

Footpath Management Policy – implementation and controls

The primary use for footpaths is pedestrian movement, but they are also used for a variety of other activities such as outdoor café seating and street performances. The Footpath Management Policy (the Policy) provides guidelines for activities which may be licensed on Wellington's footpaths and reinforces the pedestrian-priority principle.

The purpose of the Policy is to provide a balanced framework to ensure safe and efficient pedestrian movement on footpaths while also providing opportunity for non-pedestrian activities and as such, guides the prioritisation of footpath space for pedestrian activity, conditions for the licensing of non-pedestrian activities on footpaths and the use of temporary footpath obstructions such as seating.

Licence required

A licence or permission is required before engaging in the activities covered by the Policy. All businesses, organisations, groups or individuals wanting to engage in an activity covered by the Policy must first complete an application form and receive Council approval.

Applicants **must provide the following** when submitting an application for an outdoor seating area:

- a fully completed application form
- the appropriate fees
- a scaled site plan of existing conditions that accurately show:
 - the width of the footpath from the building façade to the kerb edge
 - the proposed location of the temporary seating or other 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 the temporary obstruction (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
- the measurements of the height clearance of any umbrellas being placed on 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
- disclosure of whether alcohol is to be supplied/served/consumed in the proposed outdoor seating area
- identification of the type of any proposed heating devices, and the required safety features.

Pedestrian priority

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement. The Council requires that minimum continuous unobstructed footpath widths are maintained to ensure pedestrian movement and as such there are three tiers of minimum footpath width (see attached diagrams showing typical layout):

- 4 metres for Lambton Quay and Willis Street,
- 3 metres for Manners Street, Manners Mall, Cuba Street and Cuba Mall, Courtenay Place. Note: the whole of the Courtenay precinct may come under this area and will include Allen Street, Blair Street, Kent Terrace and Cambridge Terrace
- 2 metres for all other locations in the wide 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.

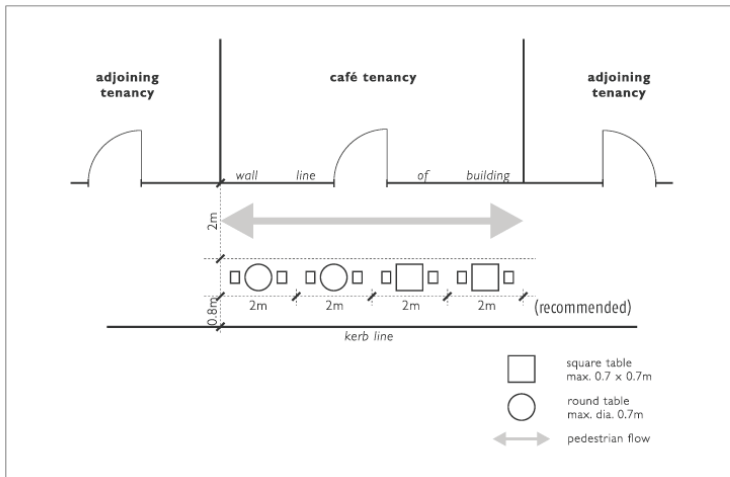
Pedestrians will generally have priority along the building frontage and under veranda spaces with **seating sited on the kerb-side if space allows.**

Guideline on conditions for outdoor seating

The following guidelines outline the conditions of approval for outdoor seating areas on footpaths and other public spaces (these are additional to the conditions above and should be read in conjunction with the Policy):

- For outdoor seating, the Pavement Permission 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
- Tables and chairs are to be high quality, durable, waterproof and weather resistant, designed for outdoor use, be well maintained and must comply with NZS4121
- The outdoor seating area will not interfere with safe and efficient pedestrian movement and the **minimum unobstructed footpath width as outlined above**
- The outdoor seating area must allow for unobstructed access to and from the premises
- The layout and orientation of furniture in the proposed seating area must allow for at least 0.8m to the adjacent kerb line to ensure safety of patrons (this is the area between the seating and kerb line). See Figure 1
- Adequate space is to be provided within the area to allow for easy movement and chair use
- Toilet accommodation on the premises should be sufficient for the increased number of seating
- The outdoor seating areas will not be permitted on street corners with pedestrian crossings or near entry points of designated crossings. See Figure 3
- The outdoor seating area must be outside of the applicants premises
- Sandwich boards used for advertising are not permitted in outdoor seating areas
- Heating devices are not recommended. Full details of any heating devices are to be provided with any application

