



OUTDOOR DINING GUIDELINES



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1. INTRODUCTION

Port Augusta’s climate makes it an ideal place for outdoor activity. Outdoor dining is enjoyed by locals and tourists alike and provides a valuable contribution to a vibrant and interesting city by giving areas of the city a unique identity. Council promotes and encourages outdoor dining to use part of the footpath space directly outside their premises.

Council also has a focus on maintaining the safety, accessibility, convenience and appearance of its footpaths and has a commitment to balancing the needs of all users.

2. DEFINITION

Outdoor dining is defined as the use of the public footpath for the purpose of extending the seating space of businesses whose main function is the provision of food and/or beverages.

For the purposes of these guidelines, or the issuing of an “Outdoor Dining Permit”, the definition of outdoor dining does not include the construction or installation of large fixed infrastructure such as gazebos, pavilions/ pergola’s or decking.

Applications for the construction or installation of large fixed infrastructure such as gazebos, pavilions/ pergola’s or decking are subject to a separate permit or licence process under the provisions of the *Local Government Act 1999* and will also generally require a separate development approval under the provisions of the *Development Act 1993*.

3. OBJECTIVES

The purpose of these guidelines is to encourage the establishment of outdoor dining wherever feasible and appropriate and with minimum effort from business. These guidelines have been developed to make it easier for businesses to obtain an “Outdoor Dining Permit”, highlighting key considerations including safety, accessibility and amenity. They are intended to help streamline the application process by providing applicants with the necessary information before the application is submitted.

Council is committed to activation of the city and supports the individual expression of each business to help develop a sense of place. As such, each “Outdoor Dining Permit” application will be considered with reference to its context, taking into consideration the area and street the business is located, vehicular traffic, pedestrian flow and other relevant factors.

4. GENERAL PRINCIPLES OF OUTDOOR DINING

Create a public realm that is welcoming and user friendly

- Outdoor dining should support the City of Port Augusta’s ability to maintain clean public spaces and streets
- Outdoor dining areas must be designed with safety in mind

- Streets are to remain welcoming and accessible for users of all abilities, without obstacles or hazards for pedestrians
- Outdoor dining permit holders must maintain their outdoor dining area to a high standard and comply with any standard provided by the Port Augusta City Council
- Unnecessary noise and nuisance should be minimised

Cultivate a positive relationship between private and public

- Outdoor dining is intended to be outdoors, and should look and feel as such. Environmental and weather conditions should be accommodated without the addition of infrastructure that encloses the space
- Outdoor dining is a temporary use of public space, and should provide flexibility for other uses outside trading hours
- Permits are issued with the intent of balancing the needs of all footpath users. Operators and customers are able to make use of the footpath space but do not have exclusive rights over the occupancy of the area
- Outdoor dining is supplementary to the business internal trading
- Additional infrastructure to support outdoor dining should be temporary, so that the area can be reinstated as a public space in both appearance and function

5. GUIDELINES

5.1 Siting; Pedestrian, Outdoor Dining and Kerb Zones

Suitable outdoor dining locations are those areas directly outside the associated business premises that are otherwise not required for existing or proposed public use. Outdoor dining will only be supported where its location, size or layout will not compromise public access, circulation, safety of patrons, sight lines of motorists or other street activities.

Outdoor dining will not be supported adjacent to: Bus and Taxi Zones, designated accessible parking spaces, a roadway or footpath construction zone during the period of the project.

All outdoor dining areas in a street must have the same alignment. Generally this means the kerb zone alignment, however building alignment will be considered in some streets.

The following information relates to outdoor dining areas that are aligned to the kerb zone. For outdoor dining areas where seating is directly adjacent the property line, please see the section below on Building Alignment.

