

# Living Streets Aotearoa



[www.livingstreets.org.nz](http://www.livingstreets.org.nz)

## Submission from Living Streets Aotearoa to Wellington City Council on the Trading and events in public places policy proposals 2021

Contact person: **Ellen Blake**  
Email: **[wellington@livingstreets.org.nz](mailto:wellington@livingstreets.org.nz)**  
Phone: **021 106 7139**  
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To **[policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz)**

### 1 **Vision**

Living Streets support the intention to better manage activities in our precious public spaces and places.

Overall there is no vision presented for the purpose of public places or of our parks. Public space is a 'common good' and needs to be clearly identified and protected as a place for the public, a free space to walk through, to linger and stay in for all of us, not a free space to use for commercial or other purposes.

This policy presents as an 'allocation of space mechanism' for commercial purposes which needs to have that overall vision and direction so that not ALL public space is allocated to commercial or community-led events and there is always space for the public (everyone in general) to be and move through.

We do not provide sufficient good public spaces currently to address all our needs and as the city densifies this will become a more urgent matter. This policy needs to support people to be in public spaces without paying to sit outside, or be required to purchase other services.

Public roadway spaces (such as footpaths) are used for many purposes and have many potential uses which are not necessarily the same as we would want to see in our parks and reserves. However, the policy gives no guidance on what is appropriate in different places to protect the nature of those places. For instance, footpaths are primarily for pedestrians to move along, to stop and meet others, to just be in freely. Parks and reserves are generally intended to 'get away' from more urban environments so the expected uses in them will be

different and the Town Belt Act supports this recreational and outside use, for instance, a quiet and green space for a stroll or a picnic.

### **Footpaths**

Footpaths are a significant public space rented out to commercial activity in Wellington. We would expect footpaths to be retained primarily as space for pedestrians with a clear, predictable, consistent path of travel, and if a section of public space was to be allocated to commercial interests that should be set aside and clearly demarcated. For instance, LGWM will create 75% more footpath space on Lambton Quay but what will this be used for, and how much will be permitted to be used for non-public purposes? The vision needs to articulate this – it is not a balance.

We would prefer for the policy objectives to be worded positively for pedestrians and not as an adverse effect to be avoided. Objectives need to say something about the use of public space, about providing safe and pleasant space for pedestrians on our footpaths, enjoyable experiences for all in our parks, and only be permitted where it enhances city living.

Requirements should be absolute minimums (let's not create more perverse policy that only leaves the minimum for pedestrians) with more guidance on how much public space should be retained for public purposes, for example a percentage of available space or a percentage of the year by season.

### **Scope - Comprehensive and future proofed**

Does this scope include bus shelters and Adshels? Both are used for public advertising which provides no or very little benefit to the public but a great platform for commerce. Advertising can block the view from bus shelters and increase the sense of unease associated with that limited visibility.

Barriers are increasingly being used outside bars and clubs to channel patrons waiting to enter a premise and they provide no public benefit but are an extension of indoor space to manage patrons. Are they covered?

### **Costs and fees**

We urge WCC to charge market rates for public space within the city centre. Currently many bars for instance have more of their facility on the footpath (eg Courtenay Place) at a considerable discount to the amount paid for building space, and occupy much of the public space in a manner that makes it less pleasant for children (eg bars in Cuba Mall).

The LGWM retail assessment stated that rents for building space along the Golden Mile start around \$1000 per square metre per year, compared with a few hundred dollars for a footpath occupation license<sup>1</sup>.

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<sup>1</sup> Seating from \$95 to renew to \$190 permit fee for seating and tables, additional for smoking per square meter from \$95 in the suburbs to \$190 in the city.

(<https://wellington.govt.nz/certificates-and-licences/footpaths/outdoor-seating>)

Sandwich boards have a \$105-\$180 per year fee (so sandwich boards could be more expensive than seating).

In our experience many cafes have outdoor seating which is not always used and can be empty for months of the year yet still causes footpath obstruction hazards. What requirement will there be this occupied space must be used?

The requirements for outdoor furniture must also provide suitable safe furniture which does not have sharp edges that catch passersby unawares.

This is not an even playing field and tilts incentives to use cheap public space instead of providing services in buildings, as well as the incentive for council to raise revenue from our public spaces. The policy needs to address these issues.

### **Adverse effects of commercial use in public space**

WCC is responsible to provide a safe space for all Wellingtonians to enjoy our public spaces and this includes providing suitable child-friendly spaces at all times children would normally be expected to be present. However, there is an issue with exposure to alcohol, smoking and junk food advertising.

KidsCam<sup>2</sup> clearly revealed the extent to which Wellington children are exposed to junk food advertising as they go about their daily lives and this encourages and normalises unhealthy food choices.

We recommend consulting New Zealand experts such as Louise Signal and Boyd Swinburn on suitable requirements for junk food trading in public places. For example, it could mean the council require at least two healthy eating options available from every cart, or a limit on the time carts are allowed to be at a site. All parents will understand the pressure in public places to purchase these types of food for their children.

Junk food carts are a prevalent use in public space and should be managed in much the same way as smoking and alcohol consuming activities.

Many but not all events that promote a heavy drinking culture are fenced off from the general public (such as at Waitangi Park). While it might be fun for an occasional evening out neither of these habits should be promoted by WCC and locations for large events do not necessarily need to be in prime public space locations. What about using Te Whaea or other sites for some of these?

We support the smoke-free requirement to be able to occupy public spaces and think this should be extended to include when and where alcohol is served. Cuba Mall was a very child-friendly space originally but has been permitted to become an adult smoking and drinking culture space. We enthusiastically support the requirement that all commercial use of public space is smoke and vape free.

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<sup>2</sup> <https://www.otago.ac.nz/diabetes/news/otago665641.html>

Noise is another well-recognised matter in city living and can adversely impact the enjoyment of city living. Amplification can often detract from public space and has caused issues in the past. What are the considerations for noise control in this policy?

### **Reserve and Town Belt spaces**

This is a new addition in the proposed policy and was not included previously in either the Footpath Management Plan or the Trading in Public Spaces policy. While we understand the reason to provide coverage for activities that may already be occurring in our reserves this policy appears to provide for a broad range of activity with any of the specified purposes including:

- Mobile food carts
- Recreation equipment hire
- Commercial tours
- Commercial group fitness
- Recreation services provision
- Commercial one-off events

This is a very broad list but possibly not exhaustive. A catch all 'any other commercial activity' should be included. We understand that community / neighbourhood events are not commercial and are managed under management plans for each reserve.

Foraging for sale is not included and it should be, as this is an increasing niche catering response. Removing any items from reserves is not usually a permitted activity and has impacts on the ecosystem.

The Town Belt Act precludes some activities that are not for recreation or outdoor activity but this isn't reflected in the above list of activities, eg commercial tour or one-off event could be anything.

We note only three parts of the Town Belt are included, two car parking areas and three locations on Matairangi / Mt Victoria. Why are these three included and not other parts of the Town Belt? What are the criteria?

### **Comments on specific parts**

#### 6.3.1 Restricted activities

- Use of advertising and commercial flags on footpaths or berms

We support this restriction including real estate property, sandwich boards, flags

- Running a power cord across footpaths

We support prohibiting this unsafe practise as it is likely to lead to trips. For consistency other uses like EV chargers must comply with this requirement.

#### 6.3.2 out of scope

- what is the difference between advertising which is included and commercial signage which is not included?

- all private hire /share vehicle schemes should be required to meet the same standard of use and should not be located on footpaths at all.

#### 6.4.1 Activity sites

What criteria have been used to identify these sites?

#### 6.4.6 Expressions of interest

What in particular is WCC trying to encourage trading for?

Does this include regulating too many or competing commercial uses – for example, what is the maximum number of junk food carts in an area compared to healthy eating or not eating options?

#### 6.5 Guiding principles

B Accessibility should be a given for most public events in urban areas whereas parks may have some limitations

C A minimum walking path on its own is not the best option here – we believe that some percentage of the space should remain public space after the minimum is met also 6.7.1e

6.7.1f ‘near’ needs to be defined here, in fact areas within 3 metres of pedestrian crossings, bus stops, and mobility parks should be kept clear at all times and not available for use (including any on-footpath vehicle parking).

#### 6.7.1h requirements for furniture

Is some explanation that all furniture must meet health and safety requirements needed here?

#### 6.7.2 Accessibility guidelines

The Pedestrian Network Guidance has not yet been published, so the existing guidance is still the New Zealand Pedestrian Planning and Design Guidelines.

Footpaths – please use the definition of a footpath provided in Land Transport Regulations “means a path or way principally designed for, and used by, pedestrians; and includes a footbridge”. Movement is only one of the functions pedestrians undertake on footpaths.

Footpath obstructions also detract from a pleasant walking experience, importantly from a pedestrian point of view, as well as crowding and safety issues.

We would prefer that a percentage of all the public space footpath is available for pedestrians public use at all times. So if we have a 5 metre footpath (likely on Lambton Quay), at least 80% for example must be available for pedestrian use and not just a 3 metre minimum. Otherwise what is the point of widening footpaths.

This policy allows discretion for staff to decide location of activities next to buildings if it is inappropriate to site them on the kerb-side as is better for all pedestrians. This has led to the current situation where much of the verandah along Courtenay Place for example is occupied by chairs and tables and there is an often very narrow path to navigate for pedestrians. We recommend that an exemption for non-kerbside activity in unusual situations (not BAU) would be better than suggesting sub-optimum siting can be considered

if alternatives are inappropriate. Let's keep the presumption that footpaths are for pedestrians.

#### Minimum footpath widths

The footpath width is random in most situations based on historical provision and is not often determined by the number (not volume) of pedestrians. Once again suggesting that narrower paths might be acceptable removes the presumption for pedestrian priority.

Minimum space should apply to all activities including sandwich boards etc

#### 6.7.3 Auahi kore

We strongly support this smoke and vape free policy, this is the next step in changing behaviour and needs to ensure consistency and coverage at bus stops too.

#### 6.7.4 Display of approval

All should be displayed, why would it be exempt?

#### 6.8 Monitoring and enforcement

It's all very well to have a great policy and bylaw if there is someone to enforce, currently WCC has very limited staffing to manage the significant commercial uses of public space. A greater allocation in the annual plan is required.

Are Cuba Mall and the waterfront included in enforcement, it's not clear?

#### Schedule A Sites for trading

The waterfront in general is not included and it should be, there are many semi-permanent junk food carts here.

What does activate mean, consistency with other terminology (vibrancy is a very subjective thing too, loud concert music might be vibrant to some but anathema to others)

Some central urban spaces have very limited potential uses which seem to only preserve current commercial activity rather than allow future activities, for instance Glover park and Te Aro park. While outdoor parks provide for all uses, such as Otari Wiltons Bush car park, and the child-centred Shorland Park.

#### Freyberg Pool carpark

Misses the existing shop at one end of the changing sheds

#### Town Belt status reserves:

Must be low impact and temporary in nature but all of the activities are included.

We would like to be heard in support of this submission.

### **About Living Streets**

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly

planning and development around the country. Our vision is “More people choosing to walk more often and enjoying public places”.

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners, including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land-use and transport planning.

For more information, please see: [www.livingstreets.org.nz](http://www.livingstreets.org.nz)