
Report 5
(1215/52/IM)

FEEDBACK ON THE DRAFT FOOTPATH MANAGEMENT POLICY

1. Purpose

This report asks the Committee to:

- consider feedback from the consultation undertaken on the draft Footpath Management Policy
- refer the amended policy, attached as Appendix 2, to Council for adoption.

2. Executive Summary

Consultation was undertaken on the draft Footpath Management Policy between 7 August and 22 September, and oral submissions were heard on 12 October 2006.

The Policy covers:

- pedestrian movement
- retail stands
- sandwich boards
- outdoor café seating and street furniture
- street appeals and charity fundraising stalls
- street performances and busking.

The aspects being considered include transport and safety on footpaths, and streetscape aesthetics. Key submission feedback indicated:

- it is appropriate that the Council be involved
- monitoring and enforcement is an area requiring attention. Some of the current guidelines may be adequate
- integrated communication and processes for applicants, Police and complainants may expedite responses for some enquiries. Any flexibility should be balanced by clarity and fairness
- accessible journeys and pedestrian safety, particularly for the very young, the elderly and the visually impaired, were seen as high priorities

- the proposed unobstructed footpath widths were generally considered reasonable (59% of respondents in favour). It was suggested that enforcing these may reduce other issues. Shared use of veranda space for pedestrians and seating was wanted by 44%
- concern about the following aspects of safety: queuing space in regard to bars, buses and theatres, public order, drug use and intoxication, safety for women at night, the proximity of vehicular traffic to pedestrians, and the preservation of footpath widths during road works
- many of the presenting issues, or combinations of them, are much more acute in the Courtenay Place area. There was a call to give the challenges in this area separate attention. Site-by-site consideration of issues in other locations could reflect variances in problem size, pedestrian volumes, and pressure points
- support (52%) for eliminating sandwich boards on the key streets in the city centre (Lambton Quay, Willis St, Manners St, Manners Mall, Cuba St, Cuba Mall, Courtenay Pl), with 27% wanting a city-wide ban. Some submitters commented on the contribution sandwich boards make to the street atmosphere
- support for retention of retail displays (56% want to permit retail displays, with 15% wanting them banned) and marking of outdoor areas (51% in favour). Consideration of universal access to services was requested
- a general willingness to work with the Council to find solutions.

The May 2006, Resident Satisfaction Survey (RSS) indicated that 22% noticed and acted on information on sandwich boards in the central city, with a quarter of these doing so often. Fewer boards were wanted by 39%, and more by 13%. About a quarter felt sandwich boards could enhance an area, a quarter felt they detracted.

Outdoor seating was never used in the central city by 24% of RSS respondents. They were used 'most days' in the central city by 2%, but about half of the respondents used them only monthly or less. When asked about the density of seating, 44% were happy with the current levels, with 35% happy to see more seating. Outdoor seating was seen to enhance an area's vibrancy by 81%.

As part of the development of site-specific solutions, officers recommend that the Council reserve the right to vary the minimum widths set for a particular area where pedestrian flow or safety warrants. While the minimum unobstructed footpath width proposed for upper Cuba Street was two metres, officers recommend that more, up to three metres where available, be retained for pedestrians for the full length of Cuba Street as the number of pedestrians using upper Cuba Street is similar to that in Cuba Mall.

The issues are complex and feedback supports a balanced approach. The approach brings together a number of elements as follows:

- city-wide enforcement of the unobstructed footpath widths as proposed, with some flexibility for consideration of site-specific solutions and

identifying any locations where the full width as established is not currently achievable. This may eliminate many of the sandwich board and display stand issues

- establishment of pedestrian priority, generally along building frontages and under veranda spaces, with design elements, such as sandwich boards, generally being sited on the kerb-side. Consistency will be sought within each footpath area
- a requirement for the marking of areas for approved temporary obstructions such as seating or retail displays, and compliance with New Zealand Standard 4121:2001 *Design of Access and Mobility – Buildings and Associated Facilities* (NZS4121) for accessible journeys and design elements as criteria for licence approval
- ensuring Council's internal processes and enforcement practice are aligned with the policy, and that the fees for private use of public footpath space are set to achieve full cost recovery. Service provision will be enhanced with clear roles and priorities, coordination and effective communication between teams, and a communication strategy to promulgate the revised policy guidelines, and gain acceptance and compliance with the changes
- establishment of an officer group to lead a *Courtenay Place Project*; creating a vision for this area and developing an integrated approach for finding solutions to issues such as safety, transport, urban design, and licensing. This group would work with other stakeholders, including retailers and the Police, as needed. Although there is a complex range of issues to be considered, it is expected that the group will report on progress to the Strategy and Policy Committee by September, 2007.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note that consultation was undertaken between 7 August and 22 September and oral submissions were heard on 12 October 2006.*
3. *Note that 71 submissions, 1 petition and 2 late submissions were received and are attached as Appendix 3.*
4. *Note that implementation of this policy includes:*
 - 4.1 *alignment of the Council's internal processes, and enforcement practice with the Policy*
 - 4.2 *fees established on a cost-recovery basis with an annual review for private use of public footpath space. Street appeals, charity fundraising, street performances and busking have no fees*
 - 4.3 *a communications strategy*

- 4.4 *city-wide enforcement of the unobstructed footpath widths as proposed, with some flexibility to allow for a pragmatic approach to variations in footpath widths and pedestrian numbers where required*
 - 4.5 *the establishment of general pedestrian priority along building frontages and under veranda spaces, with design elements generally sited on the kerb-side*
 - 4.6 *the marking of areas for approved for temporary obstructions, such as seating or retail displays*
 - 4.7 *compliance with New Zealand Standard 4121:2001 Design of Access and Mobility – Buildings and Associated Facilities (NZS4121) for accessible journeys and design elements.*
5. *Agree that officers establish a Courtenay Place Project, and lead the development of a vision and an integrated approach to solutions for this area with a report to the Strategy and Policy Committee by September, 2007.*
 6. *Agree to the revised Footpath Management Policy, attached as Appendix 2, and refer it to Council for adoption.*
 7. *Delegate to the Chief Executive and the Urban Design and Transport Portfolio Leaders the authority to make any required amendments.*
 8. *Agree that officers will report to the Strategy and Policy Committee late in 2008 on the effectiveness of the Footpath Management Policy.*

4. Background

4.1 Draft Footpath Management Policy

Competition for use of footpaths arises due to the conflicting needs of pedestrians and businesses. Causes of this include:

- the Council's desire to increase the vibrant atmosphere of the Wellington streetscapes
- changes to smoking legislation leading to more businesses wanting to provide for patrons in outside spaces
- growth in pedestrian numbers and changes to footpath usage patterns.

The primary function of footpaths is defined in the District Plan as the efficient and safe movement of pedestrians and the Public Places Bylaw provides a regulatory framework for managing public places.

The Central City Streetscape Plan provides standards and guidelines for the design and placement of streetscape elements, by both the public and private sectors, to ensure consistency throughout the central city.

The core themes from the Council's strategic outcomes that have particular relevance to the draft Footpath Management Policy include:

- creating a pedestrian-friendly city
- building on Wellington's strong sense of place
- building on Wellington's reputation as a safe city.

While seeking to ensure an appropriate balance between economic vitality, pedestrian-friendliness and quality public spaces, it is acknowledged that retailers, eateries and bars are an important component of the city's economy, add vitality and contribute to Wellington's sense of place. Footpath aesthetics, including the impact of sandwich boards and outdoor seating, was considered in relation to the Council's vision for the Wellington streetscapes and the vibrancy of the city.

The draft Footpath Management Policy was designed to achieve a balance between private activities and the pedestrian right-of-way and thus sustain the vitality of the city area, and was intended to apply to all areas of the central city and suburbs as similar principles are required. Recommendations included:

- removal of all sandwich boards
- pedestrians to have priority for veranda space and seating etc to be on the kerb side
- seating areas to be marked, at the retailer's cost
- retail displays to require a licence, with an appropriate fee.

4.2 Consultation

The Committee agreed in June 2006 to consult on the draft Policy and in particular:

- the appropriateness of the proposed minimum footpath widths, lowering the width for Courtenay place from four metres to three metres
- the level of pedestrian priority for veranda space over outdoor seating
- the extent of any sandwich board ban
- various licence guidelines for street performance and busking, retail displays, outdoor café seating and street appeals.

Councillors participated in a workshop on 9 November to consider the diversity of feedback on the draft policy.

4.2.1 Consultation process

The consultation process for the draft Policy included written submissions being invited between 7 August and 22 September. The Strategy and Policy Committee heard 18 oral submissions on Thursday 12 October.

In addition to general public consultation, targeted community groups, organisations and interested individuals were sent copies of the draft policy to

ensure the opportunity to comment was brought to the attention of effected parties. The consultation was also advertised on the Our Wellington page of the Dominion Post and placed on the Council's website.

Meetings were held with the Tawa Community Board, the Wellington Police and the Disability Reference Group, and part-way through the consultation period, all 630 sandwich board licence holders were posted a letter reminding them of the opportunity to comment.

Those providing feedback via the website or feedback form were given the opportunity to respond to specific questions and to provide additional comments. The questions covered the:

- appropriateness of proposed unobstructed footpath widths
- extent of any sandwich board ban
- level of priority to be given to pedestrians over outdoor seating and under verandas.

4.2.2 Overall results

Seventy one written submissions were received through the consultation process. Fifteen of these were from organisations and 19 from businesses, with the remaining 37 being from individual residents. A petition with 92 signatories against a city-wide ban on sandwich boards was also submitted. Copies of all submissions, including a petition and two late submissions, are included as Appendix 3. Copies of the questions, and a list of the organisations and businesses that made submissions, were provided as background material for the 9 November 2006 Councillors' workshop. A summary of the feedback received and officer response to that feedback was also included, as was the relevant data from the May 2006 RSS.

5. Discussion

5.1 Summary response to feedback received

5.1.1 General

Although the views expressed were often polarised, the specific suggestions made are generally consistent with the balanced approach of the draft policy intent. While views on the aesthetics of aspects such as sandwich boards varied widely, there was agreement that Wellington needs to be attractive for both residents and visitors. Conflict between business and pedestrian demands was apparent and overall respondents felt the current Council role is appropriate.

