

POLICY NO EP10 ON STREET DINING

DEPARTMENT:	Development Services
RESPONSIBLE OFFICER:	Manager Infrastructure & Development Services
LINK TO STRATEGIC PLAN:	Ensure sustainable management of natural and built resources is respectful to our unique location
STATUTORY AUTHORITY:	Local Government (Highways) Act 1982 Local Government Act (1993)
OBJECTIVE:	To establish a framework that encourages appropriate on street dining and manages impact on the use of footpaths as access corridors
POLICY INFORMATION:	Adopted 15 December 2014 – Minute No 12/14.11.7.355 Amended 16 July 2018 – Minute No 07/18.15.5.170

POLICY

1. SCOPE

This policy applies to townships and shopping precincts within the Break O' Day Council municipality.

2. POLICY

In accordance with the controls set out in Section 21 of the Local Government (Highways) Act 1982 Council will support street dining in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a permit subject to the following:-

2.1 Method of Control

- (a) Street dining is to be controlled by the issue of Council Outdoor Dining Permit (Permit) that applies to street dining on the pavement area immediately outside the food premises.
- (b) Permits will only be issued to food premises that are registered by Council's Environmental Health Officer and which comply with the Tasmanian Food Act 2003.
- (c) Permits will specify the conditions of use outlined by this policy.
- (d) Permits may be cancelled if policy requirements are not complied with, following due warning for non-compliance.
- (e) Notwithstanding the fact that policy guidelines can be satisfied, Council is under no obligation to issue a Permit and each Permit is issued solely at Council's discretion.
- (f) Permits will be issued or renewed annually from 1st July.

2.2 Outdoor Dining Permits

Council will issue successful applicants with an Outdoor Dining Permit that will be from the date of issue to 30 June. No fee will be charged by Council. The applicant will be responsible for applying to renew the Permit on an annual basis.

2.3 Indemnity

Permit holders are to hold a public and products liability insurance cover extending over the area designated for street dining. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

A certificate of insurance must be produced which covers the term of the Permit proposed, and must not be cancelled during the duration of the Permit.

2.4 Operational Requirements

- (a) All equipment, furniture and signs must be removed at cessation of each days trading by the Permit holder including screens and support posts. Footpath sockets must be plugged.
- (b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- (c) The Permit holder must maintain dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer.
- (d) The Permit holder must maintain all areas of encroachment, and adjacent areas, in a clean and sanitary manner including, but not limited to: emptying waste bins; washing pavements on a daily basis; promptly cleaning/washing away any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- (e) The Permit Holder shall not dispose of table waste into existing street litter bins.

2.5 Health and Other Regulations

Any other permits required by law must be obtained by the permit holder, and any other Council regulations must be complied with.

2.6 Guidelines for Placement of Street Dining Furniture

- (a) Street dining is permitted in two zones:-
 - Shopfront Zone: parallel strip abutting and running the length of the shopfront
 - Kerb Zone: parallel strip running the length of the shopfront, 900mm back from the kerb.

A minimum clear width of 1.7m for pedestrians shall be maintained at all times between the two zones.

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs, a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

- (b) No encroachment is allowed beyond the side boundaries of any property.
- (c) No furniture is to be placed within 1m of any street furniture or street tree.
- (d) The permit holder is responsible for maintaining the required clearances at all times.
- (e) Outdoor dining is not permitted adjacent to disabled parking bays, loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

2.7 Furniture Design Parameters

(a) (i) Tables and Chairs

Tables and chairs to be strongly constructed and designed for a public environment.

(ii) Screens

Screens defining the outer dining areas to be based on removable posts, set in sockets installed by Council at the applicant's cost or secured to the satisfaction of Council. Posts and screen frames to be colour compatible with street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture.

(iii) Umbrellas

Umbrellas to be of durable construction, designed for a public environment and set in suitably designed and weighted bases capable of securing an umbrella in strong/gusty wind-conditions.

- (b) Advertising logo or signs are not-permitted on tables. However, logos only, may be permitted on umbrellas, screens and chair backs.
- (c) Special furniture or furniture not complying with guidelines may be submitted for consideration.

2.8 Guidelines for Portable Pavement Signs

Signage shall comply with the purpose, application, definition and standards of the Break O'Day Interim Planning Scheme 2013, section E15 'Signs Code'.

Portable signs shall meet the signage standards described in Section E15.3 and E15.4.2 as they apply for:

- All portable signs
- "A"-frame and "T" signs
- Seasonal Produce Signs
- Menu Board signs.

2.9 Application Process

- (a) An applicant is required to submit the following:-
 - i. A written application together with a plan to a suitable scale showing the size, the number of tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - ii. A copy of public liability insurance showing indemnity in favour of the Council
- (b) When all information has been received Council will decide within fourteen days whether to issue a Permit. In the event of approval, the applicant will have to meet all the requirements of the Permit before commencement of street dining. Where an application is refused, Council will provide grounds for refusal.
- (c) In the event of an application being refused the applicant has the right to appeal within twenty one days, to the General Manager for a review of the decision.

3. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager