



**Policy Title: Outdoor Dining Policy**

Policy Type:	<b>Council</b>
Reference Number:	<b>COU50</b>
Responsible Department:	<i>City Development</i>
Responsible Officer:	<i>General Manager City Development</i>
Legislation	Local Government Act 1999 (S221 - S225) Disability Discrimination Act 1992 (S5, 23(1), 24(1), 44) Development Act 1993 & Associated Regulations Australian Standards
Relevant Delegations:	N/a
Related Policies and Procedures	N/a
Community Goal	3.1 Ensure that urban development and infrastructure meet the changing needs of the community whilst maintaining the City's heritage, amenity and character
Council Resolution:	Item 31 CSP 16 May 2011 Item 135 Council 23 May 2011
Date Adopted:	23 May 2011
Review Date:	February 2013

## 1. POLICY STATEMENT

The purpose of the Outdoor Dining Policy is to provide a framework that guides Council in managing outdoor dining in public spaces throughout the City of Unley.

## 2. PRINCIPLES

Outdoor dining has become increasingly popular as it provides additional social and cultural dining experiences creating a cosmopolitan ambience and enhances street life.

Council supports the appropriate use of public spaces for outdoor dining but in assessing any application for outdoor dining, must also consider and ensure that a balance is maintained between the competing needs for use of the footpath by other user groups and the allocation of outdoor dining areas.

Council has responsibility in assessing applications, issuing permits and managing the competing needs and interests of pedestrians and business owners by approving outdoor dining permits and premises that facilitates outdoor dining in a manner that improves the usage, quality and image of the City of Unley's public realm.

The issuing of a permit for private use such as outdoor dining does not grant exclusive rights of the relevant public space and cannot exclude the general public from using tables and chairs provided for the purpose of outdoor dining.

### **3. POLICY OBJECTIVES**

- 3.1 To find a balance between the various stakeholders' interests in public areas that are used for outdoor dining, and to ensure that Street Café Permits are operated at a high standard throughout the City of Unley.
- 3.2 Encourage businesses to provide outdoor dining facilities where it is designed to protect and enhance the character, heritage and amenity of the surrounding streetscape and built form and recognises that an approved outdoor dining permit over the relevant public space does not exclude the general public from access and use of tables and chairs provided for outdoor dining.
- 3.3 Support and approve outdoor dining applications that consider and meet the needs of all users of the street, including the safety of pedestrians and diners.
- 3.4 Consider outdoor dining applications on their individual merits and assessed against Council's policy. Proposed outdoor dining locations will also be assessed in terms of safety and may require changes to existing infrastructure and/or the installation of additional infrastructure (eg energy absorbing bollards).
- 3.5 The Outdoor Dining Policy and Operating Guidelines will not be applied retrospectively

### **4. DEFINITIONS**

***“Outdoor dining”*** means the use of the public footpath for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delicatessens and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only operate when those associated premises are open for business. Outdoor dining should contribute to the vibrancy and conviviality of street life.

***“Energy Absorbing Bollards”*** means bollards designed to perform under load in accordance with the requirements specified in the Roadside Dining Protection Guidelines, published by the Department for Transport.

## **5. PROCEDURES**

### **6.1 Legislation**

- 6.1.1 The Council has power to authorise a person to use a public road for business purposes, including for example by extending the business of a restaurant or café to outside tables situated on a footpath or roadside, pursuant to section 222 of the Local Government Act, 1999.
- 6.1.2 Outdoor dining areas, whether temporary or permanent, may also require approval under the Development Act 1993 . For example, the erection of some fixtures may constitute building work pursuant to the Act, some outdoor dining areas may involve works in relation to a local heritage place and in other cases the extension of a business or increase in seating capacity may require the formal variation of an existing development approval. This Policy does not override the provisions of the Development Act, 1993.
- 6.1.3 Sections 222 to 225 of the Local Government Act 1999 generally provide for the granting of, and cancellation of, authorisations or permits for the use of public roads (more particularly footpaths and roadsides) for Business Purposes such as outdoor dining. Section 224 enables the Council to grant authorisations or permits “on conditions the Council considers appropriate”. The installation of some structures is governed by Section 221 of the same Act, which deals with alterations associated with public roads.
- 6.1.4 In accordance with Section 223 of the Local Government Act 1999, before determining whether or not to grant an authorisation or permit , the Council may be required to consult the community in accordance with its Policy 1.4.08 as well as other agencies. This requirement will depend on the particular nature of the proposed use of the public road and associated works (for example if the grant of the authorisation or permit would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree)
- 6.1.5 The Disability Discrimination Act 1992 requires equality for people with disabilities. The following Sections have relevance to the issue and operation of Permits:

Section 5 Disability discrimination

Section 23(1) Access to premises

Section 24(1) Goods, services and facilities

## Section 44 Advertisements

### **6.2 Delegations**

The Chief Executive Officer is authorised to implement this Policy including through further sub-delegations.