Monitoring and enforcement is an area that was repeatedly identified as requiring attention. There was a call from many businesses for flexibility in the Council approach to licences and monitoring. This was tempered by pleas from other businesses, the Police and members of the public for clarity, fairness and strong enforcement. A prevailing culture of cheating the system was acknowledged, and the Police sought clarity for their role in any approvals

process, particular with respect to safety and their enforcement jurisdiction for outdoor seating. Clear application requirements and processes, communications and role delineation will be of benefit to all parties. While flexibility in finding solutions may seem desirable, this needs to be balanced with the need for transparency and fairness, and the complexity of processing, monitoring and enforcement. Several submitters suggested that the existing rules were adequate.

Initial city-wide enforcement of the unobstructed footpath widths may clarify the remaining issues around pedestrian priority, sandwich boards, veranda use, outdoor seating and retail displays. This approach could also provide resolution for issues identified in regard to suburban areas.

A pragmatic approach and site-specific solutions may be needed in some areas. Officers will develop protocols for consultation with affected parties and representatives from groups such as the Hospitality Association, Retailers Association and Police, to consider solutions to location-specific issues with temporary obstructions.

Some respondents requested a 'one stop shop'. Having a single point of contact for applicants can be achieved through the Council Contact Centre being kept fully informed of role delegations to officers but outdoor seating is often also associated with other issues such as smoking, liquor licensing and footpath extensions, and licence approvals often involve several business units within the Council.

For consideration of outdoor seating licences, a designated officer from within the Building Consents and Licensing Unit will coordinate across the necessary units and teams within the Council to ensure an effective service is provided.

To support effective administration, monitoring and enforcement, it was suggested the guidelines and approval processes should be reviewed and communicated widely to make it clear what was required, what the processes are, where responsibilities lie and what the consequences are for non-compliance.

A number of issues raised in the public feedback are considered to better reside in other policy or business unit work programmes. These are presented in Appendix 1.

5.1.2 Courtenay Place area

It was apparent, particularly from the information presented by the Police, including video footage, that the footpath issues in the Courtenay Place area are complex, particularly at night, and that some issues, such as safety, parking and alcohol licensing, extend beyond the scope of the Footpath Management Policy. The particular nature of the Courtenay Place area lends itself well to an integrated development of its special character. Site-by-site consideration of issues in other locations was also suggested as an approach to reflecting variance in problem size, pedestrian volumes, and pressure points.

Officers recommend the formation of a 'Courtenay Place Project' to take a holistic approach to this area's complex mix of issues including:

- safety – pedestrian volume and queue management
- transport – vehicular traffic and parking, including for taxis and buses
- urban design
- licensing – including public order and alcohol usage
- economic impacts.

The officer group will be lead from within Policy and include key officers from Recreation and Events, City Safety, Parking Services, Traffic Operations, Building Consents and Licensing, and other units as required. The project group will engage with affected parties and representatives from groups, such as the Hospitality Association, Retailers Association and Police, as required. Although there is a complex range of issues to be considered, it is expected that the group will report back to Committee by September 2007. Until this time, implementation of the Footpath Management Policy in the Courtenay precinct will consider appropriate responses, such as temporary dispensations or approvals with special conditions, to licence applications.

5.1.3 Pedestrian priority

5.1.3.1 Universal access

Strong submissions were received in regard to universal access, promoting the adoption of NZS4121 which sets standards for accessible journeys and associated design elements. Others commented on the need to keep carriage-ways unobstructed. Safety, such as risks for women at night and potential hazards from vehicular traffic, was an issue of great concern to a number of submitters, including the Police.

The Council has already made a commitment to alignment with the New Zealand Disability Strategy and identifies safety as a priority in its Long Term Council Community Plan. The drafting of the Footpath Management Policy has been premised on the establishment of pedestrian priority and adopting NZS4121 enhances accessibility for people with disabilities as well as ensuring ease of access for the population more generally. Good design for access promotes independent use of the built environment, enhanced usability of facilities, and safety and well-being for everyone in the community. Universal access will also improve the experience of visitors, some of whom come to share time with others who have disabilities and some of whom have disabilities themselves.

In managing Wellington's footpaths the provision of universal access includes:

- adopting universal designs so that facilities and services are widely accessible, taking account of a broad range of abilities, ages, and mobility, hearing or visual impairment
- the selection of space prioritised for pedestrians – generally in straight lines, along building frontages or other consistent runs of passage

- licence requirements that promote the use of displays, stands and facilities that provide for wheelchair and visually impaired access to services, such as:
 - retail display heights of 775mm
 - allowance of space for wheelchairs or scooters at displays
 - colour or tactile differentiation of routes or obstructions
- the provision of clear information to licence applicants, including detailed requirements for accessibility
- a comprehensive approach within the Council towards access.

Some aspects of accessible services, such as display heights, can be required with any new licences issued. However, improving access to some services, such as mobile food stalls constrained by the design of the base vehicle, may require a longer lead-in time. The policy requires all aspects be taken into account when considering a licence application.

5.1.3.2 Unobstructed footpath widths

The proposed widths were generally considered reasonable. They must take into account existing street fixtures such as telephone booths, benches, bollards, bus stops, trees, rubbish bins and utility poles. Temporary obstructions, such as sandwich boards, menu boards, umbrellas and potted plants, are to be included in the plans provided for consideration with licence applications.

A degree of flexibility in the Council approach to footpath widths would enable decisions, on occasion, to reflect the variations in actual available widths and the pedestrian volumes at specific locations on particular footpaths. For instance, the footpath outside the ANZ building in Lambton Quay is well under the target width of four metres and it carries significant numbers of people waiting for buses. However, the vehicular flow at that particular point means that widening that stretch of footpath to four metres is not practical.

If pedestrians are generally prioritised for space on the building side of footpaths, as recommended in NZS4121, pedestrians will also be prioritised for any veranda space and little, if any, space may remain for temporary obstructions such as seating, which will generally need to be on the kerb side. The Police recommendation for having customers seated away from kerbs to reduce the risk of vehicular interaction must be balanced by the same risk to pedestrians moving along the kerb line. Many people with visual impairment travel down the centre of the footpath, so the side that obstructions are positioned on is not critical. Of key importance for pedestrian flow is achieving consistent layout for any given stretch of footpath. Site-specific solutions, such as bollards, may help reduce such risk, although they are not favoured by the Disability Reference Group, and the proposed Courtenay Place Project may offer a holistic approach for this area.

Enforcing the widths may resolve issues, particularly at pinch points, where clutter has been intensified by non-compliance with the established widths.

Therefore it is recommended that site-by-site solutions are developed where necessary.

Officers engaged in monitoring and enforcement report that the number of pedestrians using upper Cuba Street, although not included in the pedestrian count data, is similar to that in Cuba Mall, and recommend that the unobstructed footpath space be maximised. While the minimum unobstructed footpath width recommended for Cuba Street was two metres, officers advise that more, up to three metres where available, should be retained for pedestrians for the full length of this street.

The maintenance of footpath widths during roading or construction works falls outside this policy. The Code of Practice for Working on the Road provides for traffic safety and access, for both vehicles and pedestrians. Approvals and consents given relating to this type of activity are considered on a case-by-case basis and requirements can include traffic management plans and signage to reflect pedestrian needs.

5.1.4 Sandwich boards

The RSS indicates that 22% of respondents noticed and acted in some way in response to information on sandwich boards in the central city and 15% in the suburbs. Of these only a quarter made use of them often. When asked in the RSS about the density of sandwich boards, 43% were happy with the current levels, with 39% wanting fewer and 13% happy to see more boards, in some or all areas. About a quarter felt sandwich boards could enhance an area's vibrancy, while a quarter felt they detracted and half felt they made no difference.

The petition from 92 central city retailers, opposing a ban on sandwich boards, was also considered alongside the other submissions.

There appears to be a common position that if agreeable alternative advertising solutions were developed, it would be desirable to have no, or at least far fewer, sandwich boards on the pavements in Wellington. There is strong support for eliminating sandwich boards on the key streets (Lambton Quay, Willis Street, Manners Street, Manners Mall, Cuba Street, Cuba Mall, and Courtenay Place) in the city centre, and varying degrees of support for retaining them in the rest of the Central Business District or the suburbs. However, several submitters commented on the contribution sandwich boards make to the street atmosphere and improved Council processes, monitoring and enforcement were identified as necessary components of any solution.

There was general acceptance that retailers in locations such as basements, where they lack visibility from the street, may require access to some form of signage on a nearby thoroughfare.

A number of alternative approaches to sandwich board signage were offered and a number of submitters expressed a desire for flexibility and collaboration with the Council. There was a range of opinion expressed about the appropriateness and effectiveness of shared signage for businesses without a street frontage, and also about the pricing for any future licences. The diversity of views expressed suggests that a range of site-specific solutions developed in consultation with

effected parties may achieve greater acceptance than a single approach. Such solutions may include:

- signage within or on the building, and not in the public space
- shared 'sculpture' signage
- flags or veranda signs, above the required head height of 2100mm
- signs that sit flush with the building frontage.

5.1.5 Outdoor seating

Again, a wide range of views was expressed and a balanced approach following further work is indicated. Issues with outdoor seating are often unique to their location and site-specific solutions may be required.

Respondents in the RSS were well spread in their frequency of use of outdoor seating. The seating was never used in the central city by 24% and in the suburbs by 41%. In the central city 2%, and in the suburbs 1%, used outdoor seating most days but about half of the respondents used them only monthly or less (48% in the central city and 41% in the suburbs). Nationally, about 20% of residents are smokers, but it is not known what proportion of the RSS respondents are smokers. When asked in the RSS about the density of outdoor seating, 44% were happy with the current levels, with 19% wanting less and 35% happy to see more seating, in some or all areas. Only 4% felt outdoor seating detracted from an area's vibrancy, and 13% felt it made no difference, but 81% felt it could enhance an area.

The proposed marking of outdoor areas was well supported. The marking of licensed areas could be fruitfully applied to temporary obstructions, including outdoor seating and retail stands, particularly those with a history of non-compliant positioning.

Concern about liquor licensing and the transfer of alcohol 'across the gap' to licensed seating areas was also raised. Technically the Sale of Liquor Act does not allow the transfer of liquor 'across the gap'. However, resolving that issue would give rise to other anomalous situations and therefore it is recommended that a common sense approach is taken to enforcement. This will be one of the factors considered in determining whether seating will be against the kerb or the buildings for each stretch of footpath, particularly in the Courtenay Place area.

5.1.6 Retail displays and other temporary obstructions

The retention of retail displays was supported, and universal access for pedestrians (both to the displays and around them) was seen as important. Under the Public Places Bylaw, retail displays require prior written permission from the Council. Requiring an appropriate fee will enable officers to more effectively monitor quality and compliance for this use of footpath space. Site-specific solutions can be achieved through the approvals process for licences and will include consideration of:

- universal access

- maintenance of the unobstructed footpath widths
- the exact locations of property boundaries.

A number of other footpath activities occur from time to time. Some should require Council permission so that safety is maintained and others' rights can be protected. These activities are managed pragmatically within the most appropriate existing category, and include:

- menu boards. Depending on where they are to be placed, these may be processed as sandwich boards, or as outdoor furniture as part of a seating area.
- atypical retail displays. These could be considered on a case-by-case basis
- welcome mat advertising. This may be considered as for sandwich board advertising, although mats would not meet the relevant design specifications. Direct signage on the footpath would be considered under the District Plan.

For the same reason, people or organisations should advise the Council if they intend to distribute promotional fliers or free samples. It is not appropriate to license such activities, but, as for protests, it is helpful for the Council to be notified of proposals so they can share information about traffic management, potential risks to pedestrians or clashes with other activities.

5.2 Revised recommended approach

If adopted, the revised recommended approach will bring together a number of elements in order to:

- respond to the wide range of feedback received during the consultation period
- provide further opportunity for public and business input as specific changes are developed and enable the impacts of changes to take effect in a staged manner
- allow for a gradual development and adoption of site-specific responses to conflicting needs in finding a balance between:
 - pursuit of a unified vision and site-specific or suburban character
 - pedestrian rights and business opportunities
 - vehicular and pedestrian access and movement needs
- capitalise on the opportunity to provide increasingly universal access to services
- acknowledge Wellington's multifaceted character and a need for some flexibility in responding to local contexts, including the particular nature and needs of the Courtenay Place area.

5.2.1 Footpath widths

Unobstructed footpath width provisions will be enforced. Effective monitoring and enforcement of this will become the priority focus for the implementation team during the transition period, with some flexibility where this will contribute to achievement of the Council's goals. Officers will work with representatives from business, Police, and the public, as appropriate, in considering site-specific solutions. Outstanding issues will be considered and all affected parties informed of future licence requirements prior to the end of June 2007. The Council will also identify any locations where the full width as established is not currently achievable, because of roading or building constraints, for instance.

Pedestrian priority under veranda spaces will also be enforced. Generally pedestrians will have veranda space against building frontages with design elements, such as seating, sited on the kerb-side, but consideration of some flexibility may be appropriate on a case by case basis. Compliance with NZS4121, with particular regard for consistency of layout in any given stretch of footpath, will be one of the considerations in the approval process. Veranda space not required for pedestrian traffic may be available for other uses. Enforcement will be introduced during the transition period, with some flexibility where needed, but ensuring that any issues are resolved and all affected parties are informed of future licence requirements prior to the end of June 2007.

5.2.2 Enforcement

A 'Five E' approach currently being developed is proposed as an operational structure for monitoring and enforcement. This will comprise:

- **Engineering.** Council officers will ensure communications and processes are effective and aligned with the Policy
- **Education.** All parties have access to information about the activities covered by the Policy and all licence holders will know what is required of them, setting them up for success and supporting self and peer monitoring
- **Early warning.** In cases of initial non-compliance, positive written communication will be provided to help people 'get it right'. This constitutes a first warning, but is approached as an education exercise
- **Explicit notice of requirement to comply.** Officers will firmly make it clear to non-compliant individuals exactly what is required of them, and by when, and spelling out the consequences of continued non-compliance. This is the second warning and is clearly focussed on achieving compliance.
- **Enforcement.** Officers have a range of options available for action, including termination of licences and confiscations, for where operators have received a second warning and failed to comply.

Safety considerations would be paramount, with officers retaining the option of requiring immediate action in the event of an operator creating a risk to safety.

5.2.3 Communications

Effective communications will remain an important part of gaining wide acceptance of and compliance with changes. Voluntary compliance within a culture of peer monitoring is expected to reduce compliance costs to the Council, and consequently the fee levels required. It is recommended that officers:

- promulgate the revised policy guidelines
- communicate the initial changes to be implemented and the transition timeframe for this. It is proposed that implementation planning be completed by the end of June 2007 in alignment with the end of the current licence period.
- review the fees to be charged for private use of public footpath space as part of existing annual review processes, to apply from July 2007.
- ensure Policy alignment of internal processes for licence approvals, monitoring and enforcement, for implementation from July 2007.

6. Conclusion

The Footpath Management Policy has been revised to reflect feedback provided and a proposed implementation plan has been outlined. An updated version of the policy is attached as Appendix 2 for the Committee's consideration.

Contact Officer: *Ken Bowater, Senior Policy Advisor*

Supporting Information

1) Strategic Fit / Strategic Outcome

Urban Development Strategy

Outcome 7: Better Connected - Wellington will be *pedestrian-friendly* - easy to get around, more trips made safely using active modes.

Outcome 2: Stronger Sense of Place - Wellington will be a memorable, *beautiful city, celebrating and building on its sense of place*, and with high quality spaces and an increasing focus on quality urban design, integrating the planning of buildings and spaces, and the networks that connect them.

Transport Strategy

Outcome 1: More liveable - Wellington will be easy to get around, *pedestrian-friendly* and offer quality transport choices, *priority walking routes to and within the city*, and balanced parking and walking provision.

Outcome 8: More sustainable - Wellington will reduce the environmental effects of transport by improving the efficiency of the road and public transport networks and creating more efficient urban forms.

Outcome 10: Healthier - Wellington's transport system will contribute to healthy communities and social interaction. Improving health outcomes means promoting walking and cycling, and reduced dependence on motor vehicles.

Economic Development Strategy

Outcome 3: More compact - Wellington central city will be the premier and most rapidly growing speciality retail, entertainment, service and knowledge centre for the region, and Wellington's thriving suburban and rural areas will offer enhanced services and lifestyle choices.

Social Strategy

Outcome 9: Safer – Wellington will offer a safe and vibrant living environment where people participate in their communities and activities.

2) LTCCP/Annual Plan reference and long term financial impact

Any increased costs are planned to be offset by additional revenue from licence fees, thereby having no impact on the annual plan bottom line. Fees will be set on a full cost-recovery basis, and reviewed annually.

3) Treaty of Waitangi considerations

There are no Treaty implications.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Feedback has been received following public and targeted consultation on the draft Footpath Management Policy.

b) Consultation with Maori

Consultation with Maori was undertaken as part of the public consultation.

6) Legal Implications

No legal advice has been received for this report.

7) Consistency with existing policy

This report makes recommendations which are consistent with the existing Wellington City Council Road Encroachment Policy, Public Places Bylaw and relevant Council strategies.

APPENDIX 1

ISSUES FOR OTHER WORK STREAMS

This section identifies issues that were raised in the feedback on the draft policy, in many cases related to but beyond the direct scope of the Footpath Management Policy. The issues are listed here and Policy will work with other identified business units to ensure future work across these areas proceeds in a consistent manner.

The proposed Courtenay Place Project will consider the full range of issues that apply to that area, again, many related to but outside the direct scope of the Footpath Management Policy, in order to develop an integrated approach. Key units such as Recreation and Events, City Safety, Traffic Operations and Building Consents and Licensing, will work on that project. While the focus will primarily be on Courtenay Place, it is anticipated that some of the lessons and solutions identified may be applicable elsewhere in the city.

Issue/ Comment	Business Unit / Work programme
Use of car parks and balconies for outdoor seating	Encroachment Policy Property
Universal Access Accessible Journeys	City Communities, in line with the New Zealand Disability Strategy
Parking on footpaths http://www.wellington.govt.nz/haveyoursay/meetings/committee/cityinfrastructures/2004/23sep0915/pdf/02 Provision for buses, taxis and alternative parking places	Parking Policy Review Parking on Footpaths Enforcement Review Roading and Traffic
Roading layout / design / closure – Courtenay Place area Design of furniture, barriers, bollards, display stands, etc Cuba Street as a heritage precinct Provision of public toilets	Urban Design, Central City Streetscape Plan Property Roading and Traffic Infrastructure
Roadworks Building Permit conditions Events conditions	Code of Practice for Working on the Road (Roading in Traffic) BCLS (District Plan) Roading and Traffic
Veranda use for advertising Free-standing displays Loud speakers, noise in public places	District Plan Change 48
Liquor Licensing – conditions, sale of liquor, host responsibility Liquor Ban – drinking on footpaths Public order, Safety – especially for women	BCLS monitoring City Safety Walkwise Police
Drug use in Waitangi Park Homelessness http://www.wellington.govt.nz/	Police Walkwise

<p>plans/policies/ homelessness/pdfs/homelessness.pdf</p>	<p>City Communities, Homeless Strategy</p>
<p>Refuse collection, footpath cleaning Street cleaning – cigarette butts, vomit, etc Provision of street ash trays (and cleaning them) Some jurisdictions take stronger stances against smoking in public places (see attached http://www.qcode.us/codes/santamonica/index.php?topic=4-4_44)</p>	<p>BCLS – conditions CitiOps and contractors (Excel for street sweeping, litter pick-up and rubbish collection in the inner city; CitiOps in the suburbs) Environment Strategy <i>Keep New Zealand Beautiful</i> campaign</p>

APPENDIX 2

FOOTPATH MANAGEMENT POLICY GUIDELINES

FEBRUARY 2007

1. Introduction

The primary use for footpaths is for pedestrian movement. Footpaths are also used for a variety of other activities such as outdoor café seating and street performances. These activities contribute to the character and vibrancy of our public spaces, but they can sometimes interfere with safe and efficient pedestrian movement. The Footpath Management Policy provides guidelines for activities which may be licensed on Wellington's footpaths and reinforces the pedestrian-priority principle.

2. Purpose

The Footpath Management Policy provides a balanced framework to ensure safe and efficient pedestrian movement on footpaths (pedestrian priority) while also providing opportunity for non-pedestrian activities. The Policy guides:

- the prioritisation of footpath space for pedestrian activity
- conditions for the licensing of non-pedestrian activities on footpaths
- the use of temporary footpath obstructions such as sandwich boards and seating.

