



Outdoor Dining Procedure

<u>1. INTRODUCTION</u>	3
1.1 Scope	3
<u>2. OPERATING GUIDELINES</u>	3
2.1 Guidelines for Effective Implementation	3
2.2.1 Definition	3
2.2.2 General Principles	4
Safety	4
Location and Siting	4
Amenity and Appearance	5
Outdoor Dining Associated with Heritage Buildings	5
Footpath Widening	5
Advertising	6
2.2.3 Siting Criteria	6
Safety	6
Footpath Clearances	7
Kerb Setbacks	7
Other Setbacks	9
2.2.4 Layout, Design and Appearance	9
Tables and Chairs	10
Enclosures	11
Glass Screens	11
Plastic Blinds	12
Canvas Screens	12
Removable Umbrellas	13
Energy Absorbing Bollards	13
Planter Boxes	14
Gas Heaters	16
2.2.6 Management	20
Maintenance and Cleaning	20



Outdoor Dining Procedure

Removal of Furniture	20
Consumption of Alcohol	21
Stormwater Management	21
Lighting	21
2.2.7 How to Apply	21
Where to Apply	21
How to Apply for a New Permit	22
Do I Need Development Approval	23
Changes to the Public Realm	23
Approval Process	23
How to Apply for Alterations	24
Fees	24
Permit Renewal and Cancellation	24
Public Risk Insurance	24
Contacts at Clare & Gilbert Valleys Council	25

TABLES

Table 1	Footpath Clearances and Kerb Setbacks	8
Table 2	Suggested Plant Species	15

FIGURES

Figure 1	Illustrations of Design and Appearance Principles	17
Figure 2	Furniture Examples	18
Figure 3	Screen and Umbrella Examples	19



Outdoor Dining Procedure

1. Introduction

Our mild Mediterranean climate makes the Clare & Gilbert Valleys an ideal place for outdoor activity. This includes the South Australian tradition of eating and drinking al-fresco, enjoyed by locals and visitors alike.

To facilitate outdoor dining, Council has a system of issuing permits for outdoor dining to cafes, hotels, restaurants and delicatessens for the use of part of the footpath space directly outside their premises. However, Council is also aware of the competing interests in the use of its footpaths and is keen to establish a practical balance among the various users.

Accordingly, Council has developed this set of guidelines to cover the location and design of outdoor dining facilities. They present an integrated approach to the design and management of the Council's public realm to improve its usage, quality and image. These guidelines have been developed in a spirit of collaboration and cooperation, to streamline the process of issuing Outdoor Dining Permits while also balancing the needs of all users.

In recognition of the contribution of outdoor dining to the life of the Council area, this procedure provides for a staged implementation for business owners to meet the specified requirements and to ensure that all outdoor dining facilities are managed in an equitable manner.

1.1 Scope

Outdoor dining may be allowed when the Council does not require space for public street furniture such as public seating and bins, which will be given priority to ensure an equitable provision of facilities are made available.

Generally, outdoor dining applications will be considered on their individual merits and assessed against this procedure. Proposed outdoor dining locations will also be assessed in terms of safety and may require the installation of Energy Absorbing Bollards if the site is deemed to otherwise be an unsuitable location, as determined by Council Works Department and Engineering staff.

The procedure applies to all areas of the Council; however, setbacks for outdoor dining vary based on the road type(s) and the requirement for Energy Absorbing Bollards.

2. Operating Guidelines

2.1 Guidelines for Effective Implementation

Several urban design principles aimed at enhancing the functions of the Councils footpaths underscore the approval process for an Outdoor Dining Permit. Addressing appearance, streetscape amenity and safety, as well as comfort and enjoyment, they are largely a matter of common sense; and consideration is given towards both pedestrians and patrons. The Council's footpaths are public property and have to be always respected and treated as such.

Outdoor dining shall not occur on any public street or public place until permission has been issued by Council in writing and in accordance with Section 222 of the Local Government Act for the use of the land for the purpose of outdoor dining and Section 221 of the Local Government Act if an encroachment is also proposed as part of the outdoor dining application.

2.2.1 Definition

Outdoor dining is defined as the use of the public footpath, for the purpose of extending the services of premises whose main function is for the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delis and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only



Outdoor Dining Procedure

operate when those premises are open for business. Outdoor dining should contribute to the vibrancy and conviviality of street life.

2.2.2 General Principles

Safety

It is understood that outdoor dining should provide a sense of safety and security for patrons at all times. Outdoor dining can also contribute to a sense of safety and security for residents and pedestrians because the street is under the customers and operators 'passive' surveillance.

As safety is of major importance for both pedestrians and patrons, outdoor dining is required to:

- Be located in an area that is considered safe for patrons and avoid locations that are deemed unsuitable;
- Meet the clearances and setbacks specified in this procedure for each particular circumstance;
- Ensure the outdoor dining area is set back from the building line at street intersections, at distances as specified in this procedure ;
- Ensure wheelchair access to pedestrian ramps ('pram ramps') is not compromised;
- Maintain an operator presence at all times, even during quiet times, to provide an active, inviting and safe place for people to sit and relax;
- Ensure the safety of adjoining buildings is not compromised by restricting access or adding unreasonably to fire potential; and
- Not obstruct pedestrian flow.

For outdoor dining areas to be approved, applicants will need to meet requirements for public access and circulation including for those people with disabilities and for diner safety. Council will assess each proposed outdoor dining location individually. If a location is deemed unsafe for this activity, approval may not be granted even if the application complies with the majority of procedure guidelines.

Location and Siting

Outdoor dining is only permissible when associated with existing or proposed premises whose core function is to provide food and beverages for the public, such as cafes, restaurants, delicatessens and hotels.

Outdoor dining is preferred in those streets where there is adequate footpath space to accommodate it, while not compromising pedestrian access and other streetscape activities.

Location and siting considerations include:

- Pedestrian and vehicular traffic, queuing and other waiting areas;
- Access to public street furniture such as seats, bicycle parking, rubbish bins, telephone booths and post boxes;
- The safety, interests and concerns of particular groups already using a street;
- Access to services, infrastructure, ramps and building entrances; and
- Access to parking, taxis, loading zones and bus stops.

Outdoor dining locations are limited to those areas not required for existing or proposed public use. Outdoor dining will not be supported where its location, size or layout may compromise public access, circulation, safety or other street activities.



Outdoor Dining Procedure

An outdoor dining area must be located directly outside the associated business premises.

An outdoor dining area must allow a clear, linear movement path. This principle ensures unobstructed movement along the Council's footpaths for all user groups, including the visually impaired.

Outdoor dining areas should be well set back from intersections of major streets carrying substantial amounts of traffic to ensure patron's safety and unobstructed pedestrian movement at crossing points. The location of pedestrian ramps and clear access to those ramps for people in wheelchairs must also be considered in the location of outdoor dining areas.

