

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Customer & Regulatory Services Committee will be held on:

Date: Tuesday 11 March 2025
Time: 1.00 pm - (or at the conclusion of the previous meeting, whichever is the later)
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin

Sandy Graham
Chief Executive Officer

Customer & Regulatory Committee
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	Mayor Jules Radich
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	
Senior Officer	Paul Henderson, General Manager Customer and Regulatory - Acting	
Governance Support Officer	Jennifer Lapham	

Jennifer Lapham
Governance Support Officer

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Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1 PUBLIC FORUM

At the close of the agenda no requests for public forum had been received.

2 APOLOGIES

At the close of the agenda no apologies had been received.

3 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
A	Register of Interest	6

Customer and Regulatory Committee Interest Register 3 March 2025				
Councillors are members of all committees				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Mayor Jules Radich	Shareholder	Izon Science Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Taurikura Drive Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Golden Block Developments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Cambridge Terrace Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Southern Properties (2007) Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Arrenway Drive Investments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Golden Centre Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	IBMS Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Raft Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Otago Business Coaching Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Effectivise Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Athol Street Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Allandale Trustee Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Aberdeen St No2 Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Road Safety Action Plan	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	100% Shareholder/Director	Panorama Developments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Council of Social Services (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Sector Steering Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Dunedin Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Bill Acklin	Shareholder/Director	Dunedin Brokers Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	APRA - AMCOS	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Entertainer	Various functions	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Casual Employee	Insulmax	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Mentor	Business Mentors NZ	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Volunteer	Blue Penguins Pukekura	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Vegetable Growers Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Gasworks Museum Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otaru Sister City Society (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Deputy Chair	Dunedin Food and Drink Tourism Story Group	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Ao Tūroa Partnership (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr David Benson-Pope	Owner	Residential Property Ownership in Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee and Beneficiary	Blind Investment Trusts	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Yellow-eyed Penguin Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Christine Garey	Trustee	Garey Family Trust - Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Women of Ōtepoti	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Sophia Charter (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Study Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Ashburn Hall Charitable Trust Board	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	St Paul's Cathedral Foundation (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Theomin Gallery Management Committee (Olveston) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Cr Kevin Gilbert	Owner	Gipfel Limited - Bakery	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlubert Trust - Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlup Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	BNI	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Business South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Air New Zealand	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Trustee	Kevin Gilbert and Esther Gilbert Partnership - Residential Rental Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Biddies Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Advisors	Ronald McDonald House Supper Club Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Fair Trading Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Settlers Association (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Saddle Hill Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Food Equity and Education Dunedin (FEED) Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Industry Advisors Group Food and Beverage (Workforce Development Council)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Carmen Houlahan	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Rental Property - North Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Part Owner	Adobe Group Ltd, Wanaka	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Creative Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	KBCLR Family Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Otago Theatre Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Marie Laufiso	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Moray Place Community Building Trust - Trust Owner of Property 111 Moray Place	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Otago Mental Health Support Trust	Potential grants applicant which would result in pecuniary interest. Duty to Trust may conflict with duties of Council Office	Do not participate in consideration of grants applications. If the meeting is in public excluded, to leave the room.
	Member	Women of Ōtepoti Recognition Initiative	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Family Member	Staff member a relative	Potential conflict depending on level of staff member involvement	Managed by staff at officer level if a perceived conflict of interest arises.
	Trustee	Corso Ōtepoti Dunedin Trust	Potential grants recipient	Withdraw from discussion and leave the table. If in public excluded leave the room. Seek advice prior to the meeting.
	Dunedin Branch Treasurer	P.A.C.I.F.I.C.A Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Secretary	Dunedin Abrahamic Interfaith Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee and Secretary	Refugee Support Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Former Refugee Steering Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Social Wellbeing Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	The Ōtepoti Community Builders Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Chairperson	Grants Subcommittee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Cr Cherry Lucas	Trustee	Otago Farmers Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Henderson Lucas Family Trust - Residential Dunedin Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Institute of Chartered Accountants	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Deputy Chair	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Chinese Garden Advisory Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Taieri Airport Trust (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Mosgjel Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Poāri a Pukekura Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Mandy Mayhem	Chairperson	Waitati Hall Society Inc	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Blueskin News Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Waitati Market	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Co-ordinator	Emergency response group, Blueskin area	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	FENZ Local Advisory Committee for Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waitati Music Festival Committee	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin Bay Amenities Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Blueskin A & P Society	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Keep Dunedin Beautiful (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Zone Representative and Board Member	Keep New Zealand Beautiful	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Coastal Community Cycleway Network	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	West Harbour Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Disability Issues Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Former Refugee Steering Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Music Advisory Panel (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Social Wellbeing Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Jim O'Malley	Owner	Biocentrix Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Owner	Residential Property Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Northern AFC	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Ice Sports Dunedin Incorporated (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Regional Transport Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Waikouaiti Coast Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Lee Vandervis	Director	Lee Vandervis, Antonie Alm-Lequeux and Cook Allan Gibson Trustee Company Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Bunchy Properties Ltd - Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Vandervision Audio and Lighting - Hire, Sales and Service Business	May contract and provide service to DCC	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	District Licensing Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Steve Walker	Trustee	Dunedin Wildlife Hospital Trust	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	Orokonui Ecosanctuary	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in public excluded leave the room. Seek advice prior to the meeting.
	Member	Society of Beer Advocates	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Port Chalmers Historical Society	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Owner	Residential Property - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Sea Lion Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Edinburgh Sister City Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Music Advisory Panel (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Justice of the Peace		No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Predator Free Dunedin	No conflict	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Predator Free Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Brent Weatherall	Member	Urban Access	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Owner	Business George Street, Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Brent Weatherall Jeweller Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Weatherall Trustee Company	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Residential Rental Properties	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Board Chair	Volunteer South	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand PGA (Professional Golf Association)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Dunedin Community House Executive Committee	Potential grants recipient	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Shanghai Association (Sister City Society) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	NZ Masters Games Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Puketai Residential Centre Liaison Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	Dunedin Christmas Charitable Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

CONFIRMATION OF MINUTES

CUSTOMER & REGULATORY COMMITTEE MEETING - 17 SEPTEMBER 2024

RECOMMENDATIONS

That the Committee:

- a) **Confirms** the public part of the minutes of the Customer & Regulatory Committee meeting held on 17 September 2024 as a correct record.

Attachments

	Title	Page
A↓	Minutes of Customer & Regulatory Committee meeting held on 17 September 2024	16

Customer & Regulatory Committee

MINUTES

Minutes of an ordinary meeting of the Customer & Regulatory Services Committee held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 17 September 2024, commencing at 12.21 pm

PRESENT

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	

IN ATTENDANCE

Jeanette Wikaira (General Manager Arts, Culture and Recreation), Alan Worthington (Acting General Manager Customer and Regulatory), Carlo Bell (Team Leader, Environmental Health & Alcohol Licencing), Anna Neilson (Group Manager, Property Services), Paula Dickel (Property Officer Advisory) and Clare Sullivan (Manager Governance)

Governance Support Officer Jennifer Lapham

It was moved (Cr Carmen Houlahan/Cr Jim O'Malley)

That the Committee

Adjourn the meeting until 1 pm.

Motion carried

The meeting adjourned at 12.23 pm

1 PUBLIC FORUM

There was no Public Forum.

2 APOLOGIES

An apology was received from Mayor Radich.

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

Accepts the apology from Mayor Radich

Motion carried

3 CONFIRMATION OF AGENDA

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

Confirms the agenda without addition or alteration

Motion carried

4 DECLARATIONS OF INTEREST

Members were reminded of the need to stand aside from decision-making when a conflict arose between their role as an elected representative and any private or other external interest they might have.

There was no new interests declared.

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Notes** the Elected Members' Interest Register.
- b) **Confirms** the proposed management plan for Elected Members' Interests.

Motion carried (CRC/2024/020)

5 CONFIRMATION OF MINUTES

5.1 CUSTOMER & REGULATORY COMMITTEE MEETING - 6 AUGUST 2024

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Confirms** the minutes of the Customer & Regulatory Committee meeting held on 06 August 2024 as a correct record.

Motion carried (CRC/2024/021)

PART A REPORTS

6 CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME

Alan Worthington (Acting General Manager Customer and Regulatory) was in attendance to speak to the report.

Moved (Cr Andrew Whiley/Cr Cherry Lucas):

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme..

Motion carried (CRC/2024/022)

7 ANIMAL SERVICES ANNUAL REPORT TO THE DEPARTMENT OF INTERNAL AFFAIRS

Alan Worthington (Acting General Manager Customer and Regulatory) and Cazna Savell (Team Leader Animal Services) spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Mandy Mayhem):

That the Committee:

- a) **Notes** the Animal Services annual report to the Department of Internal Affairs as at 30 June 2024.

Motion carried (CRC/2024/023)

8 BEAUTICIANS TATTOOISTS AND SKIN-PIERCERS BYLAW REVIEW

Alan Worthington (Acting General Manager Customer and Regulatory) and Carlo Bell (Team Leader, Environmental Health & Alcohol Licencing), Anne Gray (Policy Analyst/Business Coordinator) spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Approves** commencement of the Beauty Therapists, Tattooists and Skin-Piercers Bylaw
- b) **Determines** that a bylaw is the most appropriate way to address issues relating to beauty therapist, tattooist and skin-piercer practices in Dunedin.

Motion carried (CRC/2024/024) with Councillor Vandervis voting against

9 PROPOSED ROAD STOPPING: 142 COAST ROAD, WARRINGTON

Anna Neilson (Group Manager, Property Services) and Paula Dickel (Property Officer Advisory) spoke to the report and responded to question.

Moved (Cr Mandy Mayhem/Cr Andrew Whiley):

That the Committee:

- a) **Approves** public notification of the Council's intention to stop two sections of legal road at 142 Coast Road, Warrington, subject to the Minister for Land Information's consent and the applicant agreeing to:
 - i) Pay the Council the non-refundable fee for processing the road stopping.
 - ii) Pay the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.
 - iii) Amalgamate the stopped portion of road with the title of the adjacent land that is owned by the applicant, being the land contained within Record of Title 902788.
 - iv) Accept the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
 - v) Register any easements over the stopped portion of road in favour of utility companies (if required by the utility company).

Motion carried (CRC/2024/025)

10 ITEMS FOR CONSIDERATION BY THE CHAIR

There were no items raised.

The meeting concluded at 1.40 pm .

.....
CHAIRPERSON

PART A REPORTS

CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide a regular update of the Customer and Regulatory Committee forward work programme. This shows areas of activity, progress and expected timeframes for decision making across a range of areas of work (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme is a regular agenda item which shows areas of activity, progress and expected timeframes for decision making across a range of areas of work.
- 4 As an update report, purple highlights show changes to timeframes. New items added to the schedule will be highlighted in yellow. Items that have been completed or updated are shown as bold.

Signatories

Author:	Jennifer Lapham - Governance Support Officer
Authoriser:	Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

	Title	Page
↓A	Forward Work Programme	23

Key	
New item	
Changes to timeframes	
Completed; progress to date update	Bold
No meeting month	

Customer & Regulatory Committee Forward Work Programme 2025/2026															
Area of Work	Reason for Work	Council role (decision)	Mar	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March
			Customer and Regulatory Issues and Trends Report	Provide an overview of activities of the Customer and Regulatory area.	Progress to date: A report is on the agenda.	Report			Report						
Animal Services Annual Report	Provide the Annual Report on administration of dog control policy and dog control practices as required by the Dog Control Act 1996.	Progress to date: A report will be presented to Council later in 2025													
Reforms															
Reforms	Central government proposals and impact upon customer and regulatory services	Consider, make recommendations to Council as necessary													
Bylaws															
Traffic and Parking	Bylaw review	Commence review, consider and make recommendations to Council. Progress to date: An update will be provided to the September Council meeting.													
Trading in Public Places	Bylaw review	To consider draft bylaw for consultation. Progress to date: A report is on the agenda.	Report		consultation	Hearings			Report to Council						

Customer & Regulatory Committee Forward Work Programme 2025/2026															
Area of Work	Reason for Work	Council role (decision)													
			Mar	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March
Dangerous, Insanitary and Affected Buildings Policy	Policy Review	Progress to date: A report will come to the Committee later in 2025 or early 2026.													
Beauty Therapists, Tattooists & Skin-piercers Bylaw	Bylaw review	To consider draft bylaw for consultation. Progress to date: A report is on the agenda	Report		Consultation	Hearing		Report to Council							

Other Bylaws		
	Review By	Planned review
Alcohol (Control of Alcohol in Public Places)	12 December 2026	To be determined
Camping Control	1 November 2030	To be determined
Keeping of Animals Bylaw	22 February 2027	To be determined
Reserves and Beaches	30 April 2028	To be determined
Roading Bylaw	1 August 2030	To be determined
Water Bylaw	To be determined	To be determined
Stormwater Quality Bylaw	To be determined	To be determined
Tradewaste	1 February 2031	To be determined
Dog Control Bylaw Review	2034/2035	To be determined

Completed work from last schedule:		
Area of Work	Reason for Work	

CUSTOMER AND REGULATORY ISSUES AND TRENDS REPORT

Department: Community and Planning and Customer and Regulatory

EXECUTIVE SUMMARY

- 1 Please see attached the Customer and Regulatory Issues and Trends report for the six months to 31 December 2024.
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Customer and Regulatory Issues and Trends report.

Signatories

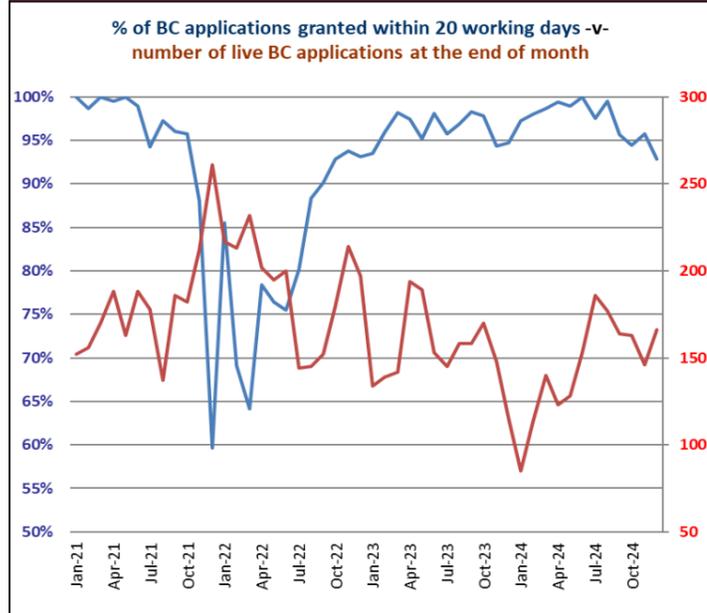
Author:	Alan Worthington - Resource Consents Manager Anne Gray - Policy Analyst Cazna Savell - Compliance Solutions Manager (Acting) Mark Foster - Customer Services Manager Paul Henderson - General Manager Customer and Regulatory (Acting)
Authoriser:	Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

	Title	Page
↓A	Customer and Regulatory Issues and Trends report - six months to 31 December 2024	27

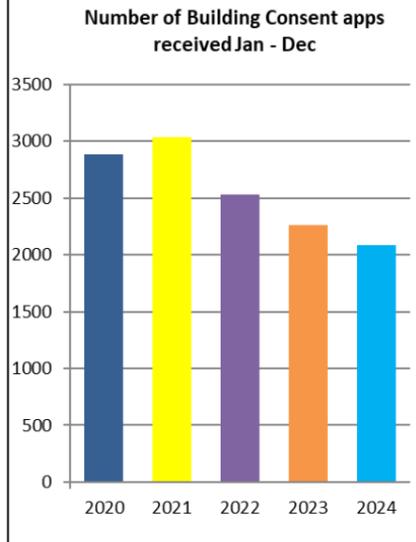
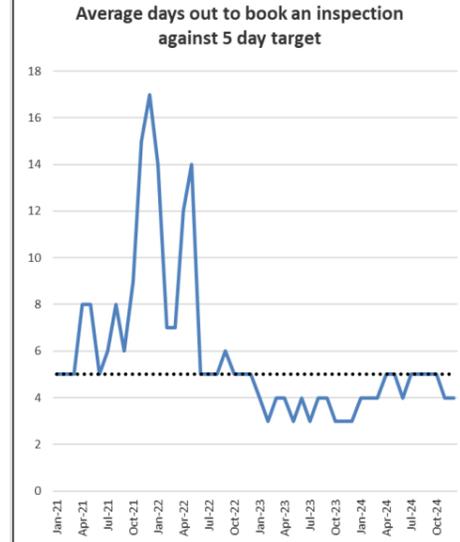
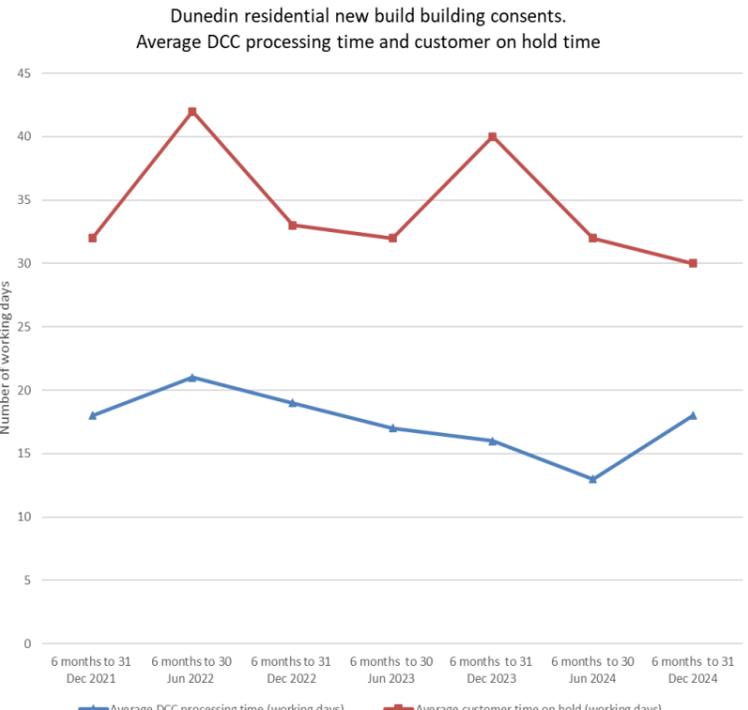
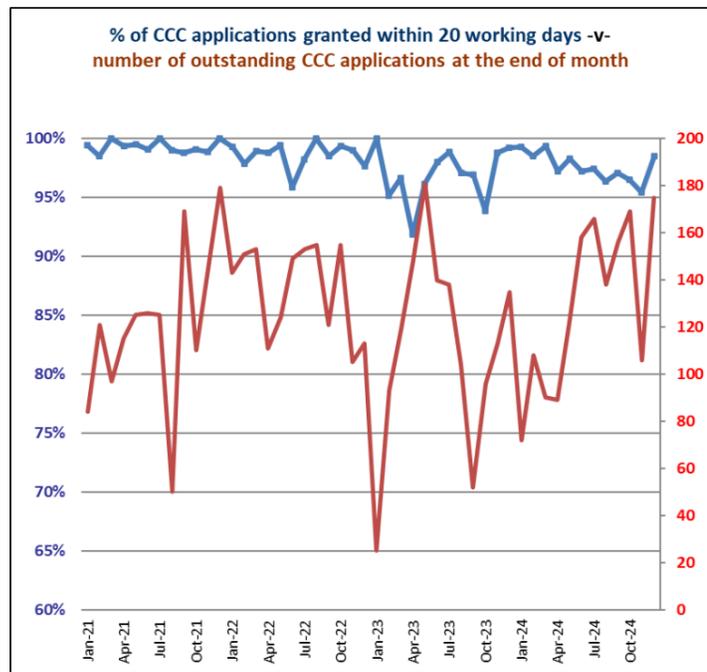
Customer & Regulatory - Issues and Trends to 31 December 2024

BUILDING SERVICES



Key Issues and Trends:

- In the six months ending 31 December 2024, staff provided 16 training sessions on various topics to 154 attendees from multiple organisations including Independently Qualified Persons (IQP's), architectural firms and apprentices.
- The Minister for Building and Construction has announced a [summary of 15 changes](#).
- Quarterly data reporting processing timeframes have been provided to MBIE: [Building Consent System Performance Monitoring | MBIE](#)
- The October 2024 rain event resulted in nearly 100 rapid building assessments being undertaken.
- BRANZ funded research led by the University of Auckland has recently been published. [ModelDocs: Transforming Building Consenting Behaviour for Better Housing \(2024\) | BRANZ](#) It analyses the behaviour between building consent applicants and Building Consent Authorities (BCAs) to understand the causes of delays and provide recommendations for improvement. Points of note from the research highlights:
 - ‘It is the Senders response time that creates consenting delays’.
 - ‘From the date building consent is granted the first inspection is 163 calendar days afterwards’.
 - ‘86% of RFI items are related to Sender behaviour’.
 - ‘We found little evidence of systemic delays or the mythical stop-clocking of BCA’s to delay time’.
 - ‘Sender disgruntlement with ‘consenting delay’ appears to be misplaced anecdotal behaviour’.



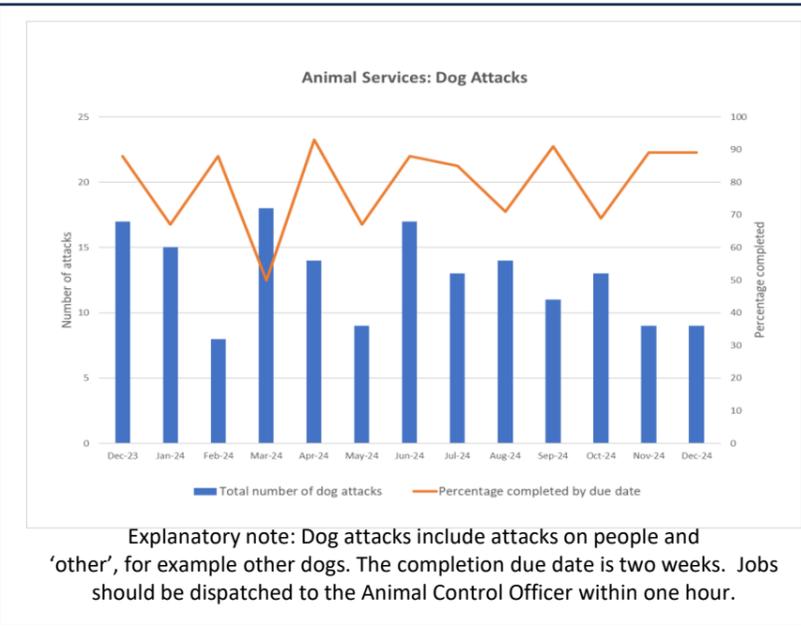
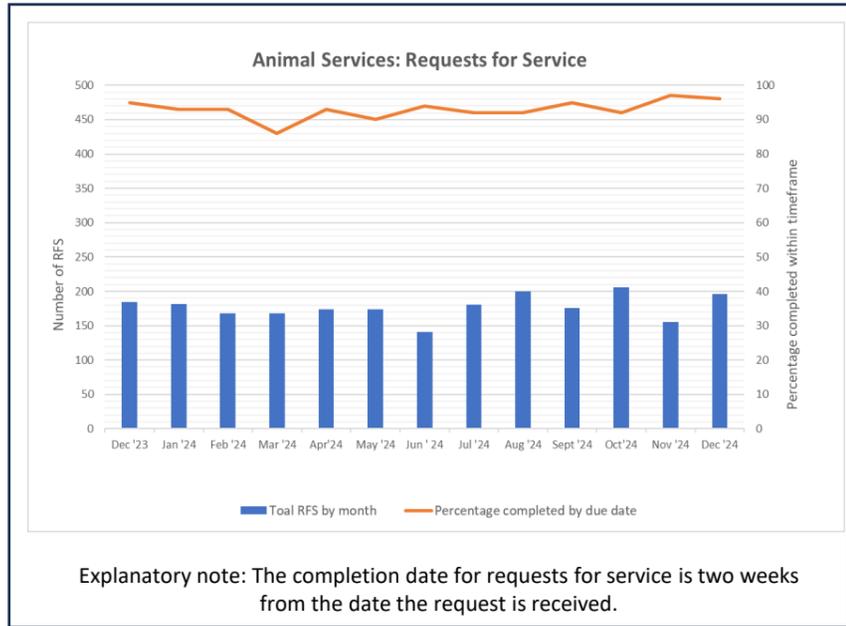
Building Services Earthquake Prone Register Dashboard

Total Register records	Total of Buildings: Not yet profiled/assessed	Total of Buildings: not EPB	Total of Buildings: EPB	Total of Buildings: Engineer Report Requested	Total of Buildings: Further Info Requested
6179	4164	1416	283	289	19

Building Warrant of Fitness Audits

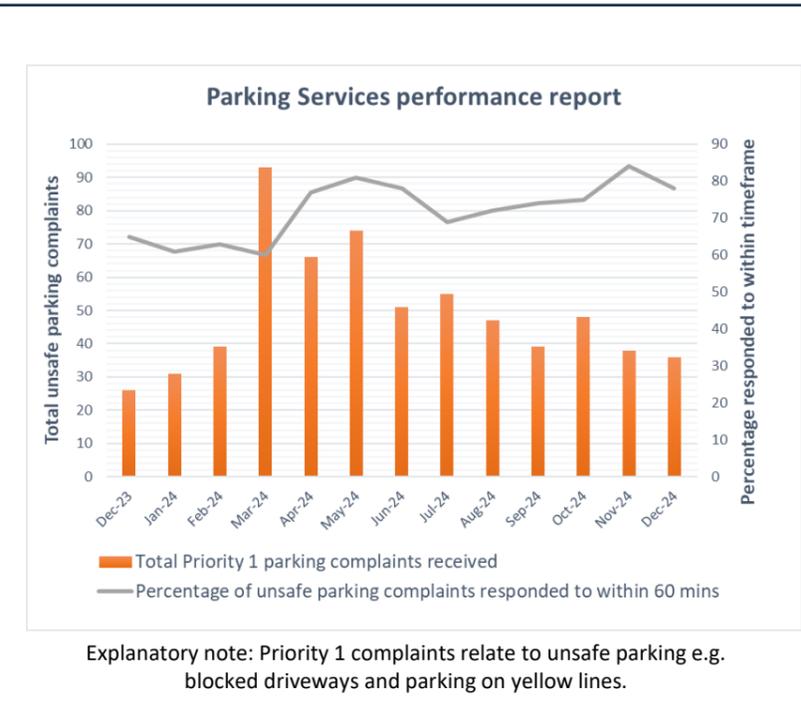
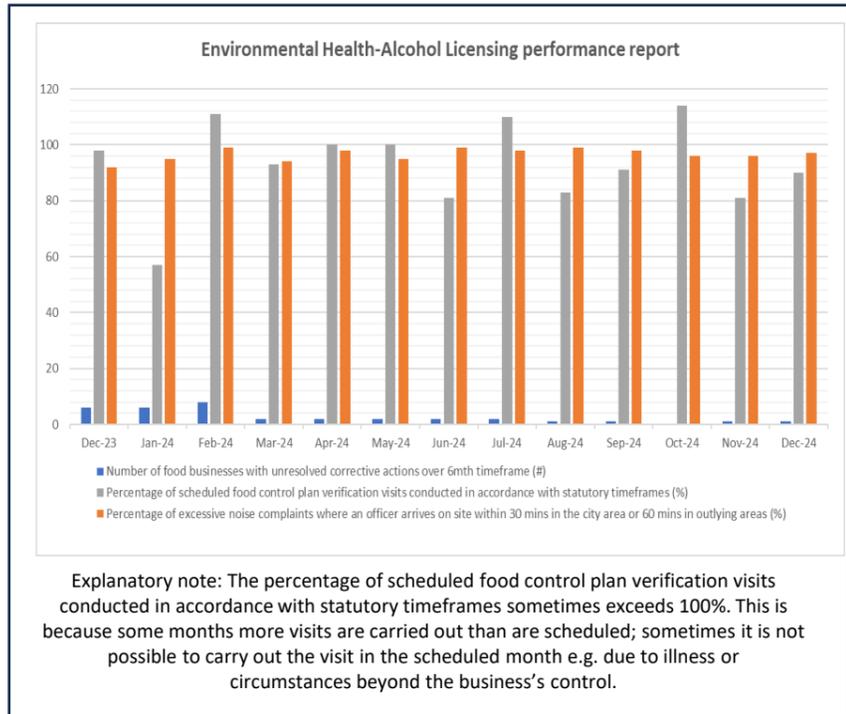
	Actual	Target
Number of buildings with a BWOF	1690	N/a
% of buildings BWOF audited within past 12 months	25.1%	Min 20%

Customer & Regulatory - Issues and Trends to 31 December 2024 COMPLIANCE SOLUTIONS



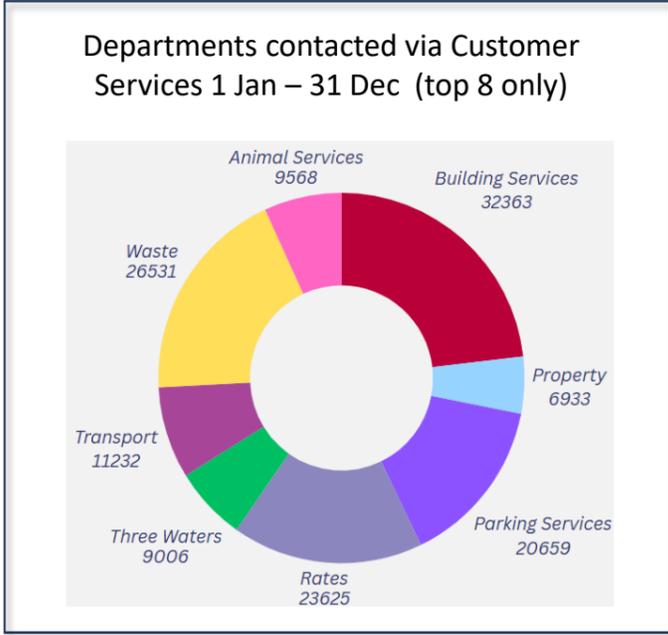
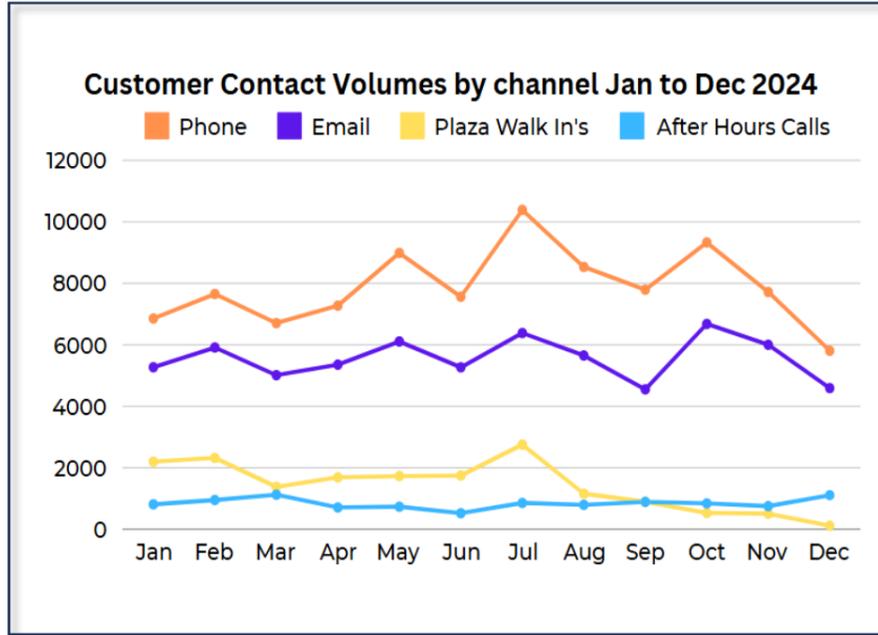
Key Issues and Trends:

- Animal Services officers offered 30 dog safety education sessions for schools and kindergartens and one workplace session in the last six months.
- After hours parking education and enforcement commenced on George Street in August to encourage safe parking behaviours.
- The number of dog attacks continues to trend downwards.
- Parking infringement fees were increased by the Government in October.



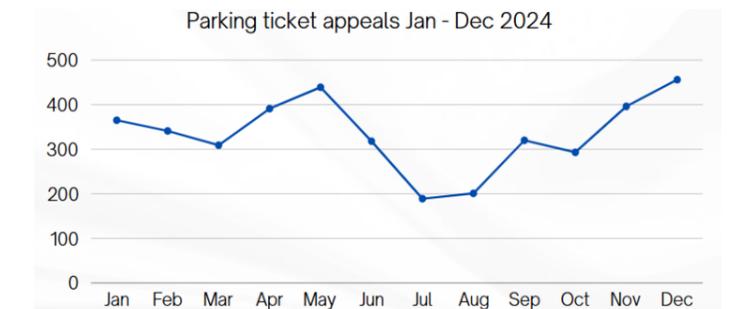
Customer & Regulatory - Issues and Trends to 31 December 2024

CUSTOMER SERVICES



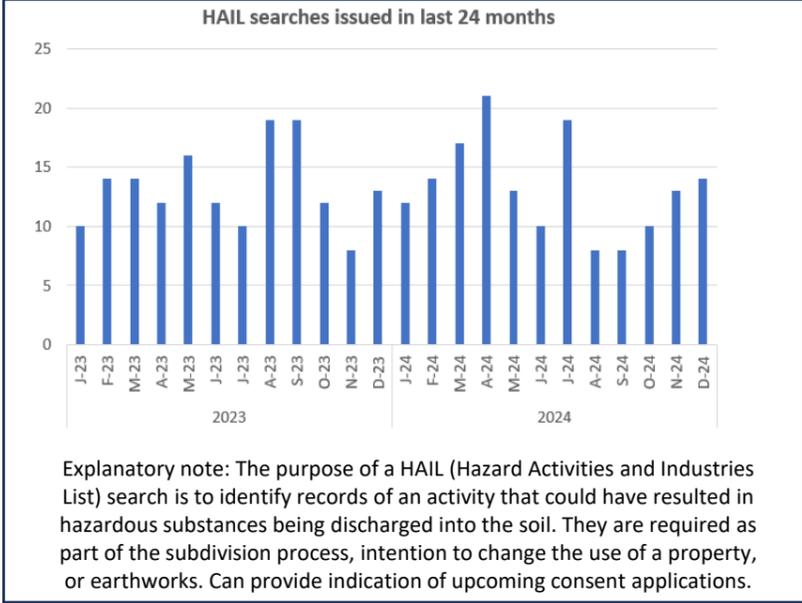
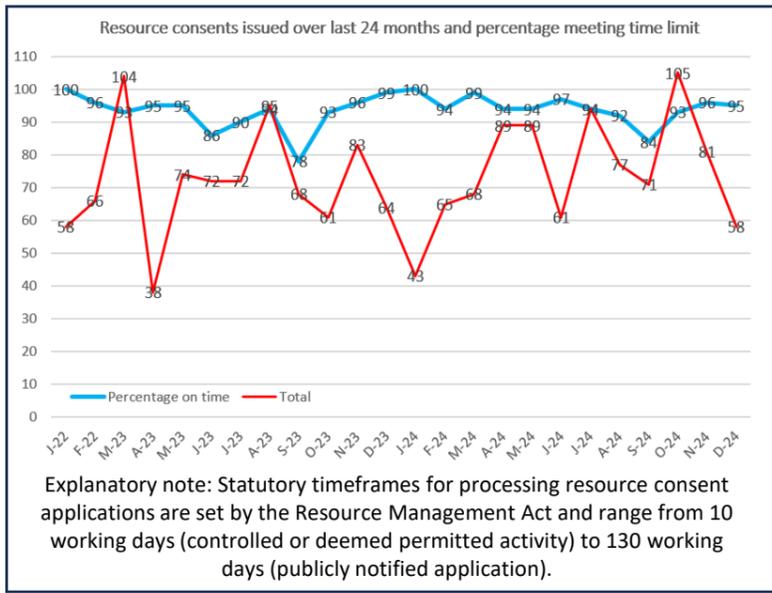
Key and Issues and Trends:

- Building, waste and rates related queries have been the most common topics over the 12 month period to 31 December 2024.
- July and October saw the highest volume of customer contacts, driven by the kerbside roll-out in July and the extreme weather event in October. Fewer working days in December contributed to the downward trend for that month.
- Parking ticket appeals have increased markedly since infringement fees were increased in October.



Customer & Regulatory - Issues and Trends to 31 December 2024

RESOURCE CONSENTS



Key Issues and Trends:

- The number of applications processed in 2024 was 14% higher than in 2023 (989 v 862) and 6% lower than the average of the preceding 10 years (980 v 1047). It is anticipated 2025 will result in applications close to the 10-year average.
- The DCC has submitted on the RMA Amendment Bill.

REVIEW OF TRADING IN PUBLIC PLACES BYLAW

Department: Customer and Regulatory

EXECUTIVE SUMMARY

- 1 In May 2024, the Customer and Regulatory Committee (the Committee) approved commencement of the review of the Trading in Public Places Bylaw (the Bylaw) and made an initial determination that a bylaw is the most appropriate way to address public trading issues in Dunedin. The review must be carried out under requirements of the Local Government Act 2002 (LGA).
- 2 This report presents the results of early engagement on the review which was conducted in November/December 2024. It asks the Committee to approve a draft Bylaw (see tracked changes at Attachment A) and to adopt a statement of proposal (see Attachment B) for consultation purposes. It also asks the Committee to resolve that the draft Bylaw meets requirements of section 155 of the LGA.
- 3 In summary, minor amendments are proposed to the existing Bylaw which is working well to regulate trading in Dunedin public places.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the review's early engagement results
- b) **Resolves** that the proposed draft Trading in Public Places Bylaw meets the requirements of section 155 of the Local Government Act, in that:
 - i) A bylaw is the most appropriate way to address issues arising from or that could arise from trading in public places in Dunedin;
 - ii) the proposed Bylaw is the most appropriate form of bylaw; and
 - iii) the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- c) **Approves** the draft Trading in Public Places Bylaw for consultation purposes, subject to any minor amendments.
- d) **Adopts** the statement of proposal for consultation purposes, subject to any minor amendments.

BACKGROUND

Local Government Act 2002

- 4 Under the Act, bylaws can be made for one or more of the following general purposes: protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places (section 145).
- 5 The Act also allows bylaws to be made specifically to regulate trading in public places (section 146(1)(a)(vi)).
- 6 The Act requires that a new bylaw is initially reviewed within five years of being made. Thereafter the review period is ten years. Following a review, a bylaw can be amended, revoked, revoked and replaced or continue without amendment.

Dunedin Trading in Public Places Bylaw

- 7 The Bylaw was made on 27 October 2020 and came into effect on 1 January 2021. It replaced the Mobile Trading and Temporary Stall Bylaw which had been in place for more than 30 years but only regulated mobile trading and temporary stalls. As substantial changes were proposed, the Mobile Trading and Temporary Stall Bylaw was revoked, and a new bylaw was made.
- 8 From 2021, the Bylaw required permits for a wider range of public trading activities than were addressed in the previous Mobile Trading and Temporary Stall Bylaw, including rental scheme operators (e.g. e-scooter companies), street fundraising, street performing, touting, and commercial use of footpaths. The Bylaw provides for a permit regime and requires that operators comply with the conditions of their permit and other requirements, including maintaining safe pedestrian access in public places. Under the Bylaw, the Council may charge fees for applications and permits.
- 9 Although the purpose of the Bylaw is to “protect health and safety, protect the public from nuisance and regulate trading in public places” it is also important to acknowledge the benefits that public trading activities can provide to the city, including vibrancy, liveliness and attractive lifestyle options.
- 10 Conditions for each trading activity have been developed over time and are reviewed at various intervals as appropriate and with the relevant level of engagement. Conditions for each trading activity can be found on the DCC website with the Trading in Public Places Bylaw.

DISCUSSION

Community engagement

- 11 Early engagement with the community was carried out between 18 November 2024 and 6 December 2024 to inform the review (and to better understand whether the Bylaw is the most appropriate way of addressing perceived problems and issues with trading activities in public places).
- 12 Information and an online survey were advertised via the Otago Daily Times noticeboard, through the Dunedin City Council (DCC) and Ara Toi social media and via targeted emails to key stakeholders for each of the trading activities. Emails were also sent to the disability community and Community Boards.

Results of early engagement

- 13 There were eight responses. Respondents included two mobile traders, two members of the public, a former street performer and an Otago Farmers Market representative.

Generally, do you think the current Trading in Public Places Bylaw is working well to regulate trading in public places?

Response	Number
Yes	2
No	3
Not sure	3
TOTAL	8

Three respondents commented. See Attachment C for the full comments.

Are there activities that you think do not need this requirement (to have a permit and comply with conditions)?

Response	Number
Street performing	3
Street fundraising	3

Any other comments

Four respondents commented. See Attachment C for the full comments.

Proposals

- 14 Generally, the Bylaw (in conjunction with the trading activity conditions and code of practice for rental scheme operators) is working well to regulate trading activities in Dunedin public places. Proposed changes to the existing Bylaw are relatively minor in nature and are detailed here:

Section	Proposed change	Reason
Application	Remove that the bylaw applies to Dunedin City	This is unnecessary as the s 145 of the LGA is clear that the bylaw can only apply to the Dunedin City Council district.
Definitions	Add a definition for conditions	Provides greater clarity about conditions.
	Change pedestrian access references to footpath access	Reflects that not all footpath users are pedestrians.
	Remove oral permission from the permit definition	Reflects current practice that all permits are provided in writing.
	Update trading activity definition	Provides greater clarity and aligns better with the sets of conditions.
Explanatory notes	Move to the start of the Bylaw	Improves the flow of information.

Section	Proposed change	Reason
Exemptions	Add a clause to allow for written exemptions	Provides a mechanism for exemptions to the Bylaw requirements should this be needed.
Prohibited mobile trading areas	Remove this clause from the Bylaw	Removes duplication as these areas are also detailed in the mobile trading conditions. Being in the conditions provides greater responsiveness to add or remove a prohibited location as appropriate.
Conditions for trading activities	Add this clause to the Bylaw	Provides greater clarity about the nature and scope of the conditions that the Bylaw references.
Right of review	Move to clause 9	Improves the flow of information.

- 15 Other minor changes have been made to improve the flow of the Bylaw and update the language, for example information about explanatory notes has been moved to the start of the Bylaw.
- 16 Consideration was given to the benefit of including each trading activity within the Bylaw and this was part of the early engagement. Staff support the continued inclusion of all current trading activities, and these are discussed below. For each activity, the Bylaw provides a reasonable level of control, including through the conditions for each trading activity, and helps to protect public safety and protect the public from nuisance. No additional trading activities have been identified for inclusion. The statement of proposal asks whether any trading activities should be added or removed.

Mobile trading

- 17 Mobile trading and temporary stalls have been regulated by a bylaw for more than 30 years (pre-2021 the Mobile Trading and Temporary Stall Bylaw). A bylaw has been an effective tool to manage mobile trading and stalls. For example, some busy areas of the city such as George St are prohibited, and some areas have bookable sites.

Commercial use of footpaths

- 18 Before 2021, the commercial use of footpaths was managed by a policy and was then incorporated within the Bylaw. Consultation in 2020 showed a strong preference for its inclusion (86% of respondents). There were no comments about this trading activity in the early engagement on the Bylaw review.

Rental scheme operators

- 19 In March 2019, the Council approved the early review of the Mobile Trading and Temporary Stall Bylaw with a view to require permits for commercial electric-scooter (e-scooter) and other vehicle transport rental scheme operators, following the launch of an e-scooter rental scheme in January 2019. There was strong support for this activity to be included during 2020 consultation (97% of respondents). The current permit and Code of Practice are working well. There were no comments about this trading activity in the early engagement on the Bylaw review.

Touting

- 20 Touting (soliciting business usually in a direct or persistent way) was introduced to the Bylaw by the Council in 2021 following issues relating to footpath obstruction. This has helped to manage these situations at particularly busy times, for example on cruise ship days. There was strong support for the inclusion of this activity in 2020 (85% of respondents). There were no comments about this trading activity in the early engagement on the Bylaw review.

Street performing

- 21 Street performing was introduced to the Bylaw by the Council in 2021. This has helped to manage footpath access issues. Opinion was divided in 2020 with 52% supporting its inclusion and 48% opposing. In the early engagement for this review, three people said they did not think street performing needed the requirements of a bylaw. Of these three, one commented about encouraging a more vibrant city.

Street fundraising

- 22 Street fundraising was introduced to the Bylaw by the Council in 2021. This has helped to manage this activity. Opinion was divided in 2020 with 54% supporting its inclusion and 46% opposing. In the early engagement for this review, three people said they did not think street fundraising needed the requirements of a bylaw. There were no specific comments about street fundraising.

New Zealand Bill of Rights Act 1990 (NZBoRA) implications

- 23 The Council and its Committee must ensure that any bylaw does not give rise to any implications under the NZBoRA. A bylaw cannot be inconsistent with the NZBoRA, which means the bylaw should only limit relevant rights and freedoms in the NZBoRA if such limits can be demonstrably justified in a free and democratic society (section 5 NZBoRA).
- 24 The intent of the Bylaw is to protect safety, protect the public from nuisance and to regulate trading in public place. The Bylaw may have implications for the right to freedom of movement in the NZBoRA, relative to public places. However, limiting the movement of traders in some public places and for specified reasons, is a proportionate response and is considered a justified limitation for the prevention of harm.

Consultation

- 25 The Act provides that the special consultative procedure must be used to consult on the proposed Bylaw if it concerns a matter of significant interest to the public (under the Council's Significance and Engagement Policy) or the Council considers there is or is likely to be a significant impact on the public. The Council can also choose to use the special consultative procedure for any consultation. It is proposed that the Council use the special consultative procedure and that consultation is conducted during May 2025. Consultation will be open for at least one month from the date the statement of proposal is issued, as required by the Act.
- 26 Engagement methods will include advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, and via the DCC monthly household mailout, FYI. Key stakeholders such as relevant traders will be advised and invited to comment. Stakeholders include commercial use of footpath businesses, mobile shop traders, street performers, street fundraisers, and tour operators.
- 27 People will have the opportunity to present their views at hearings after May.

OPTIONS

28 Given the statutory requirement for this review, the two options are to approve the proposed Bylaw for consultation with or without any amendments. While it is also an option not to adopt and consult on a replacement bylaw, and let the current bylaw lapse, this is not considered to be a reasonably practicable option, and it has not been further analysed below.

Option One – Approve the draft Bylaw, and adopt the statement of proposal for consultation (Recommended)

Impact assessment

Debt

- No debt funding is required for this option.

Rates

- There is no impact on rates.

Zero carbon

- No impact to emissions is expected with this option.

Advantages

- The proposed Bylaw, SOP and review process comply with the Act’s statutory requirements including use of the SCP.
- Feedback will inform Dunedin’s trading in public places matters and decision-making.

Disadvantages

- There are no known disadvantages.

Option Two – Approve the draft Bylaw, and adopt the statement of proposal for consultation, with amendments

29 This is the same as for Option One, but with any amendments specifically recorded in the Committee’s resolutions.

NEXT STEPS

30 When the Committee approves a Bylaw and SOP for consultation, the following next steps are proposed:

Action	Timeframe
Consultation – using special consultative procedure	May 2025 (for at least one month)
Hearings and Deliberations	Late June 2025
Hearings Committee report to the Council with proposed final Bylaw	August 2025

Signatories

Author:	Anne Gray - Policy Analyst Tanya Morrison - Acting Team Leader Environmental Health and Alcohol Licensing
Authoriser:	Cazna Savell - Compliance Solutions Manager (Acting) Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

	Title	Page
↓A	Draft Trading in Public Places Bylaw - tracked changes	39
↓B	Draft Trading in Public Places Bylaw statement of proposal	46
↓C	Early engagement comments on Trading in Public Places Bylaw review	52

SUMMARY OF CONSIDERATIONS			
<i>Fit with purpose of Local Government</i>			
This decision enables democratic local decision making and action by, and on behalf of communities. This decision promotes the social and economic well-being of communities in the present and for the future.			
<i>Fit with strategic framework</i>			
	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The proposal to review the Bylaw contributes to most of the strategic framework as the Bylaw purpose is to “provide reasonable controls to protect health and safety, to protect the public from nuisance and to regulate trading in public places”. In doing so, it is important to acknowledge the benefits of trading in public places including vibrancy, liveliness and attractive lifestyle options for the city.			
<i>Māori Impact Statement</i>			
There are no known specific impacts for tangata whenua.			
<i>Sustainability</i>			
There are no known impacts for sustainability.			
<i>Zero carbon</i>			
There is no expected impact on emissions.			

<p>SUMMARY OF CONSIDERATIONS</p>
<p><i>LTP/Annual Plan / Financial Strategy /Infrastructure Strategy</i></p> <p>There are no implications for these documents.</p>
<p><i>Financial considerations</i></p> <p>There are no financial implications as management of the Bylaw is carried out within existing budgets.</p>
<p><i>Significance</i></p> <p>The decision to approve documents for consultation is considered low in terms of the Council’s Significance and Engagement Policy. The Act requires that the special consultative procedure is used to review the Bylaw.</p>
<p><i>Engagement – external</i></p> <p>There has been early engagement with stakeholders to inform this review. See the report’s discussion on early engagement methods, stakeholders, and engagement results.</p>
<p><i>Engagement - internal</i></p> <p>There has been internal engagement with Transport, Urban Design, Creative Partnerships, Compliance Solutions, Governance, Communications and Marketing and Enterprise Dunedin.</p>
<p><i>Risks: Legal / Health and Safety etc.</i></p> <p>There are no identified risks. The draft Bylaw has been reviewed by external legal counsel.</p>
<p><i>Conflict of Interest</i></p> <p>There is no identified conflict of interest.</p>
<p><i>Community Boards</i></p> <p>There are no specific implications for Community Boards.</p>

TRADING IN PUBLIC PLACES BYLAW 20250			
Trading in Public Places Bylaw 20250			
Approved by:	The Council		
Date approved:	Council		
Date of effect:	1 January 2021	Reviewed:	2025
Next review date:	Five years after date of effect	DOC ID:	

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

Explanatory note: This bylaw should be read in conjunction with the conditions/code of practice for the following trading activities:

- Mobile shop trading
- Commercial use of footpaths
- Street performing
- Street fundraising
- Rental scheme operations
- Touting.

Conditions [which are made under clause 12 of this bylaw](#) can be found on the Dunedin City Council website with the Trading in Public Places Bylaw.

1 SHORT TITLE

This bylaw is the Dunedin City Council Trading in Public Places Bylaw 2020.

2 APPLICATION

~~2.1~~ This bylaw applies to Dunedin City.

~~2.2.1~~ This bylaw does not apply to any act that:

~~2.2.1.1~~ Is undertaken by a member of the emergency services while carrying out a statutory duty; or

~~2.2.1.2~~ Is undertaken in accordance with a valid contract for services with the Council.

3 PURPOSE

3.1 ~~The purposes of this bylaw is to provides reasonable controls to protect public health and safety, to protect the public from nuisance, and to regulate trading in public places by providing for a permit regime and the ability to impose reasonable controls on trading activities.~~

4 EXPLANATORY NOTES

4.1 Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5 DEFINITIONS

5.1 In this bylaw, unless the context otherwise requires:

Act	Means the Local Government Act 2002
Authorised Officer	Means an officer or other person appointed by the Council to perform duties or give permissions under this bylaw.
Busking	To play music or perform entertainment in a public place, usually while soliciting money or money's worth.
<u>Conditions</u>	<u>Means the conditions for any trading activity under clause 6 of this bylaw, and includes any codes of practice or other documents setting out conditions that apply to any trading activity.</u>
Council	Means the Dunedin City Council and includes any person authorised by the Council to act on its behalf.
Footpath	Means the part of the road built mainly for pedestrians and includes the edging, kerb and channelling, grass berm and a footbridge.
<u>Pedestrian Footpath access</u>	Means a minimum width of unobstructed access for pedestrians-footpath users must be maintained as follows: 3m in the central business district zone of the 2GP and 1.5m in all other areas.
Footpath art	Means temporary images or drawings created either directly on to the pavement or on removable surfaces such as, but not limited to, paper or plastic, laid out on the pavement but does not include any advertising in any form on the footpath.
Hawker	Means any person who attempts to sell goods or services to any person in a public place without: <ul style="list-style-type: none"> a. Invitation; or b. Request for such service; or c. Prior orders
Mobile shop	Means a vehicle from which a trading operation-activity is conducted. It does not include a service delivery vehicle carrying goods which have been ordered.

Mobile trading	Includes any trade from a mobile shop; and trading from a stall.
Operator	Means the permit holder and a person in control of the trading operation <u>activity</u> .
Peddler	Means a travelling seller of small items.
Permit	Includes any written or oral permission given by the Dunedin City Council under this bylaw.
Person	Includes a corporation sole, a body corporate and unincorporated body.
Public place	Means an area that is of a public nature, is open to or used by the public, and which is owned, managed, maintained, or controlled by the 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. <i>Explanatory note: Reserves and beaches are also governed by the Reserves Act and the Reserves and Beaches Bylaw.</i>
Reserve	Has the meaning given by the Reserves Act 1977.
Stall	Means any stand, structure or device, awning, table or display board, whether portable or not, established for the purposes of selling any goods or <u>service</u> .
Street fundraising	Means any coordinated and organised event by organisations who ask for, or seek, any subscription, collection or donation from members of the public. It includes street appeals and the sale of any item where an undertaking has been given that all or some of the proceeds will be given to charity.
Street performing	Means the provision of entertainment on or in a public place, and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form.
Touting	Means to solicit business, usually in a direct or persistent way, and to attempt to persuade someone to give something, such as money, for a specific purpose.
Trade <u>and trading</u>	Means to carry out a trading activity.
Trading activity	Means an activity, whether one-off or a series of activities whether temporary or permanent, undertaken by any person involving the sale of goods in a public place or the offering <u>or performing</u> of a commercial service for payment, reward or otherwise <u>in a public place</u> , including but not limited to: <ul style="list-style-type: none"> • Stalls • Mobile shops <u>trading, including mobile shops and stalls</u> • <u>Commercial use of footpaths, including outdoor drinking and dining</u>

	<ul style="list-style-type: none"> • Distribution of promotional goods and materials • Outdoor display of goods • Rental scheme operations • Street performing • Touting • Hawking • Peddling • Signage including stencils • Street Fundraising including fundraising for a charitable cause, and • Soliciting of any subscription or collection of any one-off or ongoing donation.
Trading	Has a corresponding meaning to trading activity.
ZGP	Dunedin City District Plan

5.2 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act, unless the context requires a different meaning.

~~6~~ EXPLANATORY NOTES

~~6.1 Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.~~

~~6.2 Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.~~

~~7~~ TRADING ACTIVITIES IN PUBLIC PLACES

~~7.16.1~~ A person must not undertake a trading activity in a public place without written permission obtained under this bylaw.

~~7.26.2~~ A permit issued under this clause ~~is~~ can be subject to any terms and conditions that the Council thinks ~~fit~~ reasonable in relation to the proposed trading activity.

~~7.36.3~~ Permit holders must comply with the conditions of the permit ~~and including~~ any applicable code of practice made under clause 12 of this bylaw.

~~7.46.4~~ Terms and conditions specified in a permit may include without limitation, such matters as:

~~7.4.16.4.1~~ The name of the permit holder

~~7.4.26.4.2~~ The duration of the permit

~~7.4.36.4.3~~ The location to which the permit applies

~~7.4.46.4.4~~ The type of trading activity allowed by the permit

~~7.4.5~~6.4.5 The hours of trade allowed by the permit.

8.7 APPLICATION FOR PERMISSION

~~8.17.1~~ An application for a permit must be made in writing and on the appropriate form provided by the Council (if any).

~~8.27.2~~ Every applicant must provide all the information requested.

~~8.37.3~~ A permit must be obtained in respect of each trading activity to be carried out by the applicant.

Explanatory note: A person carrying out multiple trading activities must obtain an individual permit for each trading activity.

~~8.47.4~~ The Council may set application and other fees for ~~permissions~~any permit under this bylaw.

8 EXEMPTIONS

8.1 Traders must comply with the relevant requirement of this bylaw unless a written exemption is obtained.

9 PERMIT MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED

9.1 The Council may, at its discretion, on giving notice of not less than 24 hours to the permit holder, review, withdraw or alter any permission given under clause 6 of this bylaw.

9.2 The Council may, at its discretion, immediately and without notice, alter, suspend, or cancel any permit given under clause 6 of this bylaw if:

9.2.1 Permit conditions are being breached; or

9.2.2 Urgent works are required in the public place where the permit applies; or

9.2.3 Urgent action is required to protect the public in the public place where the permit applies.

9.3 Where a permit has been suspended or cancelled the permit holder must immediately remove any vehicle, stall, goods, and materials used in the permitted trading activity from the public place.

9.4 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.

10 PERMIT NOT TRANSFERABLE

10.1 A permit granted under this bylaw is not transferable to any other person.

10.2 A person granted with a permit for one trading activity cannot transfer the permit to any other trading activity to be carried out by the person.

11 PEDESTRIAN FOOTPATH ACCESS IN PUBLIC PLACES

11.1 All permit holders must ensure that pedestrian footpath access is maintained in public places at all times and that they, and their audience or customers, do not block footpaths, doorways, bus stops, fire escapes or roads.

~~**12 PROHIBITED MOBILE TRADING AREAS**~~

~~12.1 Unless specific permission has been granted, holders of mobile trading permits are prohibited from trading in the following areas:~~

~~12.1.1 George Street from the Octagon to Albany Street~~

~~12.1.2 Princes Street from the Octagon to Jetty Street~~

~~12.1.3 Lower Stuart Street from the Octagon to Moray Place~~

~~12.1.4 Moray Place~~

~~12.1.5 The Octagon except for specified spaces in the central carriageway~~

~~12.1.6 Wickliffe Square except for specified spaces.~~

12 CONDITIONS FOR TRADING ACTIVITIES

12.1 The Council may adopt conditions for trading activities regulated by this bylaw, which may include:

12.1.1 Additional definitions for specific trading activities.

12.1.2 Terms and conditions that apply to a specific type of trading activity permit, including requirements for or restrictions on how the activity is conducted.

12.1.3 Where the trading activity is allowed or not allowed in the district.

12.1.4 Guidance matters and other administrative arrangements relating to permits, which may include additional information to be provided with any application for a permit.

Explanatory note: Conditions are developed and made in accordance with the decision-making requirements in the Local Government Act 2002. Once made, conditions are made available on the Council's website, on the same page as this bylaw.

13 COUNCIL MAY FROM TIME TO TIME RESOLVE RESOLUTIONS

13.1 The Council may from time to time resolve to:

13.1.1 Declare any public place or part of a public place to be an area where a trading activity is prohibited.

13.1.2 Declare any public place or part of a public place to be an area where a trading activity is restricted and only permitted in a specific location.

13.1.3 Declare an activity to be a trading activity.

13.1.4 Declare a trading activity to be prohibited for any period.

14 BREACH OF BYLAW

14.1 A person breaches this bylaw when they:

14.1.1 Fail to comply with any provision in this bylaw.

14.1.2 Fail to comply with any conditions of a permit granted under clause 6 of this bylaw.

14.1.3 Fail to carry out any action reasonably required by an Authorised Officer under this bylaw.

14.2 A breach of this bylaw may result in the permit being altered, suspended, or cancelled.

14.3 Every person that has had a permit suspended or cancelled must immediately cease trading until such time that the Council may permit them to resume.

15 PENALTIES

15.1 Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 as set out in the Local Government Act 2002. Any property involved in the commission of an offence against the Local Government Act 2002 which includes a breach of this bylaw, may be seized and impounded by the Council in accordance with that Act.

~~16 RIGHT OF REVIEW~~

~~16.1 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.~~

~~17 ADDITIONAL INFORMATION TO THE TRADING IN PUBLIC PLACES BYLAW 2020~~

~~*Explanatory note: This additional information does not form part of the bylaw. It contains information to help users understand, use, and maintain the bylaw. This information may be updated at any time.*~~

Relevant legislation	Local Government Act 2002 Reserves Act 1977 Land Transport Act 1998 Roading Bylaw Reserves and Beaches Bylaw Reserves Management Plan General Policies Dunedin City District Plan
Associated documents	Conditions for commercial use of footpaths Conditions for mobile shop traders Conditions for street fundraisers Conditions for street performing Conditions for touting Code of practice for rental scheme operators



Trading in Public Places Bylaw Review 2025 Statement of Proposal

This statement of proposal is prepared under sections 83, 86, 155, 156, and 160 of the Local Government Act 2002.

1 of 6

INTRODUCTION

We are reviewing the Trading in Public Places Bylaw and would like to know what you think.

BACKGROUND

The Trading in Public Places Bylaw was introduced in 2021 to “provide reasonable controls to protect health and safety, to protect the public from nuisance and to regulate trading in public places”.

The bylaw requires that traders in public places, such as mobile shop traders, rental e-scooter companies, street performers, street fundraisers, and tour operators must hold a permit to trade and that they must comply with conditions for each trading activity. These include requirements such as not blocking the footpath. It is also important to acknowledge the benefits that public trading contributes to the city, including vibrancy, liveliness and attractive lifestyle options.

PROPOSAL

Overall, the bylaw (alongside the conditions for each trading activity and code of practice for rental scheme operators) is working well to regulate trading activities in Dunedin public places. Therefore, proposed changes to the bylaw are relatively minor in nature to provide greater clarity, remove duplication and improve the flow of the bylaw. Proposed changes are:

Section	Proposed change	Reason
Application	Remove that the bylaw applies to Dunedin City	This is unnecessary as the s 145 of the LGA is clear that the bylaw can only apply to the Dunedin City Council district.
Definitions	Add a definition for conditions	Provides greater clarity about conditions.
	Change pedestrian access references to footpath access	Reflects that not all footpath users are pedestrians.
	Remove oral permission from the permit definition	Reflects current practice that all permits are provided in writing.
	Update trading activity definition	Provides greater clarity and aligns better with the sets of conditions.
Explanatory notes	Move to the start of the Bylaw	Improves the flow of information.
Exemptions	Add a clause to allow for written exemptions	Provides a mechanism for exemptions to the Bylaw requirements should this be needed.
Prohibited mobile trading areas	Remove this clause from the Bylaw	Removes duplication as these areas are also detailed in the mobile trading conditions. Being in the conditions provides greater responsiveness to add or remove a prohibited location as appropriate.
Conditions for trading activities	Add this clause to the Bylaw	Provides greater clarity about the nature and scope of the conditions that the Bylaw references.
Right of review	Move to clause 9	Improves the flow of information.

Please note that this consultation does not consider the current conditions for each trading activity/the code of practice for rental scheme operators. These are amended as needed and with appropriate community engagement.

What do you think? Should we keep the current bylaw controls with the limited amendments proposed or do you think that additional changes are needed?

OPTIONS

Option 1: Keep current bylaw controls with the limited amendments (proposed)	
<p><i>Advantages</i></p> <ul style="list-style-type: none"> • Greater ability to protect public health • Greater ability to protect public from nuisance. 	<p><i>Disadvantages</i></p> <ul style="list-style-type: none"> • Potentially more restrictive for traders in public places.

Option 2: Add or remove a trading activity or activities from the bylaw	
<p><i>Advantages</i></p> <ul style="list-style-type: none"> • May be less restrictive for some traders. 	<p><i>Disadvantages</i></p> <ul style="list-style-type: none"> • Limited ability to protect public safety • Limited ability to protect public from nuisance.

SECTION 155 REPORT

The Council is making this bylaw under the Local Government Act 2002, which requires this statement of proposal to include a report on any relevant determinations made under section 155 of that Act.

At its meeting on 11 March 2025 the Customer and Regulatory Services Committee determined that:

- i) a bylaw is the most appropriate way to address issues arising from or that could arise from trading in public places in Dunedin;
- ii) the proposed Bylaw is the most appropriate form of bylaw; and
- iii) the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

A bylaw is still the most appropriate way to address issues with public trading in Dunedin. Initial evidence considered by the Council indicated the bylaw is working well. Operators generally comply with the bylaw and the relevant trading conditions.

Along with the use of education tools, the bylaw ensures appropriate standards of health and safety, and that access is maintained for all people using our public places including people with disabilities. For example, the introduction of rental scheme operations (such as e-scooter companies) as a trading activity in 2021 means that these companies now require a permit before they are allowed to operate. They are required to pay a fee and comply with conditions (including always maintaining safe pedestrian access).

Without a bylaw, there is a risk that operators may trade in public places without any health and safety or public space access controls. The Council would have limited mechanisms to manage issues should they arise. Education tools alone are considered insufficient to manage public place trading in Dunedin.

The proposed bylaw is considered to be in the most appropriate form, including modernising the language used and improving the structure and clarity of the regulatory controls.

The bylaw may have implications for the right to freedom of movement in the New Zealand Bill of Rights Act 1990, but the limits on movement are considered a proportionate response and justified limitation for the prevention of harm in public places.

DOCUMENTS

See Attachment **A** for the proposed Trading in Public Places Bylaw.

See Attachment **B** for the current Trading in Public Places Bylaw.

HAVE YOUR SAY

What do you think?

Please fill out the feedback form so we can take your views into account.

1. Where to from here?

- The public submission period closes **5 pm XX date**.
- Hearings will be held around **XX date**. During hearings, you can verbally present your position to the Councillors.
- The Council considers submissions and decides on any changes to the bylaw.
- The Council adopts the reviewed bylaw.

Trading in Public Places Bylaw 2025 submission form

Submissions are due by 5 pm XX date

Late submissions may not be accepted.

The provision of your personal information is optional, however, should you provide this information please note your name and organisation may be included in papers for the public and media. Information you have provided will only be used for the purpose of the consultation on the Trading in Public Places Bylaw review. The Council will collect, use and store your information in accordance with the Privacy Policy which can be found on the Council website www.dunedin.govt.nz/privacy-policy. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at dcc@dcc.govt.nz or 03 477 4000.

Send to: Trading in Public Places Bylaw
Dunedin City Council
PO Box 5045
Dunedin 9054

Deliver: Trading in Public Places Bylaw
DCC Customer Services Centre
Civic Centre
50 The Octagon
Dunedin

Online: www.dunedin.govt.nz/consultation

Email: TradinginPublicPlaces@dcc.govt.nz

First Name: _____ Last Name: _____

Organisation (if applicable): _____

Postal address: _____

Postcode: _____

Email Address: _____ Phone: _____

Would you like to speak to the hearing panel in person?

(If you do not tick a box, we will assume you do not wish to be heard.)

Yes No

If you wish to speak, you will be contacted with a speaking time as soon as possible after submissions close. *(Note: You may also be able to present your views by audio or audio-visual link.)*

You may answer as many or as few questions as you wish.

5

Trading in Public Places Bylaw review - early engagement comments

Question: Generally do you think the current Trading in Public Places Bylaw is working well to regulate trading in public places?

- I don't think it is serving anyone well. It is too strict. People come on cruises and to visit Dunedin. We never have any type of music. We have pipers, and lots of different artists. You never see them in the street. I think the Council should have a say, but why are you so narrow in your thinking. You go other places and there is always something happening. We used to have a market in the Octagon what happened to that? I don't think we are making the most of our beautiful city and the talent we have here. Just my thoughts.
- The Otago Farmers Market Trust question why the bylaw allows various mobile trading outside their Anzac Ave carpark site on Saturdays to compete & undercut approved OFM vendors inside. These mobile traders outside on Anzac Ave, profit off our OFM customers and our good reputation, and they assume these mobile traders are part of the OFM. OFM have strict criteria on their vendors and produce, eg is sourced from locally, quality, and our traders pay a fee to be part of the Saturday market, etc. The reputation of OFM as a whole can be disrupted by the perception that these mobile traders outside are part of OFMT & any safety concerns for our customers outside the confines of the OFM Anzac Ave site are out of our control with traffic safety, etc.
- I am referring to busking regulations with the following comments: all incentive and spontaneity has been killed by an incredible amount of DCC bureaucracy with endlessly increasing rules. That is in my opinion, a real killer for vibrant community spaces. I have done a fair amount of busking in different places in the world. Here in Dunedin, I would not even bother now. Whatever fun and incentive there once was has been destroyed by more and more regulation over the years. DCC rule makers have got no idea how things really work outside their offices in the world of music and art. I am sorry, but some fun things just cannot be regulated and strangled like that. Why would I bother to go through all of the hoopla? I would feel like a traitor to my art and put into a kind of straight jacket.

Question: Do you have any other comments about trading in public places in Dunedin?

- Thanks, but we have retired. However, I will say that the Farmers Market is a waste of an opportunity. That whole street should be shut off and made into a market area. Especially during tourist season. Maybe a market for tourists in the stadium. Now that Christchurch is getting its own stadium, I see no future for our place whatsoever. I'm just putting forward ideas as I don't have skin in the game anymore.
- Yes, we should use the Octagon more.
- Erecting gazebos on a mobile trading site roadside / footpath should be added as an obstruction if not already included in rulings around this?
- If you want a vibrant city you will also have to let a bit of life happen. Why is everybody so afraid at the DCC?

BACKGROUND

Local Government Act 2002 and Health Act 1956

- 4 Under the LGA, bylaws can be made for one or more of the following general purposes: protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places (section 145). Bylaws can also be made under the HA for the purposes of improving, promoting, or protecting public health and prescribing the sanitary precautions to be adopted in respect of any business or trade (section 64).
- 5 The LGA requires that a bylaw is reviewed within ten years of the previous review, and this Bylaw is now due for review.

Dunedin Beauty Therapists, Tattooists and Skin-Piercers Bylaw

- 6 There is no national legislation for appearance industries in New Zealand. The appearance industry covers beauty therapy, tattooing or skin-piercing industries. In the absence of national legislation, some local authorities have adopted bylaws.
- 7 The Bylaw was introduced in July 2005 and was made under both the LGA and the HA.
- 8 The purpose of the Bylaw is to protect, promote and maintain public health and safety and, in particular, to prevent the transfer of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via beauty therapy, tattooing and skin piercing practices. The Bylaw requires that any person undertaking beauty therapy, tattooing and skin piercing processes is licensed, and conducts activities in a manner that complies with the requirements of the Bylaw.
- 9 Indications are that the appearance industries are growing steadily. In Dunedin, the number of registered appearance industry businesses is up from around 60 in 2016 to the current figure of 86.

DISCUSSION

Community engagement

- 10 Early engagement with the community was carried out between 18 November 2024 and 6 December 2024 to inform the review of the Bylaw (and to better understand whether the Bylaw remains the most appropriate way of addressing perceived problems and issues with the appearance industry). Information and an online survey were advertised via the Otago Daily Times noticeboard, and through the Dunedin City Council social media. Targeted emails were sent to key stakeholders such as registered beauty therapists, tattooists, skin-piercers, training providers, Health NZ|Te Whatu Ora and rūnaka, as well as Community Boards advising them of the review and asking for their general feedback.

Results of early engagement

- 11 There were six responses to the public online survey and five responses from key stakeholders. A summary of feedback is presented.

Have you experienced a problem with any of the following in Dunedin in the last ten years?

Response	Number
----------	--------

Never had a problem	5
Health concern as a result of visiting a beauty therapist (including nail technician)	1
Health concern as a result of visiting a tattooist	0
Unregistered tattooist	0
Unregistered skin-piercer	0
Health concern as a result of visiting a skin-piercer	0
TOTAL	6

If yes, please elaborate:

- Infection following a pedicure.

Do you have any other comments about beauty therapy, tattooing or skin-piercing practices in Dunedin?

Six respondents commented on the following topics:

- Comprehensive rules are working well/had good experience (x 3)
- Support for more oversight into compliance
- Other issues outside the scope of the bylaw.

Feedback from stakeholders

There were five responses from stakeholders such as Health NZ and practitioners. Topics ranged from hygiene to processes and that the Bylaw is generally working well.

Proposal

- 12 The Bylaw is generally working well to regulate appearance industries in Dunedin, and to help with reducing the incidence of infections and the transfer of communicable diseases. It is proposed to retain most of the Bylaw controls as part of this review. There are also opportunities to update the Bylaw with current and emerging practices and in places to add a greater level of protection. These changes of substance are relatively minor in nature and are detailed in Table 1.
- 13 The opportunity was also taken to modernise the language, improve the flow of the document by re-ordering content, provide explanatory notes and simplify wording to make it clearer. These changes are not detailed in the table but are apparent in the tracked changes version of the proposed Bylaw.

Table 1: Proposed changes to the Bylaw

Section	Proposed change	Reason
Application of bylaw	Add clause about traditional and customary tattooing	To be clear about this exemption.
Purpose	Add wording to the purpose of the bylaw	To align the purpose more clearly to section 145 of LGA.

Section	Proposed change	Reason
Definitions	Add <i>Licence</i>	To clarify the meaning for this term.
	Change <i>prescribed process</i> to <i>service</i>	Modernise the language.
	Add <i>skin penetration</i>	For clarity.
Licence may be altered, suspended, cancelled, or reviewed	Add this clause that the Council may alter, suspend, or cancel a licence if licence conditions are being breached.	To provide a greater level of protection.
General conditions	Add requirement that parent or legal guardian must be present during a skin-piercing or penetration process for a person under 16 years (in addition to providing permission).	To provide a greater level of protection.
	Remove the requirement that a person may not provide a service to anyone whom they suspect is under the influence of alcohol, drugs or mind-altering substances.	This may be unreasonable and potentially unenforceable.
	Remove the requirement that no one may smoke on the premises.	This is covered by the Smokefree Environments and Regulated Products Act 1990.
	Remove the requirement that no animals except disability assist dogs are permitted on the premises.	This may be unreasonable and potentially unenforceable.
	Add requirement for bloodborne pathogen training for skin piercing and skin penetrating operators.	To provide a greater level of protection.
Records	Remove reference to UV cabinet and glass bead sterilisers.	To update this section as these units are unable to be serviced or calibrated.
	Include disposable sharps in the disposal of medical waste.	To be clear that disposable sharps are included here.
Physical aspects of designated and mobile premises	Remove the references to the 'piped supply of hot and cold water.	To update this section to allow for mobile hand wash units.
	Add that linen/paper must be replaced after each single use (in addition to after each client).	To be clear about this expectation.
Conduct	Add clarity around hand washing – defining the method and length of time.	To provide clear direction on this element of hygiene.
	Remove the requirement for a written blood contamination procedure for disinfecting and cleansing materials but ensuring licensee can demonstrate awareness of these practices.	To reflect current practice which works well.

Section	Proposed change	Reason
Tattooing and Skin piercing	Add that no person may undertake eyeball tattooing unless a qualified ophthalmologist	To ensure an additional level of protection for this emerging practice.

New Zealand Bill of Rights Act 1990 (NZBoRA) implications

- 14 The Council and its Committee must ensure that any bylaw does not give rise to any implications under the NZBoRA. A bylaw cannot be inconsistent with the NZBoRA which means the bylaw should only limit relevant rights and freedoms in the NZBoRA if such limits can be demonstrably justified in a free and democratic society (section 5, NZBoRA).
- 15 The intent of the Bylaw is to provide reasonable controls to protect public health and safety, and to protect the public from nuisance by regulating appearance industry practices. Council officers have not identified any specific rights in the NZBoRA that would be impacted by this Bylaw, but regulating the appearance industries for the reasons specified and as provided in this Bylaw is considered a proportionate response and a justified limitation for the prevention of harm that can arise with these services.

Consultation

- 16 The LGA provides that the special consultative procedure must be used to consult on the proposed Bylaw if it concerns a matter of significant interest to the public (under the Council's Significance and Engagement Policy) or the Council considers there is or is likely to be a significant impact on the public. The Council can also choose to use the special consultative procedure for any consultation. It is proposed that the Council use the special consultative procedure and that consultation is conducted during May 2025. Consultation will be open for at least one month, as required by the LGA.
- 17 Engagement methods will include publication and advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard, and via the Dunedin City Council monthly mailout, FYI. Key stakeholders such as registered appearance industry practitioners, Health NZ | Te Whatu Ora and rūnaka will be advised and invited to comment.
- 18 There will be the opportunity for people to present their views at hearings on the proposed Bylaw after the consultation period has closed.

OPTIONS

- 19 Options are whether to approve the draft Bylaw and adopt the statement of proposal for consultation purposes, with or without amendments. While it is also an option not to adopt and consult on a replacement Bylaw, and let the current Bylaw lapse, this is not considered to be a reasonably practicable option, and it has not been further analysed below.

Option One – Approve the draft Bylaw and adopt the statement of proposal for consultation purposes (Recommended)

Impact assessment

Debt

- This option will have no impact on debt.

Rates

- This option will have no impact on rates.

Zero carbon

- No change to emissions is expected from this option.

Advantages

- The proposed Bylaw, SOP and review process comply with the Act’s statutory requirements including the SCP.
- Proposed updates provide greater ability to protect public health and safety.
- Feedback will inform the Bylaw.

Disadvantages

- There are no known disadvantages.

Option Two – Approve the draft Bylaw and adopt the draft statement of proposal with amendments, for consultation purposes

Impact assessment

20 This option is the same as Option One, with any specific amendments resolved by the Committee.

NEXT STEPS

21 When the Committee approves a Bylaw and SOP for consultation, the following steps are proposed:

Action	Timeframe
Consultation – using special consultative procedure	May 2025 (for at least one month)
Hearings and Deliberations	Late June 2025
Hearings Committee report to the Council with proposed final Bylaw	August 2025

Signatories

Author:	Anne Gray - Policy Analyst Tanya Morrison - Acting Team Leader Environmental Health and Alcohol Licensing
Authoriser:	Cazna Savell - Compliance Solutions Manager (Acting) Paul Henderson - General Manager Customer and Regulatory (Acting)

Attachments

Title	Page
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↓B	Proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw - clean version	73
↓C	Proposed statement of proposal for bylaw review	83

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities and promotes the social well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

This Bylaw contributes to the ‘healthy and safe people’ strategic direction of the Social Wellbeing Strategy.

Māori Impact Statement

Ōtākou and Puketeraki rūnaka are identified as key stakeholders for this review.

Sustainability

There are no know implications for sustainability.

Zero carbon

There are no expected impacts for carbon emissions.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

This review will be carried out within existing budgets.

Significance

The Bylaw review is considered low in terms of the council’s Significance and Engagement Policy.

Engagement – external

The special consultative procedure is required for review of this bylaw. Key stakeholders include beauty therapists, tattooists, skin-piercers, training providers, Health NZ – Te Whata Ora and rūnaka.

Engagement - internal

There has been internal engagement with Communications and Marketing, Governance and the web team.

Risks: Legal / Health and Safety etc.

The draft Bylaw has undergone an external legal review. There are possible health and safety risks that may arise if the Council does not have a Bylaw.

17 Beauty Therapists, Tattooists and Skin Piercers

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Beauty Therapists, Tattooists and Skin Piercers

Approved by Council: 16 May 2005
Date of Effect: 1 July 2005

Amendment Approved by Council: 27 June 2016
Date of Effect: 1 August 2016

17

PART 17: BEAUTY THERAPISTS, TATTOOISTS AND SKIN PIERCERS

17.1 FORMER BYLAW REVOKED

17.1.1 The Beauticians, Tattooists and Skin Piercers Bylaw 2005 is revoked.

17.2 SHORT TITLE

17.2.1 The short title of this bylaw shall be the Beauty Therapists, Tattooists and Skin Piercers Bylaw 2016.

17.3 COMMENCEMENT

17.3.1 This bylaw shall commence on 1 August 2016.

17.4 APPLICATION OF BYLAW

17.4.1 The provisions of this bylaw do not apply to:

- (a) Any Health Practitioner registered under The Health Practitioners Competence Assurance Act 2003 or subsequent Act; or
- (b) A person acting under the direction or supervision of any such Health Practitioner (including medical practitioner, nurse, physiotherapist, podiatrist, or dentist), where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively; or

(c) A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable, having regard to the premises in question, or the ~~prescribed process~~ service being undertaken. In this instance a written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.