Diagram 1: Kerbside Alignment on a Typical Street

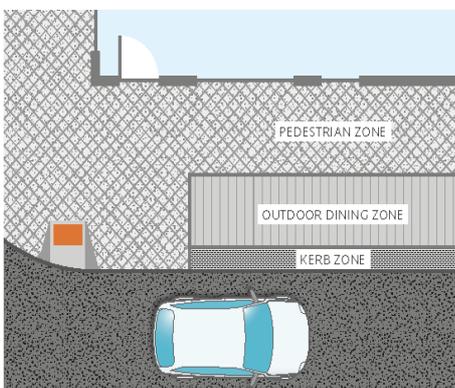
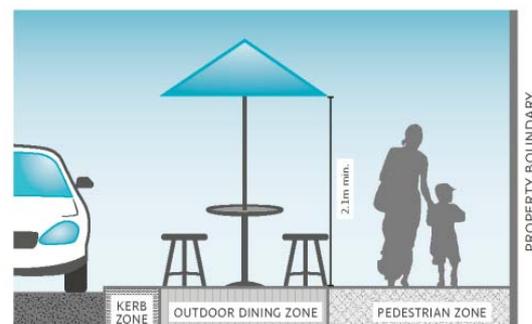


Diagram 2: Cross-section View of Pedestrian, Outdoor Dining and Kerb Zones and Height Clearance.



Pedestrian Zone

“Pedestrian Zone” refers to the area required for pedestrian movement. In diagram 1 this is the distance between a building frontage or property boundary and the inner extremity of an outdoor dining zone, including all associated items (e.g. umbrellas, planter box or fixed structure).

The pedestrian zone must be kept clear of both business items, such as “A-Frame” signage and customer items such as bicycles and prams.

The ideal pedestrian zone is 2.0 metres. There may be instances as determined by Council where a pedestrian zone of less than 2.0 metres will be considered. This assessment will be based on factors including; street type, street traffic speed, potential risks, pedestrian volumes, presence of public transport waiting areas and other criteria as applicable. A *minimum distance of 1.5 metres* will only be considered in low trafficked areas.

Kerb extensions or protuberances will not be supported for the sole purpose of extending outdoor dining. However, if there is an additional civic benefit proposed outside the immediate site boundary (such as integrated plantings or an improved crossing point), a footpath extension will be considered at full cost to the applicant. Suitability of footpath extensions will only be considered within an integrated streetscape design, and Council will have full approval over streetscape design.

Kerb Zone

“Kerb Zone” refers to the distance between the outer kerb face (face of kerb) and the out extremity of an outdoor dining zone, including all associated items.

A distance of 600mm is required from the outer kerb edge to the start of the outdoor dining zone adjacent to travel lanes on streets but only when protected by bollards.

A distance of 900mm is required from the outer kerb edge to the start of the outdoor dining zone adjacent Parking Zones on all streets to allow for pedestrian egress and access from vehicles. Bollards may still be a requirement depending on traffic and pedestrian volumes.

Fixed structures with the exception of bollards must not be placed within this zone

Outdoor Dining Zone

“Outdoor Dining Zone” refers to the approved area where outdoor dining items can be placed. All outdoor dining items include tables, chairs, umbrellas, screens, A frame signs and any other approved items must remain within the outdoor dining zone at all times when the business is operating.

5.2 Building Alignment

Outdoor dining areas adjacent to the building frontage may be appropriate in some streets. When permitted this alignment must be consistent for the entire length of the street.

As outdoor dining on the building line can be an impediment to vision impaired people who use this feature to navigate the footpath, all applications for this position will be carefully assessed by Council. Any additional outdoor dining items required as a result (such as screens) or footpath treatments (such as studs or textured paving) deemed necessary by Council will be at the expense of the business.

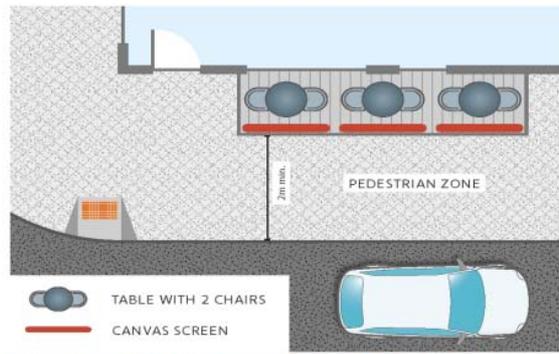


Diagram 3: Building Alignment Outdoor Dining on a Typical Street

Features of streets that may make them appropriate for building alignment include;

- Low traffic environment or pedestrian only
- Narrow road reserves
- Shared use zone (defined as a roadway shared by pedestrians and vehicles)