Amenity and Appearance

An outdoor dining area needs to relate to its surroundings, to protect and enhance the urban, heritage and streetscape appearance and character, including the quality of built form. This involves:

- Siting of outdoor dining areas to maximise a comfortable environment for patrons by providing the most protection from wind, sun, rain and feelings of exposure to vehicular traffic;
- Shade and shelter to be provided, where possible, by existing or proposed verandahs and street trees;
- Trees and other significant streetscape elements such as public art and heritage structures should not be obstructed, covered, removed, relocated or modified as a result of an outdoor dining area installation and operation;
- If the tree canopies are extensive, umbrellas should be kept at a minimum;
- Umbrellas, canopies and awnings may be an alternative when there are no verandahs or trees;
- Screens can be appropriate in selected locations to provide shelter from both wind and the proximity of vehicular traffic;
- High quality furniture that is comfortable, durable and of a style appropriate in its built form and streetscape context; and
- A constant presence by the operator is required for the regular cleaning and maintenance of the dining area to a high standard.

Outdoor Dining Associated with Heritage Buildings

Buildings, streetscapes or other works affecting places of State or Local heritage value have special significance. The design and location of outdoor dining areas adjacent to or near heritage places must be compatible with the heritage significance of the place so as not to detract from that significance.

Development Approval will normally be required for any permanent structures proposed in association with outdoor dining e.g. fixed screens, full height enclosures and signage. However special consideration will be given to these items if proposed in association with heritage listed places, to ensure that such work does not materially affect the heritage value of the place.

Footpath Widening

Greater emphasis on pedestrian movement and comfort has meant footpaths may become the subject of widening in areas where this is able to occur, with such work planned for the future. Kerb extensions, also called 'protuberances' are sometimes used in the Council to provide protection for parking bays, intersections and safe pedestrian crossing points.



Outdoor Dining Procedure

Footpath widening and protuberances enable outdoor dining to occur where there was previously inadequate space. Where outdoor dining is located on a protuberance additional protection may be required with the placement of Energy Absorbing Bollards, fixed glass screens or planters. These, together with umbrellas, require approval at the time of applying for an Outdoor Dining Permit.

Applications for protuberances specifically for outdoor dining cannot be considered unless in the context of an integrated streetscape design. The construction of protuberances has consequences for the wider area and issues such as loss of parking spaces, impact on other business (particularly retail), traffic and movement, stormwater management and impact on the townscape cannot be assessed in isolation.

In some areas permanent structures may have been erected on widened footpaths or protuberances to provide shelter for outdoor dining areas. Such structures are only supported where shelter cannot be adequately provided by street trees or umbrellas, and design principles as outlined in these guidelines apply.

Advertising

Signage to identify the business name or logo, or advertise goods sold on the premises is permitted on glass and canvas screens and umbrellas only. No third party advertising (i.e. advertising unrelated to the business) is allowed on any outdoor dining item.

Advertising and signage is controlled under the *Development Act 1993*, and the *Clare & Gilbert Valleys Council Development Plan*. It is subject to Council approval, and the following applies:

- Signage and advertising should be designed to improve and complement the amenity of the premises, and should be of a tasteful design and presentation to fit with the desired character of the area (as described in the Clare & Gilbert Valleys Council Development Plan);
- Advertising on outdoor dining items, such as removable umbrellas, awnings and screens, in the form of a well-designed business name or business logo is permitted. Advertising shall not exceed a portion that covers 10% of the total available space on each outdoor dining item or panel, up to half of which may be commercial advertising in the form of product logos used or sold by the premises;
- Advertising on glass screens must be located in the lower section of the panel (maximum height 0.7 m from the ground) so as not to impede sight lines;
- Advertising on plastic blinds is not permitted; and
- Advertising shall not be illuminated or animated.

Free standing signs placed on the footpath, such as A-Frames (also called moveable signs or sandwich boards) restrict pedestrian movement and represent a potential hazard in areas of high pedestrian use such as outdoor dining precincts, and are not permissible within, or in association with outdoor dining areas. Alternatives are available and include wall-mounted flags or boards mounted flush with the building frontage.

2.2.3 Siting Criteria

As well as outdoor dining locations needing to allow for safe pedestrian circulation and access, Permit approval also depends on improving or maintaining the existing streetscape amenity.

Outdoor dining areas must suit - and not constrain - convenient use of the footpath for such public purposes as seating, drinking fountains, telephones, parking meters, post boxes and major crossing points. Nor should they compromise or restrict motorists' sight lines. To facilitate a



Outdoor Dining Procedure

balance between the different uses of the footpath and to ensure safety for all users, clearances and setbacks for outdoor dining areas have been specified. Outdoor dining is not permitted as follows:

- Adjacent to bus stops and taxi zones;
- Adjacent to designated disabled parking spaces;
- In streets with footpath width of less than 3.2 m;
- Adjacent a roadway or footpath construction zone during the period of the project; and
- Adjacent to a loading zone unless sufficient width (i.e. 0.9 m) is available for unloading onto sack trolleys and for goods delivery to premises.

Council may at any time undertake a review of parking, loading and no-standing zones, etc. throughout the Council area, and may consider re-locating these features to facilitate outdoor dining if an appropriate alternative location is available.

Safety

Energy Absorbing Bollards (EAB's) may be required at outdoor dining locations that would otherwise be considered unsuitable for the purpose based on local traffic conditions.

Requirements for EAB's in unsuitable outdoor dining locations are to be assessed on a case by case basis but are likely to be required at sites which:

- Have been associated with loss-of-control crashes i.e. where vehicles have had an historical tendency to leave the roadway;
- Inherently present special risk factors for crashes, e.g. unusual cross-fall, steep longitudinal grade, or sites situated on the outside of road curves of radius less than 40 m;
- Are on Major Circulation Routes and are subject to large numbers of passing heavy vehicles in the kerb-side lane; and
- Have been identified as shared zones for the purpose of both vehicular and pedestrian traffic regardless of whether the carriageway has been identified as a 'Low Speed Environment'.

Council will undertake an assessment of each outdoor dining permit area at time of renewal of the permit, to determine the need for EAB's. This assessment will apply equally to existing and new outdoor dining areas.

Sites that are subject to frequent passage by heavy vehicles travelling at speed cannot easily be made suitable for outdoor dining even with the installation of EAB's, and as such, each application will be assessed on its merit.

Footpath Clearances

'Footpath clearance' refers to the distance between a building frontage or property boundary and the inner extremities of an outdoor dining area (including ALL associated items such as umbrellas, tables and chairs, planter boxes, etc.) when being used by patrons.

In areas where the footpaths are too small to accommodate the required kerb setbacks (e.g. Clare Main Street), outdoor dining must sit adjacent to the building façade and still allow there to be an acceptable amount of footpath clearance.

Footpath clearance measurements are to be taken from:



Outdoor Dining Procedure

- In the case of narrow footpath spaces (e.g. Clare Main Street) - the back of the chair (at a distance out from the table to equate with someone seated in the chair) OR the side edge of a table (whichever forms the boundary of the outdoor dining area) to the kerb – 1.8 m
- In the case of a wider footpath space – 2m

Kerb Setbacks

'Kerb setbacks' refer to the distance between the outer extremities of an outdoor dining area and other infrastructure items such as the kerb, street trees, public street furniture, and adjoining outdoor dining areas.