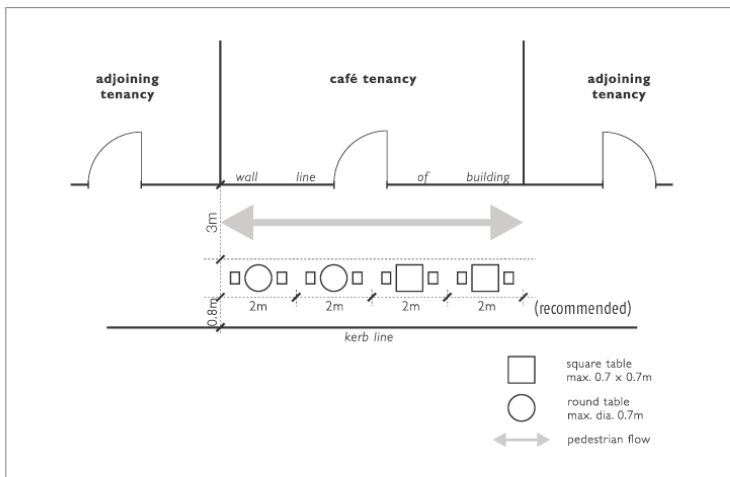
- All temporary obstructions, including seating, tables, umbrellas and heating devices must be removed from the footpath outside of the business trading hours and stored away from the public area
- The pavement permission holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area
- Permanent barriers are generally not permitted and will require specific design and permission from Urban Design
- Temporary barriers in outdoor seating areas must have separate approval by Council. They are to be located **within** the approved outdoor seating area
- Outdoor seating areas may be required to be marked as stipulated by Council. To assist in the detection of approved outdoor seating areas and temporary obstructions by people with visual impairments, tactile or solid barriers **may** be required as part of the design. The Council will determine the design and manage the installation and removal of markers. The cost of installing, maintaining and removing outdoor seating markers will be met by the pavement permission holder
- The pavement permission is required to clean the approved seating area including tables, chairs and the immediate footpath surrounds. Ashtrays or other suitable devices must be provided and maintained.



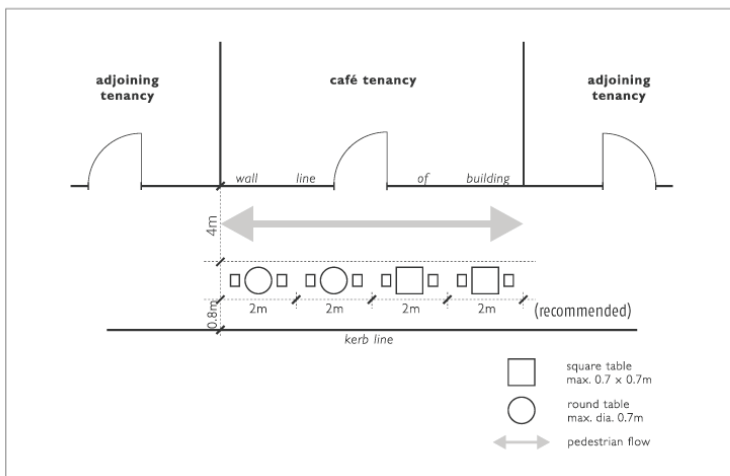
Footpath Cafe adjacent to the respective indoor premises – on kerbside.

- alignment and minimum clearance for pedestrian traffic
- recommended dimensions for furniture layout with 2 chairs per table seating arrangement must ensure minimum required footpath widths.

2 metres for all other locations in the wider city, that is Wellington district.