Typical Streets

In a typical street with a separate footpath and roadway, the kerb zone setback does not apply and the pedestrian zone is between the outdoor dining and the outer kerb edge. In these situations a pedestrian zone of no less than 2 metres must be left from the outside edge of the outdoor dining zone area to the kerb edge. See diagram 3

5.3 Outdoor Dining Beyond Permit Holder’s Boundary

At the Council’s discretion outdoor dining operators can apply for a permit to extend their outdoor dining area to the footpath in front of a single adjacent neighbour. Written permission is required from the business owner and the building owner of the neighbouring premises and must be provided to Council with the permit application. This permission must include a statement that the neighbouring business owner and land owner are aware that if permission is granted to extend the location of the adjacent outdoor dining to the front of their premises, the area will no longer be available for their use (i.e. they cannot place an A-frame or other temporary sign in that area).

Should permission be withdrawn by the neighbour (current or future), outdoor dining must be removed immediately from the next-door area. Extension beyond a single neighbour will not be supported.

5.4 Outdoor Furniture Equipment

Fully removable furniture and other outdoor dining equipment:

- Provides increased flexibility
- Makes street and furniture cleansing easier
- Reduces the impression that public space has been privatised
- Allows the footpath to return to its original state after use
- Promotes ease of pedestrian movement when the business is not trading

For these reasons, only non-fixed furniture and other equipment such as umbrellas or screens are permitted.

Council does not permit the installation of large fixed infrastructure such as gazebos, pavilions/pergola’s or decking as part of this guideline and application.

Outdoor dining items should be fit for purpose and of a high standard in materials and durability. Outdoor items must also meet Council’s safety requirements which includes but is not limited to; being windproof (either heavy enough that they will not easily blow over or appropriately weighted to the footpath) and without sharp edges or other features likely to cause injury.

It is the responsibility of the permit holder to keep outdoor furniture items, the outdoor dining area and immediate footpath area clean, tidy and in good repair at all times.

As an “Outdoor Dining Permit” does not grant exclusive use of the footpath, businesses must not display signs that declare the furniture to be available only to customers.

All non-fixed outdoor dining elements including tables, chairs, umbrellas and screens must be removed at the end of trading each day. Planter boxes that meet the set criteria may remain on the footpath.

Accessibility

Council strongly encourages the consideration of accessibility for people with disabilities and/or mobility challenges including those with wheelchairs and vision impairment when setting up an outdoor dining area. This will help to make the space attractive to all patrons including older people and families with children and prams.

Umbrellas

Umbrellas are required to meet the following criteria:

- Only be placed in areas where existing shelter (e.g. tree canopy or verandah) is inadequate
- Have a central support post
- Have a minimum clearance from the lowest point of the main canopy to the footpath of 2.1 metres
- A canopy in a high quality material such as canvas and in neutral colours
- Must not obstruct CCTV lines of sight
- Fully removable umbrellas be properly weighted on the footpath during use without creating a trip hazard or impeding pedestrian movement
- The umbrella base must not be a trip hazard

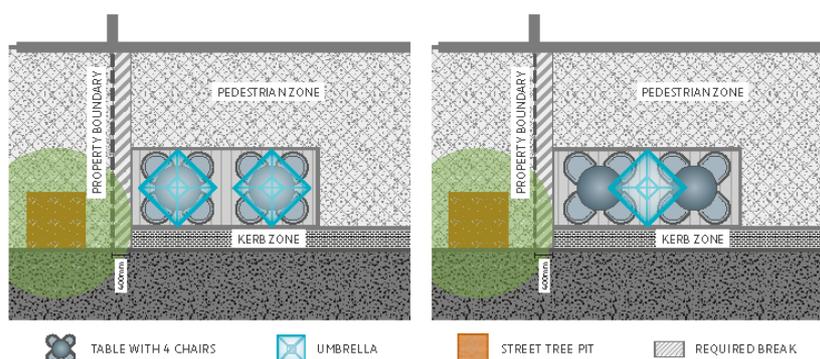


Diagram 9: Examples of Umbrella Placement

Other Outdoor Dining items

Outdoor dining operators wishing to incorporate other elements within their outdoor dining zone such as A-frame signage, additional lighting, gas heaters and fans must gain prior approval from the Council before additional components are placed in the area. This can be done at the time of the original application by specifying these on the permit application or alternatively by subsequent request.