~~(d) A person carrying out traditional or customary tattooing when undertaken in a non-commercial capacity, such as on a marae, as part of a rite of passage or as part of a cultural gifting experience, and for which profit is not received.~~

17.5 PURPOSE

17.5.1 The purpose of this bylaw is to ~~protect, promote and maintain public health and safety by requiring any person undertaking beauty therapy, tattooing and skin-piercing services:~~

17.5.2 (a) to be registered; and

17.5.3 (b) to comply with all requirements in this bylaw.

~~17.5.1 with the object of preventing the transfer of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections via from beauty therapy, tattooing and skin piercing practices.~~

~~17.5.2 This bylaw requires that any person undertaking beauty therapy, tattooing and skin piercing processes is registered, and conducts such activities so that they comply with all requirements outlined in this bylaw.~~

17.6 EXPLANATORY NOTES

~~17.5.3~~17.6.1 Explanatory notes are not part of this bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

~~17.6.1~~17.7 INTERPRETATION

~~17.6.1~~17.7.1 In this bylaw, unless the context otherwise requires, written means in hardcopy or electronic form, and:

Authorised Officer – means any person employed and warranted by the Dunedin City Council for the purposes of this bylaw.

Beauty Therapy – means any ~~process~~service in the treatment of skin and body to enhance beauty and includes (but is not limited to) permanent make-up, exfoliation, waxing and hair removal, pedicures, manicures, or other nail services, tinting, and extractions.

Communicable Disease – means any infectious disease such as Hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956 or subsequent Act.

~~Contravene~~ – includes failure to comply with.

Designated Premises – includes any part of a commercial, industrial, residential ~~property,~~ or community building that is designated in a trading licence where a ~~Prescribed Process~~service is carried out ~~and for which payment is received.~~

Itinerant Licence Holder – means a licence issued to a person under clause 17.8.4 to provide a service other than in any designated premises, mobile premises or temporary premises ~~any person undertaking a prescribed Beauty Therapy process undertaken in an approved manner in the absence of a Designated, Mobile or Temporary Premises and for which payment is received.~~

Licence – means a trading licence, mobile licence, or itinerant licence issued under this bylaw (and includes a Certificate of Registration that may have been issued under any previous bylaw).

Licencee – means the person ~~or legal entity~~ to whom a ~~Mobile Licence, Trading Licence or Certificate of Registration~~licence has been issued ~~to~~ under this bylaw ~~in respect to a Prescribed Process.~~

Medical Waste – ~~refers to the disposal of~~Means any needle, sharp instrument, or other article contaminated by blood, tissue, or other bodily fluid that must be disposed of in an approved manner such as a sharps container or biohazard waste receptacle.

Mobile Licence – means a licence issued to a person obtained under 17.8.2 to provide a service from any mobile premises.

Mobile Premises – means any vehicle, stall or unit whether self-propelled or not, that is not a fixed premises nor dwelling house from which a service is provided ~~prescribed Beauty Therapy, Tattooing or Skin Piercing process is carried out and for which payment is received.~~

Operator – means any Licensee and/or any person working at a premises staff member who performs/provides a Prescribed Process/service.

Premises – means as the context requires, a Designated Premises, Mobile Premises or Temporary Premises.

Prescribed Process/Service – means any Beauty Therapy, Tattooing or Skin Piercing processes for which payment is received.

Readily Accessible – refers to the location of any fixture, equipment, instrument, or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.

Skin Penetration – means any service, usually tattooing or skin piercing, that breaks the skin or penetrates the skin.

Tattooing and Skin Piercing – means any Prescribed Process/service to modify a person's appearance involving the intentional piercing, cutting, puncturing or practice of making indelible marks in human skin or tissue for the purpose of inserting jewellery, pigments, ink or dyes into the skin or other part of the human body. Cosmetic and semi-permanent tattooing, such as microblading is included as is ~~Tattooing and Skin Piercing~~ includes traditional tool and customary tattooing and skin piercing procedures if conducted in a commercial manner for profit.

Temporary Premises – means a place where any Prescribed Process/service covered by this bylaw is undertaken/provided intermittently such as an event, demonstration or festival, with a maximum duration of seven days unless otherwise approved by an authorized officer.

Trading Licence – means a licence obtained/issued to a person under clause 17.8.1 to provide a service from any designated premises or any temporary premises.

17.7.17.8 REGISTRATION AND LICENSING

~~17.7.1 No person may operate as a Beauty Therapist, Tattooist or Skin Piercer without holding a current Certificate of Registration or Mobile Licence or Trading Licence.~~

~~17.7.2 No person is permitted to operate under an expired Certificate of Registration or Mobile Licence or Trading Licence.~~

~~17.7.3 No person may use any Premises unless, as the context requires, the Premises comply with this bylaw, or an exemption in accordance with section 17.19 of this bylaw has been granted.~~

~~17.7.4 The Certificate of Registration must be prominently displayed at the principal entrance to the Premises to which the Prescribed Process relates.~~

~~17.7.5~~ 17.8.1 An operator/person must obtain a Trading/the appropriate licence to conduct a Prescribed Process/provide a service in the absence of/at any Designated mobile, or temporary P/premises or to trade in an itinerant manner.

~~17.7.6 An operator must obtain a Mobile Licence to conduct a Prescribed Process at Mobile Premises.~~

~~17.8.2 An operator must obtain a Trading Licence to conduct a Prescribed Process at Temporary Premises.~~

~~17.7.7 All operators must comply with the conditions of any licence or Certificate of Registration and requirements within this bylaw unless a written exemption is obtained.~~

~~17.8.3~~ Applications for any licence ~~or Certificate of Registration~~ under this bylaw ~~shall must~~ be made ~~by the owner or manager and shall be made~~ on the prescribed form ~~provided by the Council.~~

~~17.7.8~~ A licence ~~or Certificate of Registration~~ is effective from the date of issue, up to and including the date of expiry.

~~17.7.9~~ The holder of a Mobile Licence or Trading Licence must carry a copy of their current licence with them at all times.

~~17.8.4~~ A Fees (as set by Council annually) shall be payable ~~fee is payable~~ on application for registration ~~a licence, and as a condition of any licence, and renewed thereafter on~~ an annual basis in accordance with this bylaw for a term of no more than one year.

~~17.8.5~~ A licence is renewed on an annual basis in accordance with the bylaw for a term of no more than one year.

~~17.7.10~~ *Explanatory note: Application and licence fees are generally set by the Council annually as part of the long-term plan or annual plan process.*

~~17.8~~**17.9 EXEMPTIONS**

~~17.9.1~~ Operators must comply with the relevant requirements of this bylaw unless a written exemption is obtained.

~~17.9.2~~ Any Operator ~~person~~ may apply in writing to an Authorised Officer for an written exemption from any requirement in this bylaw, or the requirement to obtain a licence under this bylaw. ~~Exemptions will be considered~~ where the ~~Operator person~~ can demonstrate that any risk to public health is mitigated to the same extent as ~~what is~~ provided for in the bylaw.

Explanatory note: Examples of situations where an exemption may be granted include (but are not limited to) eyebrow tinting, and the painting of nails as sole business activities.

~~17.9~~**17.10 APPEALS LICENCE MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED**

~~17.10.1~~ The Council may, at its discretion, alter, suspend, or cancel any licence given under clause 8 of this bylaw if licence conditions are being breached.

~~17.10.2~~ When a licence has been suspended or cancelled the licensee must immediately cease operation.

~~17.9~~~~17.10.3~~ Any person applicant affected by a decision made under this bylaw ~~who is dissatisfied with the decision or a requirement made by an Authorised Officer~~ may appeal in writing to the Chief Executive for a review of the decision within 14 days after being receiving notification ~~in writing~~ of the decision, ~~or requirement.~~

~~17.10~~**17.11 GENERAL CONDITIONS OF LICENCE AND OPERATION**

~~17.11.1~~ The holder of a designated premises trading licence must prominently display their licence at the principal entrance to the designated premises.

~~17.11.2~~ The holder of an itinerant licence, mobile licence or temporary trading licence must carry a copy of their licence with them and present it on request.

~~17.11.3~~ A licence is effective from the date of issue up to the date of expiry.

~~17.11.4~~ A licence is personal to the licensee and is not transferrable.

~~17.11.5~~ A person must not provide any service as a beauty therapist, tattooist or skin-piercer without holding a current licence.

~~17.11.6~~ A person must not provide any service under an expired licence.

~~17.11.7~~ A person must not use any premises unless, as the context requires, the premises comply with this bylaw, or an exemption in accordance with clause 17.9 has been granted.

~~17.10.1~~~~17.11.8~~ No person may carry out any Prescribed Process~~A person must not provide a service~~ where skin is penetrated or pierced on any person under the age of 16 years without the written permission of that person's parent or legal guardian, and that parent/legal guardian being present during the prescribed process~~service~~.

~~17.10.2~~ No person may carry out any Prescribed Process on any person whom they suspect is under the influence of alcohol, drugs or mind altering substances.

~~17.10.3~~ No person may smoke on the Premises.

~~17.10.4~~~~17.11.9~~ No~~A~~ person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or Communicable Disease, or associated conditions, ~~shall~~ must not carry out any ~~Prescribed Process~~~~service~~ without taking adequate precautions to prevent the transmission of such infection, disease or condition.

~~17.10.5~~ No animals, except registered disability assist dogs are to be permitted on the Premises.

~~17.10.6~~~~17.11.10~~ An Operator must ensure that w~~h~~ere a recognised qualification is available, an operator must obtain a qualification applicable to the ~~Prescribed Process~~~~services being offered within a reasonable timeframe~~.

~~17.10.7~~~~17.11.11~~ An employee~~operator~~ must work under the direct supervision of a qualified ~~person~~~~operator~~ and be working towards obtaining a recognised qualification if a recognised qualification has not been obtained.

~~17.11.12~~Any operator who undertakes a service that pierces or penetrates the skin must have obtained and be able to produce evidence of a bloodborne pathogen training course being successfully undertaken.

(Explanatory Note: Recognised Training may include a national or international recognised training standard, NZQA unit standard or industry training organisation qualification.

Explanatory note: Licensees must comply with all relevant legislation including, but not limited to the Building Act 2004 (in relation to the premises) and the Hazardous Substances and New Organisms Act 1996.)

Explanatory note: All licensees operating from a mobile premises must meet the requirements of Dunedin City's Trading in Public Places Bylaw or any replacement bylaw if they are trading in a public place.

~~17.11~~~~17.12~~ **RECORDS**

~~17.11.1~~~~17.12.1~~ Prior to the commencement of any Prescribed Process~~service~~ every Operator is required to obtain the following client information in written form:

- Client name, address and contact details.
- Client date of birth.
- Acknowledgement of any potential risks associated with the ~~Prescribed Process~~~~service~~ to be administered.
- Client consent for the ~~Prescribed Process~~~~service~~ to be administered.
- Client health information including (but not limited to):
 - Any medication taken which may affect the ~~Prescribed Process~~~~service~~.
 - Any known blood or bleeding disorder or blood thinning medication taken
 - Any medical history of known allergies or adverse reactions.
 - Any medical history in relation to communicable or infectious diseases.

Explanatory note: Operators must ensure they comply with the Privacy Act 2020.

~~17.11.2~~17.12.2 The Licensee must hold client records regarding such information on site for a minimum of 12 months and ensure that information is updated after every visit. ~~These records must be made accessible to Authorised Officers on request.~~

~~17.11.3~~17.12.3

The Licensee must keep for a minimum of 12 months:

~~(a) provide~~ written evidence of the regular servicing of all equipment used for sterilisation such as an autoclave, ~~UV cabinet or glass bead steriliser. Such records must be kept for a minimum period of 12 months. The records shall be made available to an Authorised Officer on request.~~

~~(a)~~ A record of medical waste disposal, including the disposal of any sharps. must be kept for a minimum period of 12 months.

The ~~records information in clauses 17.12.2 and 17.12.3 must shall~~ be made available to an Authorised Officer on request.

~~17.12~~17.13 **PHYSICAL ASPECTS OF DESIGNATED AND MOBILE PREMISES**

~~17.12.1~~17.13.1 ~~No person shall~~A person must not use, or allow any Premises to be used for any Prescribed Process~~service~~ except in accordance with ~~all~~ the following provisions:

~~(1) Any new premises shall be constructed in accordance with the Building Act 2004 or subsequent Act.~~

~~(2)~~(1) ~~The premises shall be a licensee must~~ maintained the premises in a state of good repair and in a clean and tidy condition at all times.

~~(3)~~(2) ~~The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any Prescribed Process shall~~service must be constructed of materials that are continuously smooth, impervious and easily cleaned.

~~(4)~~(3) ~~A wash hand basin supplied with a constant piped supply of hot and cold water, soap, a nail brush and approved hand drying facilities shall~~must be provided in a Readily Accessible Position to the operator associated with any Prescribed Process~~service~~.

~~(5)~~(4) ~~A sink supplied with a constant piped supply of hot and cold water, shall be provided in a Readily Accessible Position to those working at the premises for the sole purpose of cleaning instruments and equipment associated with any Prescribed Process~~service.

~~(6)~~(5) All parts of the Premises ~~shall~~must be ventilated.

~~(7)~~(6) ~~All parts of the Premises shall~~must be provided with lighting to facilitate cleaning and inspection.

~~(8) There shall be provision for separate storage of chemicals, cleaning equipment and products associated with any Prescribed Process when not in use.~~

~~(9) Hazardous chemicals must be stored in accordance with The Hazardous Substances and New Organisms Act 1996 or subsequent Act.~~

~~(10)~~(7) ~~Covered waste receptacles that are constructed of a readily cleanable material shall~~can be easily cleaned must be provided.

~~(11)~~(8) ~~All mattresses, squabs and cushions used on any chair, bed, table, or the like, used in conjunction with the carrying out of any Prescribed Process, shall at the premises must~~ be covered in an impervious and readily cleanable/easy to clean material. All linen/paper, if single use, must be replaced after each client.

~~(12)(9)~~ (9) Separate storage shall be provided for clean and soiled laundry. All laundry items used on a premises or in association with a service must be cleanly laundered. Clean and soiled laundry must be stored separately, must be either commercially cleaned or otherwise rendered hygienic.

~~(13)(10)~~ (10) Where refreshments are served to customers, single use utensils are to be used unless dishwashing facilities are supplied must be thoroughly cleaned between use.

~~17.13~~ MOBILE PREMISES

~~17.13.1~~ All Licensees operating from a Mobile Premises must meet all requirements of Dunedin City's Mobile Trading and Temporary Stall Bylaw 2014 Trading in Public Places Bylaw or subsequent bylaw.

17.14 ITINERANT LICENCE HOLDERS

17.14.1 ~~Only operators conducting prescribed Beauty Therapy processes~~ A person intending to perform a service itinerantly may apply for an Itinerant licence.

17.14.2 ~~All Operators carrying out a Prescribed Process with an~~ To avoid doubt, Itinerant Licence holders are exempt from clause 17.13 of this bylaw.

17.14.3 All Itinerant Licence Holders must ensure that they:

(a) Provide sufficient facilities to store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit.

(b) Maintain any work area and protect all surfaces and equipment from contamination by dust, dirt, ~~members of the public in the immediate area~~ or other such contaminants at all times.

~~(c)~~ Have direct access to hand washing facilities with soap, paper towels and hot and cold running water. Alternatively, waterless, alcohol based antiseptic hand gels, foams, or liquids can be used by mobile operators only where it is physically impossible to have hand washing facilities with running water.

~~(d)~~ (c) Have adequate sterile equipment for all clients undergoing skin penetration procedures and if the Itinerant Licence holder does not have an autoclave or approved steriliser, then single use pre-sterilised equipment is to be used.

17.15 CONDUCT

17.15.1 An operator on a Premises must:

~~(e)~~ (d) At all times keep ~~his or her~~ their clothing, hands and fingernails clean, and must cover any infected, damaged or inflamed skin with an impermeable dressing.