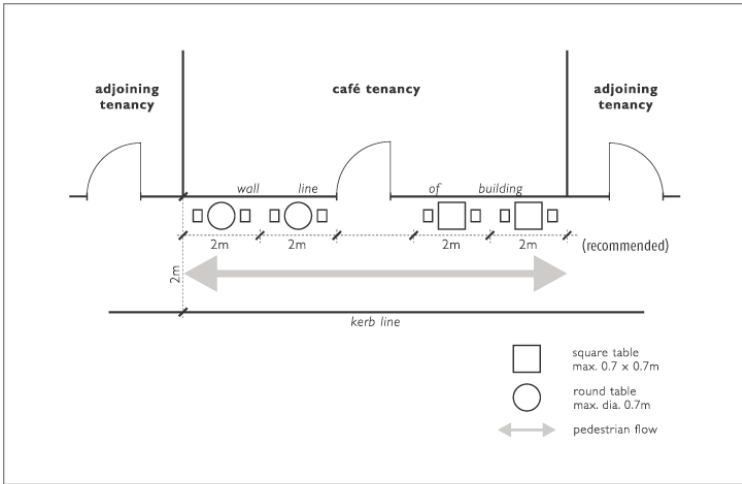


3 metres for Manners Street, Manners Mall, Cuba Street, Cuba Mall and Courtenay Place (is likely to include all of Courtenay Precinct).



4 metres for Lambton Quay and Willis Street

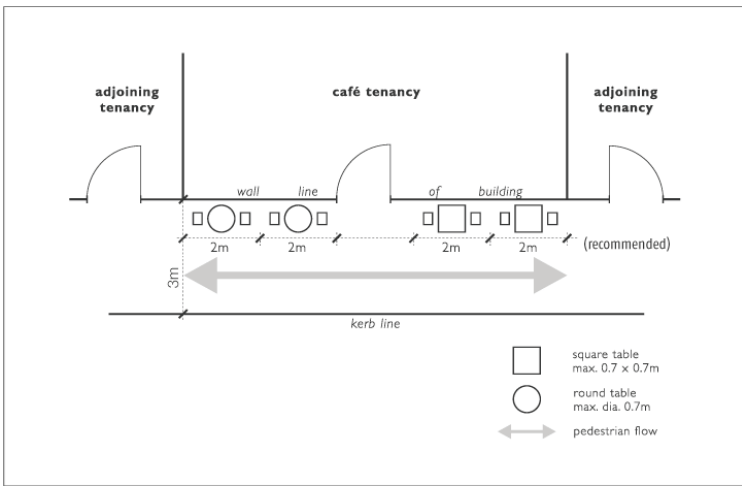
Figure 1 - Shows required layout for all areas



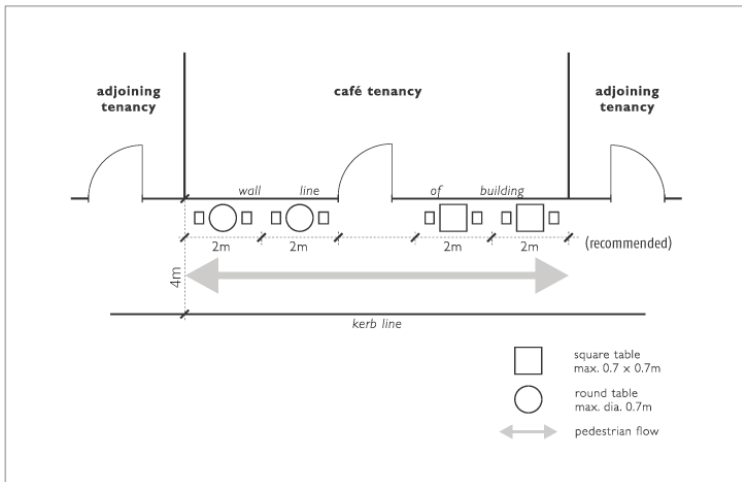
Footpath Cafe adjacent to the respective indoor premises on building boundary. Not normally permitted but will be considered under special circumstances.

- alignment and minimum clearance for pedestrian traffic
- recommended dimensions for furniture layout with 2 chairs per table. Seating arrangement must ensure minimum required footpath width.