Delegated Council officers will monitor outdoor dining areas and Permit holders are required to comply with any lawful and reasonable direction provided by such an officer. Breaches of the authorisation will be dealt with in accordance with the relevant legislation including the Local Government Act, 1999.

**City of Unley**

**OUTDOOR DINING**

**OPERATING GUIDELINES**

Policy to which the operating guidelines relate:

**COU50 Outdoor Dining Policy**

## **1. INTRODUCTION**

Outdoor dining has become increasingly popular throughout the City of Unley. The footpaths throughout the City of Unley are under the Council's care and control and therefore it has responsibility to ensure that any activities that take place on any of its footpaths are undertaken in a manner that does not compromise the safety and amenity of either pedestrians or nearby road users.

To facilitate outdoor dining, Council will, in appropriate circumstances (and subject to relevant legislation and community consultation where required) issue a permit to restaurants, cafes and delicatessens for the use of an allocated area of the footpath in front of or alongside their business premises pursuant to section 222 of the Local Government Act 1999. Permits will be subject to appropriate conditions.

There are a number of sometimes competing factors for the use of the available footpath and therefore it is important to ensure that a balance is achieved for all users.

The purpose of these guidelines is to provide clear and concise information of Council's requirements regarding the allocation and ongoing management of footpaths for the purposes of outdoor dining while ensuring that the amenity and access of other pedestrians is maintained.

### **1.1 Scope**

Generally outdoor dining applications will be considered on their individual merits and the Policy Guidelines will be used to assess each application to ensure consistency and equitable allocation of the available footpath. The assessment will also include a risk assessment of the location in terms of Roadside Dining Protection Guidelines prepared by the Department for Transport, Energy and Infrastructure which may require the installation of Energy Absorbing Bollards and appropriate setbacks to be maintained to ensure the effective performance of these bollards.

## **2. OPERATING GUIDELINES**

### **2.1 Current Policy Reference**

These Operating Guidelines give effect to Council's Outdoor Dining Policy adopted by Council at its meeting on 28 February 2011.

### **2.2 Guidelines for Effective Implementation**

Outdoor dining shall not take place on any public street or public place until permission has been issued by Council in writing in accordance with Section

222 of the Local Government Act for the use of the land for the purpose of outdoor dining. In some circumstances an authorisation will also be required pursuant to Section 221 of the Local Government Act if, for example, an applicant also proposes to erect or install a structure on the footpath.

Outdoor dining will only be permitted where it can successfully be accommodated in accordance with the Outdoor Dining Policy and the Operating Guidelines.

Development approval may also be required in respect of some outdoor dining proposals pursuant to the Development Act, 1993.

## **2.3 General Principles**

### **2.3.1 Safety**

Outdoor dining should provide a safe environment for the public at all times. Therefore any outdoor dining application must address the following issues:

- 2.3.1.1 Outdoor dining areas on footpaths must not impact on traffic safety. Motorists' sightlines must be maintained in accordance with the relevant Australian Standards and the AustRoads Guide to Traffic Engineering Practice. The location of outdoor dining areas must be cognisant of the adjacent road conditions.
- 2.3.1.2 There is to be a safety zone of 0.6 metres from the kerb to any structure, furniture, fixtures or fittings on a footpath where outdoor dining has been approved.
- 2.3.1.3 Access to pedestrian ramps is to be maintained at all times
- 2.3.1.4 Pedestrian access to buildings is to be maintained at all times and a minimum pedestrian walkway width of 1.2 metres is to be maintained at all times, including when the seats within the outdoor dining area are occupied.
- 2.3.1.5 Where there are risk factors associated with the locality of a proposed outdoor dining site, a crash barrier system which meets recognised crash-tested protection standards must be installed to the satisfaction of the Council. Examples of high risk areas include sites opposite roundabouts and sites at intersections with four-way traffic flows. Such risks will be assessed on a case by case basis.
- 2.3.1.6 Crash barriers must be no closer than 0.6 metres from the kerb edge.

- 2.3.1.7 Where a crash barrier is required, diners, furniture and any other fixtures and fittings must be positioned a minimum of 0.6 metres from the crash barrier.
- 2.3.1.8 Where bollards are used as a crash barrier system, they must be installed with a gap not exceeding 1.2 metres between bollards in accordance with relevant standards as nominated by the Council, and must complement the streetscape design and colour to the satisfaction of the Council. Bollards, if installed by the Council, will be installed by the Council at cost to the applicant. 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 energy absorbing bollards, i.e. Arterial roads where transit or bus lanes may become necessary to improve public transport. Permits will not be issued in these circumstances.

Every application for outdoor dining will be assessed to ensure that minimum access and circulation requirements can be met. If a location is deemed unsafe for outdoor dining then approval will not be granted, even if the application complies with the policy guidelines.

## **2.3.2 Location**

Outdoor dining is only permissible when associated with existing or proposed premises where the core function is the provision of food and beverages to the public, such as cafes, restaurants and delicatessens. Generally the outdoor dining must be located directly outside the associated business premises and contained within an area perpendicular to the property boundary and the kerb and within each side boundary of the property.