Kerb setbacks have been specified in order to allow for safe access, servicing and maintenance of the items, as well as providing sufficient movement between outdoor dining areas and to ensure the safety of patrons.

Kerb setback measurements are to be taken from the back of the kerb to the back of the chair (at a distance out from the table to equate with someone seated in the chair).

Kerb setbacks are summarised in **Table 1**. However, the figures stated in this table refer to only to outdoor dining on existing street layouts. They do not apply in cases where a whole street or section of a street may be designed with alternative options, such as extended protuberances with roll kerbs, to facilitate the provision of outdoor dining..

Note the following regarding **Table 1**:

- 'Kerbside Barrier Setback' is the distance between the back of the kerb and the impact face of the EAB's.
- 'Dining Area Clearance' is the distance between the impact face of the EAB's and the dining area where outdoor dining furniture may be placed.
- 'Low Speed Environment' means that the speed limit is 40km/hr or less.
- 'Dining Setback from EAB' is the closest distance tables/chairs can be to an EAB. Note that planter boxes can be sited up to 0.5 m from an EAB.



Outdoor Dining Procedure

Table 1 - Footpath Clearances and Kerb Setbacks

	Main Streets			Other Streets			Low Speed Environments		
Outdoor Dining Areas Where EAB's Not Required:	Eating Area Setback (Metres)			Eating Area Setback (Metres)			Eating Area Setback (Metres)		
- Kerbside Parallel Parking Bays	0.9			0.6			0.6		
- Kerbside Angle Parking	0.9			0.6			0.6		
- Kerbside Loading and 'No Parking'	1.2			0.9			0.9		
Outdoor Dining Areas Where EAB's are required (relates to sites that have been associated with loss of control crashes; sites with inherent risk factors for crashes; or Main Streets which are subject to large numbers of passing vehicles, specifically heavy vehicles)	EAB Setback	Dining Setback from EAB	Total Dining Setback	EAB Setback	Dining Setback from EAB	Total Dining Setback	EAB Setback	Dining Setback from EAB	Total Dining Setback
- Kerbside Parallel Parking Bays	0.6	0.5	1.1	0.6	0.5	1.1	0.6	0.3	0.9
- Kerbside Angle Parking	0.6	0.5	1.1	0.6	0.5	1.1	0.6	0.5	1.1
- Kerbside Loading and 'No Parking'	0.9	0.5	1.4	0.9	0.5	1.4	0.9	0.3	1.2



Outdoor Dining Procedure

Other Setbacks

Setbacks from Intersections: Setbacks from intersections are measured from the corner of the corner building. A minimum setback of 2 m is required at intersections of local streets, 2.5 m at intersections of major streets (with high traffic volume) and local streets.

Setbacks between Outdoor Dining areas: The minimum setback between adjacent outdoor dining areas is 0.75 m, made up of the minimum setback from side boundaries of 0.375 m for each side. Where an outdoor dining area exceeds 12 m length, a 1.2 m space in the centre is required and a 3 m space is required if the outdoor dining area exceeds 15 m length.

Setbacks from Existing Infrastructure: A setback of 1 m is required from infrastructure items -- such as a seat, litter bin, light pole, fire hydrant, telephone box and post box, or street tree. These items are carefully located for the benefit of the public and will not normally be removed to accommodate outdoor dining. Opportunities for future street furniture siting will also be protected. If there are trees within the dining area, their pits (exposed root area) are to be kept free of furniture.

Setbacks to Access of Underground Infrastructure: Underground infrastructure includes service openings to effluent and electricity lines, and must not be obstructed by permanent structures such as fixed ground awnings and umbrellas, or glass screens. Permanent outdoor dining items should be set back from such infrastructure by at least 1m to allow safe access and maintenance. Removable tables and chairs may be placed over such items.

Setbacks to a Construction Zone: on an adjoining building site, roadway or footpath during the period of the project: a minimum setback of 3 m should be provided to protect patrons from possible nuisance and dangers. The Council reserves the right to cancel the Outdoor Dining Permit to ensure public safety during major construction projects.

All conditions are subject to the approval by Council according to individual site conditions.

2.2.4 Layout, Design and Appearance of Outdoor Dining Elements

The layout, design and appearance of outdoor dining elements should:

- contribute to the desired character and sense of place within the street;
- relate appropriately to heritage places;
- make the adjoining premises as attractive, welcoming and amenable as possible; and
- meet circulation, resting places and traffic safety requirements.

The following principles apply:

- Choice and placement of outdoor dining items must consider other street elements such as existing or future public furniture, trees, light poles, and adjoining building styles;
- Outdoor dining items should be of a high standard in appearance, style, cleanliness, durability and comfort;
- Should be contemporary in design, materials, finishes and colours.
- Should be unobtrusive, and not interfere with the visual integrity or character of significant buildings, landscapes and structures in the streetscape;
- Should not obstruct views of main areas of street activity and significant sight lines to important landmarks, landscapes and structures;
- Should be portable (Unless approved otherwise) yet sturdy and windproof, and without sharp edges or other features likely to cause injury;



Outdoor Dining Procedure

- Should positively contribute to the image of Council, and to be compatible with the building and the desired character for the area. The design should consider existing elements such as public furniture, lighting, landscaping and the character of adjacent buildings;
- Should be selected to form an integrated 'suite' that positively reflects on the business;
- Should be made of quality materials and be well designed and constructed so as to be attractive, durable and safe to use;
- Screens, blinds, and planter boxes must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists;
- Must be positioned to allow reasonable access to service covers and existing services; and
- All items shall be positioned within the permitted boundaries for outdoor dining (which may be defined by markers in the pavement) and remain there as part of the permit holder's responsibility.

The placement of outdoor dining furniture requires Council approval.

Tables/Chairs

Tables/chairs should be designed to be attractive, functional and durable. Furniture of simple forms and clear lines, made of quality material and of appropriate colour which; is timeless, easy to maintain, and stylish.

Tables/chairs should be placed to create a functional and inviting dining environment. Sufficient room should be left between tables to allow ease of movement, both for patrons and waiters.

