

# Application for Approval Occupying Public Space Alfresco Dining

Pursuant to Council's Road Use Bylaw 2022

Follow the instructions below to apply for approval to occupy public space for alfresco dining.  
Your application will not be processed until the application form is completed correctly and all supporting documents are submitted with the applicable payment.

## What you need to do

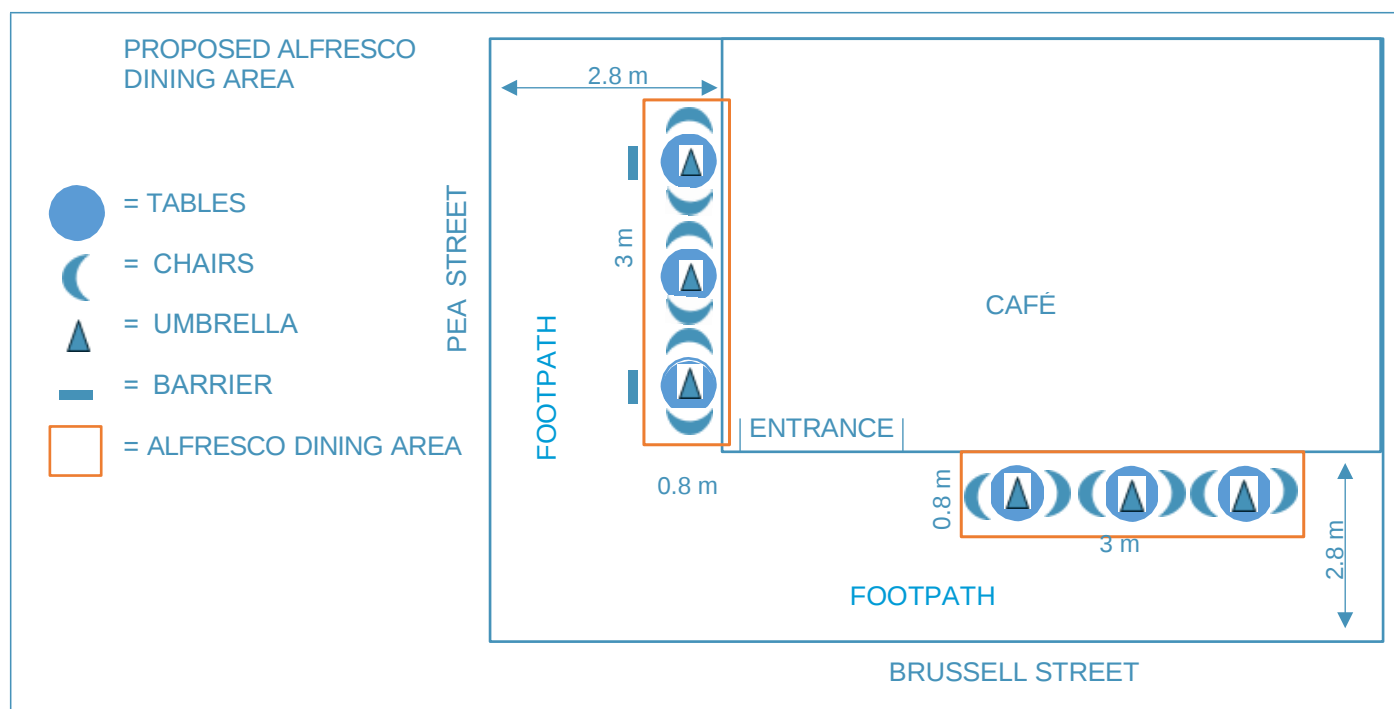
- Supply a completed application form
- Read the terms and conditions on the back of the application form
- Supply all required supporting documents
- Pay the fee upon application

## What to include

- Completed application form
- Clear plan showing proposed area of public space with measurements (please see example below)
- Photograph of proposed area
- Copy of public liability insurance cover
- Copy of alcohol licence if applicable – If you wish to serve alcohol in the proposed Alfresco Dining Area, your alcohol licence footprint must include this area. Alcohol may only be served if your alcohol licence permits
- Application fee. Please visit [www.fndc.govt.nz](http://www.fndc.govt.nz) and search "Fees and Charges" for the current Fees and Charges that apply.

