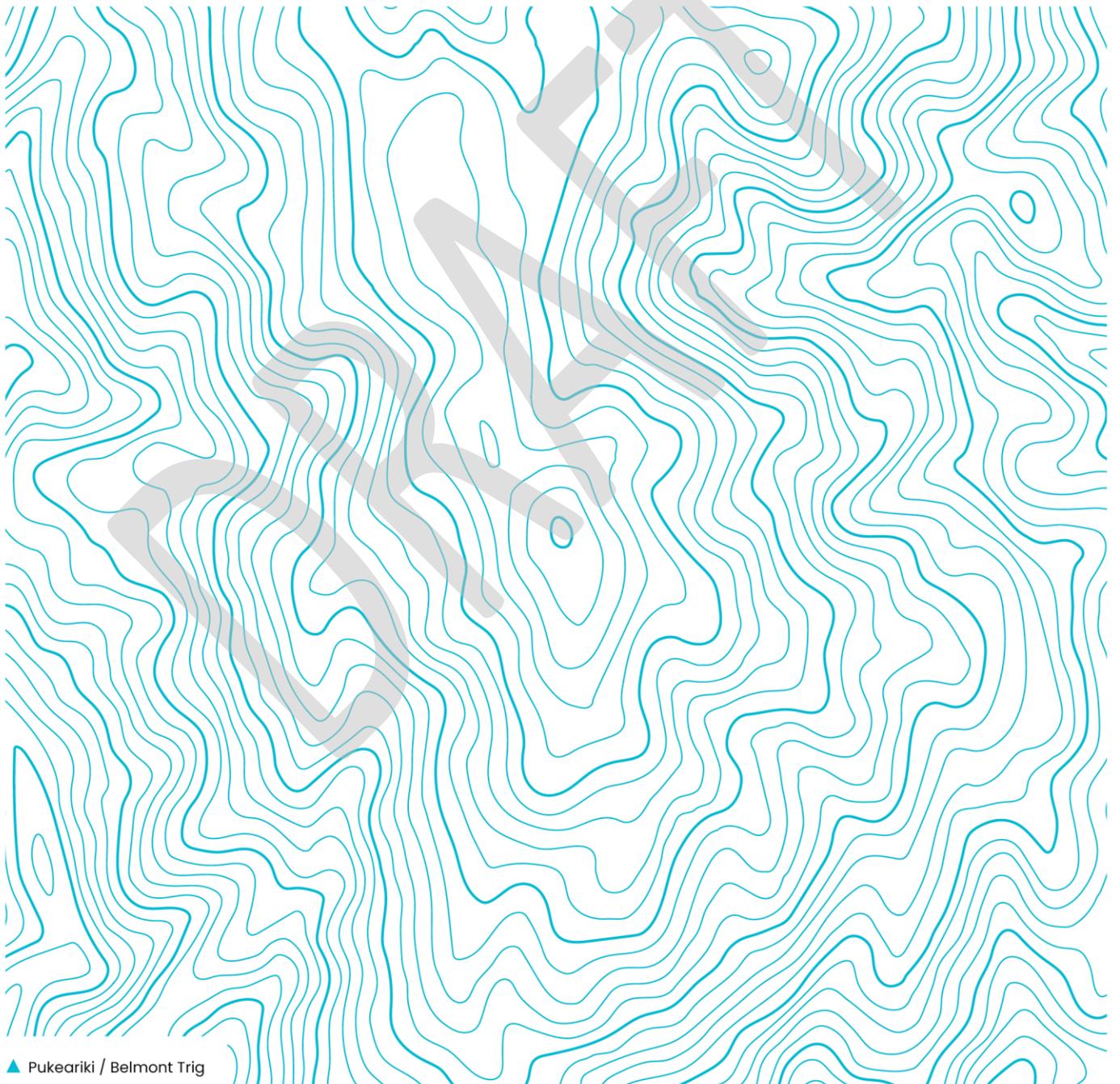


Draft Statement of Proposal – Public Places and Trading in Public Places Bylaws: Review and Amalgamation



Summary of Proposal

Hutt City Council currently has two separate bylaws that regulate activities in public spaces: the Public Places Bylaw 2016 and the Trading in Public Places Bylaw 2018. Together, these bylaws manage the use of public places to protect public health and safety, prevent nuisance, and ensure public spaces can be used safely and appropriately, including for commercial activities.

The Public Places Bylaw provides Council with the authority to regulate activities in public spaces, while the Trading in Public Places Bylaw sets rules for commercial trading, including licensing, permits, and operating conditions, to balance business activity with community benefit and public space management.

Consolidation of the two bylaws

The Public Places Bylaw is required to be reviewed by 20 September 2026 under Section 159 of the Local Government Act 2002, which has triggered this review. As part of the review, Council is proposing to revoke both existing bylaws and consolidate their updated provisions into a single Public Places Bylaw. Although the Trading in Public Places Bylaw is not due for review until 2028, consolidation provides an opportunity to improve clarity, reduce duplication, and simplify future bylaw reviews.

The proposed changes focus on clarifying standards, updating definitions, improving enforcement provisions, and consolidating overlapping requirements. All proposed amendments are set out in the draft consolidated Bylaw in Appendix A.