Outdoor dining areas must be set back from major intersections and junctions to ensure the safety of patrons and to ensure that adequate pedestrian access is maintained for pedestrians.

Outdoor dining areas must ensure the following aspects are addressed:

- Patrons are protected from the direct exposure to the elements as far as is practicable
- Use can be made of existing verandahs or shade from trees and where this is not possible umbrellas, canopies and awnings
- Access to existing structures, bus shelters, seats and street furniture including public art is not compromised
- Screens may be appropriate in selected locations to provide shelter from both wind and the proximity of vehicular traffic
- High quality furniture appropriate to the environment and fit for purpose must be used for outdoor dining and it must be kept clean and

maintained to a high standard to the satisfaction of the Council at all times

### **2.3.3 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 or near heritage places must be compatible with the heritage significance of the place so as not to detract from that significance.

Development approval is normally required for the installation of any permanent structures associated with outdoor dining, such as fixed screens and enclosures. Special consideration needs to be given to these items if proposed in association with heritage listed places to ensure they do not affect the heritage value of the place.

### **2.3.4 Advertising**

Advertising within outdoor dining areas is not permitted, although minor identification of the premises' business name may be permitted through negotiation with the Council, which will consider applications in accordance with the Development Act 1993 where relevant.

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.

The following considerations will generally be relevant to the Council's assessment of applications for signage:

- 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
- Advertising on outdoor dining items, such as removable or permanent umbrellas, retractable 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 is not permitted below 1.3 m from the ground;
- 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) can restrict pedestrian movement and represent a potential hazard in areas of high pedestrian use 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, subject to any required approval of the Council.

### **2.3.5 Footpath Widening**

Footpaths are widened to increase their pedestrian capacity at locations of high demand, to provide improved pedestrian crossing locations and to provide protection for parking bays.

Applications for widened footpaths or kerb extensions will not be considered unless in the context of an integrated streetscape design as the extension of the kerb may impact on parking, stormwater and adjacent businesses and therefore cannot be considered in isolation.

Where outdoor dining is proposed on a widened footpath or kerb extension, additional protection may be required in the form of energy absorbing bollards. The cost of which, if approved by Council, must be met by the applicant.

Any other street furniture associated with outdoor dining requires approval at the time of applying for an Outdoor Dining Permit.

### **2.3.6 Siting Criteria**

As well as outdoor dining locations needing to allow for safe pedestrian circulation and access, authorisation by Permit 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 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:

- Adjacent to bus zones and taxi zones;
- Adjacent to designated disabled parking spaces;
- In streets with footpath width of less than 2.8 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 undertakes a continual review of parking and loading zones throughout the City and may consider re-locating a loading zone to facilitate outdoor dining if an appropriate alternative location is available.

### **2.3.7 Outdoor Dining Beyond Permit Holder's Boundary**

Generally, the extension of outdoor dining along the footpath into areas that are not directly outside the associated business will not be permitted. That is, one business will not normally be allowed to operate outdoor dining outside the frontage of another business.

However, in areas with a current low level of outdoor dining and where street activities are being encouraged and promoted, consideration may be given to allowing outdoor dining areas to extend.

Extension of an outdoor dining area, where permitted by Council, must be contiguous with the current outdoor dining permit area and not extend beyond the frontage of the adjacent business premises in either direction. Extension of an outdoor dining area into the adjacent business' frontage will only be permitted if that is the only object in front of that business (i.e. outdoor dining will not be approved where an A-frame or removable sign already exists).

Extension of outdoor dining beyond the principle premises is dependent on written permission being granted from the operator and the property owner of the adjacent business and should that permission be withdrawn or the adjacent business change operation, outdoor dining must be removed from this area immediately.

Where a person holding an outdoor dining area permit has been granted permission to extend the outdoor dining area along the footpath, the permit holder must take responsibility for any liability issues which arise and that are associated with the outdoor dining area. Council may require evidence of appropriate insurance.

### **2.3.8 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.

Council requires a minimum clear width of footpath to be maintained between the immediate front of the building and the licensed area. This space cannot be used to store tables, chairs, planter boxes, displays or any other item. The outdoor dining area must not be located directly against the building facade.

Footpath clearance measurements are to be taken from the edge of the building or property boundary to the back of the chair (at a distance out from the table to equate with someone seated in the chair) if the outdoor dining furniture is orientated perpendicular to the frontage. Measurements shall be taken from the property boundary to the edge of the table if the outdoor dining furniture is orientated parallel to the frontage. Footpath clearances are summarised below.

The desirable width of footpath area available for public pedestrian access adjacent to outdoor dining facilities, exclusive of safety setbacks and the dining area itself, is 2.0 metres. The absolute minimum footpath width to be available

for public pedestrian access is 1.2 metres. Public access and pedestrian flow (including for people using prams, wheelchairs etc.) must not be compromised.

The public pedestrian access pathway is to be maintained adjacent to the building at all times. This includes situations when the chairs are occupied so that patrons must be contained within the approved outdoor dining area.

