

# **Alfresco Dining Policy**

**Adopted 13 February 2013**

## Table of Contents

Table of Contents	2
1 Background	3
2 Scope	3
3 Policy Purpose and Objectives	4
4 Other Plans, Policies and Controls	4
5 Zone Marking and Regulation	5
6 Fees	5
7 Definitions	5
8 Alfresco Dining Zones	6
8.1 Arterial and Collector Roads	6
8.2 Local Roads	8
8.3 Cameron Street Mall	9
8.4 Town Basin	10
9 Tables and Chairs	10
10 Barrier Screens	10
11 Planter Boxes	11
12 Lighting and Heating	11
13 Umbrellas	11
14 Dogs in Alfresco Dining	11
15 General Requirements	12
16 Adoption	12

## 1 Background

The purpose of the Alfresco Dining Policy is to provide a comprehensive framework for the development, management and control of alfresco dining, on a consistent and district wide basis.

The policy seeks to encourage better designed and higher quality alfresco dining facilities that:

- Make a positive contribution to the streetscape
- Integrate with the existing business activity
- Improve the physical and visual amenity of the footpaths in a sensitive and responsive manner
- Do not interfere with safe pedestrian traffic

It aims to:

- Encourage the establishment of alfresco dining facilities
- Make requirements for alfresco dining facilities more consistent and transparent
- Respect adjoining amenity through appropriate design
- Maintain visual amenity and pedestrian circulation standards

Footpaths are public spaces and their primary role is to provide access for people to move along them freely without obstruction. Council aims to provide a safe environment for people who move through the community by providing a clear path for all people to move along.

Council is committed to ensuring business precincts are enhanced by providing the opportunity for footpaths to be used for alfresco dining.

Where possible, Council will aim to achieve an effective accessible pedestrian system throughout business precincts through the development and maintenance of a continuous accessible path of travel.

## 2 Scope

The policy applies to alfresco dining activity in the Whangarei District on public land under Council's direct control. The policy applies to any organisation, community group, individual or business who wishes to have an alfresco dining area on public land. Sections of this policy will address alfresco dining specifically within the Cameron Street Mall and the Town Basin.

This Policy does not apply to public park spaces.

This Policy does not incorporate any trading activities or display of goods. These activities are generally prohibited on Council footpaths. This Policy will not include alfresco dining operations on privately owned land.

Businesses that are incompatible with this Policy who already have established alfresco dining facilities in place may be transitioned into the Policy at the discretion of Council.

The location and layout for alfresco dining within the District will be derived from the roading hierarchy and the type of road adjacent to the business front. The roading hierarchy is based on road function and planned levels of service. It will classify all roads in the District in terms of their function and strategic importance to our transport network.

The roading hierarchy develops the basis for the management of effects of traffic on adjacent activities, and the effects of activities on the transportation network. A roading hierarchy sets out the factors (length, width, volume) which define a road as being in a certain category. An example of the roading hierarchy in the Whangarei Central Business District (CBD) is included in Figure 1. A complete list of the classification of roads for the Whangarei District has been completed.

