

SCHEDULE TWO

CURRENT PUBLIC STREETS ENCLOSURES POLICY

PUBLIC STREET ENCLOSURES POLICY

That the Public Street Enclosures Policy, as follows, be adopted:

1 INTRODUCTION

Outdoor eating and drinking in the City adds life, interest and colour to the street scene and enables more people to enjoy the pleasure of dining alfresco. This activity is of considerable value to the central city and suburban areas alike, for social and recreational purposes and is welcomed.

The licensing of public space for private activities can provide a greater commercial opportunity that enhances the value of the activities in the adjoining buildings. It is understandable that commercial operators will wish to maximise that opportunity by effectively creating a privately controlled and restricted use of that licensed public space. It is also clear that the creation of privately controlled, enclosed street spaces can result in a number of potentially undesirable environmental effects.

This policy will guide the Council in decision making regarding the desirability or otherwise of licensing public space for outdoor dining. The Council, as landowner needs to consider the private, commercial benefits and balance the environmental and community benefits and disbenefits of these uses for licensed public space. This balance is reflected in this policy.

The policy has been drawn up having regard to the following matters:

1. The relevant policies and objectives contained within the Proposed Christchurch City Plan
2. Other relevant Council policies, strategies and bylaws
3. The Council provides public space for the benefit of the general public, not for commercial benefit.
4. That the Policy be fair and equitable to all businesses
5. Only protection for outdoor diners from fair weather to moderate adverse weather wind conditions can be expected.
6. The Council is mindful of the cumulative effects of enclosing structures and advertising
7. A co-ordinated, complementary approach will be required where there are a number of adjoining owners licensing the street space.
8. The Council wishes to avoid excessive visual clutter and ensure a high quality of street enclosures and furniture
9. The Council wishes to ensure that enclosures and furniture do not adversely effect the appearance or architectural or historic integrity of the buildings with which they are associated, nor the view along the street or across a public space.
10. Pedestrian movement should not be unduly hindered.
11. The needs of disabled, young and elderly users of the public street space must be considered
12. The Council does not wish to inhibit the temporary use of the street space for special events

2 LICENSING OF PUBLIC AREAS

This Policy for the licensing of public areas applies to the Special Purpose (Pedestrian) Precinct Zones and to public streets. The Council may licence areas to individual operators located in buildings adjoining public areas who can provide complementary services and facilities of a good standard.

All public areas that are in private use for outdoor dining shall be subject to a licence agreement with a rental reflecting the value of the site and conditions that are appropriate to the nature of the public space.

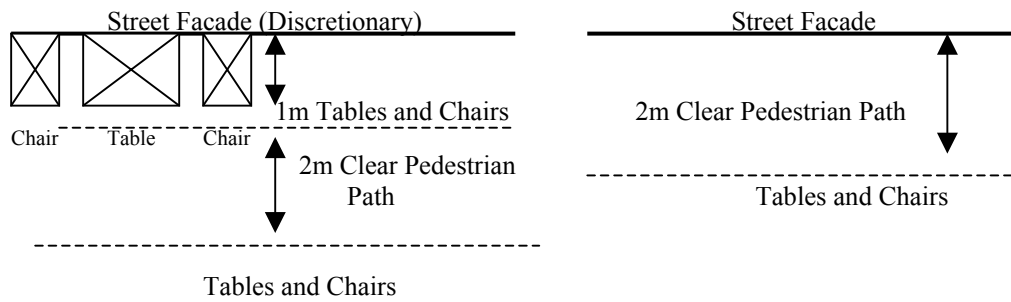
The City Council shall determine:

1. The appropriate level of pedestrian access,
2. The level of enclosure, and
3. The types of street furniture that are appropriate for the licensing of any specific site.

1 Pedestrian Access

Licensing of public streets for commercial use will not be considered where the footpath width is less than 3m except that in areas of low pedestrian frequency this may be discretionary.

All licensed areas shall have full public pedestrian access maintained for a depth of 2m of the footpath at not more than 1m from the street façade (back of path). This requirement may be discretionary in some areas (other than pedestrian malls) such as Oxford Terrace, Cathedral Square. The location of the 2m access path (either adjacent to the street facade or 1m away), will be consistent for the length of the street block.



There will be no licensing of public footpath for outdoor dining in Worcester Boulevard between Cathedral Square and Rolleston Avenue.