The width of the footpath and public pedestrian access pathway will govern the length of outdoor dining area permissible, in accordance with the following table:

<u>Pedestrian Access Width Available</u>	<u>Maximum Length of Dining Area</u>
2.0 metres	15.0 metres
1.5 metres	8.0 metres
1.2 metres	4.0 metres

The provision for diners, tables and chairs shall be a minimum of one square metre per person i.e.:

- 2-person table and 2 chairs – 1.0m x 2.0m
- 3-person table and 3 chairs - 1.5m x 2.0m
- 4-person table and 4 chairs - 2.0m x 2.0m

### **2.3.9 Setbacks**

Setback refers to the distance between the outer extremities of an outdoor dining area and other infrastructure.

#### **2.3.9.1 Setbacks from intersections**

A minimum setback of 2.0m is required at intersections of local streets, 2.5m at intersections of arterial routes and minor circulation routes with local streets, and 3m is required at intersections of arterial routes and minor circulation routes, measured from the corner of the building. In situations where wide footpaths allow for a 2.0m clearance between the outdoor dining area and the kerb as well as a 2.0 m clearance between the outdoor dining area and the building, no intersection setback may be required.

#### **2.3.9.2 Side Setbacks / Setbacks from edges of Building Frontages (property lines)**

A 0.375m setback is required from the side boundary of each building frontage. Side setbacks apply to all premises, even where there is no adjoining outdoor dining area, to ensure access to parking and other infrastructure.

#### **2.3.9.3 Setbacks between Outdoor Dining areas:**

The minimum setback between adjacent outdoor dining areas is 0.75m, made up of the minimum setback from side boundaries

of 0.375m for each side. Where an outdoor dining area exceeds 12m in length, a 1.2m space in the centre is required and a 3.0m space is required in the centre of the area if the outdoor dining area exceeds 15m length.

#### **2.3.9.4 Setbacks from Servery Windows**

A minimum setback of 1.8 m from the property boundary is required opposite a servery window. A greater setback will be required if deemed necessary as a result of high pedestrian volumes, building design or other factors.

#### **2.3.9.5 Setbacks from Existing Infrastructure**

A setback of 1.0m is required from infrastructure items such as a street 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. If there are trees within the dining area, their pits (exposed root area) are to be kept free of cafe furniture.

#### **2.3.9.6 Setbacks from Public Bus Zones**

The footpath should not be obstructed by outdoor dining within a signed public bus zone. Outdoor dining areas should be set back 10.0m from the edge of a public transport zone to protect patrons from exhaust fumes and buses 'overlapping' the footpath and to allow free movement to and from public transport vehicles.

#### **2.3.9.7 Setbacks to Access of Underground Infrastructure**

Underground infrastructure includes service openings to sewerage 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.

#### **2.3.9.8 Setbacks to a Construction Zone**

On an adjoining building site, roadway or footpath during the period of the project a minimum setback of 3.0m 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 applications for outdoor dining permits will be assessed according to individual site conditions.

## **2.4 Layout, Design and Appearance of Outdoor Dining Elements**

### **2.4.1 Layout**

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

- Contribute to the desired character and sense of place within the street;
- Make the adjoining premises as attractive, welcoming and amenable as possible;
- Meet circulation, resting places and traffic safety requirements; and
- Relate appropriately to heritage places.

All furniture and accessories in outdoor dining areas are to be well designed, practical, durable, attractive and in keeping with the streetscape character to the satisfaction of the Council. Fully extruded/moulded plastic furniture is not permitted as it does not withstand prolonged and intensive use. Good quality outdoor furniture that includes some plastic elements is acceptable. The placement and style of furniture and all accessories are to be specified when applying for and issuing outdoor dining Permits, and must comply with the following conditions:

- 2.4.1.1** All furniture is to be placed adjacent to the kerb side of the footpath, allowing a clear pathway along the building frontage.
- 2.4.1.2** The fixing, or otherwise, of tables is to be determined as part of the Permit conditions on a case by case basis. Unfixed tables should be sturdy and stable to minimise the possibility of encroachment into safety and pedestrian zones and to prevent trip or other hazards.
- 2.4.1.3** Chairs and unfixed tables must be removed from the Permit area at the close of business each day.
- 2.4.1.4** When fixed furniture is removed, the footpath must be promptly reinstated to a condition equivalent to that prior to installation to the satisfaction of the Council, at the Permit holder's cost.
- 2.4.1.5** No furniture or accessories are to be fixed in locations where they will interfere with existing services and access to them.
- 2.4.1.6** 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.
- 2.4.1.7** Outdoor dining items should be of a high standard in appearance, style, cleanliness, durability and comfort, be sturdy and windproof, and without sharp edges or other features likely to cause injury
- 2.4.1.8** Where outdoor dining areas are located where Precinct Associations/Groups operate, it is recommended that the applicant liaise with the relevant Precinct Association/Group in

the selection of outdoor dining items to ensure the desired 'street image' is consistently portrayed.

- 2.4.1.9** 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 the Council's approval.

