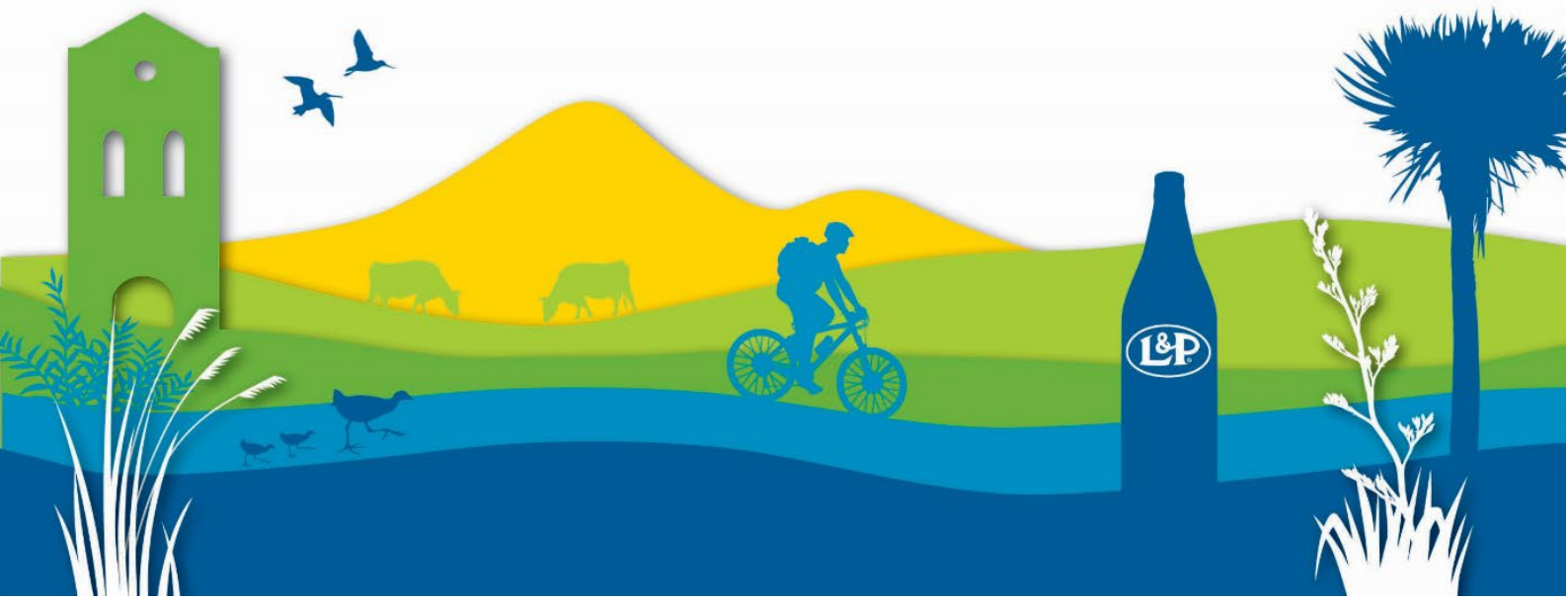




2023

Town Centre Footpath Management Policy

our home, our future
tō tātou rohe kāinga, tō tatou ao tūroa



1 Introduction

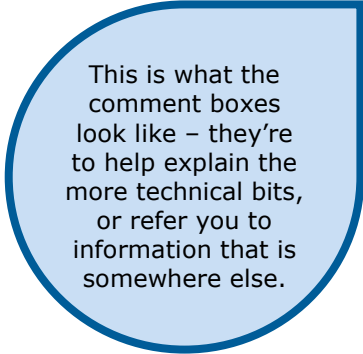
- 1.1 The primary use for footpaths is for pedestrian movement. Town centre footpaths are also used for a variety of other activities such as outdoor café seating and street performances. These activities contribute to the character and vibrancy of our public spaces, but they can sometimes interfere with safe and efficient pedestrian movement.
- 1.2 The town centre footpath management policy (policy) provides guidelines for activities on Hauraki's footpaths in our town centres and reinforces the pedestrian-priority principle.