Consideration of Freedom Camping

As part of the review, Council considered whether a freedom camping section should be included in the Public Places Bylaw. This included the review of reported issues and complaints received by Council. Council found there is limited evidence that freedom camping is a widespread or significant issue within the Lower Hutt. In many instances where concerns have been raised, the underlying issue relates to homelessness rather than freedom camping. These situations cannot be legally addressed through a freedom camping bylaw provision.

Summary Table of Proposed Changes

Issue Identified	Proposed Change	Relevant Section	Source
Definition clarity	Transfer interpretation section from Trading in Public Places Bylaw and add as required Provide definition of projection	Interpretation	New / Transferred from Trading in Public Places Bylaw Dictionary
Opening surface – content clarity	Amend wording to section 1.1 to make the restriction clear	Opening surfaces	Planning team
Broaden definition of advertisement	Adding the word sign for clarity	Display advertising in public places	Regulatory team
Provision that is incongruent with Freedom Camping Act 2011	Removal of provision to prevent temporary living in public places	No building to be erected on a public place	Regulatory and legal teams
Stormwater runoff from verandas – content clarity Clarify requirement to keep projections into public places in good order	Add wording to 18.1 (c) clarify Building Code requirements Additional clause	Verandas	Building Code /Building team
Remove double up	Remove the street stall sections that was in the Public Places Bylaw and import the Trading in Public Places Bylaw content	Street stalls	Public Places Bylaw / Trading in Public Places Bylaw
Opportunity to consolidate Public Places and Trading in Public Places Bylaws	Transfer, and update, Trading in Public Places Bylaw content into the Public Places Bylaw	New section: Trading in Public Places	Trading in Public Places Bylaw
Consolidating Trading in Public Places content	Reducing wordcount while retaining value by removing duplicated content	Trading in Public Places	Connected Communities / Legal
No mention of penalty cost	Add wording from the Local Government Act	Offences and penalties	Local Government Act 2002 /Legal

	2002 to make penalties clearer		
Clarity	Amend wording to include "buskers"	Street musicians	Legal / Policy
District Plan regulatory compliance	Add clarifying comments to District Plan compliance requirements	Commentary	Planning / Legal
Building Code regulatory compliance	Add clarifying comments to the Building Code commentary	Commentary	Building control / Legal
No mention of Bylaw making power	Add comment to highlight the foundation of bylaw-making powers	Commentary	Local Government Act 2002 / Legal
Regulatory overlap	Importing Trading in Public Places Bylaw content into Public Places Bylaw	New section: Trading in Public Places	Trading in Public Places Bylaw 2018
Repeated wording	Consolidating numerous sections of the Trading in Public Places Bylaw into one concise section	Trading in Public Places Bylaw	Trading in Public Places Bylaw 2018

How to Have Your Say

We want your feedback on the proposed changes to the Public Places Bylaw. The submission period runs from **25 March – 25 April 2026**. If required, hearings will be held in **May 2026**.

You can provide feedback in multiple ways:

- Make an online submission at [this link](#);
- Email your submission to policy@huttcity.govt.nz with 'Public Places Bylaw' in the email subject line; and
- Drop off a submission at the front counter at our offices at 30 Laings Road, Lower Hutt.

Questions to consider

- Do you have any comments about any of the proposed minor changes to the Public Places Bylaw?
- Do you have any comments about the proposed change to amalgamate the Trading in Public Places Bylaw with the Public Places Bylaw?
- Is there anything you think Council could include in the Public Places Bylaw that is not currently included?

Timeline for the review

Event	Date
CLT – Statement of Proposal and Consultation approval	9 February 2026
Policy and Performance Committee – Statement of Proposal and consultation approval	10 March 2026
Full Council – consultation approval	24 March 2026
Public consultation (Special Consultative Procedure)	25 March – 25 April 2026
Hearings of submissions	XX May 2026 (if required – maybe in Policy and Performance Committee)
Results of consultation and options presented to Policy and Performance Committee	30 June 2026
Council adopts updated Bylaw	29 June 2026

Privacy Statement

We require your name, contact details and the suburb you live in as part of your feedback to get in touch with you if required. All feedback received will be published anonymously on Council’s website unless you are involved in the public hearing, in which case your name will be associated with your submission as you provide it. All personal or commercially sensitive information (including your email address and suburb) will be removed. Publishing feedback in full supports a transparent process and will assist in the public hearing process. If you have specific reasons for not wanting your feedback publicly released, please contact policy@huttcity.govt.nz.

Public Hearings

The online survey also asks if you want to present directly to Councillors at a hearing. If you state that you do want to present to Councillors, you will be contacted by Council staff to arrange a time for you to speak.

Feedback will be considered by Council regardless of whether you wish to present your views at a hearing or not. Final decisions will be made on 30 June 2026, and the reviewed Public Places Bylaw will be considered by Full Council on 27 July 2026.

Storing Personal Information

Council stores information with reasonable safeguards against loss and disclosure. Reasonable safeguards include physical and technological protections. Personal information is accessible to staff who have a legitimate reason to access it. Council has a code of conduct where unauthorised disclosure of confidential information or records follows the provisions of the Public Records Act, which includes the authorised destruction of records once they are no longer required to be kept for legislative compliance or business purposes.