The following principles apply:

- The use of cheap, stackable fully extruded/moulded plastic chairs/tables is not permitted as they do not withstand prolonged and intensive use, are prone to cracking and discolouring, and feature sharp seams and edges. Stylish, quality furniture that includes some plastic elements is acceptable;
- Tables/chairs should be light-weight to allow easy handling, and be stackable to facilitate ease of storage. However furniture must meet appropriate safety standards and must not be so light-weight that it might blow onto the roadway;
- Chairs must have backs. Seating surfaces ensure patrons' comfort and ease of cleaning. Metal surfaces (except aluminium) do not insulate well and often feel 'cold' to the user or become uncomfortably hot if exposed to the sun, and should therefore be avoided.
- The exposure to weather should be considered in the selection of outdoor dining items, particularly seating material and covers;
- When placed on paving, asphalt etc, all tables/chairs are to have a minimum 30mm diameter pad on the base of the chair and table legs to protect the pavement surface;
- Must be kept clean, tidy and in good repair at all times;
- Must be located within the licensed Outdoor Dining area;
- Must be set back from the kerb or from Energy Absorbing Bollards (if required) in accordance with the distances stated in **Table 1**;
- Chairs must not back onto the roadway and 'delineation' or moveable barriers should be provided to prevent patrons and chairs falling over onto the roadway;
- Must be set back from existing infrastructure, including street trees, lights, public furniture etc as previously defined;
- A space of 4 sqm is considered appropriate for a normally dimensioned table and four chairs (2m x 2m) and a distance of 0.4 m should be allowed between adjoining ensembles; and



Outdoor Dining Procedure

- The use of removable tables and chairs will be encouraged, and these must be removed outside trading hours. The use of fixed furniture is discouraged unless deemed appropriate by Council at the time of application.

Operators must enter into an agreement regarding the maintenance, cleaning and future removal of fixed furniture to Council standards. If these standards are not met, Council's reserves the right to remove fixed furniture.

Enclosures

'Enclosures' are vertical structures that partly enclose an outdoor dining area, such as plastic, canvas or glass screens. Enclosures can assist in delineating an outdoor dining area and preventing incidents such as movable items encroaching onto adjoining areas. However, the proliferation of screens results in visual clutter and separates the street space from the footpath space.

The following principles apply:

- Enclosures must be designed to be of lightweight construction and be demountable to ensure easy access to underground services and footpath construction and maintenance;
- Enclosure can be applied to three sides with the side facing the footpath being left open. Complete enclosure of an outdoor dining area is not permitted;
- Screens are to be installed for weather protection only and are not to be solely for the definition of the outdoor dining area. This means that where an adjacent outdoor dining area already has permanent glass screens or plastic blinds at right angles to the kerb, a doubling up of screens is not permitted;
- Enclosures should only be considered where appropriate shelter cannot be ensured by other means, such as verandahs, street trees or umbrellas;
- Enclosures will only be allowed where they do not present a safety risk in relation to pedestrian movements and vehicle sight lines, particularly on corners;
- Any enclosure, such as temporary or permanent screens, must be no more than 1.5 m high (except for plastic blinds), and 0.3 m clear of any verandah roof or balcony. It cannot form a full height wall;
- The minimum required distance from the kerb line is 0.6 m;
- Minimum setbacks of 1m from buildings, trees and street furniture are required;
- Clearance from the ground is required to allow footpath cleaning and stormwater run-off;
- Positioning which allows for pedestrian amenity, including refuge from traffic, ie access to the footpath from the road after crossing or parking; and
- Where outdoor dining areas have permanent or temporary enclosures, and in-between adjoining outdoor dining areas with permanent or temporary enclosures, a 1.5 m 'gap' is required each 8 m.

Full height enclosures (plastic screens) and permanent enclosures (glass screens) are considered development under the *Development Act 1993* and are therefore subject to Development Approval.



Outdoor Dining Procedure

Glass Screens

Permanent enclosures are permissible only in the form of glass screens, which provide some protection for diners from wind, rain and noise. Their approval – as required under the *Development Act 1993* - is subject to individual assessment, based on specific pedestrian and traffic requirements of the location.

The following requirements apply:

- Designed to reinforce the desired character of the street and related appropriately to the adjacent building;
- To avoid cluttering the street, screens are to be simple in design and should not appear as a decorative element;
- The designs require approval by Council and may be provided through nominated suppliers at the proponent's expense;
- Shall have a maximum height of 1.5 m from floor level and a minimum clearance from the floor level of 0.3m;
- Screens should be setback 0.9 m from a loading zone;
- Their form and structural strength are to be adequate to meet functional requirements, including wind loads, resistance to vandalism and impact from pedestrians; and
- A horizontal contrasting colour strip must be provided on the glass screen approximately 1.4m above the footpath to be visible for vision impaired people.

Plastic Blinds

Plastic blinds may only be installed on verandahs where such blinds appear as ancillary to the more permanent verandah. Plastic blinds are not permitted in other situations.

Plastic blinds can assist in providing temporary weather protection for outdoor dining patrons. However, inappropriate and excessive use can detrimentally impact on the desired character, safety and function of streets.

The following requirements apply:

- Must be positioned so as to allow for pedestrian amenity, including refuge from traffic, and with regard to traffic sight lines, particularly on corners;
- Must not detrimentally impact upon the significance of heritage places;
- Are not permitted adjacent taxi ranks, loading and no parking (drop off) zones;
- Minimum distance from kerb line is 0.6 m;
- Setback from infrastructure and street furniture are required at a minimum 1 m, and 1.8 m from pedestrian crossings;
- Must be aligned parallel to the kerb line, and returns to the depth of the outdoor dining area only are allowed;
- Minimum clearance above the pavement of 0.3 m;
- Where outdoor dining areas have blinds or screens, and between adjoining outdoor dining areas with blinds or screens, a 1.5 m 'gap' is required each 8 m;
- A clearly marked contrasting colour strip on the plastic blind at approximately 1.4 m above the footpath is required to ensure their visibility to vision-impaired people;
- Must be fixed firmly in position when down to avoid extensive 'flapping', and so that any sharp exposed plastic edges are protected. Ground level restraints have to be designed and constructed so as to avoid hazardous situations;
- Must be rolled up or removed:



Outdoor Dining Procedure

- Outside trading hours
- When the weather does not warrant their use.
- As frequently as possible to avoid 'closure' and cluttering of the streetscape.
- Should occupy no more than a third of the total length of a street;
- Permit holders are required to maintain them in good order.
- Must be of clear, quality plastic (i.e. not coloured or decorated). Plastic blinds that are marked or opaque must be removed and replaced at the permit holder's cost.
- Their form and structural strength must be adequate to meet functional needs including wind loads, resistance to vandalism and impact from pedestrians;
- Must avoid cluttering the street and be kept simple and not appear as a decorative element; and
- They must be designed and located in accordance with any government legislation associated with passive smoking in outdoor areas (such legislation to take precedence should a conflict arise).

Canvas Screens

Canvas screens may be allowed to delineate an outdoor dining area. The following principles apply:

- Must be removable, and therefore freestanding, of a light weight frame, easily installed and de-mounted, and securely fastened during periods of use;
- Must not exceed 0.9 m in height;
- Minimum setback from buildings and street furniture or public infrastructure of 1 m;
- Minimum distance from the kerb line 0.6 m;
- Must be positioned parallel to the kerb. Where inappropriate, planter boxes could be used at right angles to the kerb to define the extent of the dining area;
- Of a single colour;
- Must be suitably sited and designed regarding available space, existing built form, desired character, street activity and traffic conditions;
- Positioned to allow for pedestrian amenity and access, including refuge from traffic;
- Cannot be located adjacent designated loading zones;
- Where outdoor dining areas have canvas screens, and between adjoining outdoor dining areas canvas screens, a 1.5 m 'gap' is required every 8 m; and
- Must be removed after trading hours.

