

# NEW PLYMOUTH ON-STREET DINING GUIDELINES

NEW PLYMOUTH  
DISTRICT COUNCIL

MAY 2019



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**





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# 1. Introduction

In recent years, New Plymouth has benefited significantly from supporting good urban design and continuing to invest in the quality of its city centre, both for residents and visitors. The public realm, including on-street dining, has a key role to play in the experience of the city centre for all. Done well, on-street dining enhances vibrancy and safety, making the city a more attractive place to visit, work and invest.

**‘On-street dining’** is defined as the activity of providing seated diners the opportunity to consume food (and associated drinks) on a public footpath or road that is operated in conjunction with an adjoining premises licensed to sell food. This document outlines guidance in relation to the layout and design of on-street dining for New Plymouth’s City Centre and local centres. Based on best practice urban design and safety design principles, they have been prepared to support Council’s Encroachment Licences for On-Street Dining Policy, and to assist applicant’s in their planning process.

The on-street dining outcomes and guidance within this document also seek to support the vision outlined within the New Plymouth Central Area Urban Design Framework for the city centre:

*“A vibrant, efficient and accessible public living room and business hub for the people of New Plymouth District.”*

Through ongoing assessment of on-street dining activities, including feedback from the community and local businesses, the following key issues were identified:

- Negative impacts on people’s personal safety due to inappropriately located and/or designed on-street dining areas.
- Reduction in the pleasantness of the street and public realm, due to inappropriately located and/or designed on-street dining areas.
- Universal access is diminished, particularly for those with disabilities (e.g. require wheelchair access; visually impaired, and so forth).
- Potential for conflict is created between pedestrians and/or on-street dining users and those using the road corridor.
- Potential for regulatory issues, leading to safety, amenity and liability issues.

The purpose of these guidelines is to respond to these issues and maximise the benefits of outdoor dining for all within the public realm.

In addition to requiring on-street dining proposals to be consistent with and achieve the outcomes and guidelines outlined within this document, the Encroachment Licences for On-Street Dining Policy will also be considered against the following matters:

- Does not require any alteration or fixture to the footpath, utilities or other Council or community assets.
- Does not deter or inconvenience pedestrians or vehicles from the adjacent public places.
- Its location maintains the safety of its customers and those within the adjacent public places.
- Does not significantly affect access to or use of adjacent businesses and/or properties. Trade competition is excluded from consideration.
- Will not, in terms of occupation and activity, extend beyond the boundaries of the approved licensed area.
- Is complementary to existing uses of the area.
- Is consistent with existing consents and licences.



Figure 1: Example of undesirable outcomes - cluttered street space, reducing pedestrian amenity.



Figure 2: Example of desirable outcomes - clear pedestrian routes.



Figure 3: Example of desirable outcomes - well defined outdoor dining space, with innovative use of planting to define boundaries.

## 2. On-Street Dining Guidelines

### How to use these guidelines

The on-street guidelines are made up of 'outcomes sought' and 'design guidelines'. The 'outcomes sought' set out the outcome Council is seeking to achieve through the proposed on-street dining activity; the 'design guidelines' provide the ways of achieving the outcome.

The design guidelines include 'non-negotiables' and 'other matters'. The non-negotiables are those matters that Council believe need to be addressed to achieve the outcomes and contribute meaningfully to achieving the vision for the city. The 'other matters', which are still important, are seen as more flexible and Council is open to considering how alternative design solutions may meet the intent of the outcomes and guidelines.

### 2.1 Outcome One

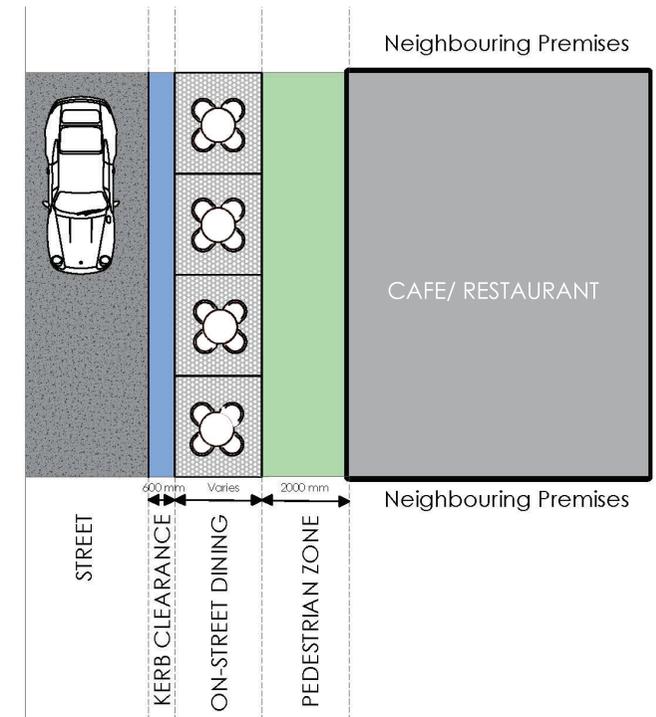
#### On-street dining does not impede pedestrian movement and universal access

##### Key Outcomes Sought:

- New Plymouth's streets are designed to enable and prioritise safe pedestrian movement, for all. Where on-street dining amenities are provided, these need to be designed so that safe movement, for all, is not impeded.
- New Plymouth's streets provide an inclusive environment for all, including those with disabilities. As such, it is important that on-street dining amenities are provided for in a manner that is inclusive of all, taking into account universal access principles as part of their overall design.

##### Design Guidelines:

- **Non-negotiables:**
  - » Maintain a 2.0 metre wide 'pedestrian zone' along all footpaths, at all times. 'Pedestrian zone' refers to the area required by pedestrians and others for safe and unimpeded movement along the street. Consistency of the pedestrian zone should be maintained for visually impaired pedestrians. Refer figures 4 to 8.
  - » Avoid the use of furniture and fittings (including canvas screens, glass screens, large planter boxes and freestanding awnings) that impedes pedestrian manoeuvrability.
  - » Do not impede any fire exit or wheelchair access associated with adjoining premises.
  - » Avoid on-street dining amenities that may result in trip hazards or otherwise impede safe footpath use. This includes furniture, barriers and raised floors.



**Figure 4:** Plan showing minimum 2.0m pedestrian zone in relation to on street dining zone and kerb clearance.

• **Other Matters:**

- » Where the footpath width allows for on-street dining to be provided safely on the street side of the footpath the preferred option is to avoid on-street dining along the building line/edge, so as to not impede movement of visually impaired pedestrians. Refer figures 4, 14 and 16.
- » Provide on-street dining furniture that can be used by people with disabilities and/or mobility issues, including people pushing prams and strollers. Universal access guidelines recommend the following:
  - Table surface height between 750mm to 850mm
  - Seating height between 450mm to 520mm
  - Ensuring furniture is positioned to enable wheelchair access.
- » Provide a minimum 1.0 metre clearance from existing street infrastructure that requires access by members of the public and for emergency purposes, such as fire hydrants, exit doors, litter bins, public seats, bicycle stands, pay phones and parking meters.
- » Provide a clearance of 500mm from other street infrastructure such as bollards, poles and street trees.
- » Design the layout of the on-street dining area so as to not deter or inconvenience pedestrians or vehicles from using and accessing the adjacent public places, including adjoining public seating areas.
- » Locate and design planter boxes:
  - A minimum clearance of 600mm from the kerb edge
  - To be located within the defined on-street dining zone (to be identified at the time of application)
  - So they don't obstruct the pedestrian zone
  - To a maximum height (including planting) of 1200mm (refer figure 13 example).



**Figure 5:** Diagram showing minimum 2.0m pedestrian zone, and preferred table heights and setbacks from street edge.



**Figure 6:** Existing Devon Street (southern side of street) showing clear pedestrian zone width, minimum 2.0m.



**Figure 7:** Existing Devon Street (north side of street) showing appropriate intensity of street dining where footpath width is limited.



**Figure 8:** Existing Devon Street (south side of street) showing appropriate intensity of street dining where footpath width is wider.

## 2. On-Street Dining Guidelines

### 2.2 Outcome Two

#### On-street dining that contributes to a high amenity, attractive public realm

##### Key Outcomes Sought:

- On-street dining amenities should positively impact on streetscape and the public realm through attractive, innovative design approaches.

##### Design Guidelines:

- **Non-negotiables:**

- » Provide on-street dining furniture that is of a high quality appearance and finish, durable and sturdy.