2 Scope

- 2.1 This policy provides conditions for the following activities involving temporary obstructions on public footpaths within the town centre zone (as defined in the Hauraki District Plan):
 - a. Advertising boards, and other temporary obstructions such as welcome mats and menu boards.
 - b. Retail stands.
 - c. Outdoor seating and street furniture.
 - d. Street appeals and charity fundraising stalls.
 - e. Street performances and busking.

3 Related information

- 3.1 There is related information in comment boxes in this policy. Related information does not form part of this policy and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

4 Review

- 4.1 The policy will be reviewed within three years after the first policy is adopted by the Council and then at intervals determined by the Council.

5 Enforcement

- 5.1 The policy is enforceable under the Hauraki District Council Nuisance Bylaw 2019.

6 Definitions

Unless the context requires otherwise, the definitions of words or terms used in this guideline are also used in our Nuisance Bylaw.

Advertising board	means a sign placed on the footpath, for example a sandwich board or an 'A frame' sign.
Council	means the Hauraki District Council or any person delegated or authorised to act on its behalf.
Public performance	includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments.

7 Obstructions

7.1 Approved non-pedestrian activities (as included in 2.1) on public footpaths must not:

- a. encroach on the requirement to have a minimum 1.5 metre unobstructed footpath width for safe pedestrian movement.
- b. interfere with vehicle sightlines.

7.2 If a temporary obstruction does interfere with pedestrian priority or vehicle sightlines, Council may require that the temporary obstruction is moved to an appropriate position or removed entirely.

To sell goods in a reserve or other public place you need a 'hawkers' licence. See our website for the guidelines and application form.

Please refer to our Nuisance Bylaw for rules around conduct in a public place not covered by this policy.

8 Advertising boards

In addition to 7.1 and the requirements under the Hauraki District Plan, the following conditions apply to the display of advertising boards:

- 8.1 All advertising boards must be placed at the kerb edge of the footpath adjacent to the relevant premises, unless otherwise approved by the Council. Advertising boards must be positioned in line with other obstructions, such as other advertising boards.
- 8.2 In the instance of a business located off the main road, for instance down a walkway, one sign per business may be placed on the main road footpath kerb edge.
- 8.3 In line with fire regulations, the advertising board must not obstruct access to or egress from the premises.
- 8.4 Advertising boards must not be placed adjacent to bus stops, disability parks, taxi stands or designated pedestrian crossing locations.
- 8.5 The business owner is responsible for ensuring the advertising board remains located in the appropriate position, including if moved by pedestrians or wind.

Only one advertising board or other freestanding sign (not exceeding 1m²) is permitted per business premises, except if the business is on the corner and then it may have one on each frontage.
(Hauraki District Plan)

- 8.6 Advertising boards must be removed from the footpath outside of the businesses' trading hours.
- 8.7 The advertising board design must have 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.
- 8.8 Advertising boards must be safe and have no sharp edges or protrusions that may create an obstacle or a safety hazard for pedestrians. Rotating designs are not approved anywhere in the District.
- 8.9 Advertising boards must be weighted to ensure stability and removed 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.
- 8.10 Advertising boards must be kept in a clean and tidy condition.
- 8.11 Menu display boards, unless they are flat and sit flush against the building, will be considered to be advertising boards and the relevant conditions apply.

Advertising boards and Retail Displays must comply with relevant Advertising Standards Authority requirements.

9 Retail displays

In addition to 7.1, the following conditions apply to retail displays:

- 9.1 Retail displays may only be on public footpaths where they meet all necessary conditions, and are not permitted on the road including parking spaces, loading zones, bus stops, taxi stands or disability parking spaces.
- 9.2 Retail displays must be placed on the footpath immediately in front of the retail outlet.
- 9.3 All goods must be displayed in such a way that they can be easily removed from the footpath as required, without causing any damage to the footpath.
- 9.4 Retail displays must be of high quality, stable and wholly contained within the display area, to the satisfaction of the Council.
- 9.5 If the display must be accessed from the footpath side, at least 500mm must be allowed for customer access, outside the designated unobstructed footpath width.