2 metres for all other locations in the wider city, that is Wellington district.

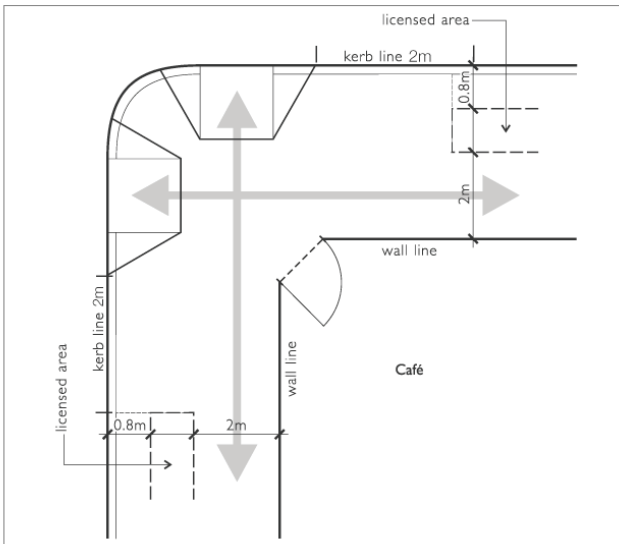


3 metres for Manners Street, Manners Mall, Cuba Street, Cuba Mall and Courtenay Place (is likely to include all of Courtenay Precinct).



4 metres for Lambton Quay and Willis Street

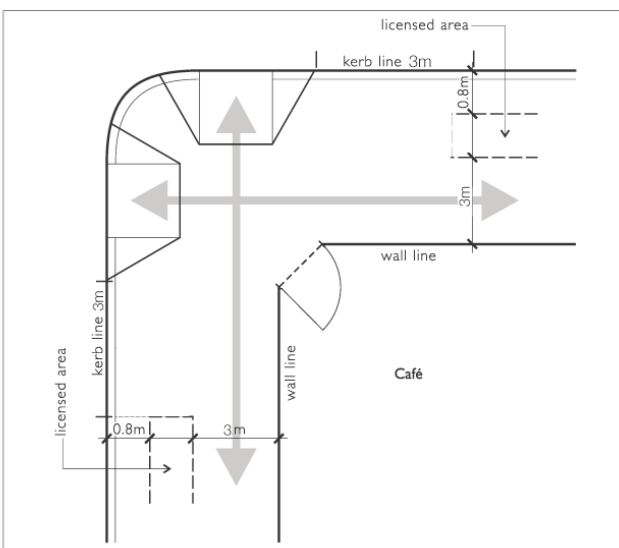
Figure 2 - Shows possible layout for all areas under special circumstances and dispensation granted.



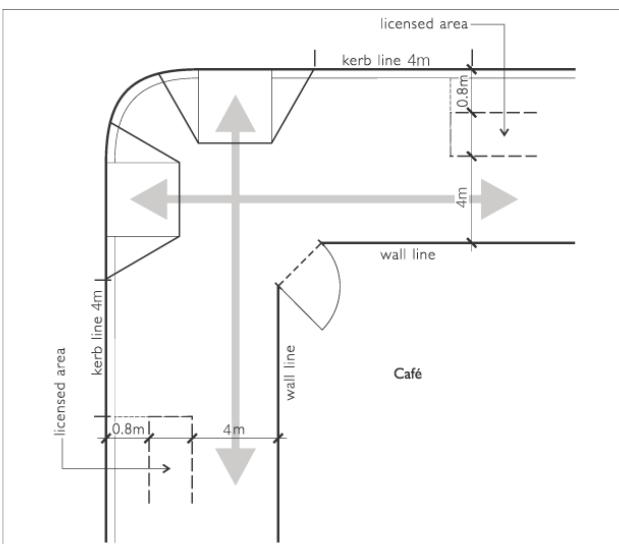
Footpath cafe adjacent to the kerb close to street intersection

- alignment, nominal dimensions and minimum clearance for pedestrian traffic.

2 metres for all other locations in the wider city, that is Wellington district.



