
Outdoor Dining Permit

Information Sheet

Requirements to Hold a Permit

To be read in conjunction with Local Law.

Outdoor Dining

For outdoor dining areas,(which means designated areas on footpaths, where tables and chairs may be provided by the food premises for customers comfort and consumption of food) unless otherwise approved by Council.

Prescribed Conditions

1. Footpaths with a minimum dimension of 1.5m clear, shall be maintained at all times. A larger minimum dimension may be required where pedestrian traffic density as assessed by an authorised person as requiring an increased clear footpath;
2. The footpath area shall be located adjoining the frontage of the subject premises and at least 0.3m from any street fixture or fitting. Alternative arrangements may be considered by Council on an individual basis on submission of an application specifying all aspects of proposal;
3. The minimum width of the footpath dining area shall be 600mm;
4. The footpath dining area shall generally not extend longitudinally along the length of the footpath beyond the frontage of the subject food premises. Notwithstanding this, subject to the written approval of the adjacent shopkeepers, a more extensive footpath dining area may be approved by Council;
5. On issue of the permit, the extent of the footpath dining area shall be marked by the applicant by way of ropes, planter boxes, or other temporary barriers approved by Council. If the applicant does not carry out this work then Council will mark the footpath at the applicant's expense;
6. No footpath dining areas that are raised above the adjacent footpath level or that encroach onto the roadway will be permitted;
7. No footpath dining areas shall be located in a position, which in the opinion of an authorised person, will impair visibility for traffic;
8. In each application and from time to time thereafter an authorised person will assess the pedestrian density in the vicinity of the footpath outdoor dining area. If in the opinion of an authorised person the traffic density is such that free flow is, or would be restricted or obstructed by the footpath dining area, Council reserves the right to refuse such an application, cancel any current permit or amend the permit conditions;
9. The applicant shall indemnify the Council against any claim for damage or injury to any person or thing as a result of the use of the area allocated by the Council;
10. The applicant shall take out and shall keep in force at all times during the term of approval, public risk insurance to a minimum \$ value required by Council, in the joint names of the Council **and other parties as required by Council**, with a proof of the policy to be supplied to the Council prior to the commencement of the operations;

10. Tables, chairs and all moveable objects and structures shall be set out only when a business is being conducted, exemptions may be allowed at the absolute discretion of Council;
11. The applicant shall at all times be responsible for the cleanliness of the footpath, tables and chairs and its immediate surrounds to the satisfaction of an authorised person;
12. Advertising on umbrellas shall only have the food premises' name. Third party advertising is prohibited;
13. All umbrellas used at approved tables in a outdoor dining are shall for safety reasons, have a minimum clearance above the footpath of two meters from the lowest point for extended arms(spokes) of the umbrella;
14. The state of repair and type of tables and chairs provided in the outdoor dining area shall be specified in the application for the permit and shall conform with the general amenity of the neighbouring precinct to the satisfaction of an authorised person;
15. Consumption of alcohol must be accompanied with the consumption of a meal whilst dining;
16. Food premises selling liquor for the footpath dining area must be licensed with the liquor licensing division;
17. Food premises offering B.Y.O. liquor service must have the following minimum facilities:
 - (a) one water closet for each sex; and
 - (b) one wash basin for each sexLocated within the food premises, unless otherwise approved by Council;
- 19 Food premises offering B.Y.O. liquor service must ensure that alcohol is not stored upon the footpath. Eskies, large cooling container, boxes of alcohol are examples of prohibited items;
- 20 Food premises offering a B.Y.O. liquor service must ensure that a notice is placed at the footpath dining area with the following wording not less than 15mm "Liquor may only be consumed within the permitted footpath dining area with a meal";
- 21 This permit and conditions must be displayed prominently in the front window adjacent to the food premises' main entrance.