Access to Your Information

The personal information you provide will be accessible only by Council staff involved in the review and will not be shared with any third party outside of the *Have Your Say* survey platform (you can read their [privacy statement here](#)). You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at policy@huttcity.govt.nz, or 04 570 6666, or 30 Laings Road, Lower Hutt 5010.

Statutory Authority to Undertake Reviews and Revoke Bylaws

General Bylaw-Making Authority and Requirements

Relevant Act	Section	Description	Application
Local Government Act 2002	145–146	General authority for territorial authorities to make bylaws for public places to protect public health and safety, prevent nuisance, and minimise offensive behaviour	General authority for the Public Places Bylaw
Local Government Act 2002	155	Requires Council to: determine if a bylaw is necessary and is the most appropriate way to address the perceived problem; and whether it gives rise to implications under NZBORA	Applies to both the review of the Public Places Bylaw and the decision to revoke and amalgamate the Trading in Public Places Bylaw
Local Government Act 2002	156	Consultation requirements when making, amending or revoking bylaws	Governs consultation requirements for this proposal, including SCP
Local Government Act 2002	158	Bylaws must be reviewed within 5 years of being made, and thereafter at 10-year intervals; failure to review results in automatic revocation	Triggers the mandatory review of the Public Places Bylaw
Local Government Act 2002	160	Sets out the process for reviewing bylaws, including whether they should be amended, revoked or continued following appropriate public consultation	Procedure for reviewing bylaws
Bill of Rights Act 1990	8-27	The rights of those people in New Zealand	It is a requirement that bylaws must not give rise to any

			implications under the Act
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Revocation of the Public Places Bylaw and the Trading in Public Places Bylaw

Under section 160 of the Local Government Act 2002, Council can revoke a bylaw by resolution, provided it has followed the required consultation procedures. The revocation of the existing Trading in Public Places Bylaw is part of this broader review of the Public Places Bylaw and consolidation process to improve regulatory efficiencies.

Council has determined that revoking the Trading in Public Places Bylaw and consolidating its provisions into the updated Public Places Bylaw is the most appropriate way to manage activities in public places. This approach improves clarity, reduces duplication, and supports consistent application of rules across Lower Hutt.

The provisions from the Trading in Public Places Bylaw relating to licensing, location restrictions, conduct requirements, and safety standards will be incorporated into the new Public Places Bylaw. These provisions have been reviewed and, where necessary, updated to reflect current practice and align with the new consolidated framework.

If this consolidation process is approved and adopted by Council, the Trading in Public Places Bylaw 2018 will be revoked and replaced by the new Public Places Bylaw.

Why the Bylaws Exist

The Public Places Bylaw and the Trading in Public Places Bylaw respond to the perceived problem that, without regulation, activities in shared public spaces can create nuisance, safety risks, health concerns, and offensive or disruptive behaviour. These issues can negatively affect public amenity and the safe use of public places.

The bylaws provide a regulatory framework to:

- Protect the public from nuisance such as obstructions in public places;
- Protect, promote and maintain public health and safety, including regulating higher- risk activities; and
- Minimise the potential for offensive behaviour in public places such as noise disturbances.

The Most Appropriate Way of Addressing the Perceived Problem

In reviewing the bylaw Council must determine, under 155 of the LGA, whether a bylaw:

- a. is the most appropriate method of addressing the perceived problem;
- b. is the most appropriate form of a bylaw; and
- c. gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The problem needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. The purpose of this bylaw is to support the management of perceived problems that Council manages on a day-to-day basis that relate to public safety, health and nuisance. Examples include problems like damage caused to Council property, obstructions in public places such as parking on footpaths, and littering throughout Lower Hutt. Council's ability to infringe people for breaching the bylaw means it can support the reduction of nuisances, safety concerns and offensive or otherwise harmful behaviour. The Public

Places Bylaw prohibits/restricts a specified list of activities to promote amenity and safety in public places.

As part of this review, Council officers consulted with relevant operational departments to assess whether the existing provisions in the Public Places Bylaw and the Trading in Public Places Bylaw remain necessary to address the recurring issues they address. Internal feedback confirmed that all provisions continue to be used and support the effective management of activities in public places in Lower Hutt.

For these reasons, Council considers that retaining and updating the regulatory framework through a consolidated Public Places Bylaw is the most appropriate way to address the perceived problems managed through the Bylaw.

New Zealand Bill of Rights Act 1990 Implications

Under section 155 of the Local Government Act 2002, Council must assess whether the reviewed Public Places Bylaw has implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

The Public Places Bylaw may potentially limit certain rights and freedoms, including freedom of peaceful assembly, and freedom of movement, by regulating activities in public places. These potential limitations arise from restrictions on how public spaces may be used.

Council considers that any such limitations are justified under section 5 of NZBORA, as the Bylaw is made under clear legislative authority and the restrictions are reasonable and proportionate in the interests of protecting public health and safety and managing public places.