~~(f)~~ (e) Thoroughly clean ~~his or her~~ their hands, using soap and water for at least 20 seconds, rinsing and then drying them properly (using paper towels, single use cloths, or an air dryer) immediately:

- before commencing and after completing the Prescribed Process service;
- after using a toilet;
- after smoking or vaping;

- after blowing the nose or touching their face;
 - after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a Prescribed Processservice.
- 17.15.2 Ensure that all needles used in any Prescribed Processservice are single use, pre-sterilised, and disposable needles.
- 17.15.3 Prior to commencing any procedure service, cleanse client’s skin with a cleansing agent approved by an Authorised Officer and allow to dry. For any Prescribed Processservice where skin is penetrated, the client’s skin must be cleansed using a solution of 70% alcohol (ethyl alcohol or isopropyl).
- 17.15.4 Provide to every client, or make available through a website or other electronic link at the completion of any Prescribed Processservice, to every client suitably written aftercare instructions for the subsequent care of the site to prevent its infection.
- 17.15.5 Dispose of all blood or tissue contaminated materials used in a Prescribed Processservice, into a puncture resistant container or otherwise, in an approved manner.
- 17.15.6 The Licensee must ensure there is a written procedure for the cleaning of any blood or tissue contaminated linen or fixtures held onsite at all times. all operators can demonstrate an awareness of how any blood or tissue contaminated linen or fixtures will be cleansed/disinfected.
- 17.15.7 ~~No Operator shall undertake any Prescribed Process~~An operator must not undertake any service unless the Operator covers their hands with new, single use gloves for each customer or prior to and following the procedure, the Operator washes and sanitises their hands using a waterless alcohol-based cleanser, or uses waterless, alcohol-based antiseptic hand gels, foams or liquids where it is physically impossible to have or use hand washing facilities with running water. ~~prior to and following the procedure.~~
- 17.15.8 Any equipment used must only be operated according to manufacturer specifications and not for any other purpose.

17.16 STERILISATION, DISINFECTION AND CLEANING

Sterilisation

17.16.1 ~~No e~~Equipment used in any Prescribed Processservice that involves skin penetration ~~shall be~~must not be reused unless it has been sterilised ~~in one of the following ways: by being~~thoroughly cleansed then exposed to steam under pressure in a steriliser (autoclave) in accordance with manufacturer’s instructions.

17.16.2 Evidence of the use of chemical indicator strips to demonstrate that the appropriate time, pressure and temperature have been achieved during the sterilisation cycle must be kept and be made available for inspection for a minimum of 12 months.

~~(g)~~17.16.3 Evidence of re-processing following a chemical indicator strip fail or load failure must be kept and made available for inspection by an Authorised Officer for a minimum of 12 months.

~~(a)~~ (a) ~~Thoroughly cleansed then totally immersed in a glass bead steriliser according to manufacturer’s instructions.~~

~~(b)~~ (c) ~~Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation.~~

~~17.1.2 The Licensee must provide evidence of regular servicing and calibration (as applicable) of all sterilisation equipment upon request by an Authorised Officer.~~

~~17.16.2~~17.16.4 All disposable needles must be disposed of in an appropriate 'sharps' container for Medical Waste, which in turn must be disposed of in an approved manner.

~~17.16.3~~17.16.5 All non-medical waste is to be stored in a covered receptacle and removed from the premises on a regular basis.

Disinfection and Cleaning

~~17.16.4~~17.16.6 All equipment, instruments and utensils that are unable to be sterilised must be thoroughly cleaned and then disinfected by a thermal or chemical disinfection procedure, or via a Glass bead Steriliser or Ultra-violet (UV) light cabinet, following manufacturer's instructions, in an approved manner.

~~17.16.5~~17.16.7 After thorough cleaning, approved solutions for disinfecting include (but are not limited to):

- (a) Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70% alcohol); or
- (b) An industrial strength disinfecting solution (such as a chlorine, phenol or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.

~~17.16.6~~17.16.8 ~~There shall be provided at all times~~Operators must an adequate supply of chemicals used for general cleaning of the Premises and the disinfection of equipment, instruments and utensils.

~~17.16.7~~17.16.9 For any chemical used to disinfect, Operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

17.17 CLEANSING AND REPAIR

17.17.1 The Licensee must immediately cease operation if customers may be exposed to contamination or communicable disease because of the:

- (a) condition of any Premises or equipment; or
- (b) procedure or ~~Prescribed Process~~service.

17.17.2 The Licensee must on receipt of written instruction signed by an Authorised Officer:

- (a) cleanse, reconstruct or repair the Premises, or equipment or redesign the procedures within the time specified on the written instruction; and
- (b) immediately cease using the Premises until any such time agreed by the Authorised Officer.

17.18 TATTOOING AND SKIN PIERCING

17.18.1 A person must not undertake eyeball tattooing unless that person is a registered ophthalmologist.

~~17.18.2 All equipment used for Tattooing or Skin Piercing that is not disposable must be sterilised.~~

~~17.18.3~~17.18.2 All jewellery used for piercing must be sterile.

~~17.18.4~~17.18.3 Stencils and marker pens must only be used for one client and then disposed of.

~~17.18.5~~17.18.4 The Licensee is responsible for ensuring that all pigments, inks, and dyes purchased and used for tattooing are approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022, ~~and purchased in a manner that fits within this standard~~ or meet the relevant standards that apply under legislation from the territory or country from which they are imported.

~~17.18.6~~17.18.5 ~~No An~~ Operator ~~shall~~must not, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient of the liquid for carrying out the tattoo on that customer only.

~~17.18.7~~17.18.6 ~~The~~ Operators ~~shall~~must ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

17.19 BEAUTY THERAPY

17.19.1 ~~No A~~ person ~~shall~~must not remove hairs from areas of the body such as moles, birthmarks, and ~~the like~~other abnormalities without medical permission.

17.19.2 Any product that has been applied to a client's body (including wax) ~~shall~~must not be reused.

17.19.3 All utensils or instruments used for product application must be single use or rendered hygienic between clients.

17.20 OFFENCES AND PENALTIES

17.20.1 Every person who fails to comply with this bylaw commits an offence and is liable on conviction to a penalty under the Local Government Act 2002 and/or the Health Act 1956 ~~or subsequent Acts~~.

17.20.2 The continued existence of any work or thing in a state, or the intermittent repetition of any action, that contravenes this bylaw ~~shall be deemed to be~~ a continuing offence.

17.20.3 Every person who commits a breach of this bylaw that is an offence under the Health Act 1956 or subsequent Act is liable to a fine up to \$500 and to a further fine of up to \$50 for every day on which the offence continues.

17.20.4 Every person who commits a breach of this bylaw that is an offence under the Local Government Act 2002 or subsequent Act is liable on conviction to a fine up to \$20,000.

17.21 SAVINGS

17.21.1 Any ~~Certificate of Registration or other~~ licence issued prior to the commencement date of this bylaw continues to be valid until its date of expiry.

BEAUTY THERAPISTS, TATTOOISTS AND SKIN-PIERCERS BYLAW 2025		 DUNEDIN CITY COUNCIL <small>kaunihera a-rohe o Ōtepoti</small>	
Beauty Therapists, Tattooists and Skin-Piercers Bylaw 2025			
Approved by:	The Council		
Date approved:	TBC		
Date of effect:	TBC	Reviewed:	2005, 2016, 2025
Next review date:	2035	DOC ID:	

This bylaw is made by the Dunedin City Council under section 145 of the Local Government Act (LGA 2002) and section 64 the Health Act 1956.

1 SHORT TITLE

This bylaw is the Dunedin City Council Beauty Therapists, Tattooists and Skin-Piercers Bylaw 2025.

2 APPLICATION

2.1 The provisions of this bylaw do not apply to:

- 2.1.1 Any health practitioner registered under The Health Practitioners Competence Assurance Act 2003 or subsequent Act; or
- 2.1.2 A person acting under the direction or supervision of any such health practitioner (including medical practitioner, nurse, physiotherapist, podiatrist, or dentist), where the purpose is the practice of medicine, physiotherapy, podiatry, nursing or dentistry, respectively; or
- 2.1.3 A situation where an Authorised Officer is satisfied that compliance with any requirements of this bylaw would be impractical or unreasonable, having regard to the premises in question, or the service being undertaken. In this instance a written exemption may be granted with such modifications, and subject to such conditions as are in the interests of public health as may be desirable in the circumstances.
- 2.1.4 A person carrying out traditional or customary tattooing when undertaken in a non-commercial capacity, such as on a marae, as part of a rite of passage or as part of a cultural gifting experience, and for which profit is not received.

3 PURPOSE

- 3.1 The purpose of this bylaw is to protect, promote and maintain public health and safety by requiring any person undertaking beauty therapy, tattooing and skin-piercing services:
 - 3.1.1 To be registered; and
 - 3.1.2 To comply with all requirements in this bylaw,

with the object of preventing the transfer of communicable diseases and bacterial skin infections from beauty therapy, tattooing and skin piercing practices.

4 EXPLANATORY NOTES

4.1 Explanatory notes are not part of this bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5 DEFINITIONS

In this bylaw, unless context otherwise requires, written means in hardcopy or electronic form, and:

Authorised Officer	Means any person employed and warranted by the Dunedin City Council for the purposes of this bylaw.
Beauty therapy	Means any service in the treatment of skin and body to enhance beauty and includes (but is not limited to) permanent make-up, exfoliation, waxing and hair removal, pedicures, manicures, or other nail services, tinting, and extractions.
Communicable disease	Means any infectious disease such as hepatitis B and C, HIV/AIDS and any other disease declared by the Governor General, by order in Council, to be a communicable disease for the purpose of the Health Act 1956 or subsequent Act.
Designated premises	Includes any part of a commercial, industrial, residential or community building that is designated in a trading licence where a service is carried out.
Itinerant licence holder	Means any person undertaking a beauty therapy service in an approved manner in the absence of a designated, mobile or temporary premises and for which payment is received.
Licence	Means a trading licence, mobile licence, or itinerant licence issued under this bylaw (and includes a Certificate of Registration that may have been issued under any previous bylaw).
Licensee	Means the person to whom a licence has been issued under this bylaw.
Medical waste	Means any needle, sharp instrument, or other article contaminated by blood, tissue, or other bodily fluid that must be disposed of in an approved manner such as a sharps container or biohazard waste receptacle.

Mobile licence	Means a licence issued to a person under clause 6.1 to provide a service from any mobile premises.
Mobile premises	Means any vehicle, stall, or unit whether self-propelled or not, that is not a fixed premises nor dwelling house from which a service is provided.
Operator	Means any Licensee and/or any person working at a premises who provides a service.
Premises	Means as the context requires, a designated premises, mobile premises or temporary premises.
Readily accessible	Refers to the location of any fixture, equipment, instrument, or utensil so that it can be accessed quickly, practically and without any action likely to pose a risk to any person.
Service	Means any beauty therapy, tattooing or skin piercing processes for which payment is received.
Skin penetration	Means any service, usually tattooing or skin piercing, that breaks or penetrates the skin.
Tattooing and skin-piercing	Means any service to modify a person’s appearance involving the intentional piercing, cutting, puncturing or practice of making indelible marks in human skin or tissue for the purpose of inserting jewellery, pigments, ink, or dyes into the skin or other part of the human body. Cosmetic and semi-permanent tattooing, such as microblading is included, along with traditional tool and customary tattooing and skin piercing procedures when conducted in a commercial manner for profit.
Temporary premises	Means a place where any service is provided intermittently such as an event, demonstration or festival, with a maximum duration of seven days unless otherwise approved by an Authorised Officer.
Trading licence	Means a licence issued to a person under clause 6.1 to provide a service from any designated premises or any temporary premises.

6 REGISTRATION AND LICENSING

- 6.1 A person must obtain the appropriate licence to provide a service at any designated mobile, or temporary premises or to trade in an itinerant manner.
- 6.2 Applications for any licence under this bylaw must be made on the prescribed form provided by the Council.
- 6.3 A fee is payable on application for a licence, and as a condition of any licence.

6.4 A licence is renewed on an annual basis in accordance with this bylaw for a term of no more than one year.

Explanatory note: Application and licence fees are generally set by the Council annually as part of the long-term or annual plan process.

7 EXEMPTIONS

7.1 Operators must comply with the relevant requirements of this bylaw unless a written exemption is obtained.

7.2 Any person may apply in writing to an Authorised Officer for a written exemption from any requirement in this bylaw, or the requirement to obtain a licence under this bylaw. Exemptions will be considered where the person can demonstrate that any risk to public health is mitigated to the same extent as provided for in the bylaw.

Explanatory note: Examples of situations where an exemption may be granted include (but are not limited to) eyebrow tinting, and the painting of nails as sole business activities.

8 LICENCE MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED

8.1 The Council may, at its discretion, alter, suspend, or cancel any licence given under clause 6 of this bylaw if licence conditions are being breached.

8.2 When a licence has been suspended or cancelled the licensee must immediately cease operation.

8.3 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of the decision within 14 days after receiving notification of the decision.

9 GENERAL CONDITIONS OF LICENCE AND OPERATION

9.1 The holder of a designated premises trading licence must prominently display their licence at the principal entrance to the designated premises.

9.2 The holder of an itinerant licence, mobile licence or temporary trading licence must carry a copy of their licence with them and present it on request.

9.3 A licence is effective from the date of issue up to the date of expiry.

9.4 A licence is personal to the licensee and is not transferrable.

9.5 A person must not provide any service as a beauty therapist, tattooist or skin-piercer without holding a current licence.

9.6 A person must not provide any service under an expired licence.

9.7 A person must not use any premises unless, as the context requires, the premises comply with this bylaw, or an exemption in accordance with clause 7 of this bylaw has been granted.

9.8 A person must not provide a service where skin is penetrated or pierced on any person under the age of 16 years without the written permission of that person's parent or legal guardian, and that parent/legal guardian being present during the service.

9.9 A person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or communicable disease, or associated conditions, must not carry out any service without taking adequate precautions to prevent the transmission of such infection, disease or condition.

9.10 Where a recognised qualification is available, an operator must obtain a qualification applicable to the services being offered within a reasonable timeframe.

9.11 An operator must work under the direct supervision of a qualified operator and be working towards obtaining a recognised qualification if a recognised qualification has not been obtained.

9.12 Any operator who undertakes a service that pierces or penetrates the skin must have obtained and be able to produce evidence of a bloodborne pathogen training course being successfully undertaken.

Explanatory note: Recognised training may include a national or international recognised training standard, NZQA unit standard or industry training organisation qualification.

Explanatory note: Licensees must comply with all relevant legislation including, but not limited to the Building Act 2004 (in relation to the premises) and the Hazardous Substances and New Organisms Act 1996.

Explanatory note: All licensees operating from a mobile premises must meet the requirements of Dunedin City's Trading in Public Places Bylaw or any replacement bylaw if they are trading in a public place.

10 RECORDS

10.1 Prior to the commencement of any service every operator is required to obtain the following client information in written form:

- Client name, address and contact details
- Client date of birth
- Acknowledgement of any potential risks associated with the service to be administered
- Client consent for the service to be administered
- Client health information including (but not limited to):
 - Any medication taken which may affect the service
 - Any known blood or bleeding disorder or blood thinning medication taken
 - Any medical history of known allergies or adverse reactions
 - Any medical history in relation to communicable or infectious diseases.

Explanatory note: Operators must ensure they comply with the Privacy Act 2020.

10.2 The licensee must hold client records regarding such information on site for a minimum of 12 months and ensure that information is updated after every visit.

10.3 The licensee must keep for a minimum of 12 months:

10.3.1 written evidence of the regular servicing and calibration of all equipment used for sterilisation such as an autoclave.

10.3.2 a record of medical waste disposal, including the disposal of any sharps.

10.4 The information in clauses 10.2 and 10.3 must be made available to an Authorised Officer on request.

11 PHYSICAL ASPECTS OF DESIGNATED AND MOBILE PREMISES

11.1 A person must not use, or allow any designated or mobile premises to be used for any service except in accordance with the following provisions:

11.1.1 A licensee must maintain the premises in a state of good repair and in a clean and tidy condition at all times.

11.1.2 The floors, walls, ceiling, fixtures and fittings in any area connected with the carrying out of any service must be constructed of materials that are continuously smooth, impervious and easily cleaned.

11.1.3 A wash hand basin supplied with a constant supply of hot and cold water, soap, a nail brush and approved hand drying facilities must be provided in a readily accessible position to the operator associated with any service.