Removable Umbrellas

'Removable umbrellas' are placed and removed from the pavement on a daily basis. Removable umbrellas may be used to provide shade and shelter to patrons from wind and rain, and as a visual promotion of the outdoor dining operation. Fixed umbrellas are not permitted.

The following principles apply:

- Must achieve a minimum clearance for unyielding components from their lowest point to the footpath surface of 2.1 m, however yielding components such as fringes, may extend lower than 2.1 m;
- Umbrella canopies should be of a high quality material, such as canvas, and of neutral colours. Artistically designed canopies may be considered by Council if part of a desired streetscape 'theme'. Plastic canopies are not permitted;



Outdoor Dining Procedure

- Only allowed where existing shelter (such as verandahs, canopies or trees) is inadequate;
- Umbrellas should be placed with regard to existing infrastructure such as trees, canopies and verandahs;
- Must be properly secured on the pavement to prevent blowing over in strong wind and without damaging its surface. Details are to be submitted with the application. Council officers can assist in the provision of approved designs;
- The fixing mechanism or footing must not represent a trip hazard to pedestrians after removal of the umbrellas. Specification of the footings must be provided as part of the application;
- Umbrella canopy edges are to be set back at 0.3 m minimum from the kerb so as not to conflict with moving traffic;
- Umbrella canopies may extend a maximum of 0.3 m over the outdoor dining area boundary facing the footpath; and
- Umbrellas have to be removed and safely stored outside trading hours.

Energy Absorbing Bollards

Energy Absorbing Bollards (EAB's) may be required in certain locations to shield outdoor dining areas from out-of-control vehicles. Commonly used bollards are unsuited as may prove hazardous in crash situations (hollow bollards do not provide a barrier, cast iron bollards may send shards flying, and steel tubes may bend and launch a car when hit by a vehicle).

If it is determined that additional safety protection is required for an outdoor dining area following a risk assessment with appropriate guidelines, Council will nominate the requirement for EAB's that are designed to have a maximum crumpling force of 30G at 60km/hr on decelerating vehicles (and their occupants). EAB's will be installed by Council to the manufacturer's standards and the applicant will pay the cost of the supply and installation of EAB's.

The following requirements apply:

- Bollards must be set back from the kerb as specified in **Table 1**, dependant on the location of the outdoor dining area. Outdoor dining furniture must be further set back from the bollards as specified in **Table 1**;
- The spacing of bollards should provide adequate protection of outdoor dining areas from out-of control cars. Spacing of 1.2 m centres is considered to provide adequate protection as stipulated by the 'Roadside Dining Protection Guide for Local Government Authorities in South Australia'; and
- Colour and style of EAB's should complement streetscape character; an assessment will be made by Council in this regard at the time of application.

Planter Boxes

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

The following requirements apply:

- Physical appearance, including materials and style, should be of a high quality and be complimentary to the streetscape character and other street elements;
- Form and structural strength must be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians;



Outdoor Dining Procedure

- Durable materials able to withstand harsh treatment should be used to maintain their appearance and structural integrity. Plastic is not permitted;
- No sharp corners or edges;
- Should be located along the perimeter of the outdoor dining area, parallel along the kerb and perpendicular to the kerb at the end of an outdoor dining area;
- Must be set back from the kerb a minimum of 0.6 m;
- Should be located to allow pedestrians to move between items;
- A 1m clearance is required from all existing infrastructure (including street trees, street furniture, phone boxes, etc.) and from all service access covers;
- Where used in groups to define outdoor dining areas, they are considered as 'enclosures' and a 1.5 m space is required every 8 m and between adjoining outdoor dining areas with planters;
- Should be placed to achieve a minimum gap of 0.3 m between them, and sufficient distance to tables/chairs;
- May be of a variety of sizes, although a minimum width of 0.5 m is recommended. They may each not exceed 1.2 m in length, and their height, including plants, is not to exceed 1.2 m above the footpath;
- Must be elevated a minimum of 0.18 m and a maximum of 0.22 m above the pavement to allow for drainage;
- Should be designed so as not to discharge overflow onto the footpath, or be connected to the sewerage system. Overflow from irrigation systems or hand watering must not discharge into the stormwater system, stain pavements, or cause a safety hazard for pedestrians;
- It is the permit holder's responsibility to maintain and clean planter boxes regularly, and to maintain the plants according to the species' needs;
- Plant species must be suitable in terms of form, shape, hardiness and ability to be maintained. Proposed species should be submitted when applying for a permit;
- Plants should be pruned so that they do not exceed 1.2 m height, or spread in such a way that impedes use within and around the outdoor dining area;
- Plant material should preferably be placed directly into the boxes. Where plants are contained within plastic pots, care should be taken to avoid larger voids (which may attract littering) and precautions should be taken against the possibility of theft;
- Plants must not be removed from planter boxes after trading hours as empty planter boxes are unsightly and may attract littering and undesirable behaviour.
- Empty planter boxes must be removed or replanted immediately;
- Failure to keep planter boxes maintained to an acceptable standard will result in the permit holder being directed to remove them; and
- Should the outdoor dining area cease to operate, the permit holder must remove planter boxes prior to vacating the site at their own cost.



Outdoor Dining Procedure

Table 2: Suggested Plant Species List

This list contains names of plant species that are suitable for planter boxes in outdoor dining areas. The list is intended to be a sample only, and is not considered to be a definitive listing.

BOTANICAL NAME	COMMON NAME
PLANTS FOR SUN:	
<i>Cotoneaster dammeri</i>	<i>Cotoneaster</i>
<i>Hebe speciosa</i>	<i>Veronica</i>
<i>Hypericum x moseranum</i>	<i>Rose of Sharon</i>
<i>Rosmarinus officinalis</i>	<i>Rosemary</i>
<i>Agapanthus orientalis</i>	<i>Agapanthus</i>
<i>Rosa species (ground cover varieties)</i>	<i>Rose</i>
<i>Lavandula sp</i>	<i>Lavender</i>
<i>Gardenia radicans</i>	<i>Gardenia</i>
<i>Pelargonium sp</i>	<i>Geranium</i>
<i>Coleonema pulchrum</i>	<i>Diosma</i>
<i>Convolvulus mauritanicus</i>	<i>Ground Morning Glory</i>
<i>Erigeron hybridus</i>	<i>Fleabane</i>
<i>Osteospermum sp</i>	<i>African Daisy</i>
<i>Thymus sp.</i>	<i>Thyme</i>
<i>Felicia amelloides</i>	<i>Seaside Daisy</i>
PLANTS FOR SHADE:	
<i>Buxus microphylla</i>	<i>Box</i>
<i>Camellia 'Marg Miller'</i>	<i>Camellia 'Marg Miller'</i>
<i>Trachelospermum jasminoides</i>	<i>Star Jasmine</i>
<i>Clivea mineata</i>	<i>Kaffir Lilly</i>
<i>Liriope muscari</i>	<i>Liriope</i>
<i>Viola hederaceae</i>	<i>Native Violet</i>



Outdoor Dining Procedure

Gas Heaters

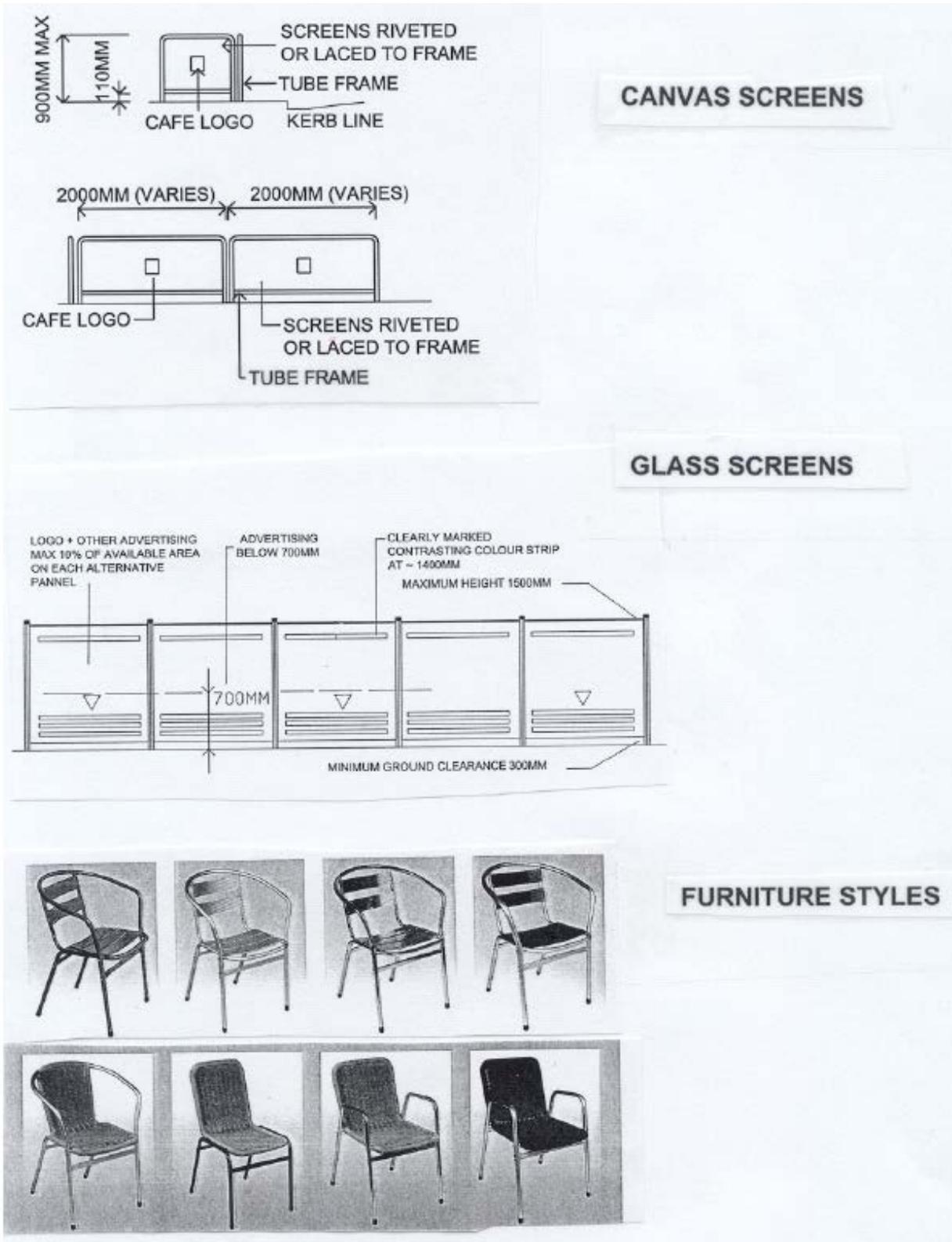
Gas heaters may be temporarily located within the designated outdoor dining area to provide additional comfort for patrons. The following requirements apply:

- Industry approved high quality gas heaters that meet Australian Standards and Occupational Health and Safety requirements must be used. Information on the design approval of the item must be provided when applying for an outdoor dining permit;
- Installation and operation of gas heaters should be in accordance with AS 4565- 2001 (AG 405) Radiant Gas Heaters;
- Gas heaters must be self contained and free standing but securely fixed and stable;
- Must be placed within the outdoor dining permit area and all clearances and setbacks specified for outdoor dining elements apply;
- Gas heaters must not be placed where they may pose a safety or fire hazard, including in close proximity to plastic blinds; and
- They must be removed outside trading hours.



Outdoor Dining Procedure

Figure 1: Illustration of Design and Appearance Principles





Outdoor Dining Procedure

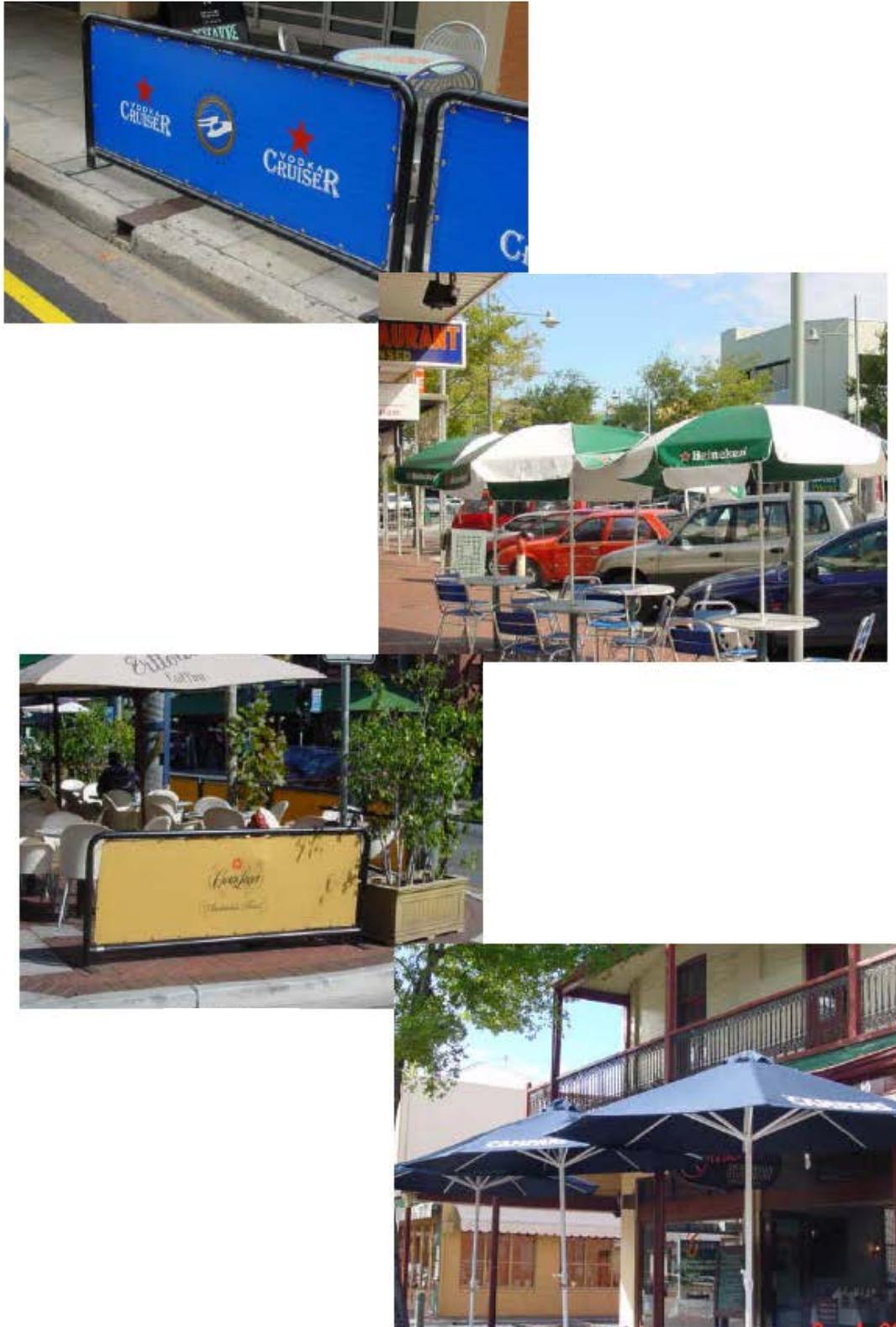
Figure 2: Furniture Examples





Outdoor Dining Procedure

Figure 3: Screens and Removable Umbrella Examples





Outdoor Dining Procedure

2.2.6 Management

The outdoor dining permit holder is to take full responsibility for their care, appearance, maintenance, and effect on other street life.

Hygiene is essential, including the courteous clearing and cleaning of tables quickly after patrons have departed, cleaning up of any litter, putting chairs back in place and preparing to welcome the next guests.

This 'good practice' adds to the attractiveness of an establishment and is noticed by visitors. Along with friendly, efficient service, quality food and drink, and reasonable prices, maintenance of the outdoor dining area is part of a high standard of service.

It must be understood that outdoor dining areas remain public spaces. This means operators and patrons do not have exclusive occupancy of the area, including the use of tables and chairs. While this can sometimes be a contentious issue, proprietors must not display signs that declare the furniture to be available only to customers.

Maintenance and Cleaning

Having been granted a permit for an outdoor dining area, the applicant is required to comply with all health and maintenance aspects of the entire operation, including the conditions of the Outdoor Dining Permit. Specific requirements are:

- Tables and chairs have to be arranged as in the agreed layout;
- Permits for appropriately located existing fixed tables and/or chairs will be renewed only where the operators enter into agreements with Council regarding the standards of maintenance, footpath cleaning, and future removal of the items;
- Street furniture, including plants in their boxes, must be kept in a safe and well maintained condition at all times;
- The outdoor dining area must be regularly cleaned for both hygiene and presenting a continuous well cared for image. Permit holders are responsible for cleaning furniture, their part of the pavement, and the adjacent footpath. Regular sweeping is required;
- No waste material, including sweepings, are to be disposed of into the gutter; and
- Where outdoor dining areas adjoin nature strips or garden areas, operators have to ensure that all waste from their premises is promptly removed.

Failure to comply with the conditions of an Outdoor Dining Permit may result in the permit being either revoked or not renewed. Appropriate notice will be given to permit holders in such cases, according to Council's endorsed compliance procedures.

Removal of Furniture

An outdoor dining area must be vacated of all outdoor dining infrastructure (including fixed items) in events such as approved street functions or civic works. Where possible, 3 weeks notice will be given but shorter time frames may be required. All outdoor dining infrastructure (including fixed items) must be removed within 3 weeks of cease of the business. Removal of outdoor dining items is at the permit holder's expense.

If outdoor dining items are not removed, Council can both remove the items and under Section 144 of the Local Government Act, issue an invoice for the works, give opportunity for the owner to pay, and if not, to show the outstanding amount on the following rates notice.



Outdoor Dining Procedure

Removable items such as tables, chairs, umbrellas, gas heaters and other furniture (except approved permanent fixtures such as fixed tables, planter boxes or glass screens) must be removed from the footpath at the close of each day's business, for the following reasons:

- outdoor dining furniture appropriates public space after the private use has ceased;
- limits other uses of the footpath such as markets, events, audiences of parades etc;
- creates clutter on the footpath;
- represents obstacles for the vision impaired when not in use;
- furniture items left outside weather rapidly and collect dirt and grime; and
- to allow for industrial cleaning of the footpath.

Removable items have to be removed within 24 hours of notification by Council or Service Authorities to allow street cleaning, servicing and maintenance work to occur.

Consumption of Alcohol

Applicants are required to advise if they are applying for a liquor licence. Enquiries and requests for the consumption of alcohol at an outdoor dining area must be made initially to Council (08 8842 6400) with subsequent application to Consumer and Business Services (131 882).

Alcohol can only be served and consumed in the area designated. Furthermore, Liquor licensing laws also stipulate that if a liquor licence is held, the provision of toilets for patrons is mandatory, regardless of seating capacity.

Should the Outdoor Dining Permit lapse or be revoked, the Office of the Liquor and Gambling Commissioner will be advised immediately.

Stormwater Management

The Environmental Protection Authority's *Storm Water Pollution Prevention Code of General Practice for the Community* requires:

- Wash-down Water
 - Do not hose down or in any way discharge waste water or wash down water from the cleaning of open air stalls, shop frontages, outdoor restaurant areas and the like to the stormwater system. Dry sweep, and collect and dispose of solid wastes as far as possible. Wet clean by mopping with waste water discharged into the effluent disposal system. Contractors are available who steam clean paved surfaces and vacuum the waste water to a holding tank prior to disposal to the effluent disposal system.

Where waste water is to be disposed into the effluent disposal system, it will be necessary to consult with the relevant Council Department before undertaking such an operation.

Lighting

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

It is the permit holder's responsibility to provide additional lighting to that already on the street, if necessary and to Council requirements. No freestanding lighting will be permitted, while details of external lighting are to be provided for approval. All lighting must be vandal resistant, glare free, and designed to the relevant Australian Standards.



Outdoor Dining Procedure

All external electrical works are to be undertaken by a licensed electrician. For more information please contact Council (08 8842 6400).