5.5 Smoking

As of the 1 July 2016, smoking is no longer permitted in public outdoor dining areas under section 52 of the *Tobacco Products Regulation Act 1997*. Outdoor dining areas must be smoke-free at all times when food is offered or provided.

5.6 Special Conditions

Development Approval

Outdoor dining areas of a significantly large scale may be considered "change of use" of the footpath and are therefore subject to Development Approval.

Development Approval cannot be granted for a building or structure proposed to be erected or installed on a Council footpath, road or other land unless Council authorisation under the *Local Government Act 1999* and/or relevant Council by-laws has been provided.

Removal of Outdoor Dining Infrastructure

On termination of the "Outdoor Dining Permit" (for any reason) all infrastructure associated with the outdoor dining permit must be removed within 21 days and the footpath returned to its previous state at the permit holder's expense, unless alternative arrangements have been agreed in writing by Council.

Should the items not be removed within 21 days the Council may remove them and all costs incurred will be the responsibility of the permit holder. In addition, failure to remove within 21 days could result in legal proceedings.

5.7 Application and Issuing Permits

The Council will issue an "Outdoor Dining Permit" as defined under the *Local Government Act (1999)*.

Applicants should be aware that Council may undertake public consultation on all new "Outdoor Dining Permit" applications and applications to significantly change an existing "Outdoor Dining" area.

OUTDOOR DINING BOLLARD (ODB) - PERMANENT

DESCRIPTION:

The Outdoor Dining Bollard (ODB) is a bollard designed for low speed environments where operating speed are 50kp/h or less. They will be generally constructed of Galvanised Steel but can be powder coated if required by Council.

SPECIFICATIONS:

The Bollard shall be a hollow section of pipe with a Nominal Bore of 150mm and shall be heavy duty steel (Minimum of 5.0mm in width) – Post can be filled with Concrete

- DESIGN, INSTALLATION AND MAINTENANCE:**
- Design should be in accordance with the specifications and dimensions provided
 - Installation will be undertaken by the applicant to the specifications provided
 - All maintenance of the bollards will be the responsibility of the applicant

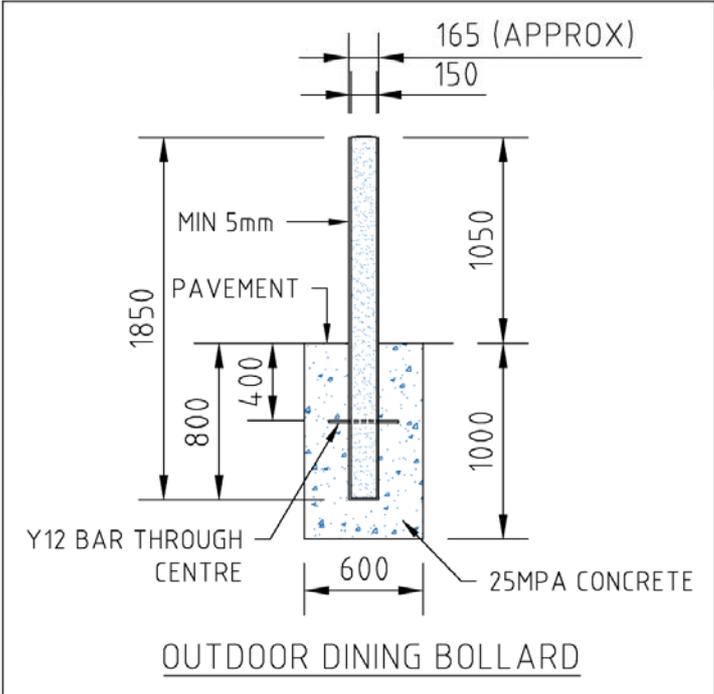
- SPACING REQUIREMENTS:**
- Spacing requirements may vary depending on job specific requirements. Council’s recommended spacing is:
- 1500mm between bollard post centres.