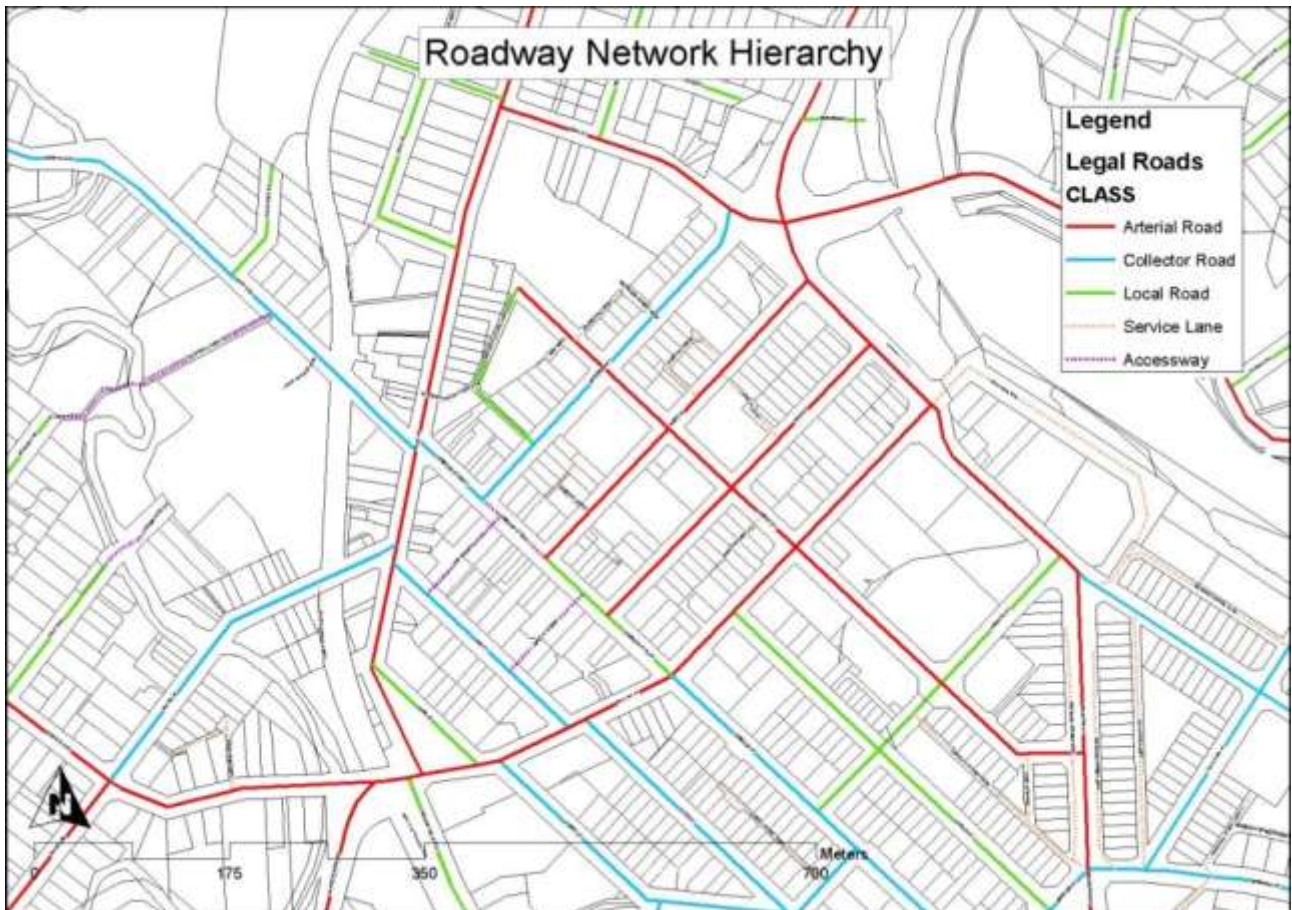


Figure 1 – Central City Rooding Hierarchy

### 3 Policy Purpose and Objectives

The Alfresco Dining Policy has been prepared to assist the Whangarei District Council in the assessment and monitoring of alfresco dining activities. Moreover, this policy seeks to provide operators of food and drink premises with an appreciation of Councils preferred vision for these activities.

The business will be required to apply for an Alfresco Dining Licence. The business may also require a licence to occupy agreement with Council. The Alfresco Dining Licence will explain the conditions that are associated with that Alfresco Dining Zone.

Business owners seeking an Alfresco Dining Licence with Council should demonstrate that the objectives and performance requirements of the policy are met. They are encouraged to discuss proposals with Council prior to lodging an application or when non-compliance with this Policy is identified. When considering the application, Council will take into account Crime Prevention Through Environmental Design (CPTED) and Injury Prevention Through Environmental Design (IPTED).

All existing alfresco dining permits will need to be reviewed and the business must determine if he/she wish to apply for a new Alfresco Dining Licence, so as to continue alfresco dining.

Council reserves the right to vary the policy and its regulations at the discretion of the regulating officer. This is to ensure some flexibility in implementing the policy to address unusual circumstances that may arise from time to time.

### 4 Other Plans, Policies and Controls

There are a number of other documents related to alfresco dining but they are outside the scope of this Policy and should be considered separately. They include:

**Health and Safety in Employment Act 1992** - The object of the Health and Safety in Employment Act 1992 is to promote the prevention of harm to all people at work, and others in, or in the vicinity of, places of work.

**Smokefree Environments Amendment Act 2003** - Hospitality venues (bars, clubs, restaurants, cafés, casinos and gaming machine venues) are required to become 100 percent smoke free indoors (if they are workplaces, served alcohol or had a gambling venue licence). The law does not prevent employers and business owners choosing to make the outdoor areas of their premises 100 percent smoke free too. However, these voluntary smoke free policies will not be enforced by the Ministry of Health.