Appendices

Appendix A: Draft Public Places Bylaw

Draft Public Places Bylaw

Business unit(s) & Division(s)	Strategy & Policy, Legal		
Date adopted	Day Month Year		
Date effective	Day Month Year (when the policy came into effect – this will be the same as the adopted date or later if relevant)		
Review period	The time between adoption and next review date (e.g. 3 years)		
Owner	Role (e.g. Policy Lead, HR Manager)		
Approved by	Role (e.g. CLT, Council)		
Implementation	Role/Business unit (which role or business unit is responsible for what?)		
Monitoring/Evaluation	Role/Business unit (which role business unit is responsible for what?)		
Archived Version (of adopted policy)	Author	Date	Description
V 1.0	Name, Role, Business unit	Date created: Day Month Year Date superseded: Day Month Year	Insert brief description here (this version can be found in the archived folder)

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INTERPRETATION

“Council” means Hutt City Council

“District” means ~~The~~ Lower Hutt ~~City~~.

“Hawker(s)” means any person(s) who, in any public place sells, ~~sollicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods~~ but does not include any person who operates a vehicle as a mobile shop.

“Keeper” in relation to any mobile shop, or stall, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

“Mobile Shop” means a vehicle, whether self propelled or not, from which goods or services are offered or exposed for sale, or from which goods or services may be ordered (whether or not in pursuance of any invitation to call) but does not include any vehicle used for the purpose of transporting goods pursuant to a prior order placed for the delivery of the goods.

“Permit” means a permit issued by the Council under this bylaw .

“Person” includes a corporation sole, and also a body of persons, whether corporate or unincorporated.

“Projection” means any part of a building, structure, or attachment that extends beyond the external face of a building and over, into, or across a public place, whether temporarily or permanently.

“Public Place” means any place that, at any material time, is open to or is being used by the public, whether for free or on payment of a charge but does not include any place where any owner or occupier, other than the Council, is lawfully entitled to control access to or from that place.

“Stall” includes any stand or table capable of being moved, road vehicle, vessel or similar structure on or at or from which goods are sold or exposed for sale.

1. OPENING SURFACES

- 1.1 No person may:
 - a. blast ~~or use explosives material~~ in, on or near a public place; or
 - b. open a drain or sewer on, or disturb or remove the surface of, a public place: without the prior written permission of the Council.
- 1.2 Any person doing an activity under clause 1.1 must comply with any conditions imposed by the Council on its written permission.

2. FLAMMABLES

- 2.1 No person may leave flammable materials in a public place without the prior written permission of the Council.
- 2.2 Any person doing an activity under clause 2.1 must comply with any conditions imposed by the Council on its written permission.

3. DAMAGE TO COUNCIL PROPERTY

- 3.1 No person may, in a public place, willfully or maliciously damage, destroy or interfere with:
 - a. any tree, shrub or other plant of any kind belonging to the Council;
 - b. a pump, watercourse, water race, stormwater drain, water trough or drinking fountain;
 - c. a building, foundation, structure or other property belonging to the Council;
 - d. a street light, or lamp post; or
 - e. a warning light, sign or barricade placed by the Council to warn the public of danger.

4. DEAD ANIMALS

4. No person may:
 - a. throw or leave a dead animal or animal remains, upon a public place, or in a river, creek, stream, water race or other water; or

- b. fail to safely and appropriately dispose of the remains of an animal belonging to them or in their charge, that may have been killed or died while straying or being driven on a public place.

5. OBSTRUCTIONS ON PUBLIC PLACES

- 5.1 No person may, unless permitted by another bylaw:
 - a. place an obstruction in or on a public place, watercourse, channel or river where it may cause a danger to people;
 - b. obstruct the free flow of water in a river, creek, stream, water race or other water;
 - c. leave any article standing or lying in a public place in a way that causes an obstruction;
 - d. carry or convey a load to the danger or obstruction of any person using a footpath or cycle track;
 - e. pack or unpack any goods on a public place without the prior written permission of the Council; or
 - f. expose an article for sale or display on a footpath, outside a shop, shop window, or doorway abutting a public place in any way that causes an obstruction, without the prior written permission of the Council.
- 5.2 Any person doing an activity under clause 5.1(e) or (f) must comply with any conditions imposed by Council on its written permission.

6. RESTRICTIONS ON THE USE OF BARBED WIRE AND RAZOR WIRE

- 6.1 No person may erect barbed wire or razor wire within one metre of a public place, unless the wire is at a height of two metres or more from the level of the ground of the public place.
- 6.2 No person may renew, or repair, an existing fence with barbed wire or razor wire within one metre of a public place.

- 6.3 Every person who receives a notice in writing from the Council alerting that person that the person is in breach of clauses 6.1 or 6.2 must comply with 6.1 and 6.2 within the time stated in the notice.

7. REPAIR OF FENCES

- 7.1 When a fence abutting a public place is so out of repair that, in the Council's opinion, it is dangerous to the public, the Council may, by notice in writing, require the owner of the fence to:
- a. repair the fence;
 - b. remove the fence; or
 - c. remove the fence and erect in its place a new fence
- 7.2 Any fence repaired or erected under clause 7.1(a) or (c) must be reasonably satisfactory for the purpose that it services or is intended to serve in respect of its nature, condition and state of repair.
- 7.3 The owner of the fence who is served with a notice in accordance with clause 7.1 must comply with the notice and any conditions in the notice imposed by the Council.