- **Other Matters:**

- » Provide for on-street dining areas that contribute to the vitality and public nature of the street by minimising screens and barriers, particularly where these might create a sense of privatising the public place (refer figures 11 to 13). Where screens and barriers are required, these shall be designed to:
  - Define the area, as opposed to act as wind or visual screens
  - Be placed either parallel to the road corridor or at the ends of on-street dining areas – not fully enclosing on-street dining zones
  - Be removable when not in use, while remaining stable and robust

- Be no more than 900mm in height
- Be no more than 2000mm in length over a single panel
- Predominately be of canvas or timber construction
- Avoid use of glass or other materials that may shatter, unless they can be shown to be of a suitable standard for public places in agreement with Council.
- » Allow space at a minimum of 1m<sup>2</sup> per person within on-street dining areas.
- » Design on-street dining areas adjacent to identified character or heritage buildings so as not to detract from or damage those buildings (applications will be subject to review by Council's planning team).
- » Use of umbrellas are appropriate provided they:
  - Have a minimum 2.4m clearance above the footpath (refer figure 3)
  - Are securely installed against effects of weather, i.e. wind and rain.
- » Require ashtrays where smoking is permitted.

## 2. On-Street Dining Guidelines

### 2.3 Outcome Three

#### On-street dining that supports safety and crime prevention

##### Key Outcome Sought:

On-street dining areas need to provide safe, welcoming environments for all, and assist to enhance the safety of the wider environment. Means to achieve this include through maximising passive surveillance and personal safety, avoiding environments that may otherwise intimidate others within the street environment, and avoiding elements that may contribute to physical safety hazards.

##### Design Guidelines:

- **Non-negotiables:**
  - » Require on-street dining areas located next to intersections to be set back from the building to allow a clear line of sight for turning traffic.
- **Other Matters:**
  - » Avoid the use of on-street dining furniture that has sharp edges, glass tables, hinges, or other moving parts that present a potential hazard to patrons or pedestrians
  - » Provide adequate lighting (if not already available) within and around the on-street dining area
  - » Avoid the use of bar stools and other high stools or chairs, which have the potential to topple over and also increase the feeling of intimidation for pedestrians passing by
  - » Maintain a clear view of the on-street dining area from the inside of businesses to enable effective monitoring of the patrons and outlook into the street. The maximum height for screens and barriers is recommended to be 900mm. This will assist to preserve the appearance and openness of the streetscape, along with passive surveillance and
  - » Outdoor heating units (where provided) are suitably designed and located and subject to Council approval.



**Figure 9:** Example of low quality dining furniture that has the potential to break or become brittle over time.



**Figure 10:** Example of high quality appearance and finish, durable and sturdy.



Figure 11: Attractively set out dining that maintains the adjoining pedestrian zone.



Figure 12: Appropriate sized canvas barriers.



Figure 13: Appropriate sized planting barriers, maintaining visibility and relationship with the public realm.

## 2. On-Street Dining Guidelines

### 2.4 Outcome Four

**On-street dining that does not create conflict between adjoining road (vehicle) use**

**Key Outcome Sought:**

On-street dining needs to be suitably located and positioned so as to not conflict with the adjoining road use, including parked cars opening doors, and potential safety issues at intersections.

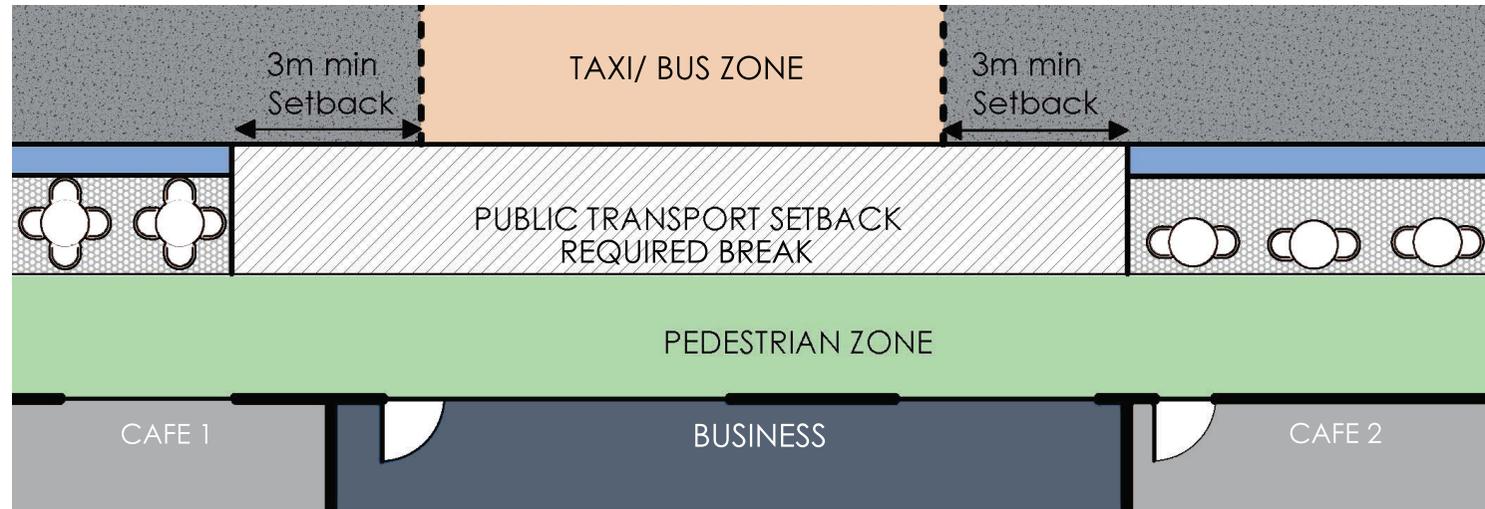


Figure 14: Plan illustrating required on-street dining setbacks from bus stops and taxi ranks.



Figure 15: Example of appropriate on-street dining in vicinity of an intersection, where ample room is retained for pedestrian movement.

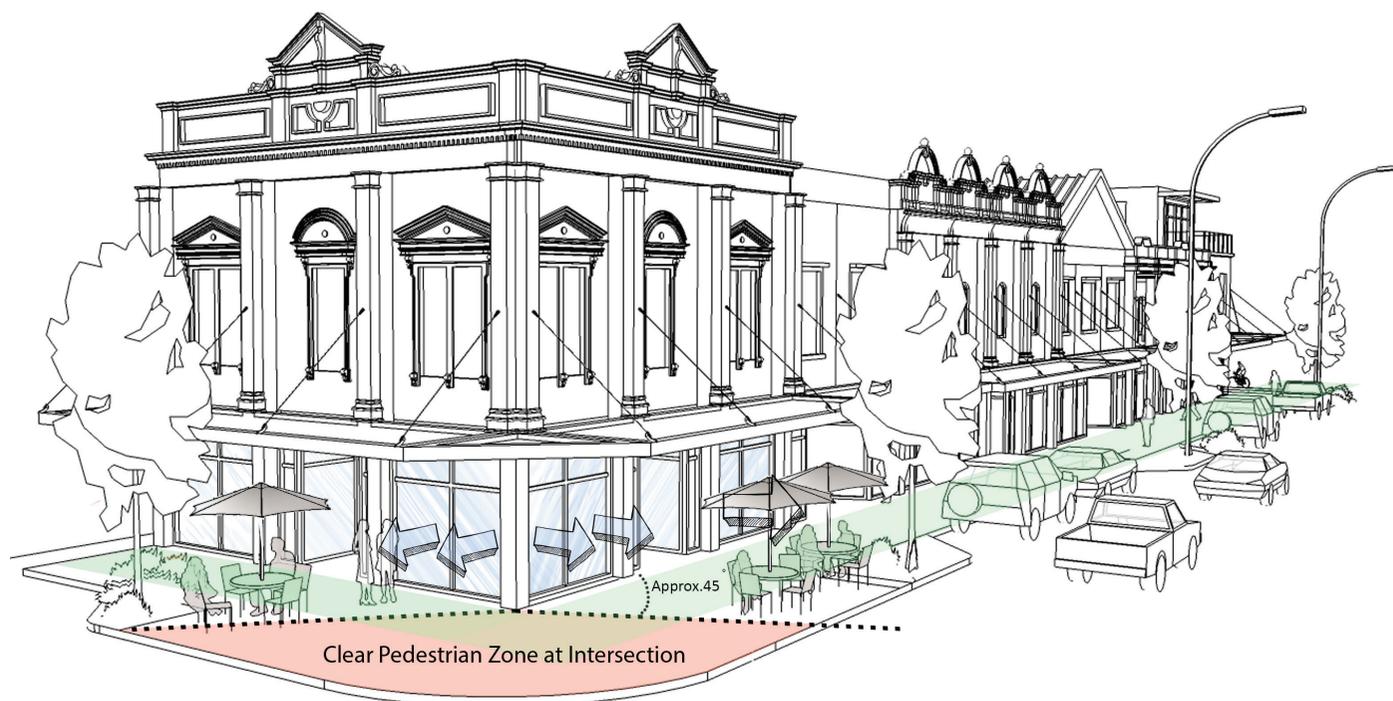
## Design Guidelines:

- **Non-negotiables:**

- » Require a minimum clearance of 600mm from the kerb edge to the on-street dining area, to reduce potential for conflict with vehicles, including allowing for people to enter / exit cars parked parallel to the footpath.
- » Do not locate on-street dining adjacent to disability car parks, loading zones, bus stops and taxi ranks; a minimum of 3.0m should be provided up or down the street between on-street dining areas and any bus stops and taxi ranks, so as to avoid conflicts between passengers and diners. Refer figure 14.
- » On-street dining should not be provided where it will obstruct visibility between pedestrians and traffic or obstruct the free flow of pedestrians at pedestrian crossing points such as traffic lights, pedestrian crossings or raised medians.

- **Other matters:**

- » Require a setback of 45° from the corner buildings. This will generally result in a 1.0 metre to 3.0 metre clearance from the corner to the edge of an on-street dining area. Refer figures 16 and 17.
- » Minimise the use of furniture and fittings (including canvas screens, glass screens, foliage, planting and planter boxes) that produce a dominating effect to vehicle use and/or obstruct the view from a vehicle onto the footpath.



**Figure 16:** Concept drawing illustrating desirable clear pedestrian zone at intersections, and emphasising the need to retain good visibility between indoor and outdoor activities.

# 3. Information Requirements

**As part of an encroachment licence application, and to show how these guidelines have been responded to, the following forms and information should be included:**

1. A completed encroachment licence application form.
2. The application fee.
3. A description of the activity, including the following, as appropriate:
  - The use of your premises, i.e. licensed or unlicensed café, restaurant or bar or takeaway food outlet.
  - Whether permanent or temporary – if temporary please specify duration.
  - The normal hours of use of the on-street dining area.
  - Whether or not the on-site consumption of alcohol is proposed (alongside dining) in the on-street dining area.
  - The number of tables and seated diners proposed to be located on the footpath.
  - Confirmation that all of the structures (barriers, screens, umbrellas) are not fixed to the footpath or attached to street furniture or other equipment and will be removed when not in use.

- A “Management Plan” for the activity – this plan should detail the practical steps of how the licence responsibilities will be met on a day-to-day basis.
  - Evidence of adequate public liability insurance indemnifying the Council against any claim arising from damage caused by furniture, items or structures used in association with the dining area.
4. A site plan, at a scale of 1:250 or larger, illustrating:
    - The dimensioned width of your property frontage(s), the position and dimensioned width of the adjoining footpath measured from the frontage of your premises to the kerb face.
    - The extent and location of the proposed ‘on-street dining zone’.
    - The dimensioned minimum clearance of the dining furniture relative to any street furniture or utilities such as parking meters, signs, trees, utility boxes and poles or adjoining kerbs, or pedestrian crossings (refer to the guidelines for guidance on dimensions).
    - The extent and location of any dining areas on adjoining frontages.
    - The position of proposed dining furniture including required screen enclosures, barriers, screens, blinds, shelters, planters, tables and chairs and any footpath sign for the premises.
    - The location of a direct and unobstructed pedestrian zone past or through the dining area. The width of this access is not less than two metres.

- To allow for continuity with the use, signage and structures adjoining the frontage of neighbouring properties (NB: Size and location controls apply to footpath signs under the District Plan and Bylaws).
5. Elevations, drawn to a scale of not less than 1:50, illustrating:
    - Design of furniture and the materials and colours used and any associated sign writing. Manufacturer’s information and photographs that provide the necessary degree of detail may be used.