- FOOTING REQUIREMENTS:**
- Bollards are to be in a permanent concrete footing of 600mm diameter and 1000mm depth
 - The concrete footing must have a strength of 25MPa



CONTACT DETAILS:

Port Augusta City Council
4 Mackay Street
Port Augusta SA 5700
(08)96419100
admin@portaugusta.sa.gov.au



Outdoor Dining Bollard Design

Application for Permit - Outdoor Dining



Port Augusta
CITY COUNCIL

Application Number:	
Receipt Number:	
Received By:	

Please complete this form in BLOCK LETTERS and return to:

CONTRACT AND EVENTS OFFICER

PORT AUGUSTA CITY COUNCIL

4 Mackay Street, PORT AUGUSTA SA 5700

Phone: (08) 86419100

Facsimile: (08) 86410357

Email: admin@portaugusta.sa.gov.au

Please ensure that the application form is completed entirely and all requested documentation is attached to avoid delays in processing your application.

Part 1 – Business Details

Name:				<i>(*The Permit Holder*)</i>
Address: <i>(Unit/House)</i>		<i>(Street)</i>		
<i>(Suburb)</i>			<i>(Post Code)</i>	
Phone:	Mobile:	Fax:	Email:	
Contact Person: <i>(Title)</i>	<i>(First Name)</i>		<i>(Last Name)</i>	
Position Held:				

Part 2 – Details of Proposed Activity

Please select applicable option:

New application

Part 3 – New Application Requirements (Please attach required information to application)

Is this application for a temporary/casual event? Yes No

If yes, please provide the dates and times: _____

Furniture/Objects/Structures to be Contained Within the Proposed Outdoor Dining Area:

Number of chairs: _____ Construction material: _____

Number of tables: _____ Construction material: _____

Number of umbrellas: _____ Number of planter boxes: _____

Number of screens: _____ Construction material: _____
 Dimensions of screens: _____

Liquor Licence

Are you applying for a Liquor Licence for the proposed outdoor dining area? Yes No

If yes, you must provide a copy of your application to the relevant liquor licensing authority with this application.

Operating Times of the Business

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time							
Closing Time							

Site Plan Requirements

A site plan of the proposed outdoor dining area is required which must be drawn to a professional standard, at the preferred scale of 1:100. The plan must show the following dimensions:

Site Plan Attached

- The footpath width from the outside face of the kerb to the building line.
- The position of the tables and chairs and any other items or structures within the boundaries of the proposed outdoor dining area.
- Existing street furniture, trees, light poles, signs, rubbish bins, pits, fire hydrants, car parking and other relevant features.
- The boundaries of the proposed outdoor dining area in relation to the footpath width and building lines (show boundaries).
- Details of external lighting, if proposed, showing the type of fixtures and their proposed placement.

Elevation Plan Attached

- An elevation (front view) of the proposed dining area where umbrellas or other structures are proposed that may impact on existing canopies and trees.

Additional Documentation

- Photographs, references to supplier catalogues, and/or architectural drawings detailing proposed furniture.
 - Attached
- One or more photographs of the site, clearly showing the proposed outdoor dining area relative to buildings and the existing features of the footpath.
 - Attached

- If the tenant of the building a letter outlining the support of the owner of the building for the proposed outdoor dining area.

Attached

Not Applicable

Public Liability Insurance Requirements

The Permit Holder must maintain a public liability insurance policy during the permit period with a public risk cover of at least \$20,000,000 (twenty million dollars).

- Certificate of Currency showing a minimum of twenty million dollars (\$20,000,000) Public Liability

Attached

- Insurance Schedule detailing all inclusions and any exclusions to the Policy

Attached

Important: Tax invoices are not considered sufficient evidence of a Public Liability Insurance Policy

Part 4 – Acknowledgement of Conditions

Note: In some instances, the establishment of an outdoor dining area may represent “development” under the Development Act, and thereby in addition to the permit, require Development Approval. Examples may include full height enclosures, permanent structures, shade canopies and signage. Enquiries regarding such proposals should be directed to Council’s Planning & Building Department prior to submitting your application.

The issuing of the permit is subject to:

- The permit holder agreeing to the General Conditions of the permit as contained herein.
- The permit holder agreeing to all Special Conditions which the Port Augusta City Council may determine from time to time.
- The permit holder agreeing to all directions, which the Port Augusta City Council may determine from time to time.

The permit holder paying the prescribed fees as set out in the Port Augusta City Council Fees and Charges Register if applicable.

I certify that the above information is true and correct and furthermore in making this application, I acknowledge that I have read, understand and agree to be bound by the permit conditions outlined in Council’s Outdoor Dining Policy including the payment of any applicable fee.