**Noise** – Alfresco dining activities should not generate noise levels that would be termed unreasonable. The statutory requirements relating to noise control apply and are set out in s16 and s326 of the Resource Management Act. The District Plan also contains noise regulations to conform to.

**Liquor Licensing Policy** – The object of the Policy is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse in so far as that can be achieved by legislative means.

**Building Act/Fire Safety & Evacuation of Buildings Regulations** - Alfresco dining activities should not compromise the requirements of the Building Act and the FSEB Regulations

## 5 Zone Marking and Regulation

For compliance purposes, the area that is held under a licence to occupy by a business for alfresco dining will be delineated with an appropriate marking affixed to the footpath which may include brass, copper or stainless steel pins to be easily recognized by all agencies. Monitoring of the alfresco dining areas to ensure compliance with the licence to occupy agreement will be undertaken as required.

## 6 Fees

There will be an initial fee for the evaluation/assessment of the alfresco application and a monitoring fee based on a cost recovery basis. There may also be an annual charge for the Licence to Occupy.

## 7 Definitions

The following definitions provide a guide to terms used in this policy. These definitions are not statutory definitions.

**Alfresco Dining Zone** – is an area in which tables, chairs and other structure are provided for the purpose of the consumption of food or beverages or both by the public outside of food and drink premises on public land.

**Arterial Roads** - are major roads with high traffic volumes or a significant component of through-traffic. These include major roads into and through the District (excluding State Highways), and roads servicing significant areas of development.

**Collector Roads** - are those that collect traffic from specific areas, or link important roads or major traffic generators, such as industrial areas, or tourist attractions.

**Footpath Area** – the area from the property line of the establishment to the edge of the kerb.

**Kerb Zone** – is the area between the edge of the kerb and the Alfresco Dining Zone or the Walkway Zone, which ensures that adequate space is provided between the Alfresco Dining Zone or the Walkway Zone and roadside activities (access to vehicles parked on street). The Kerb Zone only applies where parking (angle or parallel) is permitted on the adjacent street.

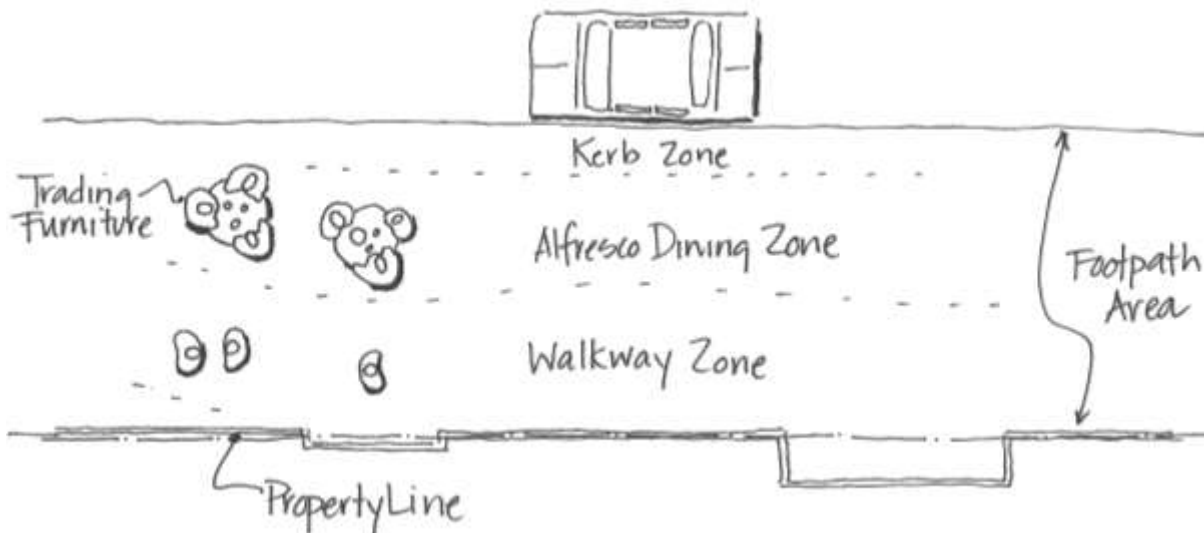
**Licensed Zone** – relates to the approved area permitting the serving of alcohol. This must be within the approved Alfresco Dining Zone.

**Local Roads** are those that are not classified into the Arterial Road or Collector Road categories, and whose major function is to provide access to property, rather than to provide routes for traffic.