3. Principles

The following principles shall apply when considering activities on footpaths:

- The Council's decisions on licensing activities on footpaths should be reflective of its strategic vision for the city.
- Pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible.
- Wellington streetscapes should be vibrant, safe and attractive.
- Wellington streetscapes should provide opportunities for pedestrians to participate in the public environment through leisure, retail, recreation and entertainment activities.
- Businesses, groups and individuals should be encouraged to use Wellington footpaths for non-pedestrian activities in a fair and balanced way that does not impair safe and efficient pedestrian movement. They are responsible for managing these activities in accordance with:
 - the relevant Council guidelines and the District Plan

- New Zealand Standard 4121:2001 *Design of Access and Mobility – Buildings and Associated Facilities* (NZS4121), for accessible journeys and design elements
- relevant legislation and standards, including for health and safety, and advertising.
- Council will consider how a proposed activity might negatively impact on the amenity of the proposed area, with special regards to noise levels. The proposed activity must comply with any relevant rules of the District Plan, and, if required, a land use consent must be obtained. A land use consent is likely to be required for any commercial activity in a residential area.
- Private initiatives that introduce changes to paving or permanent street features (e.g. barriers) for amenity purposes will generally not be approved.
- Wellington should have a balanced parking provision that takes into account the Council's long-term strategic goals for transport in the city.
- Fees shall be reviewed annually and generally set on a full cost-recovery basis.

4. Scope

The Footpath Management Policy guidelines provide conditions for approval for the following licensed activities involving temporary obstructions on public footpaths:

- retail stands
- sandwich boards, and other temporary obstructions such as welcome mats and menu boards
- outdoor seating and street furniture
- footpath extensions to provide seating areas
- street appeals and charity fundraising stalls
- street performances and busking.

Temporary retail and food stalls, retail kiosks, recreational equipment hire, hawking and open air markets are not provided for under the Footpath Management Policy. For information about these trading activities, applicants should refer to the Trading in Public Places Policy, November 2006.

5. Fees and charges

Fees will be set in alignment with the Council's revenue and financing policy which requires that the costs of this policy, including enforcement, will be fully recovered from licence fees. Licence fees are expected to include the costs of:

- licensing
- monitoring and enforcement
- administration.

The Council reserves the right to charge a rent for occupancy of public spaces in addition to the licence fee. Such a rent would be based on a commercial valuation of the location and may take into account the following:

- current market real estate rates
- limitations on the usage that businesses have of the public space
- the vibrancy that the activity may contribute to the city.

The Council reserves the right to set at zero, the fees for some licensed activities, including:

- street performance and busking
- street appeals and charity fundraising.

The licence applicant must pay in full any licence fee and have all the required approvals before the licence will be issued.

6. Applying for a footpath licence

6.1 Engaging in a licensed activity

A licence is required before engaging in the activities covered by this policy. Businesses that do not have a valid footpath licence are not permitted to engage in these activities on footpaths or other walkways. Businesses, groups or individuals wishing to engage in a licensed activity on public footpaths or other pedestrian areas, should become familiar with the relevant guidelines and conditions herein, and apply to the Council for a footpath licence.

6.2 Approval process

The Council will consider applications against the relevant conditions and criteria. The Council will notify the applicant in writing of the outcome of the approval process. The Council may require modifications with the applicant's proposal and these will be discussed with the applicant before approval is granted.

The Council will generally notify applicants of the outcome of the approval process within 15 working days. On occasion, some outdoor seating applications may require more time than this. Where delays are likely, applicants will be informed.

6.3 Application requirements

All businesses, organisations, groups or individuals wanting to engage in a licensed activity covered by this policy must first complete an application form and receive Council approval.

Applicants must provide the following when submitting an application for a licence:

6.3.1 for all footpath licences

- a fully completed application form

- the appropriate fees (if any) in accordance with the Council's Schedule of Fees and Charges.

6.3.2 for sandwich boards

- the above, and
- a scaled site plan of existing conditions that accurately shows:
 - the width of the footpath from the building facade to the kerb edge
 - the proposed location of the temporary obstruction in relation to existing features, including neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking meters, telephone boxes, mail boxes or any other significant features on the footpath
 - a measurement of the continuous width of the unobstructed pedestrian thoroughfare in relation to temporary obstruction (sandwich board, retail display or outdoor seating area)
 - the location of all doorways and service openings
- the exact location of any veranda covering at the site in relation to the proposed activity area and kerb edge.

6.3.3 for retail displays

- all of the above, and
- a scaled site plan of existing conditions that accurately shows:
 - the proposed layout of all items for the activity area in relation to existing features, including neighbouring properties, street trees, rubbish bins, street light poles, signs, pillars, street furniture, fire hydrants, parking meters, telephone boxes, mail boxes or any other significant features on the footpath
 - an indication of the total area, in square metres, to be used for the proposed activity, including any temporary obstructions and access requirements
- colour photographs of the proposed activity site, including any existing footpath features
- colour photographs or architectural drawings of all items in any proposed display, seating or other temporary obstruction.

6.3.4 for outdoor seating areas

- all of the above, and
- measurements of the height clearance of any umbrellas to the footpath
- evidence of public liability insurance, to the satisfaction of the Council, for a minimum of \$1,000,000 that covers the proposed outdoor seating area
- disclose whether alcohol is to be supplied/served/consumed in the proposed outdoor seating area. (Note: a separate application for a redefinition of the

licensed area will be required if liquor is to be served / consumed in the outdoor area. This is required under the terms of the Sale of Liquor Act 1989.)

- identification of the type of any proposed heating devices, and the required safety features.

6.3.5 for outdoor area special licences

- all of the above, and
- the proposed location and size of any tents or marquees
- safety barriers, signage or barriers to delineate pedestrian areas
- any request to use car park space or other road space. A separate application may be required for this
- the proposed pedestrian thoroughfare and a traffic management plan.

6.3.6 for street appeals or charity fundraiser stalls

Applications for a licence for a street appeal or a charity stall in a public space must include:

- evidence of the organisation's legal structure and non-profit status (for the first application only)
- the proposed date of the street appeal or fundraiser stall, and that for any relevant national appeal of their organisation
- an estimate of the number of collectors and a summary of proposed collection location(s)
- a copy of any licence required from the Department of Internal Affairs for organisations that employ a promotional company to run a lottery as part of a street appeal.

7. Monitoring and enforcement

7.1 Monitoring

Businesses, individuals and groups are responsible for managing activities on the footpaths in accordance with the relevant policy guidelines for their activity.

The Council will monitor non-pedestrian footpath activities regularly to ensure that the activities are being operated in compliance with the licence conditions, including those for street performance and busking, and that no unauthorised activity is occurring in public places.

7.2 Non-compliance with licence conditions

The Council reserves the right to revoke a footpath licence or lease for non-compliance issues. The standard protocol for non-compliance is as follows for businesses, individuals or groups that have permission to conduct activities outlined in this policy:

1. If a licence holder does not comply with the conditions of this policy, the Council will, on the first occasion:
 - provide information to ensure all parties know what is required
 - verbally notify the business, individual or group of the issue and provide a warning of the consequences of future infringement.
2. For a second infringement, the Council will provide a written second warning to the business, individual or group identifying the issue(s), required remedy and timeframe, and consequences of future infringement.
3. For a third infringement, the Council will take appropriate action, selecting from such options as revocation of the footpath licence and confiscation of items located on public space.

Safety considerations remain paramount, and officers retain the option of requiring immediate action in the event of an operator creating a risk to safety.

7.3 Non-licensed activities

Businesses, individuals or groups that conduct private, non-pedestrian activities on footpaths or other public spaces without a footpath licence will be asked to stop and be requested to remove any items located on the footpath. They will receive a written warning from the Council and be invited to apply for a licence.

7.4 Confiscations

If the party continues to infringe without a footpath licence, the Council reserves the right to confiscate any items placed on public places pursuant to sections 163 and 164 of the Local Government Act, 2002, and under the part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

The Council may dispose of confiscated property pursuant to section 168 of the Local Government Act, 2002.

8. General conditions

This section contains conditions which apply to all footpath licence applications. The following sections set out additional conditions for particular types of activity.

8.1 Pedestrian priority

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement, including 'eddies' where pedestrians can stop or stay, for a chat or a rest. Activities and obstructions that interfere with pedestrian flows can create pedestrian congestion and safety hazards. The Council requires that minimum continuous unobstructed footpath widths are maintained to ensure that pedestrian priority and safe and efficient pedestrian movement is upheld. The minimum widths are guided by the volume of pedestrian traffic.

There are three tiers of minimum footpath width:

- 4 metres for Lambton Quay and Willis Street
- 3 metres for Manners Street, Manners Mall, Cuba Street, Cuba Mall and Courtenay Place
- 2 metres for all other locations in the wider city, that is, Wellington District.

On occasion the available footpath space is such that the designated width is unachievable because of the large variation in footpath width that exists throughout Wellington. The Council may make minor discretionary modifications to the ideal minimum unobstructed footpath widths as appropriate.

The Council will grant licences against the guidelines herein for non-pedestrian activities that will bring life and atmosphere to locations in the city. Factors that could be considered when determining locations for non-pedestrian footpath activities include:

- preservation of the designated continuous, uninterrupted footpath widths, and safe and efficient pedestrian movement
- pedestrian priority. Other than for retail displays, pedestrians will generally have priority along building frontages and under veranda spaces, with design elements, such as seating, sited on the kerb-side if space allows
- maintenance of safe and efficient pedestrian flows
- secondary functions of the location, such as bus queuing.

The Council reserves the right, at its sole discretion, to vary the unobstructed footpath widths set for a particular area.

8.2 Licence period

Licences for retail stands, sandwich boards and outdoor seating are valid for one year, unless stated otherwise on the licence.

Street appeals and charity fundraising stalls are valid for the approved appeal week.

Street Performance Licences are valid for 6 months.

8.3 Compliance with the District Plan

The proposed activity must comply with any relevant rules of the District Plan, and, if required, the applicant must also apply for a Land Use Consent to undertake a commercial activity in a residential area. Council will consider how the proposed activity might adversely impact on the amenity of the area, with special regards to noise levels. As a guide only, noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres, horizontally or vertically, from where the performance is taking place. For detailed requirements, for loud speakers for instance, applicants should refer to the District Plan standards.