Name: _____ Signed: Dated: / /

Conditions of Permit Outdoor Dining

Described Activity

Permit is valid only for activity described on the permit.

Dates and Times

Permit is valid only for times and dates on the permit.

Permit Inspection

Permit must be made available for inspection upon request by an authorised officer or a police officer.

Insurance

The permit holder agrees to indemnify and to keep indemnified the Council its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the permit.

The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.

The permit holder must provide confirmation of insurance to Council. Such a policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.

The permit becomes immediately invalid if the permit holder ceases to have current public liability insurance as set out above.

Failure to Comply

Failure to comply with any condition of the permit will result in the permit being revoked.

Valid Area

The permit is only valid for the area stipulated on the permit.

Compliance with Other Legislative Requirements

The permit holder must abide by all other State and Federal legislation. The issue of this permit does not absolve the permit holder or their agents from any other overriding legislation.

Amendment to Conditions

The permit conditions may be amended at any time by the issuing authority with or without consultation with the permit holder. In this instance the permit holder will be notified of the changes in writing.

Directions

The issuing authority may add or remove directions to the permit in addition to conditions at any time. Failure to comply with a direction will be taken as failing to comply with a condition of the permit.

Available for Inspection

The permit holder must make available for inspection the activity or premise for which this activity refers to at any reasonable time of the day or night.

Changes to the Activity

Any changes to the approved activity contained on this permit must be with prior approval from the issuing authority. This may cause conditions to the permit to be altered. If this is the case a new permit will be issued.

Changes to Circumstances Affecting Validity of Permit

Any changes to circumstances that would affect the validity of the permit must be notified to the issuing authority within 14 days of the change. For example a change to ownership of a company would require notification.

Fees and Charges

This permit is subject to fees and charges as set out in the Port Augusta City Council Fees and Charges Register.

Special Conditions

Change of Business Ownership

Should the business be sold the new operator must apply for Transfer of the permit. An Outdoor Dining permit is separate to the sale of the business.

Removal of all Furniture in the Outdoor Dining Area

The tables and chairs are to be removed from the outdoor dining area at the end of business trading each day.

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.

Tables and Chairs

All furniture must be kept clean, tidy and in good repair at all times.

The use of cheap, stackable full extruded/moulded plastic chairs and tables are not permitted. Stylish, quality outdoor furniture that includes some plastic elements, or is heavy duty plastic is acceptable. Please refer to the Outdoor Dining Policy for full details on table & chair requirements.

Removal of Fixed Infrastructure

All approved fixed infrastructure associated with the outdoor dining must be removed within 3 weeks of cease of the business, including removal of energy absorbing bollards (where applicable). Removal of outdoor dining items is at the permit holder's expense.

Hours of Operation

Outdoor dining must conclude 1 hour prior to closing.

Cleanliness of Outdoor Dining Area

The outdoor dining area must be kept clean and free from litter at all times. This includes all approved furniture and equipment.

The permit holder is responsible for ensuring that no waste material is swept or placed in the water table or into Council bins.

Enclosures

The outdoor dining area is not permitted to be enclosed with café screens, blinds, awnings or similar structures without written approval from Council.

Plastic Blinds: Plastic blinds require separate Development Approval from the Outdoor Dining approval. Please refer to the placement and design requirements in the Outdoor Dining Policy.

Glass Screens: Glass screens require separate Development Approval from the Outdoor Dining approval.

Umbrellas

Umbrellas must be removable but properly secured on the pavement to prevent blowing over in strong winds when in use on the footpath.

Safety Devices

Safety devices, eg energy absorbing bollards, may be required in certain locations to shield outdoor dining areas from out-of-control vehicles. Should Council determine that safety devices are required to be installed; the cost of the installation and supply is borne by the applicant.

Cash Registers/Dumb Waiters

The placement of cash registers and/or dumb waiters on the footpath are not permitted.

Heaters

Gas or electric heaters may be temporarily located with the approved outdoor dining area however no overhead connections for either gas or electrical heaters will be permitted. Please refer to the Outdoor Dining Policy for full details.

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 is permitted.

Details of external lighting are to be provided to Council for approval. All lighting must be vandal resistant, glare free and designed to the relevant Australian Standards. All external electrical works are to be undertaken by a licensed electrician.