11.1.4 A sink supplied with a constant supply of hot and cold water, shall be provided in a readily accessible position to those working at the premises for the sole purpose of cleaning instruments and equipment associated with any service.

11.1.5 All parts of the premises must be ventilated.

11.1.6 All parts of the premises must be provided with lighting to facilitate cleaning and inspection.

11.1.7 Covered waste receptacles that can be easily cleaned must be provided.

11.1.8 All mattresses, squabs and cushions used on any chair, bed, table, or the like, at the premises must be covered in an impervious and easy to clean material.

11.1.9 All linen/paper, if not single use, must be replaced after each client.

11.1.10 All laundry items used on a premises or in association with a service must be cleanly laundered. Clean and soiled laundry must be stored separately.

11.1.11 Where refreshments are served to customers, utensils must be thoroughly cleaned between use.

12 ITINERANT LICENCE HOLDERS

12.1 A person intending to perform a service itinerantly may apply for an itinerant licence.

12.2 To avoid doubt, itinerant licence holders are exempt from clause 11 of this bylaw.

12.3 All itinerant licence holders must ensure that they:

12.3.1 provide sufficient facilities to store all clean and used equipment, linen and waste products safely in separate containers before and after use and while in transit.

12.3.2 maintain any work area and protect all surfaces and equipment from contamination by dust, dirt, or other such contaminants at all times.

- 12.3.3 have adequate sterile equipment for all clients undergoing skin penetration procedures and if the Itinerant Licence holder does not have an autoclave or approved steriliser, then single use pre-sterilised equipment is to be used.

13 CONDUCT

- 13.1 An operator must:

13.1.1 At all times keep their clothing, hands, and fingernails clean, and must cover any infected, damaged, or inflamed skin with an impermeable dressing.

13.1.2 Thoroughly clean their hands, using soap and water for at least 20 seconds, rinsing and then drying them properly (using paper towels, single use cloths, or an air dryer) immediately:

13.1.2.1 before commencing and after completing the service

13.1.2.2 after using a toilet

13.1.2.3 after smoking or vaping

13.1.2.4 after blowing the nose or touching the face

13.1.2.5 after handling soiled laundry, money, biological matter or waste materials used or produced in connection with a service.

13.1.3 Ensure that all needles used in any service are single use, pre-sterilised, and disposable needles.

13.1.4 Prior to commencing any service, cleanse client's skin with a cleansing agent approved by an Authorised Officer and allow to dry. For any service where skin is penetrated, the client's skin must be cleansed using a solution of 70% alcohol (ethyl alcohol or isopropyl).

13.1.5 Provide to every client or make available through a website or other electronic link at the completion of any service, written aftercare instructions for the subsequent care of the site to prevent its infection.

13.1.6 Dispose of all blood or tissue contaminated materials used in a service, into a puncture resistant container or otherwise, in an approved manner.

13.2 The licensee must ensure all operators can demonstrate an awareness of how any blood or tissue contaminated linen or fixtures will be cleansed/disinfected.

13.3 An operator must not undertake any service unless that operator covers their hands with new, single use gloves for each customer, or prior to and following the procedure the operator washes and sanitises their hands using a waterless alcohol-based cleanser, or uses waterless, alcohol-based antiseptic hand gels, foams or liquids where it is physically impossible to have or use hand washing facilities with running water.

13.4 Any equipment used must only be operated according to manufacturer specifications and not for any other purpose.

14 STERILISATION, DISINFECTION AND CLEANING

Sterilisation

- 14.1 Equipment used in any service that involves skin penetration must not be reused unless it has been sterilised by being thoroughly cleansed then exposed to steam under pressure in a steriliser (autoclave) in accordance with manufacturer's instructions.
- 14.2 Evidence of the use of chemical indicator strips to demonstrate that the appropriate time, pressure, and temperature have been achieved during the sterilisation cycle must be kept and be made available for inspection by an Authorised Officer for a minimum of 12 months.
- 14.3 Evidence of re-processing following a chemical indicator strip fail or load failure must be kept and made available for inspection for a minimum of 12 months.
- 14.4 All disposable needles must be disposed of in an appropriate sharps container for medical waste, which in turn must be disposed of in an approved manner.
- 14.5 All non-medical waste is to be stored in a covered receptacle and removed from the premises on a regular basis.

Disinfection and cleaning

- 14.6 All equipment, instruments and utensils that are unable to be sterilised must be thoroughly cleaned and then disinfected by a thermal or chemical disinfection procedure, or via a glass bead steriliser or ultra-violet (UV) light cabinet, following manufacturer's instructions.
- 14.7 After thorough cleaning, approved solutions for disinfecting include (but are not limited to):
 - 14.7.1 Ethyl alcohol, isopropyl alcohol or methylated spirits (in each case containing not less than 70% alcohol); or
 - 14.7.2 An industrial strength disinfecting solution (such as a chlorine, phenol, or Quaternary ammonium cation (QUAT) based solution) used in accordance with manufacturer's instructions.
- 14.8 Operators must provide an adequate supply of chemicals used for general cleaning of the premises and the disinfection of equipment, instruments and utensils.
- 14.9 For any chemical used to disinfect, operators must be able to demonstrate knowledge of chemical dilution rates, application method and contact times.

15 CLEANSING AND REPAIR

- 15.1 The licensee must immediately cease operation if customers may be exposed to contamination or communicable disease because of the:
 - 15.1.1 condition of any premises or equipment; or
 - 15.1.2 procedure or service.
- 15.2 The licensee must on receipt of written instruction signed by an Authorised Officer:

15.2.1 cleanse, reconstruct or repair the premises or equipment, or redesign the procedures within the time specified on the written instruction; and

15.2.2 immediately cease using the premises until any such time agreed by the Authorised Officer.

16 TATTOOING AND SKIN PIERCING

16.1 A person must not undertake eyeball tattooing unless that person is a registered ophthalmologist.

16.2 All jewellery used for piercing must be sterile.

16.3 Stencils and marker pens must only be used for one client and then disposed of.

16.4 The licensee is responsible for ensuring that all pigments, inks, and dyes purchased and used for tattooing are approved under the New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022 or meet the relevant standards that apply under legislation from the territory or country from which they are imported.

16.5 An operator must not, in tattooing a customer, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a container holding sufficient of the liquid for carrying out the tattoo on that customer only.

16.6 Operators must ensure that on completion of the tattoo, any dye, pigment, or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded.

17 BEAUTY THERAPY

17.1 A person must not remove hairs from areas of the body such as moles, birthmarks, and the like without written medical permission.

17.2 Any product that has been applied to a client's body (including wax) must not be reused.

17.3 All utensils or instruments used for product application must be single use or rendered hygienic between clients.

18 OFFENCES AND PENALTIES

18.1 Every person who fails to comply with this bylaw commits an offence and is liable on conviction to a penalty under the Local Government Act 2002 and/or the Health Act 1956.

18.2 The continued existence of any work or thing in a state, or the intermittent repetition of any action, that contravenes this bylaw is a continuing offence.

18.3 Every person who commits a breach of this bylaw that is an offence under the Health Act 1956 or subsequent Act is liable to a fine up to \$500 and to a further fine of up to \$50 for every day on which the offence continues.

18.4 Every person who commits a breach of this bylaw that is an offence under the Local Government Act 2002 or subsequent Act is liable on conviction to a fine up to \$20,000.

19 SAVINGS

19.1 Any licence issued prior to the commencement date of this bylaw continues to be valid until its date of expiry.

Explanatory note: This additional information does not form part of the bylaw. It contains information to help users understand, use, and maintain the bylaw. This information may be updated at any time.

<p>Relevant Legislation:</p>	<p><i>Building Act 2004</i> <i>Hazardous Substances and New Organisms Act 1996</i> <i>Health Act 1956</i> <i>Health (Registration of Premises) Regulations 1966</i> <i>Local Government Act 2002</i> <i>Resource Management Act 1991</i> <i>Trading in Public Places Bylaw</i></p>
<p>Associated Documents:</p>	<p><i>Dunedin City District Plan (2GP)</i> <i>Ministry of Health Customary Tattooing Guidelines for Operators 2010</i> <i>Ministry of Health Guidelines for the Safe Piercing of Skin 1998</i> <i>New Zealand Association of Registered Beauty Therapists (NZARBT) Health, Hygiene and Safety Standards</i> <i>New Zealand Board of Professional Skin Therapies Health, Hygiene and Safety Standards for the NZ Aesthetic Industry</i> <i>New Zealand Environmental Protection Agency's Tattoo and Permanent Makeup Substances Group Standard 2022</i></p>



Beauty Therapists, Tattooists & Skin-Piercers
Bylaw Review 2025
Statement of Proposal

This statement of proposal is prepared under sections 83, 86, 155, 156, and 160 of the Local Government Act 2002.

INTRODUCTION

We are reviewing the Beauty Therapists, Tattooists and Skin-Piercers Bylaw (Bylaw) and would like to know what you think.

BACKGROUND

The Beauty Therapists, Tattooists and Skin-Piercers Bylaw was introduced in 2005 to prevent the transfer of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections through beauty therapy, tattooing and skin piercing practices. The Bylaw requires that any person undertaking beauty therapy, tattooing and skin piercing processes has a licence from the Council, and that they conduct activities that comply with the bylaw requirements.

The purpose of the Bylaw is to protect, promote and maintain public health and safety by regulating the appearance industry in Dunedin.

PROPOSAL

The Council’s proposal is for most of the current bylaw controls to continue, while updating some to reflect current and emerging practices, provide greater protection, modernise the language in the bylaw, and to improve clarity. Proposed changes of substance are relatively minor in nature and are detailed here.

Section	Proposed change	Reason
Application of bylaw	Add clause about traditional and customary tattooing	To be clear about this exemption.
Purpose	Add wording to the purpose of the bylaw	To align the purpose more clearly to section 145 of LGA.
Definitions	Add <i>Licence</i>	To clarify the meaning for this term.
	Change <i>prescribed process</i> to <i>service</i>	Modernise the language.
	Add <i>skin penetration</i>	For clarity.
Licence may be altered, suspended, cancelled, or reviewed	Add this clause that the Council may alter, suspend, or cancel a licence if licence conditions are being breached.	To provide a greater level of protection.
General conditions	Add requirement that parent or legal guardian must be present during a skin-piercing or penetration process for a person under 16 years (in addition to providing permission).	To provide a greater level of protection.
	Remove the requirement that a person may not provide a service to anyone whom they	This may be unreasonable and potentially unenforceable.

Section	Proposed change	Reason
	suspect is under the influence of alcohol, drugs or mind-altering substances.	
	Remove the requirement that no one may smoke on the premises.	This is covered by the Smokefree Environments and Regulated Products Act 1990.
	Remove the requirement that no animals except disability assist dogs are permitted on the premises.	This may be unreasonable and potentially unenforceable.
	Add requirement for bloodborne pathogen training for skin piercing and penetrating operators.	To provide a greater level of protection.
Records	Remove reference to UV cabinet and glass bead sterilisers.	To update this section as these units are unable to be serviced or calibrated.
	Include disposable sharps in the disposal of medical waste.	To be clear that disposable sharps are included here.
Physical aspects of designated and mobile premises	Remove the references to the 'piped supply of hot and cold water.	To update this section to allow for mobile hand wash units.
	Add that linen/paper must be replaced after each single use (in addition to after each client).	To be clear about this expectation.
Conduct	Add clarity around hand cleaning – defining the method and length of time.	To provide clear direction on this element of hygiene.
	Remove the requirement for a written procedure for disinfecting and cleansing materials but ensuring licensee can demonstrate awareness of these practices.	To reflect current practice which works well.
Tattooing and Skin piercing	Add that no person may undertake eyeball tattooing unless a qualified ophthalmologist	To ensure an additional level of protection for this emerging practice.

OPTIONS

The proposal is to continue most of the current Bylaw controls, while updating some to reflect current and emerging practices, provide greater protection, and improve overall clarity. The Bylaw regulates the appearance industry in Dunedin and helps to protect public health and safety.

Option 1: Keep most Bylaw controls with some updates (proposed)	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Improved ability to protect public health and safety. 	<ul style="list-style-type: none"> Potentially more restrictive for some practitioners.
Option 2: Do not update the Bylaw	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> May be less restrictive for some traders. 	<ul style="list-style-type: none"> More limited ability to protect public health and safety.

SECTION 155 REPORT

The Council is making this Bylaw under the Health Act 1956 and the Local Government Act 2002 (LGA). The LGA requires this statement of proposal to include a report on any relevant determinations made under section 155 of the LGA.

At its meeting on 11 March 2025, the Customer and Regulatory Services Committee determined that:

- i) a bylaw is the most appropriate way to address issues relating to beauty therapist, tattooist and skin-piercer practices in Dunedin;
- ii) the proposed Bylaw is the most appropriate form of bylaw; and
- iii) the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

The table above provides support for the determination that a bylaw is the most appropriate way to address potential issues that arise from the beautician, tattooist and skin-piercer industry in Dunedin.

Generally, the previous Bylaw worked well and had good support and compliance from the industry. In the absence of national legislation, the Bylaw, along with public education, are important tools to ensure that appropriate standards of public health and safety are maintained by these service providers in Dunedin.

There are also indications that the appearance industry is growing steadily, with the number of registered appearance industry businesses increasing from around 60 in 2016 to the current figure of 86. Procedures used in the appearance industry are invasive and have the potential to transfer communicable diseases, as noted above.

The proposed Bylaw is considered to be in the most appropriate form, including modernising the language used and improving the structure and clarity of the proposed regulatory controls.

We have not identified any specific rights in the New Zealand Bill of Rights Act 1990 that would be impacted by this Bylaw, but regulating the appearance industry for the reasons specified and as provided in this Bylaw, is considered to be a proportionate response and justified limitation for the prevention of harm that can arise with these services.

DOCUMENTS

See Attachment **A** for the proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw.

See Attachment **B** for the current Beauty Therapists, Tattooists and Skin-Piercers Bylaw.

HAVE YOUR SAY

What do you think?

Please fill out the feedback form so we can take your views into account.

1. Where to from here?

- Public submissions period closes **5 pm XX date.**
- Hearings will be held around **XX date.**
- The Council considers submissions and decides on any changes to the bylaw.
- The Council adopts the reviewed bylaw.

Beauty Therapists, Tattooists and Skin-Piercers Bylaw 2025 submission form

Submissions are due by 5 pm XX date

Late submissions may not be accepted.

The provision of your personal information is optional, however, should you provide this information please note your name and organisation may be included in papers for the public and media. Information you have provided will only be used for the purpose of the consultation on the Beauty Therapists, Tattooists and Skin-Piercers Bylaw review. The Council will collect, use and store your information in accordance with the Privacy Policy which can be found on the Council website www.dunedin.govt.nz/privacy-policy . If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at dcc@dcc.govt.nz or 03 477 4000.

Send to: Beauty Therapists, Tattooists and Skin-Piercers Bylaw
Dunedin City Council
PO Box 5045
Dunedin 9054

Deliver: Beauty Therapists, Tattooists and Skin-Piercers Bylaw
DCC Customer Services Centre
Civic Centre
50 The Octagon
Dunedin

Online: www.dunedin.govt.nz/consultation

Email: Healthbylawreview@dcc.govt.nz

First Name: _____ Last Name: _____

Organisation (if applicable): _____

Postal address: _____

Postcode: _____

Email Address: _____ Phone: _____

Would you like to speak to the hearing panel in person?

(If you do not tick a box, we will assume you do not wish to be heard.)

Yes No

If you wish to speak, you will be contacted with a speaking time as soon as possible after submissions close. *(Note: You may also be able to present your views by audio or audio-visual link.)*

6

You may answer as many or as few questions as you wish.

General Support

Overall, do you agree with the proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw?

Yes No

Why/why not?

Which of the following options do you support?

- Option 1: Keep most Bylaw controls with some updates (proposed).
- Option 2: Do not update the Bylaw
- Option 3: Other

If Option 3, please specify:

Do you have any other comments to make about the proposed Beauty Therapists, Tattooists and Skin-Piercers Bylaw?

Remember your submission needs to reach the Council by 5 pm XX date.

Thank you for your feedback.

ITEMS FOR CONSIDERATION BY THE CHAIR

Any items for consideration by the Chair