Example of plan showing proposed area which must include;

- Area measurements of proposed Alfresco Dining area
- Footpath clearance – minimum 1.5m (1.8m preferred)
- Layout of furniture/display positions



# Payment options

You can pay by cash, eftpos or credit card at any of our service centres. For more information and where to find the cost associated with this application, please visit: [www.fndc.govt.nz](http://www.fndc.govt.nz) and search "Fees and Charges".The total fee payable will include an application fee, table charge and inspection fee.

|                    |                                               |         |                      |                                              |               |
|--------------------|-----------------------------------------------|---------|----------------------|----------------------------------------------|---------------|
| Office<br>use only | APPLICATION FEE ( Including GST)<br>NUMBER \$ | RECEIPT | RECEIPT AMOUNT<br>\$ | <input type="checkbox"/> PAYMENT<br>RECEIVED | CASHIER NA ME |
|                    | COMMENTS                                      |         |                      |                                              |               |

# Alfresco Dining Approval

Pursuant to Council's Road Use Bylaw 2022

## Application details

- 1) Applicant / Name to be on approval:
- Phone number:
- Mobile number:
- Email address:
- Postal address for service documents:

## Premises details

- 2) Trading name of premises
- 3) Premises address

## Business details

- 4) Trading hours and days, you wish to occupy public space for outdoor dining:

| MONDAY               | TUESDAY              | WEDNESDAY            | THURSDAY             | FRIDAY               | SATURDAY             | SUNDAY               |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

- 5) Number of tables and chairs for the proposed outdoor dining:
- 6) Food Registration Number:
- 7) Do you intend to serve alcohol in this area? ☐ Yes go to number 8 ☐ No go to next page
- 8) Does your current alcohol licence include the Alfresco Dining Area on public land? ☐ Yes go to number 9 ☐ No you must apply to vary your alcohol licence in order to serve alcohol in this area
- 9) Alcohol Licence Number:  Alcohol Licence Expiry:

Please allow at least 20 working days to process this application and note that there may be delays as all Alfresco Dining applications will need to go to the relevant Community Board for comment before a decision is made and the approval can be issued.

## Alfresco Dining Area Plan

Please ensure your plan includes:

- ☐ Area measurements of proposed alfresco dining area
- ☐ Pedestrian clearance measurements – minimum 1.5m required (1.8m preferred)
- ☐ Layout of furniture and photos of furniture to be used for alfresco dining
- ☐ Description and photo of furniture to be used within the alfresco dining area
- ☐ Specify any weights required to secure the furniture in place
- ☐ Layout of any other structures within the alfresco dining area, eg, rubbish bins, freestanding signage
- ☐ Infrastructure or Utility services in the area i.e. public seats, bins, pedestrian crossings etc
- ☐ Plan is clear and legible

If you are having troubles with drawing your plan please refer to example on page 1 of the application form.

# Alfresco Dining Approval - Terms and Conditions

The approval is valid for 12 months from the date it is issued. Council reserves the right to cancel the licence at its sole discretion by giving the holder 24 hours' notice.

*All commercial activities in public places are subject to these Terms and Conditions*

1. The approved area which can be occupied must leave a minimum 1.5 metre (1.8m preferred) clear access for pedestrian traffic.
2. Letter of support from adjoining (either side but same side of the street) business owners or lessees is desirable.
3. No tables, chairs or displays are permitted where the proposed area is adjacent to a bus stop, taxi stand or pedestrian crossing.
4. The activity will not obstruct, or interfere with, the use of Council street furniture or rubbish bins by the Public.
5. Business signage to comply with required clearances so pedestrian access is not impeded.
6. No alcohol is to be served, supplied, or consumed in the alfresco dining area unless the appropriate alcohol license permits such activity.
7. The approval only allows the licensee to use the approved area while the business is operating from the premises.
8. The licensee is required to remove tables, chairs and any other equipment associated with the operation at 10pm each day unless otherwise approved.
9. It is the licensee's responsibility to keep the approved area clean and tidy at all times and free from any health and safety hazards.
10. The licensee must ensure that use of the approved area does not obstruct access to or egress from the premises or adjoining premises or impede pedestrians from using the footpath.
11. The licensee must ensure items placed in the approved area do not impede or interfere with the visibility from intersections adjacent or near the approved area.
12. Fees will be determined by Council and are payable before approval is issued.
13. The approval is not transferrable. If there is a change of licensee a new application is required to be lodged.
14. The owners must abide by the direction of authorised Council Officers.
15. Council accepts no responsibility for any damage or physical injury caused by the owners' operation.
16. Public liability insurance is to be held by the owner and the Council will require evidence of such insurance.
17. The licensee must obtain and comply with any other relevant consents or permissions at their own expense, regarding the extension of their premises including but not limited to building consent under the Building Act 2004, resource consent under Resource Management Act 1991.
18. Where smoking is permitted, each table in an alfresco dining area 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. Council promotes the identification of smoking and non-smoking areas within alfresco dining where practical.
19. Patrons will not allow dogs, prams or personal items to obstruct the walkway zone.
20. Food and beverages are not to be served to patrons standing on the footpath within the walkway zone.
21. No noise or other disturbance creating a nuisance or causing detriment to the amenity of the neighbourhood, in the opinion of Council, are allowed.
22. No existing street element or asset may be removed, relocated, or modified without the written consent from the appropriate Council Manager e.g. trees, signs, bins, seats or public facilities.
23. Once approval is obtained it must be renewed on an annual basis before the approval expires.