8. CROSSINGS

- 8.1 No person may construct a crossing across a footpath or water channel, or repair, construct, renew, or do any work in connection with an existing crossing, without the prior written permission of the Council.
- 8.2 If a person seeks permission from the Council to undertake the activity in clause 8.1, the Council may:
- a. upon receipt of any reasonable sum of money that the Council requires as payment for the work applied for, carry out and execute the work as soon as practicable;
 - b. upon the receipt of any reasonable sum of money that the Council requires as a deposit and an inspection fee, permit the person to

carry out the work subject to any conditions the Council considers appropriate; or

- c. refuse to carry out the work or to permit the work to be carried out if, in the Council's opinion, the existence of a crossing causes or is likely to cause danger or obstruction in a public place.

8.3 If work is completed under clause 8.2(b) to the satisfaction of the Council, the Council will refund the deposit paid.

8.4 No person may drive, ride or wheel a motor vehicle, or lead cattle or sheep, across a footpath or water channel in a public place other than by means of a properly constructed crossing.

9. TEMPORARY CROSSINGS

9.1 No person may construct a temporary crossing for the purpose of driving, riding or wheeling a motor vehicle across a footpath or water channel in constructing a building or delivering or collecting building materials, without the prior written permission of the Council.

9.2 Any person doing an activity under clause 9.1 must comply with any conditions imposed by Council on its written permission.

9.3 Any person in control of a temporary crossing must take reasonable steps to ensure the temporary crossing and the street channels are left clear of obstacles at all times.

10. REINFORCING FOOTPATHS

10.1 Where any land or premises is occupied or used in a way that:

- a. in the usual course of business carried on at the land or premises, any materials are dropped or deposited upon or conveyed across a footpath, water channel or crossing in a public place; and
- b. the activity in paragraph (a) is carried out in a way that is likely to damage the footpath, water channel or crossing;

The Council may, by notice in writing, require the owner or occupier of the land or premises to provide adequate reinforcement (as required by the Council in the notice) to the footpath, water channel or crossing, or to remedy any damage that has been caused.

10.2 Any person who is issued with a notice under clause 10.1 must comply with the notice.

- 10.3 The owner or occupier of the land or premises may request Council in writing to execute the work or may carry out the work him or herself. The Council may:
- a. upon receipt of any reasonable sum of money the Council requires as payment for the work required, execute the work as soon as practicable; or
 - b. upon the receipt of any reasonable sum of money that the Council requires as a deposit and an inspection fee, permit the person to carry out the work subject to any conditions the Council considers appropriate.
- 10.4 If work is completed under clause 10.3(b) to the satisfaction of the Council, the Council will refund the deposit paid.

11. NAMING OF STREETS AND NUMBERING OF BUILDINGS

- 11.1 No person may give a name to, or display a name, on a street, private street, or public place without the prior written permission of the Council.
- 11.2 Any person doing an activity under clause 11.1 must comply with any conditions imposed by Council on its written permission.
- 11.3 The owner or occupier of every building must, in accordance with clause 11.4, mark the building with any numbers the Council directs or approves, and must renew the numbers of the buildings as often as they are obliterated or defaced or as often as the Council orders or directs.
- 11.4 Every number displayed must be a minimum of 50 millimetres high and must be placed upon a building so that it is readily visible from any street fronted by the building or, if no such position is available, the number must be placed upon a post, fence or gate near or adjacent to, and readily visible from the street.

12. DISTURBANCE OF NEIGHBOURHOOD

- 12.1 No person may, in a public place, make or cause loud sounds so that the peace and quiet of persons residing in the neighbourhood is disturbed, or so that a congregation or meeting is disturbed, without the prior written permission of the Council.
- 12.2 Any person doing an activity under clause 12.1 must comply with any conditions imposed by Council on its written permission.
- 12.3 Clause 12.1 does not prevent:
- a. the reasonable use of sound-amplified equipment by a candidate or their authorised representative for the purpose of campaigning for a general election or by-election within the meaning of the Electoral Act 1993, or for a local authority election or by-election, during the period of one month before the date of the election or by-election; or
 - b. the reproduction in reasonable volume of recorded music or radio programmes from an authorised broadcasting station.

13. DISPLAY AND ADVERTISING IN PUBLIC PLACES

- 13.1 No person may:
- a. place a placard, poster, or other document on, or write on, or otherwise disfigure or deface any thing on or abutting a public place;
 - b. stamp, paint, write, or post an advertisement or notice on a public place;
 - c. display or carry a [sign](#), placard, board, flag, screen, or frame, by way of advertisement upon or over a carriageway or footpath of a public place; or
 - d. display advertising material on a motor vehicle or trailer on a public place, other than advertising sign-writing or bumper stickers on a vehicle;

without the prior written permission of the Council.

- 13.2 Any person doing an activity under clause 13.1 must comply with any conditions imposed by Council on its written permission.

14. CONGREGATIONS AND PROCESSIONS

14.1 No person may:

- a. deliberately cause or induce people to congregate or to engage in a procession in a way that obstructs a public place for traffic or pedestrian use; or
- b. take part in a congregation or procession that obstructs a public place for traffic or pedestrian use;

without the prior written permission of the Council.

- 14.2 Any person doing an activity under clause 14.1 must comply with any conditions imposed by Council on its written permission.

[Nothing in this Bylaw shall be interpreted to restrict any person's rights to freedom of expression or peaceful assembly as protected by the NZ Bill of Rights Act 1990, provided such activities do not unreasonably obstruct access, create a safety risk, or otherwise breach this Bylaw.](#)

15. CONDUCTING STREET COLLECTIONS

- 15.1 No person may organise or conduct a street collection in a public place without the prior written permission of the Council.
- 15.2 Any person doing an activity under clause 15.1 must comply with any conditions imposed by Council on its written permission.
- 15.3 In this clause 15, "street collection" means asking for or seeking from passers-by a subscription, collection or donation in a public place.

16. CATTLE AND SHEEP IN PUBLIC PLACES

- 16.1 Every person who owns, or has the care, custody, or control of cattle or sheep, must prevent the cattle or sheep from being on a public place unless in accordance with this clause 16.
- 16.2 A person may tether or put cattle or sheep on a public place for the purpose of depasturing or grazing, provided the person has prior written permission from the Council and is acting in accordance with any conditions.
- 16.3 A person may drive cattle or sheep in a public place continuously at a reasonable speed towards a definite destination without deviation from the most direct route, or the route directed by the Council.
- 16.4 A person may drive cattle or sheep **being** along streets within a rural area (under an operative or proposed District Plan prepared by the Council) from one paddock or farm to another, if both paddocks or farms are the property of one owner, provided that:
- the total distance along the streets is not greater than 3.2 kilometres; and
 - no more than 20 cattle or 1000 sheep are driven at any one time.
- 16.5 Subject to clauses 16.3 and 16.4, a person may drive unharnessed cattle or sheep on a public place, provided the person has prior written permission from the Council and is acting in accordance with any conditions.
- ~~16.6 A person may drive or take a bull on a public place if the bull is led on a adequate harness or if the bull is accompanied by cows.~~
- ~~16.7~~16.6 The Council may by resolution declare certain roads to be stock routes and prohibit or restrict the use of other roads for the driving of cattle or sheep. Any such declaration, prohibition or restriction may be altered or revoked by resolution.

17. NO BUILDING TO BE ERECTED ON A PUBLIC PLACE

- 17.1 No person may:

a. construct or place any part of a building or structure under, upon, over, or across a public place;~~or~~

~~b. use a dwelling or vehicle on a public place for the purposes of temporary living accommodation;~~

without the prior written permission of the Council.

17.2 Any person doing an activity under clause 17.1 must comply with any conditions imposed by Council on its written permission.

18. VERANDAS

18.1 Verandas that are installed on the front of buildings abutting a public place must be:

- a. suspended or cantilevered from the building;
- b. a minimum height of 2.7 metres above the footpath;
- ~~c. provided with a recognised way of disposing of stormwater~~
provided with a stormwater drainage system that complies with the Building Code and any relevant Council engineering standards;
- d. a minimum width of 450 millimetres back from the front line of the kerb;
- e. framed in steel or other approved material; and
- f. where adjoining another building, constructed so that there is no intervening space between the buildings and the junction is watertight.

18.2 Signs placed under verandas must extend no lower than 2.4 metres above the highest part of the footpath.

~~18.2~~18.3 Any veranda constructed over a public place shall be maintained to a reasonable standard, including in a waterproof condition and in a state of good repair.

19. SECURING FOUNDATIONS

18.1 No person may omit or neglect to secure and maintain the foundations of a building, wall or fence on or abutting a public place.

20. DOORS, GATES TO SWINGS INWARDS

- 20.1 No person may hang a door or gate abutting a public place in a way that renders it capable of being swung over or across the public place, unless a door is required to open across a public place by legislation.
- 20.2 A door required by legislation to open across a public place must be constructed in such a way that it does not open past the line of a building.
- 20.3 Roller shutter doors used as security devices must be installed in such a way that the roller does not extend over a public place.

21. PROJECTIONS ON PUBLIC PLACES NOT PERMITTED

- 21.1 No person may attach an obstruction or projection of any kind to a building in a position that interferes with or obstructs the free passage of pedestrians or traffic upon a public place.

22. AWNINGS AND BLINDS

- 22.1 No person may erect or maintain an awning over a public place, or hang an awning, blind or screen from a portico on a public place, without the prior written permission of the Council.
- 22.2 Any person doing an activity under clause 22.1 must comply with any conditions imposed by Council on its written permission.

23. DRIPPING FROM EAVES

- 23.1 No person may cause or permit the drippings from the eaves or other projections of a building or structure to fall upon a public place.

24. ENCROACHMENT TO BE REMOVED UPON NOTICE

- 24.1 If any part of a building or structure has been constructed on or placed across a public place, the Council may by notice in writing require the owner of the building or structure to:
- a. remove the part of the building or structure that has been constructed on or placed across that public place; and
 - b. remedy any damage to the public place caused by the building or structure.
- 24.2 If a tree, shrub or hedge:
- a. overhangs or encroaches on a public place, whether above or below the surface of the soil; or
 - b. in the Council's opinion, is otherwise likely to cause danger to traffic or any person on a public place;
- the Council may, by notice in writing, require the owner or occupier of the land to remove, lower, trim or top the tree, shrub or hedge.
- 24.3 Any person who is issued with a notice under clause 24.1 or 24.2 must comply with the notice and any conditions in the notice imposed by the Council.
- 24.4 Clause 24.2 does not apply to trees protected in an operative or proposed District Plan prepared by ~~the~~Council.

25. STREET MUSICIANS / BUSKERS

- 25.1 No person may sing or play an instrument in a public place for gain unless the person is the holder of a street musician licence from the Council and is acting in accordance with any conditions.
- 25.2 The Council may require each application for a street musician licence to be accompanied by a fee set by the Council.

~~STREET STALLS~~

~~26.1 No person may occupy any portion of a public place with a stall for the purpose of distributing or selling any goods unless the person is the holder of a street stall licence from the Council and is acting in accordance with any conditions.~~

~~26.2 The Council may require each application for a street stall licence to be accompanied by a fee set by the Council.~~

26. Trading in Public Places

RESTRICTIONS ON HAWKING, MOBILE SHOPS, AND STALLS

26.1 No keeper of a mobile shop may use it or permit it to be used for business purposes within a public place in the District unless he, she, or it:

(a) has a valid mobile shop permit from the Council; and

(b) is complying with all terms and conditions of the permit.

26.2 No keeper of a stall may use it or permit it to be used for business purposes within a public place in the District unless he, she, or it:

(a) has a valid stall permit from the Council; and

~~(a)~~(b) is complying with all terms and conditions of the permit.

26.3 No hawker shall conduct business within a public place in the District unless he, she, or it:

(a) has a valid hawker permit from Council; and

(b) is complying with all terms and conditions of the permit.

COUNCIL MAY GRANT MOBILE SHOP, HAWKER AND STALL PERMITS SUBJECT TO TERMS AND CONDITIONS

26.4 Any person may apply to the Council for a mobile shop, hawker or stall permit to conduct activities that would otherwise be in breach of clause 26.1.

26.5 Any applications under clause 26.4 must be made in writing using the Council approved application form and be accompanied by the required fee.

26.6 The Council may grant a mobile shop, hawker or stall permit on such terms and conditions as the Council considers appropriate in each case.

COUNCIL MAY GRANT STALL PERMITS SUBJECT TO TERMS AND CONDITIONS

4.1 Any person may apply to the Council for a stall permit to conduct activities that would otherwise be in breach of clause 2.2.

4.2 Any applications under clause 4.1 must be made in writing using the Council approved application form and be accompanied by the required fee.

4.3 The Council may grant a stall permit on such terms and conditions as the Council considers appropriate in each case.

COUNCIL MAY GRANT HAWKER PERMITS SUBJECT TO TERMS AND CONDITIONS

5.1 Any person may apply to the Council for a hawker permit to conduct activities that would otherwise be in breach of clause 2.3.

5.2 Any applications under clause 5.1 must be made in writing using the Council approved application form and be accompanied by the required fee.

5.3 The Council may grant a hawker permit on such terms and conditions as the Council considers appropriate in each case.

EXPIRY OF PERMIT AND PERMIT RENEWAL PROCESS

- 26.7 A permit shall be valid for a period of 12 months from the date of issue, unless otherwise stated on the permit
- 26.8 A permit will automatically expire where a company or business holding the permit is sold.
- 26.9 Provided the permit holder has complied with the terms and conditions of their permit Council may renew the permit for a period of up to 12 months upon receipt of an application in writing on a Council approved form and the required fee, and upon such terms and conditions as the Council considers appropriate.

PERMIT NOT TRANSFERABLE

- 26.10 No permit issued under this bylaw shall be transferable.

27. OFFENCES AND PENALTIES

- 27.1 A person who fails to comply with this bylaw commits a breach of bylaw and ~~may be is~~ liable on conviction to a penalty of up to \$20,000 under the Local Government Act 2002 and/or the Health Act 1956.
- 27.2 A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

COMMENTARY

The following comments do not form part of the bylaw. They are provided to alert readers to relevant law and information that relate to the bylaw.

Crossover with Resource Management Act 1991

If a person breaches a bylaw, but relevant enforcement provisions in the Resource Management Act 1991 apply, the Council may choose not to prosecute under the Local Government Act 2002 and may choose to use the enforcement provisions in the Resource Management Act 1991 instead.

District Plan

Compliance with this bylaw does not remove the need to comply with the requirements of the District Plan. Some activities covered by this bylaw may also

[require resource consent or other approval under the District Plan. Before undertaking any work or activity, you should check with the Council's planning team to confirm whether additional approvals are required.](#)

Building Code

[All building work, whether or not it requires a building consent, must comply with the New Zealand Building Code in accordance with the Building Act 2004. Some work may require a building consent, and you should consult the Council before starting any building work to confirm consent and compliance requirements.](#)

~~[Where the Council requires a person to undertake any building work in accordance with a bylaw \(e.g. by a notice\), the Council will not require the person to achieve performance criteria that are additional to, or more restrictive than, the performance criteria prescribed in the Building Code and the Building Act 2004 in relation to that building work.](#)~~

Getting written permission from the Council

If you want written permission from the Council in relation to this bylaw, you should contact the Council Call Centre on 04 570 6666 and they will then direct you to the appropriate person. There may be an application form you will need to fill in. Council officers will be able to assist you in seeking permission or completing an application form if you have any queries.

