



Name:	Outdoor Dining		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Technical Services		
Approval Date:	8/12/2015	Next Review Date:	8/12/2019

1 Purpose

This Policy sets out the application procedure and criteria for both **Non-Licensed** and **Licensed** dining activities on Council land.

2 Principles

The City of Palmerston encourages dining in all areas of Palmerston, and seeks to maintain and improve public street amenity while providing economic benefits to the community. Al fresco dining has long been recognised as beneficial in providing vibrancy and passive observance of public spaces in addition to an opportunity for business to expand its operations at a reasonable cost.

3 Definitions

For the purposes of this Policy, the following definitions apply:

Term	Definition

4 Policy Statement

4.1 Class 1 Application – Up To 4 Tables / 8 Seats (Whichever Is The Lesser)

Council will permit tables and chairs to be placed outside food outlets with or without a removable dividing barrier along the public thoroughfare subject to the applicant meeting the following requirements:

- 4.1.1 Furniture will generally be commercially manufactured, well maintained, and of a suitable size to accommodate diners
- 4.1.2 Where adjoining businesses provide a similar outdoor dining service the applicant may be required to provide furniture of a similar design
- 4.1.3 Permits will be annual and no security deposit is required
- 4.1.4 Adequate footpath width is maintained at all times to the satisfaction of the Director Technical Services
- 4.1.5 The applicant will be required to satisfy all other standard permit conditions

4.2 Class 2 Application - All Other Applications (with or Without a Licence to Serve Alcohol)

Council will permit the construction of formal dining areas within Council owner or controlled land subject to the following requirements:

- 4.2.1 A dimensioned drawing indicating the frontage of the site, the position of tables and chairs, and any street furniture or service infrastructure visible within the proposed site.
- 4.2.2 Consent in writing from the owner of the adjoining premises/business.
- 4.2.3 A photograph or brochure detailing the proposed furniture, accessories and fittings intended to be placed in the area.
- 4.2.4 An indication of the proposed permit term and any proposed permit conditions.
- 4.2.5 Where relevant the location and style of patron protection measures.
- 4.2.6 Details of how the dining area will be delineated from the public area.
- 4.2.7 The application being for the area directly adjacent the business to which it relates and not exceeding the lateral boundaries.
- 4.2.8 The style and look of the area must be in keeping with the character of the general area in which it is situated.
- 4.2.9 The design of the area must incorporate compliant disability access.

4.3 Standard Conditions of Permit

The following are standard conditions common to all dining permits:

- 4.3.1 The permit holder shall at all times indemnify City of Palmerston and keep it indemnified against all actions, proceedings, accounts claims and demands whatsoever on the part of any person or persons and from all costs, damages, expenses, losses and other claims and liabilities which may arise out of, or incidental to the operation of the dining area.
- 4.3.2 A public liability policy for not less than \$20 million and which lists City of Palmerston as an interested party is to be maintained for the dining operation.
- 4.3.3 This permit may be revoked at any time if:
 - The holder during the time that the permit is in force, fails to comply with any condition of the permit and/or
 - The Council determines that the permit should be revoked
- 4.3.4 The permit area and all furniture and other improvements will be maintained in good order and appearance and kept clean and neat at all times
- 4.3.5 A minimum head clearance to the underside of umbrellas and landscaping of 2.1m will be maintained at all times
- 4.3.6 The permit fee as set by the City of Palmerston annual Fees and Charges will be paid by the 1st August each year. It is the permit holders responsibility to ensure payment is made by the due date whether a Council reminder invoice has been issued by mail or not.

- 4.3.7 A late payment fee of 5% of the total annual fee due will apply for any late payment of up to two calendar months. Permits more than two calendar months behind in payment are automatically revoked.
- 4.3.8 The security bond as determined by the Director Technical Services must be kept current at all times and will be reviewed on a five (5) year cycle.
- 4.3.9 The permit holder must at all times provide adequate toilet facilities for patrons.
- 4.3.10 The permit holder must not permit levels of noise to emanate from the permit area at a level that would adversely interfere with the lifestyle of a normal person.
- 4.3.11 The permit is not transferable.
- 4.3.12 The permit holder will not permit any advertising signage to be erected within or around the permit area without the written permission of the City of Palmerston.
- 4.3.13 The Permit holder will remove all furniture and other loose items at the by the announcement of a stage 3 cyclone warning by the Regional Counter Disaster Controller.

4.4 Fees and Charges

Permit fees will be in accordance with Council's annual fees and charges

5 Associated Documents

City of Palmerston Annual Fees and Charges (available on Council website)

6 References and Related Legislation

Section 53 of the **Palmerston Public Places By-Laws** – Control of certain activities in Malls and other Public Places requires that any person wishing to operate a business from a public place must have a permit before doing so.

Commonwealth Disability Discrimination Act 1992 requires that all areas accessible to able bodied persons must equally be accessible to disabled persons.