2 Levels of Enclosure

Levels of enclosure of licensed areas have been identified as follows. Enclosures of Levels 1,2 and 3 **will** be permitted. Enclosures of Level 4 **will not** be permitted.

<p>Level 1 No enclosure Street furniture in an open street setting with generally unimpeded physical and visual access by pedestrians</p>
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<p>Level 2 Minimal Enclosure Street furniture in an open street setting within a physically defined licensed area, restricting public but not visual access</p>
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<p>Level 3 Partial Enclosure Street furniture in a setting partially enclosed by low level glazed screens and overhead canopies and verandas</p>

<p>Level 4 Full Enclosure Street furniture with continuous or semi continuous overhead, side and front enclosures (even where retractable) that are supported by structural frames with columns in the public space.</p>

(Note : This level of enclosure of licensed areas is not permitted)

3 Street Furniture

Shall include only the following items appropriate to each level of enclosure:

<p>Level 1 Outdoor dining furniture - Tables, chairs and umbrellas</p>

<p>Level 2 Outdoor dining furniture - Tables, chairs and umbrellas Street furniture - bollards, planters, ropes, menu stands, gas heaters, safety rails</p>
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<p>Level 3 Outdoor dining furniture - Tables, chairs and umbrellas Street furniture - bollards, planters, ropes, menu stands, gas heaters, safety rails</p> <p>Overhead canopies with quality canvas or tensile fabric and retractable metal frames and/or glazed canopies fixed to the building façade. No canopy supports to be located in public areas</p> <p>Side enclosures to licensed areas (at right angles to street façades) from transparent, laminated or toughened glass 1800mm in height fixed to planters or pavement support posts.</p> <p>Transparent laminated or toughened glass front enclosures of a maximum height of 1300mm. Where licensed areas have a perimeter at street corner then the 1800mm glazed side screen may be returned at 1800mm high along the frontage for 1200mm, at that street corner.</p>

There shall be a clear visual differentiation between the permanent features of our public spaces and the street furniture associated within a licensed area.

4 Temporary structures

This Policy does not apply to temporary structures in the street. It should be noted that formal street stopping procedures are required if structures in streets are to be erected for more than 31 days in any one year.

5 Private use of public airspace

The issue of the licensing of public air space for commercial use has been addressed by the Airspace over public roads policy. The issue of enclosures to upper level floors projecting out over public airspace, has not been specifically addressed by this policy which relates to ground level uses.

6 The application process

The process for assessing applications to license public street space for outdoor dining will be as given in Appendix 1

7 Street enclosure schedule

A schedule will be kept of streets, or parts of streets, for which street enclosure levels have been agreed. A sample schedule is included as Appendix 2.

3 DETAILED POLICY REQUIREMENTS

All licences shall also be subject to the Detailed Policy requirements (including design, appearance and location of these items of street furniture), any operational provisions of the licence, and Resource Consent, Building Consent, fire and safety requirements, sign permits and Bylaw approvals as appropriate.

3.1 Information Requirements

To ensure that a good standard of amenity is maintained a suitable standard of exterior furniture and layout should be provided by individual licensees as a condition of licence. Prospective licensees will therefore be required to obtain approval for the furniture style, standard and layout. The information submitted with a licence application shall include –

- (a) Designs for all proposed furniture including tables, chairs, planters, glazed screens and supports, heaters, planting, bollards/ropes, safety rails, canopies and umbrella designs and also their materials, finishes and colours.
- (b) Plan layout of all elements
- (c) Planting materials
- (d) Cyclic maintenance schedule
- (e) Further information required for regulatory consents

3.2. Design Requirements

The following requirements will be taken into account in reviewing all licence applications. These are intended to ensure that a good quality standard is achieved in all individual facilities. Approvals will be the responsibility of the City Streets Manager and includes any officer team authorised to act in that behalf as described in Appendix 1

a) Design

- All street and dining furniture, canopies, screens and signage shall be to an approved standard of design and construction.
- All street and dining furniture should be constructed of substantial materials and with a quality, durable finish suitable for external public use. Timber should be finished with paint, stain or polyurethane to provide a good standard of finish that can be easily cleaned. Canopy materials shall be either canvas or shade cell fabric (woven nylon/rayon open-cell fabric). Steel or other metals shall be finished with a good quality paint finish or shall be anodised or chromed to a standard suitable for external use.
- All individual furniture items such as chairs, tables, umbrellas should be complementary in design and appearance within any one licensed area.
- Umbrellas shall be circular (panelled), rectangular or square and have canvas or similar covering material. Circular umbrellas shall be of a maximum diameter of 2.6m, rectangular or square umbrellas shall have a maximum dimension of 2.6m measured on the diagonal of the umbrella.

