



TITLE: OUTDOOR DINING POLICY

REFERENCE NUMBER:	DOC/17/26930
RESPONSIBLE DEPARTMENT:	Health & Public Safety
APPLICABLE LEGISLATION:	Local Government Act 1999 Development Act 1993
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	CW2.5 Imbed safety principles into asset management and design CW2.6 Undertake town planning and infrastructure provisions to facilitate healthy lifestyles and safety by design in development EP1.3 Collaborate on new infrastructure investment to underpin economic development EP2.2 Focus on the economic development potential of town centres, activity nodes and main streets EP2.3 Support industry sectors based on the regional strengths of niche agriculture and value-adding, eating and drinking, nature-based tourism, creative industries and education EP2.4 Support small and medium enterprise UE3.2 Ensure that quality built outcomes, green infrastructure and open space activation are prioritised in the development and renewal of town centres and main streets UE4.2 Encourage retail, hospitality and commercial office activities.
RELATED POLICIES:	Nil
SUPPORTING PROCEDURES:	Outdoor Dining Procedures
ENDORSED BY COUNCIL:	1 May 2017
NEXT REVIEW DATE:	May 2021

1. POLICY STATEMENT

This policy applies to the whole of the Mount Barker District Council and requires any business operating outdoor on public land to hold an Outdoor Dining Permit. Obtaining an Outdoor Dining Permit will generally be conditional on meeting the general objectives provided in this Policy and the Outdoor Dining Procedure Manual.

2. POLICY OBJECTIVES

The primary policy objectives of this Policy are to:

- Outdoor dining experience is a desirable part of our lifestyle and such facilities add significantly to the character, liveliness and style of a street, park or shopping precinct.
- If public land is proposed to be used for this purpose, Council must ensure that proprietors of restaurants, hotels, café's and shops provide outdoor dining in a responsible, safe and appropriate manner within existing Acts and Regulations. This is the purpose of this policy.

3. DEFINITIONS

An outdoor dining area is defined as an area of public land such as roads, footpaths nature strips and reserves. Within this area an adjoining business operator may with approval place furniture such as tables, chairs, benches, planters, umbrellas and screens for the outdoor consumption of food and beverages.

Contractors shall mean a company or person(s) engaged by Council to provide assets, goods, works or services.

Council Members shall mean the duly elected representatives of the community, including the Mayor and all Councillors.

Employee: Shall mean any person engaged by Council under an employment contract.

Volunteers and Work Experience Persons: shall mean individuals assisting Council in clearly defined, approved activities and who operate under Council supervision.

4. ROLES & RESPONSIBILITIES

Council:

- **Manager, Health and Public Safety – issuing of outdoor dining permits**
- **Public Safety Officers – regulation**

5. SPECIFIC POLICY INFORMATION

5.1 Safety

Outdoor dining will be assessed on a case by case basis. There may be some locations where, for safety reasons, a Permit will not be granted.

5.2 Defined Area

A defined area for outdoor dining will be approved by the Council only if it allows for safe pedestrian circulation and access, improves or maintains the existing amenity of the area, provides for convenient use and does not compromise or restrict the sight lines of motorists.

For the safety of patrons and pedestrians, outdoor dining furniture within the defined area is to be retained in that area at all times.

5.3 Public Liability

To ensure that the operators of an outdoor dining area indemnify Council against all claims arising within the outdoor dining area a Permit holder must provide adequate public liability insurance cover.

5.4 Permits

The issue of a Council document approving the use of public land for outdoor dining is subject to rules and conditions.

5.5 Streetscape Character

To ensure the character and amenity of a street is to be enhanced by the addition of outdoor dining.

5.6 Awning and Shade Structures

Umbrellas may be used. Umbrellas must be securely fixed to prevent blowing over in strong winds.

5.7 Fixed Glass Screens and Plastic Blinds

Fixed glass screens and plastic blinds provide protection from noise and wind, and assist in the definition of the area to be used for outdoor dining.

5.8 Bollards

Where deemed appropriate by Council, bollards must be installed for the protection of outdoor diners. Bollards should comply with the most current Australian Standards and meet the satisfaction of Council.

5.9 Planter Boxes

Planter boxes may be used to provide further definition to outdoor dining areas as well as variety and colour to the street.

5.10 Street Furniture Style

Furniture should enhance the amenity of the area and provide a well-designed practical suite that is durable, attractive and fits within the existing street character.

5.11 Materials and Colours

To maintain the appearance and structural integrity of outdoor furniture, durable materials and colours able to withstand harsh use should be used.

5.12 Advertising and Signage

Advertising and signage is controlled by the Development Act 1993 and Local Government Act 1999 and generally requires Development Approval.

Third party advertising is not permitted on items of furniture placed within the outdoor dining area. However, the outdoor furniture is permitted to have the name or logo of the premises placed on it as a minor element in the design.

6. Management

6.1 Hours of Operation

The hours of operation of the outdoor dining area shall be the same as the hours of operation of the associated premises.

6.2 Maintenance and Cleaning

The street furniture, including planting boxes, belonging to an outdoor dining area must be kept in a safe and well-maintained condition.

Permit holders are responsible for cleaning furniture, the outdoor dining area pavement and the adjacent footpath.

6.3 Preparation and Handling of Food

All food and beverages for consumption in the area defined must be prepared in the adjoining premises.

6.4 Removal of Furniture at Close of Business

All tables, chairs and umbrellas must be removed from the public land at close of business each day. Tables may be permanently fixed to the public land with the approval of Council.

6.5 Consumption of Alcohol

The consumption of alcohol within an outdoor dining area must be approved by the Office of Liquor and Gaming Commission.

6.6 Music

The playing of music or noisy activity within the outdoor dining area must not cause nuisance to any other neighbouring business or land owner.

6.7 Toilets

Toilet facilities should be made available to patrons wherever possible, and must be provided where alcohol is served.

6.8 Lighting

Adequate lighting must be provided where outdoor dining occurs outside daylight hours to ensure safety and amenity for pedestrians and patrons.

7. PARKLETS

Council, at its discretion may make available a parklet, for use as outdoor dining, through its Parklet Program. The parklet may be part of a 1 year trial or 3 year lease period. An Expression of Interest (EOI) will be undertaken, encouraging applicants to apply for the opportunity to host a parklet. Should extenuating circumstances arise, Council may award a parklet without first undertaking an EOI but must always undertake an assessment against the evaluation criteria.

With all parklet instalments, a lease agreement will be drawn-up between Council and the successful applicant. An evaluation criteria will be used to assess all applications/proposals to ensure consistency and transparency in all decision making. This criteria will cover the following matters:

- Needs Assessment (existing and forecasted dining activity)
- Car Parking
- Safety/Location
- Level of Activation
- Operating hours/day
- Link to endorsed Strategies

8. REVIEW

This Policy will be reviewed every four (4) years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Manager Health and Public Safety.

9. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au.

10. FURTHER INFORMATION

For further information on this Policy, please contact:

Title: Manager Health and Public Safety

Address: PO Box 54, Mount Barker
South Australia, SA, 5251

Telephone: 8391 7200

Email: council@mountbarker.sa.gov.au