2.2.7 How To Apply

Where To Apply

Outdoor dining and any permanent structure associated with the outdoor dining area require permits. The Council will provide potential applicants with the following information:

- A list of submission requirements necessary for assessment of the application, as listed below;
- An application form;
- A copy of the Outdoor Dining Procedure which specifies the standards required for pedestrian and traffic circulation, layout, furniture selection, etc. (incorporating health, traffic and urban design guidelines); and
- Other relevant policies.

Applications for Outdoor Dining Permits will be received by Customer Service Staff who will refer the application to the appropriate Council Department. A nominated officer will then provide the single point of contact for the applicant, and provide customer service including:

- **Clarification of guidelines and application requirements** (pre-application meetings);
- **Acknowledge receipt of applications**, coordinate preliminary assessment and referral to other concerned departments;
- **Issuing or refusing Permits**, after preparation of a consolidated corporate response to applications; and
- **Managing and monitoring compliance** of Permits.

How to Apply for a New Permit

The following information is required as part of an application for a new Outdoor Dining Permit:

- A completed **Application Form**, including legal indemnity for the Council;
- A **public liability insurance** Certificate of Currency;
- A receipt for **payment of fees** in accordance with Councils *Schedule of Fees and Charges*; and
- **Supporting information**, which may include:

1. A site plan of existing conditions, drawn to a professional standard at a scale of 1:100, showing the footpath width, location of building lines, the type of abutting properties, existing trees, light poles, signs, street furniture, pits, fire hydrants, car parking, and other features. Any dimensions affecting the layout of the establishment are to be indicated on the plan, including the width of the footpath from outside face of kerb to building line, and the length of the building frontage associated with the establishment ;

2. A site plan of the proposed outdoor dining layout, drawn to a professional standard. At a scale of 1:100, it will accurately show the area of the proposed location and the arrangement of all proposed screens, tables, chairs, planters and umbrellas, including all setback dimensions, etc;



Outdoor Dining Procedure

3. An elevation (front view) of the proposed outdoor dining area where umbrellas or other structures are proposed that may impact on existing canopies and trees;
4. Photographs, references to supplier catalogues, and/or architectural drawings detailing proposed furniture;
5. Details of external lighting, if proposed, showing the type of fixtures and their proposed placement;
6. Details of advertising in form of a photograph and/or a graphic design drawing of the proposed logo, and a clear indication of its size and location on screens and/or umbrellas;
7. One or more photographs of the site, clearly showing the proposed outdoor dining area relative to buildings, and the existing features on the footpath; and
8. Where applicable, a letter outlining support from the relevant Community Group/Association is encouraged.

Sufficient information must be provided to the assessing officer to determine the parameters of the outdoor dining area. Not all of the above may be requested from the officer. Council will work with the applicant to determine what level of information is required.

The applicant shall arrange for any amendments required to the plan to be resubmitted before final approval can be given.

Do I Need Development Approval?

In some instances outdoor dining may represent 'development' under the *Development Act 1993*, and thereby in addition to the Permit, require Development Approval. Items that require Development Approval are those defined as 'building work' in the *Development Act 1993*, including:

- Fixed screens;
- Full height enclosures (eg plastic screens);
- Permanent structures (eg shade structures); and
- Signage.

Outdoor dining areas of a significantly large (not typical) scale may be considered 'change of use' of the footpath and are also subject to Development Approval.

If Development Approval is required, the applicant will be notified of the need to apply for 'development approval' and be advised on the process and requirements through the Council. Additional fees and timelines apply.

Changes to the Public Realm

In some instances an outdoor dining applicant may want to propose changes to the public realm to accommodate or improve outdoor dining activity, such as widening of the footpath or relocation of existing public infrastructure.

The Outdoor Dining Policy generally does not support changes to the public realm specifically for outdoor dining purposes. For example, as indicated previously, applications for protruberances specifically for outdoor dining cannot be considered unless in the context of an integrated



Outdoor Dining Procedure

streetscape design. This is to ensure a strategic approach to the design of the Council's public spaces is maintained, balancing the needs of all users of the public realm.

Where changes to the public realm are sought, this has to be clearly stated in the application for an Outdoor Dining Permit. Pre-application meetings with Council officers to discuss the proposal are recommended.

Changes to the public realm will only be approved if carried out to Council standards. All costs associated with changes to the public realm by request of the applicant are to be borne by the applicant (unless negotiated otherwise), including:

- Street services survey;
- Engineering concept designs;
- Cost of design and construction; and
- Cost of design and installation of public infrastructure items (including bollards).

The assets created will be vested to Council. If integral to the assessment of an Outdoor Application Permit, changes to the public realm have to be completed before the Permit can be issued. Financial and time implications should be considered.

Approval Process

The power to issue an Outdoor Dining Permit will be delegated to the relevant Council Officers under the Local Government Act. Approval can only be granted for applications that comply with this Procedure. The power to issue permits for applications rests with Manager Development and Community. Applications at variance to the Procedure shall be delegated to the Chief Executive Officer.

Council will notify the applicant and issue an Outdoor Dining Permit once the Development Approval is granted (if applicable) and the Permit application is approved. An Outdoor Dining Permit is valid when Council has:

- Issued a duly executed Permit to the proprietor;
- Marked the defined area on the footpath; and
- Received an endorsed public liability insurance certificate.

How to Apply for Alterations

Alterations to an existing Outdoor Dining Permit should be referred to Customer Services directly, quoting the current Permit number.

Minor changes to an approved layout (including change of furniture style, new planter boxes etc) will be added to the existing permit (additional fees may apply). Where significant changes to the existing layout are proposed, a new application is required.

To apply for alterations, the applicant should submit the following information:

- A written statement outlining the proposed changes ('before' and 'after');
- Supporting information as required for outdoor dining items (eg specifications or photos of proposed items); and
- A location plan outlining existing and proposed layout.



Outdoor Dining Procedure

Fees

An initial application fee will be charged in accordance with Council's Schedule of Fees and Charges.

An annual Outdoor Dining Area fee may be charged as set out in Council's Schedule of Fees and Charges.

If building work is proposed, such as the erection of permanent structures or plastic blinds, this represents Development under the *Development Act 1993*, and an additional *Development Application* fee applies.

Permit Renewal and Cancellation

An Outdoor Dining Permit is valid for 12 months upon approval, and may be cancelled or amended if:

- The proprietor fails to comply with the permit conditions; or
- There are changed conditions affecting the outdoor dining area in its particular location, such as increased risk to health or safety; or
- Other valid reasons require cancellation, such as streetscape upgrades or refurbishment.

A permit will only be renewed after a review by the Council of health and safety conditions and to ensure compliance with the guidelines.

Public Risk Insurance

Permit holders must take out and keep current a public risk insurance policy noting specifically the interest of the Council as an insured party. The policy must insure for the amount of at least TWENTY MILLION DOLLARS (\$20,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council.

A *Certificate of Currency* must accompany the application or renewal of an Outdoor Dining Permit.

Contacts at Clare & Gilbert Valleys Council

Clare & Gilbert Valleys Council

4 Gleeson Street

CLARE SA 5453

Phone: (08) 88 426 400

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