#### **2.4.2 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 is easy to maintain, and acceptable.

Sufficient room should be left between tables so as 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 and are prone to cracking and discolouring however quality furniture that includes some plastic elements is acceptable
- Any existing fully extruded plastic furniture which does not meet the requirements of this policy must be removed within 12 months of any subsequent permit renewal.
- Tables/chairs should be light-weight to allow easy handling, stackable to facilitate ease of storage, meet appropriate safety standards, have a minimum 30mm diameter pad on the base of the chair and table legs to protect the pavement surface
- 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
- All tables/chairs must be kept clean, tidy and in good repair at all times and must be located within the permitted area under the Outdoor Dining Permit

#### **2.4.3 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.

Full enclosure of footpaths or other public spaces so as to prevent reasonable pedestrian access along the footpath will not be permitted. Permit holders do not have exclusive use of the footpath and cannot prevent its primary use which is to provide for safe and convenient pedestrian access. Only the area authorised for the outdoor seating of patrons may be enclosed (or partly enclosed).

Enclosure of outdoor dining areas in public spaces may be considered subject to the following provisions:

- Up to a maximum of three enclosures may be permitted within any one street block; and
- Enclosures should not require the relocation of public street furniture, trees or other facilities; and
- Enclosures must respect the role of the footpath as a public access area.

Any enclosure must:

- Not obscure visibility, alienate pedestrians or promote a sense of exclusiveness in the area that is subject to an Outdoor Dining Permit or its environs;
- Be enclosed on no more than two sides, with no structures perpendicular or at an angle to the kerb alignment, to maintain accessibility and openness;
- Be feasible within the minimum spaces provided in this policy, for unrestricted public access;
- Provide a gap of at least 300mm so that the vertical space between the footpath and a building canopy is not fully enclosed;
- Not exceed the horizontal width of the associated premises, outdoor dining area, or 15 metres, whichever is the lesser
- Be affixed to the underside of the building canopy and must be rolled up when not in use and during non-trading hours, when of a blind style;
- Not be of a blind style where building canopies or verandahs are more than 4 metres in height;
- Not be used for general advertising although minor identification of one company, product or dining name may be permitted through negotiation with the Council which will consider the requirements of the Unley Development Plan and the Development Act 1993 where relevant;
- Be durable, structurally sound and fixed to avoid personal injury and property damage;

- Provide a 1.5m space each 8.0m where outdoor dining areas have permanent or temporary enclosures, and between adjoining outdoor dining areas with permanent or temporary enclosures, should be cleaned weekly and must be maintained in good condition at all times;
- Be provided, installed and maintained by the permit holder and at the Permit holder's cost

Full height enclosures (plastic screens) and permanent enclosures (glass screens) will usually constitute development under the *Development Act 1993* in which case they require Development Approval.

Enclosure by way of screens (in particular PVC blinds) may constitute “enclosed space” and trigger a smoking ban, pursuant to the State Government Tobacco Products Regulation Act 1997. Permit holders should contact the State Government's Department of Health for more information and advice

#### **2.4.4 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 – which, depending on the particular details of the enclosure, will often be required under the *Development Act 1993* - is subject to individual assessment, based on the provisions of the relevant Development Plan including specific pedestrian and traffic requirements of the location.

Glass screens must:

- Be designed to reinforce the desired character of the street and related appropriately to the adjacent building
- Be simple in design but can incorporate artistic treatments (such as etching) subject to urban design assessment
- be approved by Council and may be provided through nominated suppliers at the proponent's expense;
- have a maximum height of 1.5 m from existing footpath pavement level and a minimum clearance from the pavement of 0.3 m;
- be setback 0.9 m from a loading zone;
- be of sufficient form and structural strength to meet functional requirements, including wind loads, resistance to vandalism and impact from pedestrians;
- reach a height of 1.4 m above the footpath so as to be clearly visible if the screen is not marked by either advertising or a decorative pattern
- be removed, at the permit holder's cost, should the business change hands or cease to operate.

#### **2.4.5 Plastic Blinds**

Plastic blinds may only be installed under verandahs or balconies where such blinds appear as ancillary to the more permanent verandah or balcony.

Plastic blinds are not permitted adjacent designated bus zones, taxi ranks , loading and drop off (no parking) zones and are not permitted where glass or canvas screens are provided.

Plastic blinds, where installed must

- be positioned so as to allow for pedestrian amenity, including refuge from traffic and not impede access or obstruct lines of sight, particularly on corners
- not detrimentally impact upon the significance of heritage places
- be a minimum distance from kerb line of 0.6 m and a minimum clearance above the pavement of 0.3 m
- be set back from infrastructure and street furniture a minimum 1.0m and 1.8m from pedestrian crossings
- be aligned parallel to the kerb line and returns to the depth of the outdoor dining area only are allowed
- leave a 1.5m gap every 8.0m between adjoining outdoor dining areas with blinds or screens
- A clearly marked contrasting colour strip on the plastic blind at approximately 1.4 m above the footpath is required to ensure their visibility
- be fixed firmly in position when down to avoid 'flapping', and so that any sharp exposed plastic edges are protected and ground level restraints must be designed and constructed so as to avoid hazardous situations
- be rolled up or removed outside trading hours and when the weather does not warrant their use
- be of clear, quality plastic (i.e. not coloured or decorated) and plastic blinds that are marked or opaque must be removed and replaced at the permit holder's cost

In addition to the above, permit holders must be aware of the requirements contained within the Tobacco Products Regulation Act 1997 in relation to the banning of smoking in enclosed public places to ensure compliance.

