

Grey District Council Outdoor Dining Policy

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1. Purpose

To provide conditions and guidance for businesses wishing to provide outdoor dining options for their customers. It also allows for the management, regulation and allocation of outdoor dining in public spaces such as footpaths and car parks etc.

2. Background

Outdoor use of public spaces for dining purposes provides for vibrancy, attractiveness and connections in commercial areas. The width of footpaths in the Greymouth CBD often does not allow for this to happen and the focus here is to allow the use of on-street parking for outside dining.

Council wishes to encourage economic development in its District, however needs to provide a balance between the rights of business owners, road users and pedestrians. In particular, this policy considers the health and safety of members of the community who may be either visually or physically challenged.

3. Key issues

- That the safety of all pedestrians, road users and users of public amenities is paramount.
- That outdoor dining activities are encouraged, to allow for a vibrant, attractive and connected Greymouth Central Business District (CBD).
- That there is a balance between encouraging outdoor dining activities and maintaining sufficient inner town parking spaces in close proximity to businesses reliant on easy customer access.
- That careful consideration be given to the needs of elderly and physically or visually challenged road users and pedestrians.

4. Outcome

The permitted and controlled use of footpaths, car parks and other public spaces for outdoor dining activities will enhance the vibrancy, attractiveness and community connectivity of commercial areas while maintaining associated measures aimed at pedestrian and road user safety.

5. Policy

5.1 Minimum Conditions/Standards

The geographical area this policy relates to is shown in Schedule 2 - Definition of Central Business District Area

1. Staff will consider the visual and physical effects in relation to the streetscape, public and road user access and safety issues when assessing applications for Licences to occupy public spaces for outdoor dining.
2. Footpaths may be used in approved areas provided a minimum clear width of accessway of two (2) metres immediately from the shop front that can be maintained at all times and there is sufficient space for outdoor tables, chairs and associated facilities. Umbrellas shall not overhang the required two (2) metre accessway so as not to restrict pedestrian access or right of way.
3. Use of parking spaces for outdoor dining will be considered where there are sufficient parks available in close proximity to the premises and provided the parking capacity in the surrounding area will not be adversely affected.
4. Applications will not be considered for car parks on main arterial highways and principal arterial routes as identified in the District Plan, or where it is considered the traffic is fast moving or has high volumes.

Any deviation from this must be specifically approved by Council and, where applicable, the controlling agencies.

5. All successful applicants will be issued with a Licence to Occupy for the space approved, for which Council will set a fee and this is reviewable annually through the Annual Plan process.
6. The level of fee will be set to minimise any unfair economic advantage between shop retailers and street traders and to recognise that public space is being used for a commercial activity.
7. Licensees will be responsible for keeping their licensed areas clean and tidy. No objectionable activities are allowed which create excessive smoke, noise, fumes, smells, dust, etc. It is a condition that no smoking or vaping may take place. All stained or damaged pavement surfacing must be cleaned or replaced promptly by licensees at no cost to Council.
8. All Outdoor Dining areas will display signage advising the requirements for No Smoking or Vaping as per Clause 7 above.
9. Licensees must control all litter arising from their activities within a 15-metre radius of their licensed area and shall not use Council-provided street litter bins for this purpose.
10. Where on-street parks are to be utilised for outdoor dining, the Licence holder will be required to provide an accessible false floor linking with the footpath height and barrier surround for the outdoor dining area to the satisfaction of Council staff in accordance with all relevant standards. Both such facilities must be easily removable and meet all required safety standards and regulations as directed.
11. Licensees shall provide a detailed layout plan of the proposed site and provide information on any structural and planned works. No development work shall commence prior to approval by Council.
12. Any barrier, surrounds, partitions, signs or fixtures must not compromise the safety of pedestrians or impede traffic visibility.
13. Should Council on a reasonable basis require use of the licenced space, i.e. footpath/road upgrading work, or an annual event requiring such spaces to be clear of any obstructions, Licence holders will be provided with 30 days written notice to uplift such structures for removal. Such notice will outline the expected duration of such exclusion. In this respect, Council acknowledges the need to keep such exclusions to an absolute minimum. Where a Licence holder fails to clear the licenced area in line with the notice, Council can clear it and recover the cost of doing so against the Licensee.
14. Where approved, a Licence to Occupy will be issued for a maximum period of three years. The Licence may be terminated by either party giving three months' notice in writing.
15. Licensees must produce evidence that they have public liability insurance protection to a minimum value of \$1,000,000 and shall take full responsibility for indemnifying Council against any claims, demands, or actions made upon Council arising out of licensees' operations.
16. The licensed area must be returned to its original condition at the cost of the licensee at the conclusion or termination of the Licence.
17. If a licensee is in breach of any conditions of the Licence, breach and termination provisions provided for in the Licence will become operational and, unless any breaches are remedied with a 24 hour notice period, the Licence can be cancelled, and any associated costs recovered from the Licensee.
18. There will be no circumstances where Licences will be able to be re-assigned or the licensed area sublet.
19. Licensees will comply with all statutory requirements, Acts, Regulations, Bylaws, Ordinances, Rules, Standards and lawful directions of Council including, but not limited to what is included in Schedule 1.

5.2 Applications

Applications shall be submitted with:

1. Detailed site layout plans.
2. All other relevant information required to obtain a building consent for the structure if required.
3. Written consent from adjoining premises.

Applicants to meet all costs associated with development of their assigned area.

5.3 Other Considerations

1. Details of any licenses approved for trading on footpaths or other pedestrian ways shall be provided to the associations representing people with sight and physical disadvantages by Council Staff.
2. Umbrellas are to be set at a height, width and location so as not to constitute a danger to passing foot and vehicular traffic.
3. All furniture and structures need to be firmly secured against wind action.

SCHEDULE 1 – Relevant Legislation, References, Policy Documents and Standards

- The Building Act 2004 incorporating the New Zealand Building Code
- The Food Safety Law Reform Act 2018
- The Health and Safety at Work Act 2015
- The Litter Act 1979
- The Local Government Act 1974
- The Local Government Act 2002
- The Public Works Act 1981 and Amendments
- The Resource Management Act 1991
- The Sale and Supply of Alcohol Act 2012
- Greymouth Parking Strategy 2017
- Equity and Access for People with Disabilities Policy (including Older Persons) 2011
- Banning of Alcohol in Public Places Bylaw 2015
- Street Signage Bylaw
- Grey District Smoke Free Public Places Policy
- NZS Road Safety Barrier Systems & Devices Part 1 AS/NZS 3845 2015
- NZTA M23:2009 Specification for Road Safety Barrier Systems
- NZTA's The costs and benefits of inner city parking vis- à- vis network optimisation October 2015
- NZTA's Reallocation of road space August 2013
- NZTA's Bridge Manual – Appendix B: Barrier systems on structures