8.4 Marking of areas

It is the licensee's responsibility to reasonably ensure that any items placed on the footpath remain in their designated locations, including if shifted by wind or patrons.

Areas for approved temporary obstructions, such as seating or retail displays, may be required to be marked, as stipulated by the Council. This will help to ensure that furniture remains in the approved area, and assist licence holders and Council officers with monitoring.

The Council will be responsible for determining the level of delineation required, and will also manage the design, installation and removal of all markers. The markers must remain in place throughout the duration of the footpath licence. All furniture, including umbrellas and plants, must be kept strictly within the boundaries of the approved seating area. The cost of installing, maintaining and removing outdoor seating markers will be met by the licensee.

To assist in the detection of approved areas and of temporary obstructions by people with visual impairments, tactile markers or solid barriers may be required as part of the design.

8.5 Storage

All temporary obstructions, including sandwich boards, seating, heaters, umbrellas and planters, must be removed from the footpath outside of the businesses trading hours and stored away from the public area.

8.6 Evidence of holding a licence

For retail displays and outdoor seating, the footpath licence and approved site plan must be displayed in the licensed area, or in the business's window, so that it is visible at all times.

For sandwich boards the licence sticker must be displayed on the board at all times, and the licence produced on request by an authorised person.

Street appeal collectors, and charity stalls, must be clearly identifiable and display the name of their organisation and the appeal. This is often done with a badge, tag or a pull-over bib. For collections, the organisation must have a licence and, in their application, provide a contact person who is readily available throughout the collection period. Stall holders must carry their licence and have it ready to show on request.

At all times whilst performing, street performers and buskers must have their Street Performance Licence, and Special Street Performance Permit for each performer where appropriate, on display or ready to show if asked by any Council officer or member of the public.

8.7 Variation of conditions

The Council reserves the right, at its sole discretion, to decline an application for over-riding factors relating to the principles of this policy, including pedestrian safety, density and flow requirements. Where an application may otherwise meet the necessary conditions but is still to be declined, officers will endeavour to work with applicants to explore suitable alternatives, if available.

The applicant must comply with the conditions of the footpath licence as detailed in these guidelines. The Council may revoke the footpath licence at any time if the conditions of the approval are not being sufficiently met.

The Council also reserves the right to vary the footpath licence at any time if it is in the public interest to do so, including in response to factors such as changes in pedestrian patterns. Reasonable notice will be provided to the licensee in such a situation.

9. Guidelines for retail displays

9.1 Introduction

Retail displays are used by businesses to help increase sales and attract customers into shops. They are deemed to be an extension of the retail display inside the shop.

High quality retail displays can enhance the variety and vitality of building frontages, depending on their appearance and location. The quality of the appearance of building frontages facing the footpath is an extremely important factor for the quality of an urban area.

If retail displays are not properly managed they can create obstacles for pedestrians and impede pedestrian flows. Licensed display areas must consider the space required for the display stand and the space required for access to the stand.

9.2 Purpose and scope

These guidelines outline the conditions for approval of retail displays. They apply to all businesses that want to put retail displays on the footpath. They should be read in conjunction with the rest of the Footpath Management Policy Guidelines.

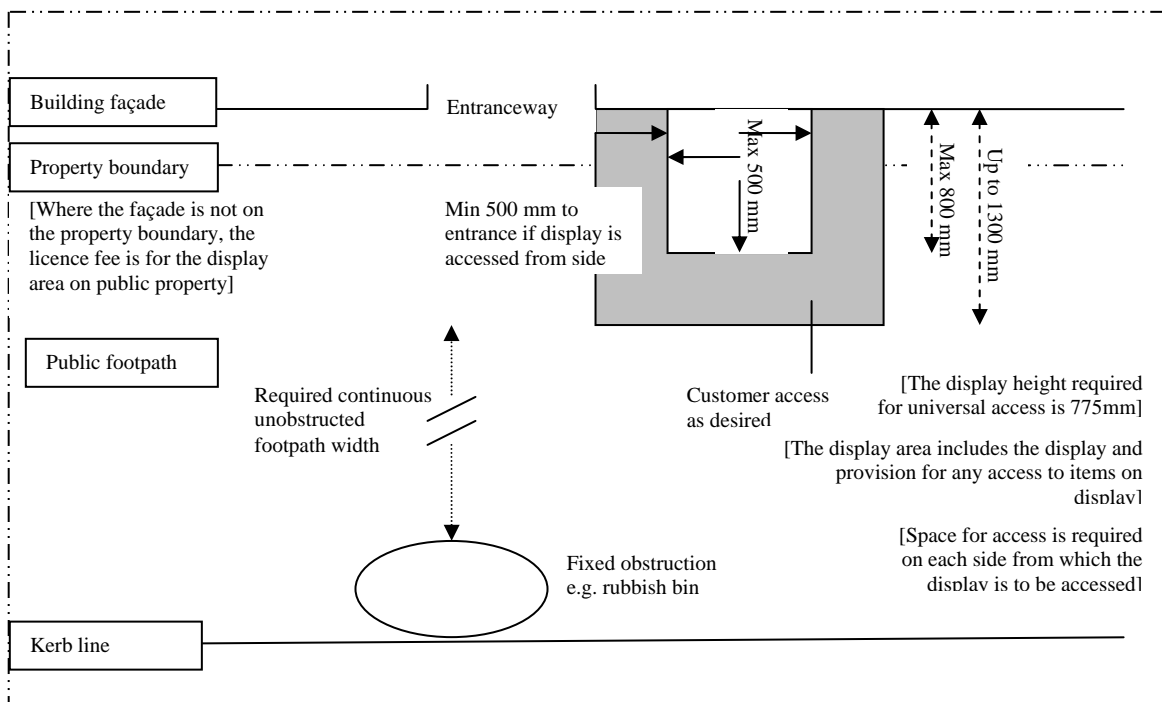
9.3 Licences

- A retail display footpath licence does not permit trading from the approved retail display on the footpath. Applications for a Temporary Retail Stall Licence can be made to the Council.
- Businesses without a retail display footpath licence will not be permitted to display goods on the footpath.
- Retail displays will only be licensed on footpaths or other pedestrian spaces and are not permitted on the road including parking spaces, loading zones, bus stops and taxi stands. Additional restrictions may be applied adjacent to bus stops, taxi stands or disability parking spaces.
- No goods for sale may be left directly on the footpath. All goods must be completely contained within the display cabinet, rack or frame, such that they can be easily removed from the footpath if required, without causing any damage to the footpath.
- Retail display licences do not supersede other regulations or policy, such as the Parking and Footpath Policy, and requirements for health and hygiene.

9.4 Size, location and design of retail stands

- Retail displays shall be placed on the footpath in the designated location immediately in front of the retail outlet.
- All display goods must be elevated from the ground, on a plinth, podium, frame, table or rack, for example.
- Retail displays shall be of high quality, tidy, stable and wholly contained within the display area, to the satisfaction of the Council.
- Retail displays must comply with NZS4121: 2001, including in respect to:
 - stability and safety
 - having no sharp edges or protrusions that may create an obstacle or a safety hazard for pedestrians
 - having a solid feature within 150mm of the ground
 - access to goods. For access from a wheelchair, the maximum distance from any display edge must be not more than 500mm.
- If the display must be accessed from the footpath side, at least 500mm must be allowed for this, outside the designated unobstructed footpath width.
- Retail display stand may extend up to 800mm from the building facade, where the combined required unobstructed footpath width and customer access room still allows sufficient space for this.
- In line with fire regulations, neither the retail display nor requirements for access to the displayed items, such as from a wheelchair, may obstruct access to or egress from the premises, or access to panels for fire alarms, fire hydrants or sprinkler systems.

Guideline for acceptable retail display set-up



9.5 Business responsibilities

- Wellington City Council accepts no responsibility for the security of items on display.
- Retail displays containing food must comply with all aspects of the Food Hygiene Regulations (1974), or any subsequent legislation resulting from the New Zealand Domestic Food Review that may replace these regulations.
- Retail displays must comply with relevant Advertising Standards Authority requirements.
- Businesses are responsible for cleaning the retail display area and its immediate surroundings, including by regular sweeping.
- Retail displays must be removed from the footpath outside of the businesses trading hours.

10. Licence conditions specific to sandwich boards

10.1 Introduction

Sandwich boards may be licensed on public footpaths in locations in the city where the pedestrian priority principle has been applied and sufficient footpath width remains available. Sandwich boards are used by businesses to help increase sales and attract customers into shops, but if they are not properly managed they can create obstacles for pedestrians and impede pedestrian flows. Depending on their appearance and location, sandwich boards can affect the quality, vitality and variety of building frontages.

10.2 Purpose

These guidelines outline the conditions for approval of sandwich boards. They should be read in conjunction with the rest of the Footpath Management Policy Guidelines.

10.3 Scope

These guidelines apply to all businesses that want to put a sandwich board on the footpath or other pedestrian area. Flat magazine advertisements and other displays that sit flush against the building facade do not require a licence.

Potted plants, welcome mats, and menu display boards of non-flat design for use out of an approved seating area will be considered as for sandwich boards and must be licensed by the council. The Council may require marking of the approved locations for such items.