#### **2.4.6 Canvas Screens**

Canvas screens may be allowed to delineate an outdoor dining area. Canvas screens where installed must:

- Be removable, and therefore freestanding, of a light weight frame, easily installed and de-mounted, and securely fastened during periods of use
- Not exceed 0.9 m in height and be of a single colour
- Be set back a minimum of 1.0m from buildings and street furniture or public infrastructure and a minimum distance from the kerb line 0.6 m
- Be positioned parallel to the kerb

- Be suitably sited and designed regarding available space, existing built form, street activity and traffic conditions
- Be positioned to allow for pedestrian amenity and access, including refuge from traffic
- Not be located adjacent designated loading zones
- Be removed after trading hours.

#### **2.4.7 Permanent Umbrellas/Retractable Awnings**

'Permanent umbrellas' are umbrellas that are installed onto the pavement for extended durations (such as for a year) and are not placed and removed from the pavement on a daily basis.

Permanent umbrellas and retractable awnings may be appropriate provided they meet the following requirements:

- They are only used where the footpath is at least 6m wide and upon which no verandahs, canopies or street trees provide adequate shelter over the outdoor dining area
- Used to delineate an activity 'node' such as a gathering place, and are considered most likely to be acceptable in larger public spaces
- Designed and placed so as not to create obstacles to pedestrian movement or obstruct motorist's sight lines, particularly at pedestrian crossing points
- Do not compromise the health of street trees
- Designed to not detract or restrict views of significant sight lines, buildings, landmarks and landscape
- Of high quality contemporary design and lightweight construction
- Comprise matt, neutral colours (highly reflective surfaces are not permitted);
- Are set back from the kerb a minimum of 0.6 m and 1.0m from other existing infrastructure and a minimum of 2.0m from pedestrian ramps to allow safe access
- Have a minimum clearance of 2.3m above the footpath and maximum height of 3.5 m
- Not restrict public access at any time
- Be maintained in safe and good condition by the applicant;
- Permanent umbrellas should not exceed 3.5m x 3.5m nor cover an area greater than 12.5sqm
- Contain 1 central support post and a roof pitch with a clearly defined central point and perimeter posts are not permitted
- Have a gap between each umbrella of 0.9 m and permit no more than 3 permanent umbrellas per premises, or no more than 80% of the frontage of the premises, whichever is the greater

- Retractable awnings may be allowed in minor streets/ side lanes, subject to case by case assessment (including consideration of factors such as access by emergency vehicles and water run-off).

Other permanent structures, such as freestanding gazebos or pavilions, are not permitted. Permanent structures will often constitute “development” under the Development Act, 1993 and must be designed and constructed to appropriate engineering standards and in accordance with any approval required under the *Development Act 1993*.

#### **2.4.8 Removable Umbrellas**

Removable umbrellas are placed and removed from the pavement on a daily basis and may be used to provide shade and shelter to patrons as well as a visual promotion of the outdoor dining operation.

The following principles apply to removable umbrellas:

- A minimum clearance for unyielding components, from their lowest point to the footpath surface of 2.1 m must be achieved; yielding components such as fringes, may extend to 2.0 m
- Umbrella canopies should be of a high quality material, such as canvas, and of neutral colours; artistically designed canopies may be considered if part of a streetscape 'theme' and if supported by the relevant Precinct Association/Group.
- Umbrellas should be placed with regard to existing infrastructure such as trees, canopies and verandahs and only allowed where existing shelter (such as verandahs, canopies or trees) is inadequate;
- Must be properly secured on the pavement to prevent blowing over in strong wind and without damaging its surface
- The umbrella base must not represent a trip hazard to pedestrians and details are to be submitted with the application
- Where it is proposed to install umbrellas into a permanent socket or sleeve in the footpath, details are to be submitted with the application;
- Umbrella canopy edges are to be set back at 0.6 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, except where adjacent to the kerb
- Umbrellas and their bases must be removed and safely stored outside trading hours.
- Any existing umbrella which does not meet the requirements of this policy must be removed within 12 months of any subsequent permit renewal.