**Property Line** – the front boundary of a property adjoining the street usually parallel with the footpath.

**Trading Furniture** – means the chairs, tables, umbrellas, screens, awnings, heaters, and other structures to be set up in the Alfresco Dining Zone.

**Walkway Zone** – is generally located immediately adjacent to the front of the property line, with a minimum width of 1.75m. This area will have a continuous accessible path of travel unobstructed by any trading furniture. The 1.75m width must be maintained at all times.



**Figure 2 – Definitions of Alfresco Dining Policy**

## 8 Alfresco Dining Zones

The location and layout of the Alfresco Dining Zone should be based on an evaluation of the site conditions and the potential impact on the Walkway Zone. The Walkway Zone provides an important circulation path for pedestrians. The primary objective must be to provide safe and unobstructed pedestrian access in and around Alfresco Dining Zones.

There are two types of trading regulations based on the road hierarchy that are to be considered in this Policy. In both circumstances, the minimum width of the Walkway Zone must be 1.75m. This width is based on the minimum amount of space needed for two way traffic to move safely through the Walkway Zone, allowing for wheelchairs, scooters, prams and other mobility vehicles to pass.

Where a business abuts two streets that are of different hierarchies (i.e. a cafe on the corner of a local roadway and a collector roadway) then the regulations for the higher level dining zone will apply. This will also allow for consistency in regard to the alfresco dining of the business.

Cameron Street Mall and the Town Basin have also been included for separate consideration in regard to alfresco dining as neither falls within the two types of trading regulations relating to road hierarchy.

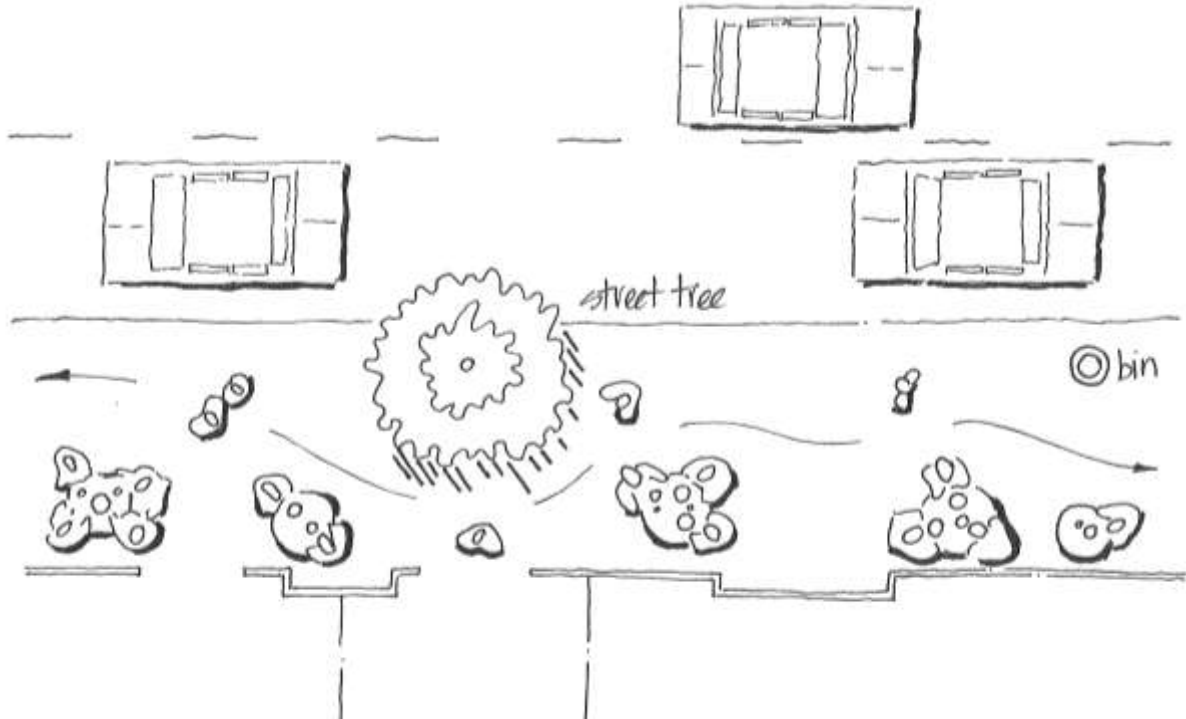
### 8.1 Arterial and Collector Roads

Arterial Roads are major roads with high traffic volumes or a significant component of through-traffic. These include major roads into and through the District (excluding State Highways), and roads servicing significant areas of development.