3 metres for Manners Street, Manners Mall, Cuba Street, Cuba Mall and Courtenay Place (is likely to include all of Courtenay Precinct).



4 metres for Lambton Quay and Willis Street

Figure 3 - Shows required layout for all areas for premises close to street intersection.

Application for permission to use the footpath

This Licence is granted under the Wellington Consolidated Bylaw 2008 & Footpath Management Policy 2007

To: The Director
Building Consents & Licensing Services
Wellington City Council
PO Box 2199
Wellington

Application for permission to use the footpath is made in accordance with the details set out below.

Please PRINT clearly.

1. DETAILS OF APPLICANT(S)

a) Full name of applicant:

b) Premises physical address & trading name:

c) Postal address:

d) Contact person:

e)

Phone No: _____ Mobile: _____

f)

Fax No: _____ Email: _____

2. DETAILS OF AREA FOR WHICH PERMISSION IS SOUGHT

a) Reason for application

b) Number of tables and chairs to be placed on the pavement:

c) Total area to used for tables and chairs (area in sq.m):

d) Proposed hours and days of use of the pavement:

e) Is alcohol to be supplied/served/consumed in this area? YES*/NO

f) Is this area to be covered? e.g. by marquee or similar YES/NO

Please provide details on the aerial plan of the outside area of the premises for which permission is sought including measurements and any additional features that you wish to provide in the area.

A further scale plan may be required to be provided by you if the level of detail is insufficient for processing.

*Additional requirements will apply if you intend to use this area for patrons who will be consuming alcohol. Please refer to the cover sheet details.

Please note that a copy of this plan if approved will form part of your permission to use the footpath and will be required to be displayed at or adjacent to the area for which permission is sought where it may be viewed from outside the premises.

Approval of pavement permission is conditional upon the applicant for the pavement permission holding current public liability insurance of NZ \$1 million. This public liability insurance must be current for the duration that the permission is in force. If the insurance expires before the pavement permission expiry date, then the insurance shall be renewed.

If pavement permission is granted to use the footpath it will be on condition as specified above that the applicant for the pavement permission continues to hold current public liability insurance of NZ \$1 million.

By signing this application:

1. I acknowledge that I have read and understood all conditions for the application and operation of outdoor seating including the requirement for public liability insurance. If permission is granted, I agree to comply with those conditions.
2. I also confirm that I currently have, for the above premises / address, public liability insurance, with a limit of cover of not less than \$1,000,000 and I will ensure that such insurance remains in place for the period of the Pavement Permission.
3. I agree to indemnify the Wellington City Council against any liability arising from the use of the footpath by the Applicant, or the Applicant's agents, employees, contractors, invitees, or customers, outside of the above premises.

Signed

Applicant's name
(printed)

Dated this

day of

20

The following application fees shall apply:

<i>Initial application fee</i>	<i>\$180</i>
<i>Renewal application fee</i>	<i>\$90</i>
<i>Special application fee</i>	<i>\$90</i>
<i>Extension of Liquor Licensing Area</i>	<i>\$90</i>
<i>Central City - per sq m (incl GST)</i>	<i>\$85</i>
<i>Suburbs - per sq m (incl GST)</i>	<i>\$55</i>

This application does not exempt the applicant or premises owner from applying for any other consents or permissions required pursuant to other Acts and Regulations, including Resource Consents and Building Consents and Encroachments.

IMPORTANT NOTE: If permission is granted to use the footpath it will be on certain conditions as specified below. By signing this application you acknowledge that you have read and understood these conditions and, if permission is granted, you agree to abide by them.