### 2.4.9 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
- have a minimum width of 0.5m and, if rectangular, a maximum length of 1.2m
- not have sharp corners or edges
- be positioned to provide a minimum gap of 0.9m between them and other structures
- not allow water and discharge to enter the stormwater system, stain the pavement or create a hazard for pedestrians
- be positioned at least 0.6m on the dining area side of any crash barrier system/device
- contain plant species suitable for the site, which are maintained in a healthy condition not contain insert tubs which leave gaps permitting the build up of refuse in the plant box and their height, including plants, is not to exceed 1.2 m above the footpath
- Plant species must be suitable in terms of form, shape, hardiness and ability to be maintained and details of the proposed species should be submitted when applying for a permit
- 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;
- Where irrigation is provided, approved back flow prevention devices are required, pursuant to E&WS Regulations and water supply lines are to be UPVC, and placed underneath the footpath at a depth of 0.3 m
- Should be designed so as not to discharge overflow onto the footpath, or be connected to the sewerage system, pursuant to the Environmental Protection Authority's *Storm Water Pollution Prevention Code of General Practice for the General Community*
- 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 and

failure to keep planter boxes maintained to an acceptable standard will result in the permit holder being directed to remove them

- Should the outdoor dining area cease to operate, the permit holder must remove planter boxes prior to vacating the site at their own cost.

#### **2.4.10 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 and operated in accordance with those standards and requirements and the manufacturer's instructions. 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 and 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
- They must be removed outside trading hours
- Permanent heating and cooling units may be installed with the permission of the Council and such units should be specifically designed for outdoor operation must be well maintained and serviced regularly
- Heating units should be fixed to the underside of the verandah where such is available.
- All heating and cooling units must be operated by the Permit holder or his/her staff and unit controls must not be accessible to patrons.

#### **2.4.11 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. Lighting must be maintained in working order and must not create unreasonable 'spill' into neighbouring properties.

"Chasing" and flashing lights are not permitted in outdoor dining areas.

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.

All external electrical works are to be undertaken by a licensed electrician.

## **2.5 Smoking**

Smoking is permitted under current legislation in outdoor dining areas.

## **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.

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.

### **2.6.1 Cleanliness**

Outdoor Dining Permit holders are expected to maintain outdoor dining areas, including the footpath, in a clean, hygienic, tidy and safe condition at all times, specifically:

- 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 during all hours of operation for both hygiene and presenting a continuous well cared for image
- No waste material, including sweepings, are to be disposed of into the gutter
- Where outdoor dining areas adjoin nature strips or garden areas, operators have to ensure that all waste from their premises is promptly removed.

- If requested, the Permit holder must provide a suitable waste receptacle within the dining area. Waste and sweepings must not enter the gutter and must be disposed of in the appropriate manner. Such refuse is not to be deposited in public litter bins.
- 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

### **2.6.2 Animals**

Animals are to be managed effectively within outdoor dining areas.

- Dogs must be on a leash at all times in accordance with Council's By-Law 3(4.0).
- The State Government has exempted approved outdoor dining areas from Food Safety Standard Clause 3.2.2; sub-clause 24(1) (b) in dining areas providing the area is not enclosed. (See SA Government Gazette 13/11/03 p 4037 for definition of enclosure.) Nevertheless, animals must be under the control of their owners and must not cause a nuisance to other diners or pedestrians in accordance with the Dog and Cat Management Act 1995 and Council's By-Law 3(4.0) re Dogs on Leash Areas.
- An outdoor dining Permit holder may deny the entry of animals to a defined outdoor dining area under his/her control, in sections containing furniture, but may not prevent animals from passing by on public footpath space.
- Animals must not be provided with food or permitted to seek and take food anywhere in or near to outdoor dining areas. One water dish may be provided for animals, providing it is on the perimeter of the designated dining area and is at least 1.0m away from patrons seated at tables.

### **2.6.3 Damage**

Damage to public and private property within an approved outdoor dining area is the responsibility of the Permit holder, who must supervise the area so that patrons' behaviour does not lead to damage.

- In the event that damage does occur under the auspices of a lessee, the operator is responsible for notifying the owner of the property
- Any damage must be repaired at the Permit holder's cost

### **2.6.4 Maintaining Amenity**

The use of public land through outdoor dining may be restricted, such as through reduced operating hours or reduced seating capacity, where there is potential or actual undue impact on housing, undue impact on the amenity of the area or a history of complaint. As landlord of the public realm, Council can condition, modify or revoke an outdoor dining permit as it sees fit.

### **2.6.5 Markers**

Use of an outdoor dining area including its furniture, plants and planter boxes, must be contained within its approved boundaries. These should be designated by pavement markers that will be installed by Council officers. Normally, the corners of the area are marked by means of a circular metal disk set flush with the pavement, although additional markers may be required in complex situations. Tactile pavers must not be used for this purpose.

### **2.6.6 Removal of Furniture**

The Council may require the removal of outdoor dining facilities and the suspension of outdoor dining activities in an outdoor dining Permit area, to enable infrastructure work to proceed on Council land, or for any other purpose that the Council deems warranted in the interests of public health and safety. When possible, the Council will give reasonable notice to Permit holders, where significant infrastructure works are to be undertaken.

All outdoor dining infrastructure must be removed within 3 weeks of cessation of the associated cafe business.

If Council is put to the expense of removing furniture it will seek to recover any associated costs in accordance with the provisions of the Local Government Act, 1999 from the holder of any related outdoor dining permit.

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 and stored securely out of sight at the close of each day's business.