Collector Roads are those that collect traffic from specific areas, or link important roads or major traffic generators, such as industrial areas, or tourist attractions.

If the business fronts onto an Arterial or Collector Road, the Alfresco Dining Zone will be adjacent to the property line of the building. This will allow for pedestrians to walk along the kerb and have enough space to congregate at street corners. In these areas, the safety of pedestrians and the safety of diners is better achieved if alfresco dining is kept along the property line

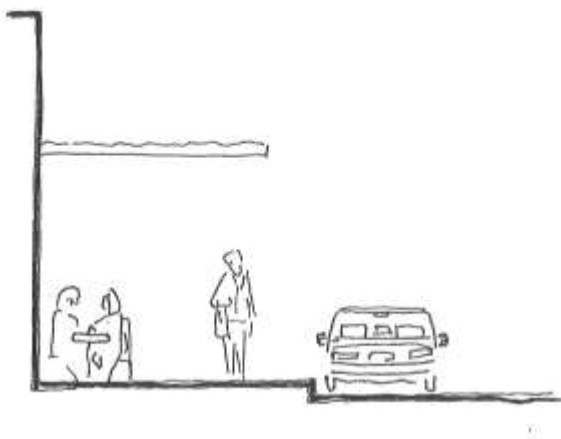




**Figure 3 – Examples of alfresco dining on arterial/collector roads**

### Requirements

- 8.1.1 The Alfresco Dining Zone is located adjacent to the property line.
- 8.1.2 The minimum width of the Footpath Area in front of the establishment is 2.75m.
- 8.1.3 The minimum width of the Alfresco Dining Zone is 1.0m.
- 8.1.4 The minimum width of the Walkway Zone must be 1.75m.
- 8.1.5 If there is parking on the road, then the minimum width of the Kerb Zone must be 0.5m.
- 8.1.6 No items may be placed in, or extend into the Walkway Zone or Kerb Zone, including items overhead below a height of 2.0m.



**Figure 4 – Cross section of alfresco dining on arterial/collector roads**

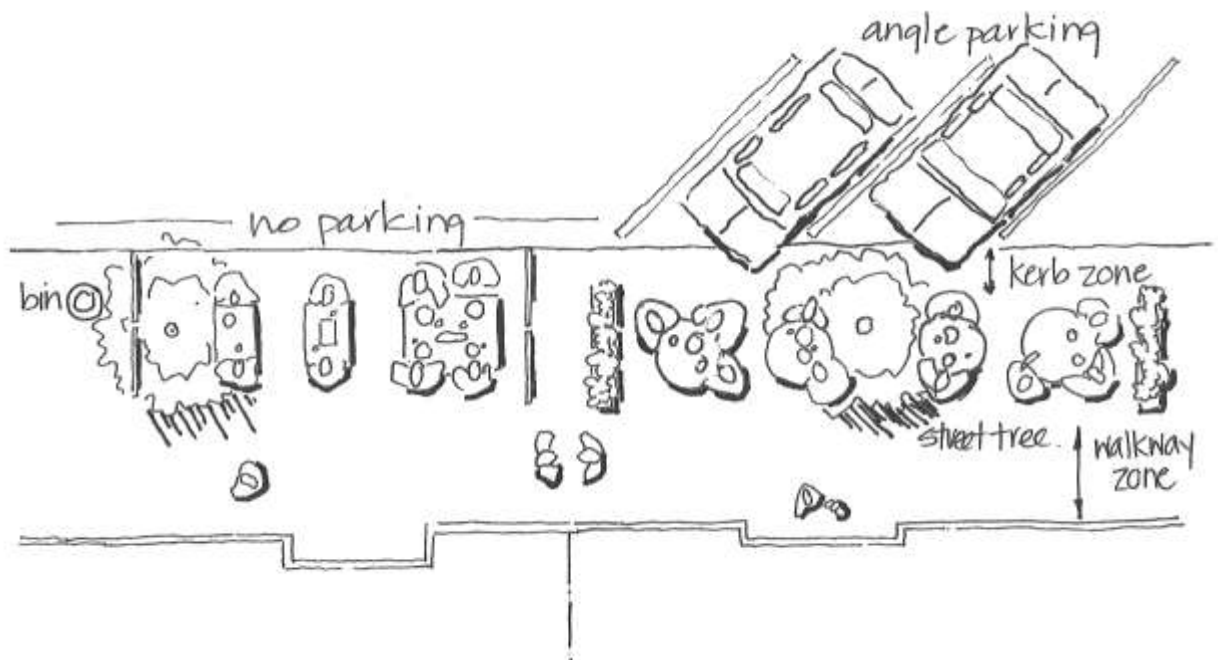
## 8.2 Local Roads

Local Roads are those that are not classified into the Arterial Road or Collector Road categories, and whose major function is to provide access to property, rather than to provide routes for traffic.