Retail displays containing food must comply with all aspects of the Food Act 2014 requirements.

- 9.6 Retail display stands or goods must be less than 1,000mm (1m) from the building façade, where the combined required unobstructed footpath width and customer access room still allows sufficient space for this.
- 9.7 In line with fire regulation, neither the retail display nor requirements for access to display items, such as from a wheelchair, may obstruct access to or egress from the premises, or access to panels for fire alarms, fire hydrant or sprinkler systems.
- 9.8 Council accepts no responsibility for the security of items on display.
- 9.9 Businesses are responsible for cleaning the retail display area and its immediate surrounds, including by regular sweeping.
- 9.10 Retail displays must be removed from the footpath outside of the business trading hours.

1000mm from building façade + 500mm customer access + 1,500mm unobstructed footpath width = requires a minimum 3,000mm (3 metre) footpath

10 Outdoor seating areas

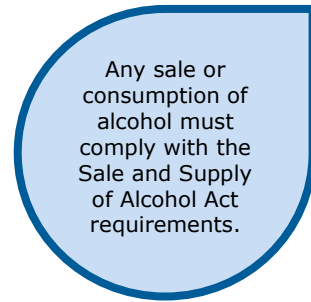
In addition to 7.1, the following conditions apply to outdoor seating areas:

- 10.1 All outdoor seating must be located adjacent to the business holder’s premises, within the width of their building frontage.
- 10.2 Outdoor seating may be under veranda cover where pedestrian priority has been provided for and sufficient room remains available.
- 10.3 The Council may request change to the outdoor seating area to achieve the right balance of unobstructed pedestrian walkway and outdoor seating covered by the veranda.
- 10.4 The layout and orientation of furniture in the proposed seating area must allow for:
 - a. unobstructed access to and from the premises in accordance with fire evacuation requirements
 - b. sufficient space for easy movement throughout the seating area and for chair use
 - c. at least 0.8m of footpath to the adjacent kerb to ensure safety of patrons.
- 10.5 Outdoor seating may not be on street corners with designated pedestrian crossings or near entry points of designated pedestrian crossings.

An application for redefinition of the licensed area will be required if alcohol will be served/consumed in the outdoor area. This is required under the terms of the Sale and Supply of Alcohol Act.

11 Design elements

- 11.1 Design elements (this may include but is not limited to, tables, chairs, menu boards, umbrellas, heaters, potted plants and barriers) must be durable, designed for outdoor use and well-maintained.
- 11.2 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.
- 11.3 The use of temporary barriers (this may include temporary planter boxes, temporary screens or ropes) may be used to separate adjoining outdoor seating areas and pedestrian thoroughfares where the conditions of 10.4 are met.
- 11.4 Permanent barriers (this may include 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 for safety reasons on a case-by-case basis. 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 be paid to Council to cover the costs of barrier removal and footpath reinstatement once the barriers are no longer required.
- 11.5 The Council does not consider outdoor heating to be an efficient use of energy and does not encourage its use. Permanent heating devices that are fixed to the footpath are not permitted.
- 11.6 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 Council footpaths
 - have sufficient clearance from umbrellas and verandas.
- 11.7 The business owner is responsible for ensuring that the elements are kept within the boundaries of the outdoor seating area.
- 11.8 All elements must be removed from the outdoor seating area, and stored away from public areas, outside of the operating hours of the business or when not in use due to bad weather.



12 Monitoring and maintaining outdoor seating areas

- 12.1 The business is responsible for cleaning the 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 and Supply of Alcohol Act 2012 and the Council's Local Alcohol Policy.

- 12.2 When cleaning, the business owner must dispose of rubbish in their own bins and 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.