- No multiple, interlocking or abutting umbrellas will be permitted.
 - Umbrellas shall be freestanding with a single central support. At the discretion of the City Streets Manager an umbrella may utilise a flush sleeve in the pavement for support provided the umbrella is not permanently fixed and may be removed at any time
 - A canopy may be cantilevered horizontally from a building or from a veranda. These canopies shall be not deeper than 4m and shall be fully retractable. A veranda shall not be greater than 3m in depth and shall comply with the veranda bylaws.
 - The clearance between the footpath and the underside of an umbrella shall be not less than 1.8m
 - The combined depth of a canopy and/or veranda shall not be greater than the depth of the licensed area, 7m or 530mm clear of the kerb line, whichever is the lesser.
 - There shall be no vertical supports for canopies in the public space. Vertical supports for verandas will be discretionary and will depend on the site location and the effect on enclosure of the public space.
 - Canopies and verandas proposed to be fixed to heritage buildings listed in the Proposed Christchurch City Plan, will require a Resource Consent for an alteration to a heritage building. Other consent requirements will be dependent on the size and location of the veranda or canopy.
 - Bench seating, multiple seating and seats and tables integrated into single furniture units will not generally be acceptable.
 - Side and front screens should not be seen as a visual barrier. Therefore they will be plain, transparent laminated or toughened glass, apart from the support structure. Glass shall not be coloured, tinted, obscured, patterned, etched or sandblasted except for safety vision strips which shall have a maximum depth of 100mm.
 - The maximum height for side screens will be 1800mm from the ground. Where licensed areas have a perimeter at street corner then the 1800mm glazed side screen may be returned at 1800mm high along the frontage for 1200mm, at that street corner. Front screens shall be glazed transparent screens as for side screens but to a maximum height of 1300mm.
 - For safety reasons, no external stays will be allowed to support screens. Instead, screens may be supported by vertical poles placed in a flush sleeve in the pavement, at the discretion of the City Streets Manager. Alternatively vertical supports may be attached to planters or be free-standing provided no base shall project outside the licence area.
 - The planters or other similar elements may be used to define an edge to the licensed area to avoid clutter and spread. Planters shall be between 400mm to 550mm in overall height. Plant material shall be at a maximum of 800 mm height from the ground at any time. Consideration may be given to individual trees or shrubs of greater height where a specific visual emphasis is required and the plant will not form a visual barrier.
 - All street furniture shall be self-supporting or cantilevered from within the pavement and not fixed to the pavement. All street furniture shall be stable in windy conditions and shall not present a health and safety risk. Any furniture which does present such a risk shall be removed from the licensed area when weather conditions become unsuitable.
 - No street furniture including supports in the pavement shall be fixed and shall be immediately removable at the request of the City Streets Manager for services maintenance and repair, pavement cleaning, or for such other reasonable circumstance as may arise.
- b) Colour
- Simple combinations of a small palette of colours in street furniture will be most effective in maintaining a high standard of amenity within and relationships between outdoor areas.
 - Colours of furniture may include white, neutral tones (including natural timber) and darker shades of colours such as blue, green or red. Black, dark grey or silver may also be appropriate for some items such as chairs.
 - Umbrellas shall be of the same colour or a limited range of related colours within any licensed area. Darker colours generally show less discolouration due to dirt and will probably need to be replaced less often than for lighter coloured material.
 - Canopies should preferably be of a single colour to minimise visual clutter. While darker colours will show less discolouration, the larger areas of canopies may suit the use of lighter colours.

c) Layout

- The extent of licensed areas shall be identified on the ground. This may be by permanent pavement markers, planters, planter boxes roped bollards and/or side screens. Low level enclosing elements shall provide the visually impaired with sufficient guidance for such persons to remain clear of footpath obstructions within licensed areas.
- The extent of planters and screens etc shall be sufficient to visually define the area but shall need not be continuous around the whole licensed area.
- The layout of the licensed area shall be related to the geometry of the public space, the street grid or other significant features of the space. Any change in layout must be subject to a further approval.
- Reticulation for services if required shall be visually unobtrusive and integrated into the furniture elements or shall be underground subject to the terms and conditions of the licence, safety requirements and approval by City Streets.