## Specific conditions for outdoor dining furniture

1. Furniture must be movable, not permanently fixed. The licensee must store all tables, chairs, planter boxes, barriers, umbrellas and outdoor heaters inside the premises at the end of each trading day unless otherwise permitted.
2. Furniture must be suitable for all weather conditions and continuous use. The licensee must remove broken furniture immediately to avoid accidents.
3. The licensee may use umbrellas if there is no building veranda. These must be weighted down with removable weights such as sandbags or anchored in a similar manner.

## Road Safety

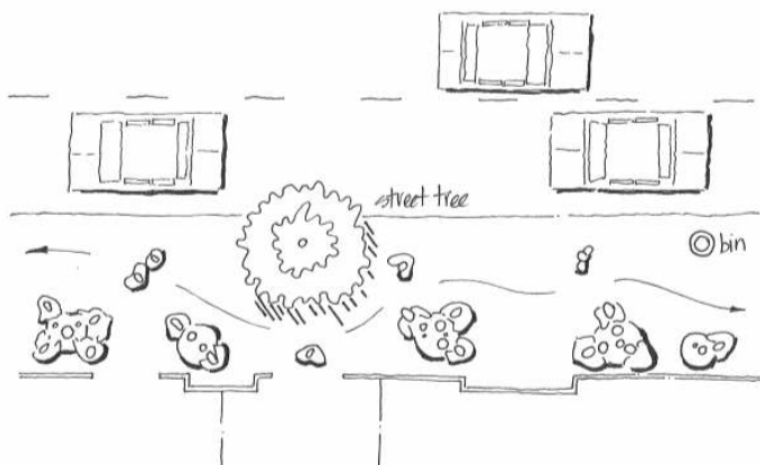
**Arterial roads** are major roads with high traffic volumes or a significant component of through-traffic. These include major roads into and through the District (excluding State Highways), and roads servicing significant areas of development.

**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 area 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.

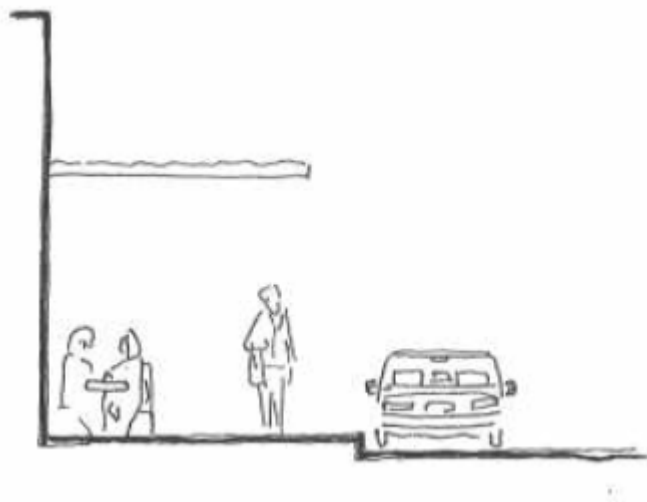
#### ***Example of alfresco dining on arterial / collector road***



#### **Requirements for Alfresco Dining on Arterial / Collector Roads**

1. The alfresco dining area is located adjacent to the property line
2. Minimum width of the footpath area in front of the establishment is 2.75m
3. Minimum width of the alfresco dining area is 1.0m
4. Minimum width of the walkway zone must be 1.5m
5. If there is parking on the road, then the minimum width of the kerb zone must be 0.5m
6. The alfresco dining area should be at least 2.0m from the kerb to allow sufficient space for pedestrians.