Where the business fronts onto a Local Road, the Alfresco Dining Zone will be located adjacent to the kerb. This will allow for pedestrians to walk closer to the property line of businesses.

### Requirements

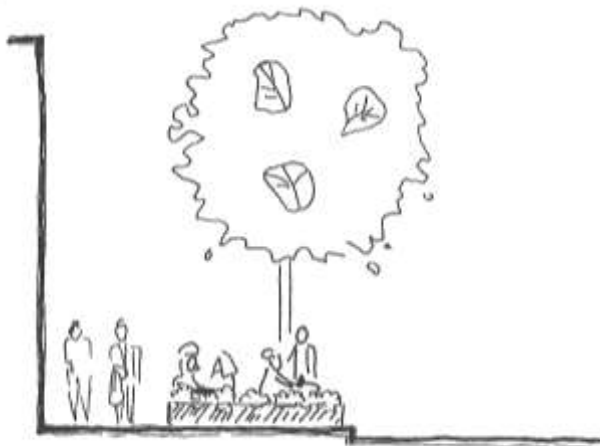
- 8.2.1 The Alfresco Dining Zone is located adjacent to the kerb, however, where a local roadway allows for traffic to idle (i.e. at an intersection) then alfresco dining may be better suited adjacent to the building front.
- 8.2.2 The minimum width of the Footpath Area in front of the establishment is 2.75m.
- 8.2.3 The minimum width of the Alfresco Dining Zone is 1.0m.
- 8.2.4 The minimum width of the Walkway Zone must be 1.75m.
- 8.2.5 If there is parking on the road, then the minimum width of the Kerb Zone must be 0.5m.



**Figure 5 - Examples of alfresco dining on local roads**

- 8.2.6 Where the Alfresco Dining Zone exceeds 12m of continuous frontage to the street, a 1.5m clear space is required at some point in the dining area perpendicular to the kerb.
- 8.2.7 No items may be placed in, or extend into the Walkway Zone or Kerb Zone, including items overhead below a height of 2.0m.
- 8.2.8 The Alfresco Dining Zone should be at least 2.0m from a road corner, measured from the back of the kerb to allow sufficient space for pedestrians waiting to cross the intersection.