Any Alcohol Licences or Building Consents will need to be applied for separately if needed.

Licences are subject to annual fees in accordance with Council policy, and may be reviewed at any time.

# 4. Example Application Plan

Example of a site plan supporting an application for an on-street dining encroachment licence.

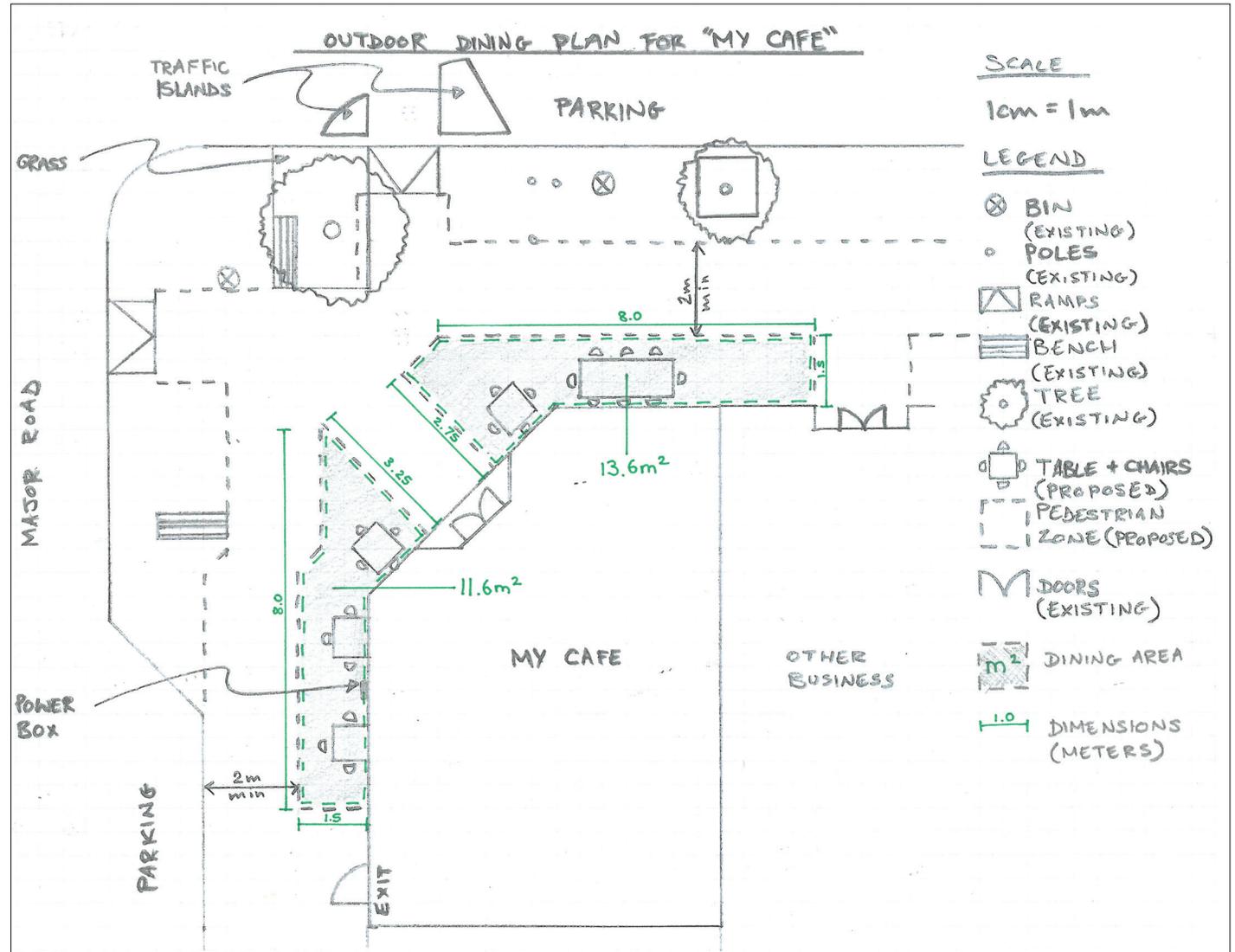


Figure 17: Example of a site plan supporting an application for an on-street dining encroachment licence.



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