



Footpath Management Policy

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, however they can sometimes interfere with safe pedestrian movement. The Footpath Management Policy and Guidelines provide the framework for activities which may be licenced on Invercargill's footpaths and reinforces the pedestrian-priority principle.

Purpose

The Footpath Management Policy and associated Guidelines provide a balanced framework to ensure safe pedestrian movement on footpaths (pedestrian priority) while also providing opportunity for non-pedestrian activities.

The Policy provides for:

- The prioritisation of footpath space for pedestrian activity;
- The principles Council will use when deciding on whether to approve a licence to utilise the footpath;
- The scope.

The Guidelines provide for:

- The conditions for the licensing of non-pedestrian activities on footpaths; and
- The use of temporary footpath obstructions such as signage boards and seating.

Definitions

District Plan means the Invercargill City District Plan.

Hawking means carrying about and offering goods for sale.

NZS4121:2001 means New Zealand Standard 4121:2001 Design of Access and Mobility – Buildings and Associated Facilities

Roading and Traffic Bylaw means the most current Invercargill City Council Roding and Traffic Bylaw

Environmental Health Bylaw means the most current Invercargill City Council Environmental Health Bylaw

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.
- Pedestrians should be given priority to facilitate safe walking routes in Invercargill and to encourage more people to walk as their primary transport mode where possible.
- Invercargill streetscapes should be vibrant, safe and attractive, and when setting any rebate Council will consider how a proposed activity might positively contribute to achieving this principle.
- Invercargill streetscapes should provide opportunities for pedestrians to participate in the public environment through leisure, retail, recreation and entertainment activities.
- There shall be a clear travel line against the property boundary / building line and consequently no obstacles will be allowed on this alignment unless an approved plan is agreed with Council.
- Businesses, groups and individuals should be encouraged to use Invercargill footpaths for non-pedestrian activities in a fair and balanced way that does not impair safe pedestrian movement. They are responsible for managing these activities in accordance with:
 - The relevant Council Bylaws, Policies, Guidelines and the District Plan;
 - 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.
- Fees shall be charged and reviewed annually as set out in Councils Annual Plan and where appropriate set on a full cost-recovery basis.
- Council acknowledges there will be cases where a variance may be required to be considered. This will be reviewed and approved by the Policy Owner - Group Manager Infrastructure on a case by case basis.

Scope

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

- Signage boards and other temporary obstructions such as welcome mats and menu boards;
- Retail displays;
- Outdoor seating and street furniture;
- Street Appeals Collections and Charity Fundraising stalls; and
- 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 relevant sections of the Environmental Health Bylaw and Food Act 2014.

Council will set requirements for all activities which occur within the footpath or roadway through a licence. All licence may incur a fee unless waived.

Fees and Charges

Fees will be set annually when Council reviews its Fees and Charges. The intent is 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; and
- Administration.

The Council may provide a rebate against fees in special circumstances in recognition of particular contribution to streetscape vibrancy made through investment by a business in a public space. Such investment would always be undertaken in strict co-ordination with the Council.

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

- Street performance and busking; and
- Street Appeals Collection 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.

Non-Compliance and Breaches

The Council reserves the right to revoke a footpath licence or lease for non-compliance issues. The standard protocol for non-compliance will result in a verbal notification, then proceeded by written warnings.

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.

If the party continues to infringe without a footpath licence or as a result of a third non-compliance, 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: 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 the roading and traffic bylaw.

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

Revision History:	N / A
Effective Date:	1 October 2022
Review Period:	This policy will be reviewed every five (5) years unless earlier review is required due to legislative change, or is warranted by another reason requested by Council.
New Review Date:	31 January 2024
Associated Documents / References:	Delegations Register, Roading and Traffic Bylaw, Environmental Health Bylaw
Reference Number:	A4005685
Policy Owner:	Group Manager - Infrastructure