d) Advertising

- Advertising shall be restricted to site identification signs, emblems or logos integrated with umbrellas, side screens, menu boards or planters within the licensed area. Freestanding signage will not be permitted.
- Advertising shall be limited to a maximum area for each sign of 0.15 sq metres and a total number of signs of 1 per 10 sq m of licensed area. Individual logos on the panels of one umbrella will be regarded as one sign.
- Signage on canopies or building facades is subject to the City Plan signage rules and may require Resource Consent.
- Signage on the street shall be contained within the licensed area and will be subject to the City bylaws

e) Plant materials - Criteria for selection

Plant materials shall be suitable for the location and purpose. Annuals or perennials will be considered for colour and display. All plant material is to be maintained, replaced or supplemented to ensure a good standard of planting at all times of the year.

f) Cyclic Maintenance

The continued appearance of a good quality outdoor area requires consideration of daily, weekly, monthly and yearly maintenance schedules for plant material, tables, chairs, planters, wind screens, lighting, verandas, canopies or other elements. These maintenance schedules shall be submitted to the Council with the application and such maintenance shall be carried out in accordance with the approved schedule as a condition of the licence.

APPENDIX 1

Public Street Enclosure Policy – decision making process

1. Applications to lease public street space for outdoor dining should be made to the City Streets Unit manager.
2. The level of pedestrian access, level of enclosure and types of street furniture permitted in any location will be in accordance with the Public Street Enclosure Policy as determined by an officer team appointed by the City Streets Unit Manager. The decision will be made having regard to the following criteria:
 - i. Width of footpath
 - ii. Level of pedestrian traffic
 - iii. Amount and nature of adjoining activity
 - iv. Level of vehicular traffic
 - v. The impact on the amenity and appearance of the area
3. The proposed design, quality, materials, colours and layout of the street furniture will be assessed, by the officer team to ensure that they are in accordance with the detailed policy requirements of the Public Street Enclosure Policy.

4. Where:
- i. the application is declined by the officer team but they consider there may be special circumstances
 - ii. an application not in accordance with the policy is recommended for approval or
 - iii. the proposal is likely to have significant effects

The application will be passed on to the Central City Streets subcommittee of the Sustainable Transport and Utilities Committee for decision. If the application site is outside the central area (i.e. outside the four Avenues) the Chair (or their nominee) of the relevant Community Board will be coopted onto the subcommittee.

5. In some situations Level 3 enclosures will require Building Consent and/or Resource Consent. Applicants will be advised when they submit their application, what will be required. Before proceeding with a Resource or Building Consent application, applicants may wish to discuss the terms of a licence with the Council's Property Unit.
6. Once technical approval is granted a Licence Agreement can be negotiated with the Property Unit.
7. Enforcement action will be taken against businesses placing any furniture or erecting any enclosures on the public pedestrian precinct or street, for which the necessary license and consents have not been obtained.

APPENDIX 2

Sample Public Street Enclosure Schedule

Schedule to be updated as requests for street enclosures are considered

Ward	Street	Access Level*	Enclosure Level**
Hagley Ferrymead Central City	Worcester Boulevard Cathedral Square Oxford Terrace Cashel Mall New Regent Street	A B & C C B B	None 1,2,& 3 3 2 & 3 1
Rest of Hagley Ferrymead	Marriner Street, Sumner between Wakefield Ave and The Esplanade - 2m strip adjacent to façade, kerb buildouts appropriate	B	1
Burwood Pegasus	New Brighton Mall	B	3
Fendalton Waimairi	Holmwood Road – single table and 2 chairs adjacent to facade	B	1
Riccarton Wigram	Riccarton Road	B	
Shirley Papanui	Papanui Road (Merivale)	A	
Spreydon Heathcote	Colombo Street (Sydenham) Colombo Street (Beckenham) Colombo Street (Cashmere)	B B B	1 1 2

***Levels of Access:** A Full pedestrian access, B Partial pedestrian access (i.e. 2m thoroughfare) C No pedestrian access except for patrons of the premises

****Levels of enclosure:**
No structures allowed in Category A spaces.

Level 1 - No Enclosure

Street furniture in an open setting with generally unimpeded physical and visual access by pedestrians

Level 2 - Minimal Enclosure

Street furniture in an open street setting within a physically defined licensed area, restricting public but not visual access

Level 3 - Partial Enclosure

Street furniture in a setting partially enclosed by low level glazed screens and overhead canopies and verandas

Council
26 September 2002