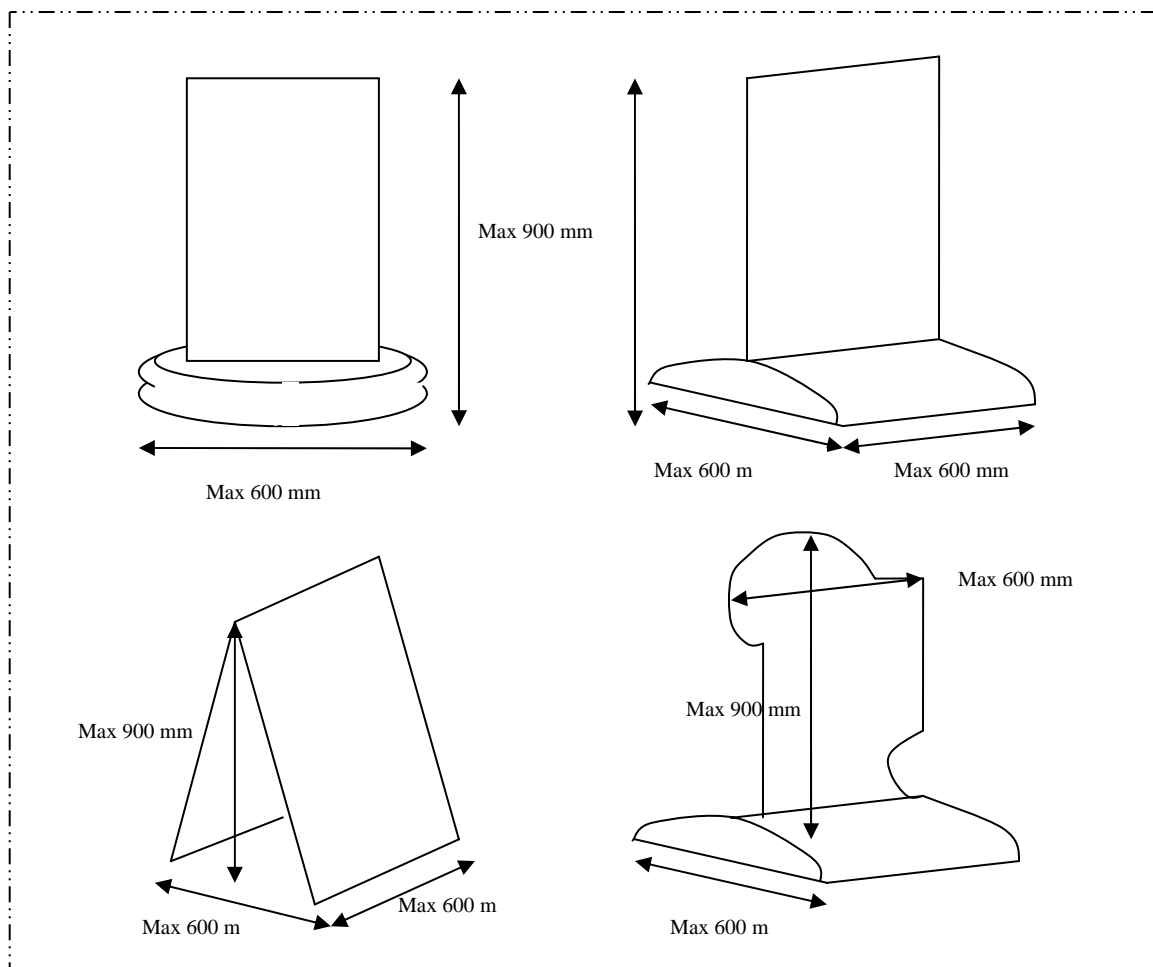
The Council may work with collections of businesses that lack visibility from the street, above or below ground level or on side streets, for instance, to find suitable alternatives for on-street signage, or consider requests for alternative locations and types of signage, where it considers, at its sole discretion, that this will contribute to the achievement of the Council's goals. This may include the installation of a single, permanent, collective display sign that lists the names of businesses located in off-street locations.

10.4 Location of sandwich boards

- Sandwich boards displayed on the footpath shall be limited to one per retail premise.
- All sandwich boards shall be placed at the kerb edge of the footpath adjacent to the relevant premises, unless otherwise approved by the Council. Sandwich boards should be positioned in line with other obstructions, such as other sandwich boards. Generally, to reduce any risk of impact for visually impaired pedestrians, the flat face of the board should be parallel to the road. In line with fire regulations, the sandwich board must not obstruct access to or egress from the premises.
- No sandwich boards shall be approved adjacent to bus stops, disability parks, taxi stands or pedestrian crossing locations. Sandwich boards may not be attached to fixed or temporary street furniture without prior written approval from the Council.
- The licence holder is responsible for ensuring the sandwich board remains located in the designated position, including if moved by pedestrians or wind. Sandwich boards must be removed from the footpath outside of the businesses trading hours.

10.5 Design and maintenance

- Sandwich boards must comply with relevant Advertising Standards Authority requirements.
- The approved sandwich board design has a wide base which can be identified easily by people who are blind or who have visual impairments. To improve visibility, the base or a strip on the base must be of a colour in contrast to the footpath.
- Sandwich boards should be safe and have no sharp edges or protrusions that may create an obstacle or a safety hazard for pedestrians. Rotating designs shall not be approved anywhere in the District.
- All sandwich boards shall have dimensions in accordance with the Council's regulations (maximum of 600mm wide by 600mm deep by 900mm high).
- Sandwich boards shall be weighted to ensure stability and must be taken inside when there is a risk that wind gusts may topple them or change their position. Bases designed to be weighted by water must be kept in operating order. To prevent them collapsing in windy conditions, easel-type boards must have a mechanism that locks them in their open position.
- They shall be kept in a clean and tidy condition.



11. Guidelines for outdoor seating

11.1 Introduction

High quality temporary outdoor seating can add to the vibrancy of Wellington’s city streets and other public spaces if well designed and located. Outdoor seating contributes to Wellington’s sense of place and provides the public with an enjoyable leisure option. It can also add significant value to cafes, bars and restaurants through increased customer capacity and increased customer demand.

In general, the Council wants to encourage outdoor seating because it adds to the quality of public spaces. However, if outdoor seating is not managed well it can clutter the footpath and create obstacles for pedestrians.

11.2 Purpose and scope

These guidelines outline the conditions for approval of outdoor seating areas on footpaths and other public spaces where food and/or beverages are served in the Wellington District. They form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

11.3 Licensed areas for outdoor seating

These areas may include streets, malls, parks and other public spaces. Some areas, such as areas with steep footpath slopes, street corners, pedestrian crossing entrance points, elevated areas without proper safety rails, or civic or cultural areas, may not be ideal for outdoor seating. Outdoor seating may be approved on footpaths and some other public spaces where:

- it will not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath widths can be maintained
- local conditions are favourable to their operation.

The Council may require marking of the approved locations for outdoor seating areas.

11.4 Layout for outdoor seating areas

The licence holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area.

All outdoor seating should be located adjacent to the licence holder's premises, within the width of their building frontage. Outdoor seating may be under veranda cover where pedestrian priority has been provided for and sufficient room remains available. Alternatively, the Council may request a modification to the proposed outdoor seating area to achieve the right balance of unobstructed pedestrian walkway and outdoor seating covered by veranda space.

The layout and orientation of furniture in the proposed seating area must allow for:

- unobstructed access to and from the premises in accordance with fire evacuation requirements
- sufficient space for easy movement throughout the seating area and for chair use
- at least 0.8m to the adjacent kerb line to ensure safety of patrons.

Outdoor seating will not be permitted on street corners with pedestrian crossings or near entry points of designated pedestrian crossings. Requests from businesses for seating approvals on a floor level other than the one on which the premises are located, are unlikely to be approved because of the management responsibilities required.

Diagrams showing examples of how tables and chairs may be set up are available from the Council.

11.5 Design elements

Each outdoor seating furniture element to be located within an approved area is deemed to constitute a temporary obstruction. This may include, but is not limited to, tables, chairs, menu boards, umbrellas, heaters, potted plants, and barriers or 'fences'.

Such design elements should be high quality, durable, waterproof and weather resistant, designed for outdoor use and well-maintained. Outdoor furniture should

integrate well with the surrounding environment and must be safe and comfortable. The design of all elements must comply with NZS4121 and be approved by the Council.

All elements must be removed from the outdoor seating area, and stored away from public areas, outside the operating hours of the business or when not in use due to bad weather.

11.5.1 Umbrellas

Umbrellas must not penetrate or damage the surface of Council footpaths and must not interfere with pedestrian movement.

They must be securely fixed to withstand the effects of wind, and removed in high winds or when the outdoor seating is not in use.

11.5.2 Menu display boards and potted plants

Where menu display boards or potted plants are included in an approved seating area plan, they can be used only in the approved area. Sandwich boards used for advertising are not permitted in outdoor seating areas.

For menu boards outside of a seating area, those that sit flush against the building façade require no permit. Potted plants and menu display boards of non-flat design for use out of an approved seating area will be considered as for sandwich boards and must be licensed by the council. The Council may require marking of the approved locations for such items.

11.5.3 Permanent structural barriers

Outdoor seating areas should be open, accessible and inviting to the public. Therefore, permanent glass barriers, screen barriers, planter boxes or other permanent barriers are generally not permitted on Council footpaths or public spaces. However, the Council will consider the necessity of installing permanent barriers along the kerb line for safety reasons on a case-by-case basis. Such barriers must comply with Council design requirements and will be deemed to be part of the approved outdoor seating area. If the safety barrier is deemed necessary, the costs of installation and maintenance will be borne by the business. In addition, a bond fee may be required to cover the costs of barrier removal and footpath reinstatement at the termination of the licence.

11.5.4 Temporary structural barriers

All temporary barriers in outdoor seating areas must be approved by the Council. The Council may consider proposals for the use of temporary barriers to separate adjoining outdoor seating areas and pedestrian thoroughfares. This may include temporary planter boxes, temporary screens or ropes. Temporary screens must be located within the approved outdoor seating area and must be removed from the public area when the outdoor seating area is not in use. The Council will not approve temporary barriers that negatively affect the quality of public spaces either through aesthetic values or safety, to the satisfaction of the Council.

Temporary planter boxes must be well maintained by licence holders and the Council reserves the right to order the removal of planter boxes that are not properly maintained.

11.5.5 Heating devices

The Council does not consider outdoor heating to be an efficient use of energy and does not encourage its use.

The type and proposed location of any heating devices must be included in footpath licence applications. Permanent heating devices that are fixed into the footpath will not be permitted.

Temporary heating devices must:

- turn off automatically if overturned
- be securely fixed and stable to withstand the effects of wind
- not penetrate or damage the surface of Council footpaths
- not interfere with pedestrian movement
- be removed when outdoor seating is not in use, and in extreme wind conditions
- have sufficient clearance from umbrellas and verandas
- be of a design approved by the Council and be well maintained.

11.6 Monitoring and maintaining outdoor seating areas

Licence holders are required to continually monitor and maintain the outdoor seating area, to the Council's satisfaction. This includes:

- ensuring that outdoor furniture and patrons stay within the approved outdoor seating area
- maintaining outdoor furniture to a high aesthetic standard
- providing ashtrays for tables if smoking is allowed in the area
- cleaning the approved seating area throughout the opening hours including:
 - tables, chairs and immediate footpath surrounds
 - cigarette butts from ashtrays and footpath.
- meeting their responsibilities under the Sale of Liquor Act 1989 and the Council's Liquor Licensing Policy.

When cleaning, licence holders must dispose of rubbish in their own bins. Licence holders are not permitted to dispose of rubbish in Council litter bins or sweep cigarette butts and litter from outdoor seating onto the footpath, kerb channel or street.

11.7 Toilet facilities

Applicants must have adequate toilet facilities to cover both indoor and outdoor seating numbers. Inclusion of outdoor seating increases the total number of seats on the premises and an increase in toilet facilities may subsequently be required. Alternatively, applicants can remove indoor seating in preference for outdoor seating if increasing toilet facilities is not a viable option.

11.8 Lighting

All approved outdoor seating areas must provide adequate lighting, to the Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

11.9 Footpath widening requests

The Council occasionally receives requests to widen the footpath in areas where there is insufficient room to accommodate outdoor seating. Businesses that are interested in footpath extensions to accommodate outdoor seating need specific approval from the Council.

Any consideration of footpath widening projects will be informed by relevant strategy and policy developments including transport and urban design initiatives such as the Central City Development Plan, and the Parking Policy.

11.10 Special licences for footpath usage

The Council allocates special licences for footpath usage, under the Footpath Management Policy, for major events such as sporting events, holidays and other special occasions (e.g. movie premiers). Licences may cover seating, tents and other related temporary obstructions. Any business or organisation that is interested in using the footpath for a special occasion must receive permission from the Council. Licences are not permanent and businesses and organisations must reapply for permission for each event. Businesses must provide detailed plans for each application for a special licence.

The Council requires that at least 1.2 metres of footpath space is maintained for pedestrian thoroughfare for these licences, but generally greater width is needed to provide for sufficient safe pedestrian flow. A traffic management plan may also be required to demonstrate how pedestrian and vehicle flow is to be managed. The Council may place additional conditions on a licence such as safety barriers, signage, or ramps for pedestrian passage across kerbing.

12. Guidelines for street appeals and charity fundraisers

12.1 Introduction

Street appeals and charity fundraisers are coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public. Street appeals will usually involve more than one collection person and location operating at the same time.

The Council wants to support organisations with their annual street appeals, and with charity fundraisers, in a managed way to minimise conflict with other activities on public spaces such as pedestrian movement and retail activity. The conditions for conducting street appeals and charity fundraisers in Wellington City are set out below.

12.2 Purpose and scope

These guidelines outline the conditions for approval of street appeals and charity fundraisers on footpaths and other public spaces in the Wellington District. They

form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

12.3 Conditions for street appeals

The Council wants to provide the opportunity for all eligible organisations to conduct an annual street appeal. To be eligible to hold a street appeal in Wellington City, organisations must be a legally constituted, non-profit making society, association or organisation.

The Council will send out application forms to organisations on the Council's street appeal register in May each year so organisations can request specific dates. Once all applications are received, the street appeal dates will be confirmed by the end of August. The Council will set the annual appeal dates at its discretion, endeavouring to spread street appeals evenly across the year, and will try to accommodate the needs of all organisations. Special consideration may be given to organisations that have designated national street appeal dates. Organisations should be aware that they may not be guaranteed their first choice of street appeal date as some dates are in high demand.

Organisations that are interested in being placed on the Council's street appeal register or that want to set up a street appeal outside of the standard application process should contact the Council.

As a courtesy to the Council, organisations that intend to cancel an annual street appeal should notify the Council at least two months prior to the date so that the date can be re-allocated if possible. Organisations that cancel more than two annual appeals consecutively may be deleted from the Council's street appeal register.

The following conditions apply to organisations conducting street appeals:

- Organisations will not be licensed for more than one appeal date per year.
- Street appeals must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas. The Council may set additional specific safety requirement conditions. If the street appeal impacts on traffic flows or parking spaces, other permissions may be required from the Council.
- Collectors must not block the entrances to businesses, residences or public buildings
- Collectors must be clearly identifiable and display the name of their organisation and the appeal. This is often done with a tag or a pull-over bib. The organisation is responsible for the promotion and identification of its collectors.
- Organisations wishing to employ a promoter to conduct a lottery on their behalf must apply for a licence from the Department of Internal Affairs to conduct this activity.
- All collection areas must be left clean and tidy.

12.4 Conditions for charity fundraiser stalls

Charity stalls selling raffles, handcrafts and confectionary items are approved by the Council on a case by case basis. The Council is generally supportive of charity fundraisers.

The following conditions apply to charity stall fundraisers:

- The stall must be for a registered non-profit organisation.
- Charity stalls must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas.
- Charity stalls must not block the entrances to businesses, residences or public buildings.
- If the charity fundraiser impacts on traffic flows or parking spaces, other permissions may be required from the Council.
- Charity stalls should clearly display the name of the collecting organisation and the charity, and carry their licence ready to show on request.
- Fundraising areas must be left clean and tidy.
- Stalls are generally only approved for the following areas:
 - Cuba Mall
 - Manners Mall
 - Civic Square
 - the corner of Lambton Quay and Hunter Street
 - the Railway Station.
- Cooking using an open flame, including 'sausage sizzles', are not allowed on public spaces.
- Organisations that run a lottery or raffle as part of their fundraising, or employ a promotional company to do so, may require a license issued by the Gaming Unit of the Department of Internal Affairs. If a license is needed, a copy must be included with the application.
- The Council may place additional special conditions on charity fundraiser stalls.

12.5 Applying for a street appeal or charity fundraiser stall licence

All organisations or groups wanting to hold a street appeal or to set up a charity stall in a public space must first complete an application form and receive Council approval.

There is no fee for this licence.

The application must include:

- evidence of the organisation's legal structure and non-profit status (for the first application only)

- the proposed date of the street appeal or fundraiser stall, and that for any relevant national appeal of their organisation. Street appeals can be conducted on any day of an allocated week
- an estimate of the number of collectors and a summary of proposed collection location(s)
- a copy of any other licence required, such as from the Department of Internal Affairs.

13. Guidelines for street performance and busking

13.1 Introduction

Buskers and street performers help to enhance Wellington's reputation as the energetic and interactive, cultural and entertainment capital. The Council welcomes the opportunity to support high-quality street performances. It will take into account the needs of inner city residents, pedestrians and street performers. These guidelines have been developed to help performers, residents, pedestrians, retailers, workers and visitors understand the rules around performing on Wellington's streets, while still supporting a vibrant street performance culture.

13.2 Purpose and scope

These guidelines outline the conditions for approval of street performances and busking on footpaths and other public spaces in the Wellington District. They form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

13.3 Definitions

Busking is street performance where performers accept money from the public.

Circle acts are performances lasting 20-40 minutes that encourage the audience to stop and watch or participate in the performance.

Dangerous materials or objects are materials and objects that could be a risk, or hazard to the public and performers.

- dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements, or anything giving off heat or toxicity that could harm or damage the public or the environment.
- dangerous objects include whips, knives, spears, swords, spikes, chainsaws and sharp objects of any kind that could harm the public or performer.

Pitch is a site where busking or street performance takes place. The size of the pitch is set by the boundaries of equipment, props, participants or movements that are part of the performance.

Public places are places in the city managed by Wellington City Council where busking is permitted. This includes streets, footpaths, pedestrian malls, squares, parks and the waterfront.

Quiet performances are performances with no noise associated with the performance such as amplification, musical instruments, singing, noise-making

objects or speaking in a loud voice. They can involve up to four voices at a time, if the tone is conversational.

Reasonable background noise is an assessment made by Wellington City Council noise control officers when measuring the sound volume of a street performance. The assessment takes into account the location, time, day of week, weather and traffic conditions and other activities happening in the area.

Sound performances are performances involving amplification, musical instruments, singing, other noise-making objects (such as tools, chainsaws, sticks or motors), loud voices or more than four voices.

Squatting or holding a pitch occurs when a person occupies a performance site so they can perform there later. Including performance time, a pitch may be held for up to 2.5 hours in a day.

Street performance or busking is a performance in a public place, which usually involves requests for money. Performances include musical, theatrical, juggling, circus performance pavement art, speeches, poetry or doing other acts of a similar nature in public places.

Roaming acts are performances that do not take place in a single pitch/site but involve the performer(s) moving around and mingling with the public.

Walkby acts are spontaneous and can last much longer than a circle act and do not require the public to stop and watch.

13.4 Street performance licences

Anyone performing or busking in any public place (unless employed for an approved event) must hold a current Wellington City Council street performance licence. Street performances may be licensed in public places where performances do not affect public safety and do not interfere with pedestrian or traffic flow, business activity, or residential living.

Provided they are not using dangerous materials or objects, performers employed for a scheduled street event approved, or organised, by the Council (including protests, community festivals and commercial promotions) do not need a street performance licence for that event. However, organisers of street events must ensure that the street performance standards are complied with, or obtain approval for exemption from the conditions.

Licences can be issued to individuals or groups. They cannot be transferred to other performers.

Street performers under twelve years of age need permission from a parent or guardian to apply for a street performance licence. Wellington City Council recommends that street performers under twelve be supervised by an adult at all times when performing.

The street performance licence is designed to protect both the performers and the public. Access to a street performance licence is unrestricted unless a performer does not comply with the conditions of the licence. The Council can cancel or refuse to issue a licence for any street performer they believe is not complying with the licence conditions.

Street performance involving dangerous materials or objects requires a special street performance permit. For information on how to obtain a special street performance permit, street performers should see the Code of Practice for Using Hazardous Materials in a Street Performance, below.

13.5 Applying for a licence

Street performers can get a licence by going to any Council Service Centre, filling out an application form and showing proof of identity to staff. A licence will be issued straight away as long as the street performance activity complies with the relevant conditions.

Licences are free and valid for twelve months. After twelve months, street performers can apply for a new licence.

Special street performance permits are valid for three months from the date of issue.

13.6 Street performance conditions

Street performers must display, or make available to Council officers or any member of the public on request, their street performance licence whenever they perform.

13.6.1 Acceptable locations and times

If a street performer is performing immediately outside retail premises, and is asked by the retailer to move on, they must do so.