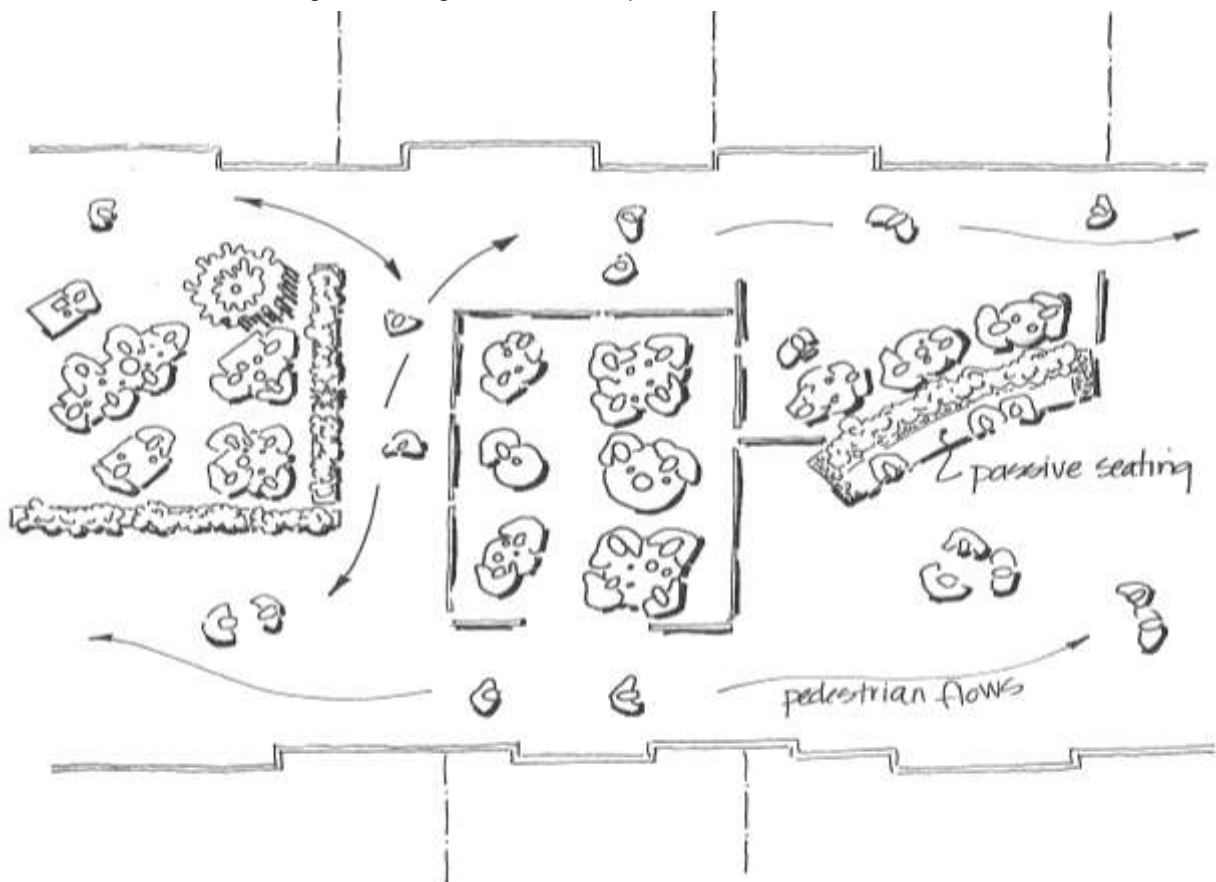




**Figure 6 - Cross section of alfresco dining on local roads**

### 8.3 Cameron Street Mall

Council is committed to enhancing the vitality of Cameron Street Mall as a gathering place, entertainment and retail centre. A key objective is to promote outdoor dining. An important consideration in the provision of alfresco dining is the very high volume of pedestrians in Cameron Street Mall. This requires particular attention to ensure that conflicts with other uses and with pedestrian movements in the mall are minimised. As a result, Council may limit the number and locations of alfresco dining in the mall should they create undesirable outcomes through crowding and restricted pedestrian flow.



**Figure 7 – Examples of alfresco dining in Cameron Street Mall**

The following conditions will apply to alfresco dining in Cameron Street Mall:

- 8.3.1 Minimum footpath clearances of 1.75m will apply from the property line of the business to the Alfresco Dining Zone on both sides of the mall.
- 8.3.2 Efforts should be made to ensure that a clear and concise sightline to guide pedestrian traffic through the mall is maintained.
- 8.3.3 The location of outdoor dining areas will be assessed on a case by case basis, taking into account the location of existing structures, trees and other elements of public furniture.
- 8.3.4 Permanent structures may be appropriate, provided they are designed in accordance with Council initiatives for the Cameron Street Mall.

## 8.4 Town Basin

The Town Basin currently has alfresco dining areas located outside of several cafes and restaurants. Because of the Town Basin's unique nature, the size and placement regulations pertaining to each licence to occupy agreement will be at the discretion of Council. The safety of pedestrians and diners along with existing infrastructure will be considered in these individual agreements. Maintaining a high standard of amenity and retaining the special character is imperative within the Town Basin area.

## 9 Tables and Chairs

- 9.1 Any chairs, tables and ancillary items associated with outdoor eating:
  - 9.1.1 May only be placed outside premises which hold a current health (registration of premises) registration Certificate or an approved Food Safety Program by means of a Food Control Plan.
  - 9.1.2 May only be placed in the Alfresco Dining Zone of the Footpath Area.
  - 9.1.3 May only be placed within the Alfresco Dining Zone during normal trading hours of the business to which they relate, unless otherwise approved by Council.
  - 9.1.4 Must be of a style, appearance, materials, finishes and colours which are of a high standard, attractive, durable, shatterproof, and unobtrusive and complement the character of the streetscape.
  - 9.1.5 Must be portable, yet sturdy and windproof.

## 10 Barrier Screens

The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions.