Conditions:

1. For outdoor seating, the Pavement Permission 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 and able to be easily read by persons outside
2. Tables and chairs are to be high quality, durable, waterproof and weather resistant, designed for outdoor use, be well maintained and must comply with NZS4121
3. The outdoor seating area will not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath width as outlined in the Policy and Pavement permission is maintained
4. The outdoor seating area must allow for unobstructed access to and from the premises
5. The layout and orientation of furniture in the proposed seating area must allow for at least 0.8m to the adjacent kerb line to ensure safety of patrons (this is the area between the seating and kerb line)
6. Adequate space is to be provided within the area to allow for easy movement and chair use
7. Sandwich boards used for advertising are not permitted in outdoor seating areas
8. All temporary obstructions, including seating, tables, umbrellas and heating devices must be removed from the footpath outside of the business trading hours and stored away from the public area
9. The pavement permission holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area
10. Temporary barriers in outdoor seating areas must have separate approval by Council. They are to be located **within** the approved outdoor seating area
11. The pavement permission holder is required to clean the approved seating area including tables, chairs and the immediate footpath surrounds. Ashtrays or other suitable devices must be provided and maintained
12. The maximum number of tables and chairs specified above may not be exceeded. No other item, structure or object whatsoever may be placed on the footpath without the prior written permission of the Council
13. Tables are only permitted to be located within the area marked in yellow on the photograph and map attached to your permission. **Up to a maximum of chairs may be placed around each table, OR up to a maximum oftables andchairs may be placed within the designated area.** All other footpath areas are to be kept clear at all times
14. The area for which permission is granted may not be used outside of the permitted hours of use specified above. All tables and chairs are to be removed and the footpath kept clear outside of the permitted hours of use, unless otherwise approved in writing
15. The pavement permission holder must keep the area covered by the permission, and the adjoining footpath, street channels and drains, clean from litter (including cigarette butts) and spillages at all times.

16. This pavement permission does not give the pavement permission holder a right of uninterrupted use of the area covered by the permission. There may be interruptions to the permission holder's use from road works or other activities on nearby road. Council may require all tables and chairs to be removed at any time (including during the permitted hours of use) to allow road works or other activities to occur. Council will not be liable for any loss of business or other costs caused by any interruption in the permission holder's use of the area covered by the permission regardless of the cause of the interruption or its duration.
17. All liquor licensing and health requirements are to be observed. Any instructions given by Police or Council Officers are to be complied with immediately.
18. Compliance with these conditions does not relieve the permission holder of the obligation to comply with any other conditions or requirements relating to use of the footpath (e.g. as part of a building consent, resource consent or other Council requirement)
19. Council may withdraw this pavement permission on one (1) month's notice in writing to the permission holder at the address given above.
20. This permission is given solely to the permission holder named above. It may not be transferred or assigned to anyone else. Any change of ownership of the permission holder's business will require the new owner(s) to seek a new permission.
21. Council reserves the right to withdraw the permission at any time without notice.
22. Unless withdrawn earlier by the Council, this permission expires at midnight on the expiry date set out in the Pavement Permission. If the permission holder wants to continue to use the relevant footpath area after the expiry date a new permission should be sought prior to the expiry date.
23. The area covered by this permission may not be used for live entertainment and speakers and / or amplifiers may not be placed or used in or on the area. The holder of this permission is reminded of his / her obligation not to exceed the prescribed noise emission levels in the Wellington City District Plan and of the obligation under section 16 of the Resource Management Act 1991 to ensure that the emission of noise does not exceed reasonable levels.
24. The holder of the pavement permission must comply with any liquor management plan provided with the application at all times when the outside area is used.
25. The holder of the pavement permission must hold current public liability insurance, in all respects satisfactory to the Council, with a limit of cover of not less than NZ\$1 million for the duration of the Pavement Permission. Where the holders public liability insurance expires prior to the expiry date set out in the Pavement Permission the holder must, prior to expiry of the public liability insurance, provide Council with evidence of renewal of the public liability insurance on no less favourable terms, to a date after the expiry of the Pavement Permission.

Have you included with your Pavement Permission application, the following:

- a fully completed application form
- the appropriate fees
- a scaled site plan of existing conditions that accurately show:
 - the width of the footpath from the building façade to the kerb edge
 - the proposed location of the temporary seating or other 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 the temporary obstruction (outdoor seating area)
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- the exact location of any veranda covering at the site in relation to the proposed activity area and kerb edge
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- 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
- disclosure of whether alcohol is to be supplied/served/consumed in the proposed outdoor seating area
- identification of the type of any proposed heating devices, and the required safety features.