Performance in the following locations can only take place with permission from the appropriate authority:

- Civic Square (Wellington City Council- 499-4444)
- Parks and reserves (Wellington City Council- 499-4444)
- Waterfront (Wellington Waterfront Limited- 495-7820)
- Te Papa forecourt (Te Papa Tongarewa – Museum of New Zealand-381-7000).

Quiet walk-by acts and quiet roaming acts may be performed at any time and in any public place in Wellington, including the Railway Station subway and forecourt, so long as all the street performance conditions are met.

Circle acts are only allowed in Cuba and Manners Malls, Courtenay Place, Oriental Parade, and the Railway Station subway and forecourt.

13.6.2 Maintaining access

Street performers or their audiences must not at any time block footpaths, shop doorways (during business hours), residential doorways, bus stops, corner crossing and pedestrian crossings, or fire escapes.

Performers must ensure that wheelchair access and the following minimum unobstructed footpath widths are maintained around the site in which they are performing:

- 4 metres for the Lambton Quay and Willis Street
- 3 metres for Manners Street, Manners Mall, Cuba Street, Cuba Mall and Courtenay Place
- 2 metres for all other locations in the wider city, that is, Wellington District.

13.6.3 Sound performances

Sound performances should not reach an unreasonable level of volume and should be considerate of pedestrians and the general public. The proposed activity must comply with any relevant rules of the District Plan, and, if required, the applicant must also apply for a Land Use Consent to undertake a commercial activity in a residential area. Council will consider how the proposed activity might adversely impact on the amenity of the area, with special regards to noise levels. As a guide only, noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres, horizontally or vertically, from where the performance is taking place. For detailed requirements, applicants should refer to the District Plan standards.

The following special conditions apply to sound performances:

- sound performances that meet all street performance conditions are allowed in any public place in Wellington, between 7am and 9pm.
- sound performances that meet all street performance conditions are also allowed in the following locations between 9pm and 3am:
 - Courtenay Place from Cambridge Terrace to Tory Street
 - Cuba Mall from Manners Street to Dixon Street
 - the Railway Station subway and forecourt.
- sound performances should be separated by a minimum distance of 50 metres
- the Council reserves the right to place special conditions on sound condition permits such as maximum amplification for amplifiers and restrictions on drums and bag pipes
- after 9pm, sound performances should avoid setting up within 30 metres from residences, apartments, motels, hotels, hostels or any other form of accommodation. Sound performances that receive complaints from residences or accommodation facilities may be requested to setup in different locations through a special condition on the licence.

13.6.4 Squatting or holding a pitch

Access to favourable street performance pitches is to be fairly shared among buskers, to give residents, retailers and workers a variety of performance.

The maximum performance time is 90 minutes. Each performer or group of performers can occupy a site for a maximum time of 150 minutes, including no more than 90 minutes of performance, per day at any one site. Neither performance time nor site occupation needs to be continuous. The remaining 60 minutes of non-performance time is available for non-performance activities including setting up, breaks and packing down.

13.6.5 Seeking audience donations

Street performances are a valid way for people to make money but members of the public should not feel coerced to give money. Street performers can receive voluntary donations by holding a container or by placing a container on the ground. Street performers can have a written sign asking for donations and can ask the audience for donations but they cannot approach individuals for money.

Members of the public, including those with disabilities, have the right to have sufficient space to pause and enjoy a performance, or to safely pass it by. They also have the right to not give money to a street performer.

13.6.6 Liability

Street performers will be responsible for claims made against them for personal injury or property damage. Wellington City Council is protected by its insurance against legal liability arising from busking and street performance activities. Buskers and street performers are not protected by the Council's public liability insurance and are encouraged to hold their own public liability insurance.

13.6.7 Complaints

If it is believed that a street performance does not comply with the Council's street performance licence conditions, a complainant can:

- talk to the performer(s) and explain what they want them to do differently (for example, perform somewhere else or perform more quietly). Street performers have a responsibility to co-operate if complaints are received from the public.
- ask to see the street performance licence and note the licence number so they can be contacted by the Council
- lay a complaint with the Council by ringing 499-4444. Council operators are available 24 hours a day.
- lay a complaint with Police (if the performer is drunk, violent, indecent, disorderly or behaving offensively).

When laying a complaint about a street performance or performer it is helpful if the following information is provided:

- the complainant's name and contact details
- the performer's name and licence number
- the time the performance started
- the type of performance
- the objections to the performance, or an explanation of how it is believed the performance is not complying with the Council's Street Performance and Busking Policy.

Once a complaint is received, a Council officer will investigate and take action as appropriate.

13.7 Guidelines for organising street events

The following guidelines apply to organisers of street events:

- people organising street events including parades, festivals, marches, protests and the distribution of fliers or free samples are referred to section 17.3 of the Public Place Bylaw, and asked to inform the Council of their intentions. This is to enable the Council to share information about traffic management, potential risks to pedestrians or clashes with other activities
- if the event includes performance, the performers are not required to hold street performance licences as the organisers are responsible for ensuring the performance complies with the conditions in this guide. Organisers should ensure performers get a copy of the Council guidelines and make sure all performers understand the street performance conditions
- if the organiser wants a performance that will not comply with the street performance conditions, they must obtain written permission from the Council for exemption
- if the performance will involve dangerous materials or objects, the performers must hold a current Special Permit and comply with the Code of Practice
- for further information about planning an event that will impact on a road, see the 'Planning a Street Event' brochure available from Council Service Centres, or by contacting the Council on 499-4444.

13.8 Code of practice for use of dangerous materials and objects in a street performance

13.8.1 Introduction

Wellington City Council recognises that some street performers use dangerous materials and objects in their performances and that performances with these items are popular with the public.

The purpose of the Code of Practice is to ensure the use of dangerous materials and objects is restricted to street performers who have the necessary skills and experience in their use, and who maintain high safety standards for themselves and the public.

Performers can only use dangerous materials and objects if they hold a special permit to do so, and comply with the terms and conditions in the Code of Practice in addition to the conditions of a general street performance licence. Special street performance permits require peer endorsement from two peers approved by the Manager of Recreation Wellington.

13.8.2 Approved sites for using dangerous materials and objects

There are three approved locations for street performance involving dangerous materials and objects: Cuba Mall, Manners Mall and the Courtenay Place circle. Performances with dangerous materials or objects can also take place in Civic

Square, on the waterfront and in city parks with written permission from the appropriate authority.

13.8.3 Special street performance permits

Street performers using dangerous materials and objects must hold a current special street performance permit to use these items in their acts. Special street performance permits are free of charge and valid for three months from the date of issue.

Special street performance permits require peer endorsement from two peer reviewers approved by the Wellington City Council. A performer renewing their permit within one year of expiry is not required to undergo the peer endorsement process. Organisers of festivals that include international street performers using dangerous materials or objects can obtain peer endorsement on behalf of a performer by providing references, and a detailed description of the show and an assessment of its safety standards.

13.8.4 Conditions for special street performance permits

All general conditions applying to street performance licences also apply to the special street performance permits.

Special street performance permits are only issued to individual street performers, not groups. Each performer in a group who is to use dangerous materials or implements must hold a current special street performance permit.

Performers using dangerous materials or objects are required to be skilled and experienced in using these materials. They must also have an understanding of, and commitment to safety for the public, themselves, and the environment.

Wellington City Council reserves the right to withhold permission for street performances involving fire if a fire ban is in force in the city. A special street performance permit may be withdrawn if any of the conditions of the street performance licence or Code of Practice are not met. Any performer whose permit is withdrawn is not eligible to reapply for at least one year.

Street performers holding special street performance permits must have the permit with them while performing with dangerous material and objects, with the permit either on display or ready to show to any Council officer or member of the public who asks to see it.

The only flammable liquid/hazardous substance permitted in street performance acts is kerosene. No other flammable liquids or hazardous substances will be permitted.

Fireworks are not permitted in street performances.

Street performers holding a special street performance permit are responsible for the safety of themselves and their audience when using dangerous materials or objects in their acts. The use of fire and potentially dangerous implements, if approved, must not endanger the public, the performers, property or the environment.

They must:

- define the performance space by setting a visible boundary of at least two metres between the performer and the audience, using either a rope, chain or chalk line that is removed once the performer has completed the act
- include a fire blanket or fire extinguisher in their performance kits when using kerosene, and ensure it is visible and accessible throughout the performance
- store and transport any kerosene in portable, unbreakable, closed containers of a 5 litre maximum capacity and clearly labelled 'Kerosene /Poison'. A plastic squeeze bottle may assist with accurate fuel application
- prevent kerosene fuel from being dripped, tipped or flicked onto people, vegetation, or property. Any kerosene stains on ground surfaces must be removed immediately following the end of the performance
- alter all dangerous objects (including chain saws, knives, swords and mechanical devices) used in a performance by blunting to minimise any risk of piercing skin when direct pressure is applied.

13.8.5 Special street performance peer review

Peer review is the process of discussing and / or viewing a performer's act. Peer review for safety is to assess whether a performer has considered safety and whether they are aware of basic safety principles. Because each performer is unique, the best way to assess the safety of an act is for a performer's peers to view it and give their opinion.

Peer review doesn't guarantee that an act is 100% safe but instead assesses whether a performer is aware of the risks of working with fire and other dangerous objects and committed to minimising those risks at all times.

Peer reviewers are experienced local performers. Two peer reviewers will meet with a performer to discuss the show and if necessary view part of the performance. Performers need to contact the peer reviewers to arrange a review time. Contact numbers for peer reviewers are on the special permit application form. Peer reviewers will try to assess all acts as quickly as possible.

A performer who does not pass the peer review for safety will not be permitted to perform in Wellington using dangerous materials or objects. They will still be able to perform without using dangerous materials or objects.

13.9 Additional information

Further information is available via the Wellington City Council Call Centre at 499 4444 regarding:

- street performance or busking licences, special permits, participating in scheduled night time street events or organising a street event
- community grants and funding criteria, or for assistance and advice in preparing grant applications. Community groups interested in developing street performance shows or workshops for young people to learn

performance skills may be eligible for grants for Arts and Culture, or Community or Youth Development.

- youth events, or about how street performers can support community groups and help young people to devise street performances
- commenting on the street performance policy, or complaining about a street performance or busker.

APPENDIX 3

SUBMISSIONS ON THE DRAFT FOOTPATH MANAGEMENT POLICY