13 Toilet facilities

- 13.1 Business owners must have adequate toilet facilities to cover both indoor and outdoor seating numbers in accordance with the NZ Building Code. Inclusion of outdoor seating increases the total number of seats on the premises and an increase in toilet facilities may subsequently be required. Alternatively, businesses can remove indoor seating in preference for outdoor seating if increasing toilet facilities is not a viable option.

14 Lighting

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

Artificial lighting shall be installed, designed, shaded and arranged in order that the level of lighting measured horizontally or vertically at any point on or directly above the boundary of any adjacent site or road is no greater than 8.0 lux
(Hauraki District Plan)

15 Street appeals and charity fundraisers

In addition to 7.1, the following conditions apply to street appeals and charity fundraisers:

- 15.1 Organisations must have the approval of the Council for the dates and locations of their street appeals or stalls.
- 15.2 Organisations must have the approval of the business they are in front of to set up their street appeal or charity fundraiser.
- 15.3 Collectors must be clearly identifiable and display the name of their organisation and the appeal.
- 15.4 No members of the public should feel harassed or coerced by the collectors for the organisation.
- 15.5 All collection areas must be left clean and tidy.
- 15.6 The Council may place additional special conditions on charity fundraiser stalls.

An email or letter needs to be sent to the Council identifying days on which the street appeal is to be held. Council will advise if those dates are approved and add them to the street appeal calendar.

16 Street performance and busking

In addition to 7.1, the following conditions apply to street performances or busking (excludes organised events):

- 16.1 Street performing or busking is permitted where they do not affect public safety and do not interfere with pedestrian or traffic flow, business activity, or residential living, or create a nuisance to the public.
- 16.2 Street performing or busking involving dangerous materials or objects requires written permission from Council before undertaking any performance.
- 16.3 Council recommends that street performers or buskers under the age of twelve be supervised by an adult at all times when performing.
- 16.4 Street performers or buskers must have the approval of the business they are in front of and if they are asked by the business to move on, they must do so.
- 16.5 Street performers or buskers, or their audiences, must not at any time block footpaths, shop doorways (during business hours), residential doorways, bus stops, designated pedestrian crossings, or fire escapes.
- 16.6 Street performers or buskers must ensure that wheelchair access and the minimum unobstructed footpath width (refer to 7.1) are maintained around the site in which they are performing.
- 16.7 Sound performances must not reach an unreasonable level of volume and must be considerate of pedestrians and the general public. The proposed activity must comply with any relevant rules in the District Plan.
- 16.8 Sound performances are only permitted between the hours of 7:00am and 10:00pm.
- 16.9 Council reserves the right to place additional conditions such as the maximum amplification for amplifiers and restrictions on drums and bagpipes.
- 16.10 The maximum performance time is 4 hours for any street performer or busker (unless written permission from the Council is obtained) per day at any one site. An additional 60 minutes is available for non-performance time to allow setting up, breaks and packing down.
- 16.11 Street performers or buskers can receive voluntary donations by holding a container or by placing a container on the ground. Written signs asking for donations are also permitted but they cannot approach individuals for money.
- 16.12 Street performers or buskers will be responsible for claims made against them for personal injury or property damage and are encouraged to have their own public liability insurance.
- 16.13 If it is believed a street performer or busker does not comply with Council's conditions, a complainant can:
- a. lay a complaint with Council by ringing 07 862 8609. Council operators are available 24 hours a day.
 - b. lay a complaint with Police (if the performer is drunk, violent, indecent, disorderly or behaving offensively).
- 16.14 Once a complaint is received, a Council Officer will investigate and take action as appropriate.

Organised events can be applied for on the Hauraki District Council's website

Please refer to the **Hauraki District Plan** regarding rules on noise levels.

- 16.15 Any public performance affecting the ordinary use of the road must have an approved traffic management plan approved by the Council and/or Waka Kotahi if the performance is in a state highway corridor.

17 Document management and control

Title	Hauraki District Council Town Centre Footpath Management Policy
Sponsor	Group Manager Community Development
Approved by:	Hauraki District Council
Adoption date:	1 August 2023
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Property of Hauraki District Council



For more information:

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