- 10.1 Barrier Screens:
  - 10.1.1 Must be associated with the use of the footpath for an outdoor eating facility.
  - 10.1.2 May only be placed in the Alfresco Dining Zone and parts thereof may not extend past the zones boundary.
  - 10.1.3 May only be in place during normal trading hours of the business with which they are associated unless otherwise approved by Council.
  - 10.1.4 Must be placed so that the screens are stable and secure or weighted so that they will not be moved by patrons or prevailing weather.
  - 10.1.5 Must be suitably sited and designed regarding available space, existing built form, desired character, street activity and traffic concerns.
  - 10.1.6 Must be positioned to allow for pedestrian access.
  - 10.1.7 Should not exceed the width of the Alfresco Dining Zone. A minimum 1.0m access way should be provided between the barrier screens of adjacent alfresco dining premises to accommodate pedestrian movements from the street.

## 11 Planter Boxes

### 11.1 Planter Boxes:

- 11.1.1 May only be placed in the Alfresco Dining Zone and plants shall not extend beyond that zone.
- 11.1.2 Must provide a positive contribution to the amenity on the street. Physical appearance, including materials and style, should be of a high quality and be complimentary to the streetscape character and other street elements.
- 11.1.3 Form and structural strength must be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians.
- 11.1.4 May not have sharp edges or corners.
- 11.1.5 Must be well maintained with healthy plants of suitable form, hardiness and species.
- 11.1.6 Must be free of litter, including cigarette butts.
- 11.1.7 May not be used for advertising purposes.

## 12 Lighting and Heating

- 12.1 Flashing and/or chasing lights are not permitted in Alfresco Dining Zones.
- 12.2 Lighting is to be permanently fixed and must be in good working order and should not create unreasonable spill into neighbourhood property. Portable lighting is not permitted.
- 12.3 Any outdoor heater:
  - 12.3.1 Must be associated with the outdoor eating activity in the Alfresco Dining Zone.
  - 12.3.2 May only be placed in the Alfresco Dining Zone.
  - 12.3.3 Must comply with all relevant safety standards.
  - 12.3.4 May not be placed beneath umbrellas

## 13 Umbrellas

### Any umbrellas:

- 13.1 Must be made of high quality material such as canvas.
- 13.2 May only be placed in the Alfresco Dining Zone.
- 13.3 Should not protrude into the Kerb Zone or the Walkway Zone. If an umbrella must protrude marginally into the Walkway Zone, then it must be a minimum 2.0m in height.

## 14 Dogs in Alfresco Dining

- 14.1 Dogs will not be permitted in Alfresco Dining Zones, with the exception of guide dogs.

## 15 General Requirements

- 15.1 Where smoking is permitted, each table in an Alfresco Dining Zone must be supplied with a wind proof ashtray at all times and the business be responsible for cigarette ash, butts and any other litter generated by patrons of an Alfresco Dining Zone. Council promotes the identification of smoking and non-smoking areas within alfresco dining where practical.
- 15.2 Alfresco Dining Zones must be kept in a clean and tidy condition at all times and any spills and litter should be cleaned up.
- 15.3 Patrons will not allow guide dogs, prams or personal items to obstruct the Walkway Zone.
- 15.4 Food and beverages are not to be served to patrons standing on the footpath within the Walkway Zone.
- 15.5 No noise or other disturbance creating a nuisance or causing detriment to the amenity of the neighbourhood, in the opinion of Council, are allowed.
- 15.6 Liquor shall not be sold, consumed or served within the Alfresco Dining Zone unless authorised by an appropriate liquor licence, issued to the licensee by the Whangarei District Licensing Agency.
- 15.7 Waiting staff at premises with Alfresco Dining Zones must facilitate free access by all pedestrians in the Walkway Zone and give the pedestrians the right of way.
- 15.8 No food or drink is to be prepared, cooked or heated in the Alfresco Dining Zone except in accordance with the requirements of the food act.
- 15.9 The handling and serving of food and drinks to patrons within the Alfresco Dining Zone must be conducted in accordance with the requirements of the Food Act and Food Hygiene Regulations.
- 15.10 No existing street element or asset may be removed, relocated or modified without the written consent from the appropriate Council asset manager (e.g. trees, signs, bins, seats, public facilities, etc...).
- 15.11 No waste, scraps or litter is to be swept into the gutter or placed in Council rubbish bins.
- 15.12 Tables are not to be preset with cutlery glasses or unprotected foods. This is to prevent them from being exposed to contamination prior to use from the public.
- 15.13 Alfresco Dining layouts must comply with appropriate evacuation plans.

## 16 Adoption

This Policy has been approved for adoption by Mr. Paul Dell, Group Manager District Living

  
\_\_\_\_\_  
Paul Dell

13/2/13  
\_\_\_\_\_  
Date