#### ***Cross section example of alfresco dining on arterial / collector roads***

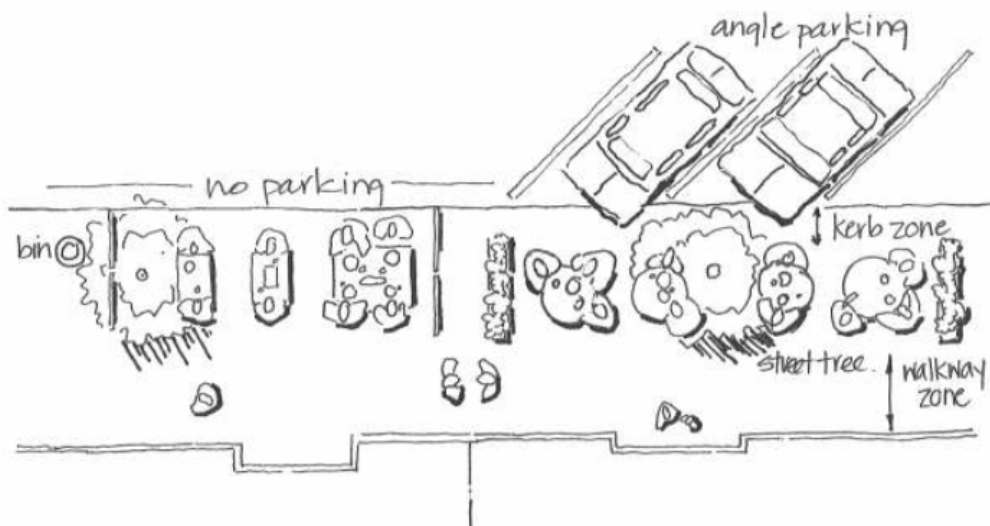


#### **Local Roads**

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 provide routes for traffic.

Where the business fronts onto a local road, the alfresco dining area will be located adjacent to the kerb. This will allow for pedestrians to walk closer to the property line of businesses.

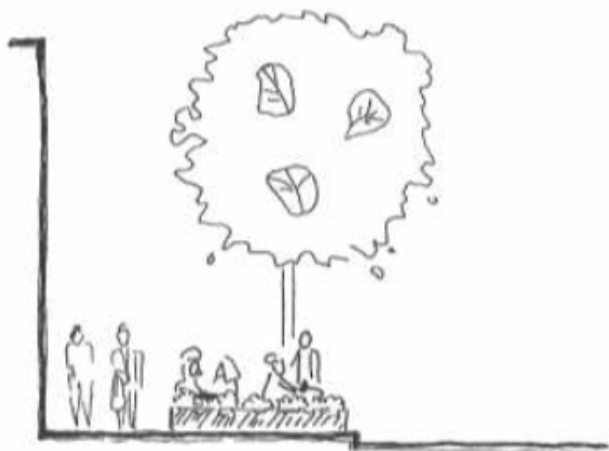
#### ***Example of alfresco dining on local roads***



### Requirements for Alfresco Dining on Local Roads

1. The alfresco dining area 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
2. Minimum width of the footpath area in front of the establishment is 2.75m
3. Minimum width of the alfresco dining area is 1.0m
4. Minimum width of the walkway zone must be 1.5m
5. If there is parking on the road, then the minimum width of the kerb zone must be 0.5m
6. Where the alfresco dining area 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
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. The alfresco dining area 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

### Cross section example of alfresco dining on local roads



### IMPORTANT NOTE:

The personal information that you provide in this form will be held and protected by FNDC in accordance with our privacy statement, available at <https://www.fndc.govt.nz/Your-council/Performance-transparency/Privacy>

I / we hereby apply for the necessary approval to occupy public space for alfresco dining and have read the terms associated with that approval.

Signature of Operator / Licensee

Date (DD / MM / YYYY)