Statutory authority

[This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.](#)

Appendix B: Communications and Engagement Plan

Comms and engagement plan

Project name: Public Places Bylaw Review

Project owner: Sam White, Policy Advisor

Comms and Engagement Advisor: Eve Abernethy

Date: 6 October 2025

Summary

The Public Places Bylaw is being reviewed to ensure it continues to meet the needs of Te Awa Kairangi ki Tai Lower Hutt communities, complies with legislative requirements, and reflects current community expectations. The review will include early engagement to gather views before the draft bylaw is finalised, followed by the Special Consultative Procedure (SCP) as required under the Local Government Act 2002.

The goal is to ensure communities have a genuine opportunity to influence changes to the bylaw, that we meet statutory consultation obligations, and that feedback is clearly reported back to the public.

Background/context

The Public Places Bylaw regulates activities in public spaces across Lower Hutt to ensure they are safe, accessible, and enjoyable for everyone. A review is required every 10 years under the Local Government Act 2002.

Key considerations:

- Council is required to use the Special Consultative Procedure (SCP).
- There is community interest in issues relating to use of public places (e.g. trading, events, public safety, environmental concerns), however there is a lack of public awareness of the bylaw and its purpose.
- Early engagement will give residents more opportunity to understand the bylaw and shape the draft before the SCP begins.

- Internal coordination across council departments is essential given the breadth of the bylaw’s impact.

Objectives

- Ensure compliance with legislative requirements for consultation.
- Provide early opportunities for the public to influence the draft bylaw.
- Inform the public about the bylaw and its purpose, and why we’re reviewing it.
- Engage meaningfully and transparently, showing how feedback has informed decisions (“closing the loop”).
- Support Elected Members with information and engagement tools.
- Equip customer facing teams to respond consistently to public enquiries.
- Build trust by using clear, accessible, and plain English communications.

Strategic approach

- **Special Consultative Procedure (March – June 2026):** Run formal consultation 25 March to 25 April, including hearings, on the draft bylaw.
- **Adoption August 2026**
- **Closing the loop (by September/October 2026):** Report back to participants and the wider community on the outcomes and final decisions.

Methods will include a mix of online (Have Your Say survey, digital channels) and offline (community hubs, hearings) to ensure inclusivity.

Audiences

Internal:

- Neighbourhoods and Communities
- Aquatics (consulted; no specific interest)
- Animal Services
- Business and Economy
- Connected Communities
- Environmental Health
- Urban Development
- Building Control
- Consents Planning
- Transport
- Waste Management
- Parks and Reserves

External:

- Residents and ratepayers of Lower Hutt
- Mana Whenua (through Te Tira Māori)
- Businesses and traders operating in public spaces
- Visitors and users of public spaces
- Elected Members

Principals

- Engagement will be open, transparent, and inclusive.
- Plain English will be used, with translations available where needed.
- We will ensure accessibility by using both online and offline channels.
- Feedback will be valued and acknowledged – the community will see how their input shaped decisions.
- Engagement will reflect Te Ao Māori principles where appropriate, with input from Te Tira Māori.

Risks and mitigations

Risk	Mitigation	Comment
Low engagement during early stage	<ul style="list-style-type: none">• Ensure communications are wide-reaching and encourage engagement	
Misinformation in community, or people don't understand the bylaw	<ul style="list-style-type: none">• Clear, plain language comms, that explain what the bylaw is and why it's relevant to people.	Create FAQs to support understanding
Perception that decisions are predetermined	<ul style="list-style-type: none">• Be clear about how public engagement shapes the bylaw changes and close the loop confirming this happened.	
Negative media coverage	<ul style="list-style-type: none">• Front foot any controversial parts of the bylaw review	
Limited reach to diverse communities	<ul style="list-style-type: none">• Limited reach to diverse communities	

	<ul style="list-style-type: none">• Connect with communities through connected communities, plain language comms, and meeting people where they are.	
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Tactics

When	What	Who
July – Sep 2025	<ul style="list-style-type: none"> Internal stakeholder contacts to confirm scope and responsibilities. Draft early engagement materials 	Sam
Dec 2025 – Feb 2026	<ul style="list-style-type: none"> Prepare draft bylaw for SCP. 	Sam, Legal
25 Mar – 25 Apr 2026	<ul style="list-style-type: none"> Special Consultative Procedure (formal consultation). Hearings scheduled. Promote widely (media releases, social media posts, hubs, signs in ‘public places’ (if required)). 	Sam, Eve
May – Sep 2026	<ul style="list-style-type: none"> Analyse submissions and prepare recommendations. Council decision-making. 	Sam
Sep – Oct 2026	<ul style="list-style-type: none"> “Close the loop” – share final decisions with public. Publish summary report and thank participants. 	Sam, Eve

C&E pack

[Key messages](#)

[Frequently Asked Questions](#)

[Have Your Say webpage content](#) (incl supporting documents)

[Social media post plan](#)

[Email to Elected Members](#)

Internally shared through Comms calendar and other updates

To be drafted:

- Media release
- Social media and digital collateral (Digital banner for 'Have your Say', libraries/hubs and a social media tile)

Appendices

[Timeline: Public Places Calendar July 2025 – Oct 2026](#)

[FAQs & Draft Early Engagement Content](#)