### **2.6.7 Wastewater Management**

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

- Do not hose down or in any way discharge waste water or washdown 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 sewer. Contractors are available who steam clean paved surfaces and vacuum the waste water to a holding tank prior to disposal to the sewer

- Where waste water is to be disposed into a sewer, it will be necessary to complete an Application to Discharge Trade Waste Form, available from the SA Water

### **2.6.8 Toilets**

Toilet capacity within the adjoining/supporting premises must meet the table below for the combined outdoor and indoor dining areas of the premises applying for an Outdoor Dining Permit.

The provision of sanitary facilities is regulated by the Building Code of Australia.

Liquor licensing laws also stipulate that if a liquor license is held, the provision of toilets for patrons is mandatory, regardless of seating capacity.

### **2.6.9 Consumption of Alcohol**

Applicants are required to advise if they are applying for a liquor licence when seeking an outdoor dining permit. An application for the consumption of alcohol at an outdoor dining area must be made initially to the City of Unley's Chief Environmental Health Officer and subsequently to the Office of the Liquor and Gambling Commissioner (8226 8410).

Alcohol can only be served and consumed in the area designated.

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

## **2.7 Application Process**

### **2.7.1 Issue of Street Café Permits**

Outdoor dining proposals will be individually assessed on a case by case basis. Applicants should discuss their proposals with Council development officers in the first instance, when submitting an application for an outdoor dining Permit. Relevant considerations will include, but are not limited to:

- the location of the proposed dining area;
- the design, quality and maintenance of proposed furniture;
- the installation and maintenance of fixtures and fittings;
- the extent of enclosure and exclusive use proposed;
- the extent of pedestrian access and circulation spaces, with reference to the Disability Discrimination Act;
- the applicant's provision of insurance and indemnities;
- the relationship between the food preparation area and the proposed dining area;

- the provision of shade to protect patrons from the sun;
- the provision of car parking; and
- the safety of patrons, pedestrians and motorists
- the designation as a non smoking area.

2.7.1.1 Development approval, where required, must be granted before other details of applications for outdoor dining Permits will be assessed.

2.7.1.2 All applications for outdoor dining Permits which do not meet the provisions in this policy are to be referred by Council's staff to the Council for consideration (what if staff form the view the application clearly cannot and should not be approved – must it still be referred to Council?).

2.7.1.3 All outdoor dining Permits shall, unless revoked, remain in force until the 30<sup>th</sup> June each year.  
When a Permit takes effect between the 1<sup>st</sup> January and 30<sup>th</sup> June, one half of the annual fee shall be payable.  
Applications for renewal of outdoor dining Permits are to be made on an annual basis prior to 30 May.

2.7.1.4 When determining the re-issue of an outdoor dining Permit, the delegated officer will have regard to any negative aspects of the Permit holder's current or past performance such as:

- continued disregard for any of the Permit conditions;
- non-compliance with any planning consent conditions issued in respect of the activity;
- on-going noise complaints;
- non-receipt of fees which are or have been due and payable; etc.

## **2.7.2 Fees**

Fees for Outdoor Dining Permits are to be charged. Fees are to be calculated on the basis of:

- an application fee for administration and a rental per square metre (of public land) per week for a 52 week (annual) period a bond comprising 10% of the calculated permit fee
- In the event of increased insurance premium costs, the Outdoor Dining Permit fee will be adjusted by Council accordingly.
- The fees payable for Outdoor Dining Permits will be reviewed annually through the Council's Review of Fees and Charges.

## **2.7.3 Requirements for Outdoor Dining Permits**

A person to whom an Outdoor Dining Permit has been issued shall clearly display it at the relevant premises for inspection by any appropriately delegated officer of the Council upon demand, at any time during which the Permit holder is trading pursuant to that Permit. Outdoor Dining Permits are to include plans indicating the approved dining area, furniture and fittings, any shade provisions and must show a registered Permit number.

2.7.3.1 Any Permit may be cancelled by the Council for breach of the Permit conditions in accordance with Section 225 of the Local Government Act 1999.

2.7.3.2 Outdoor Dining Permit Holders are required to hold public liability insurance that specifically indemnifies the City of Unley, noting the Council as a “specified person” for the purposes of Section 48(1) of the Insurance Contracts Act 1984, to the value of ten million dollars (\$10,000,000). A Certificate of Currency must accompany applications for, and renewal of, Outdoor Dining Permits.

2.7.3.3 An Outdoor Dining Permit must operate in association with an approved restaurant, café or other premises which provides meals and table service where the operator is responsible for serving to and clearing from tables in the outdoor area. In addition, the following applies:

- Meals are to be prepared in the adjacent building and not within the outdoor dining area.
- Cash registers and ‘dumb waiters’ are not to be used in Outdoor Dining Permit areas.
- The hours of operation of an approved outdoor dining area shall be the same as the hours of operation of the associated premises.
- Outdoor Dining Permit areas are subject to the requirements of the Public and Environmental Health Act 1987, the Food Act 2001, and any other legislation governing health and hygiene in the associated premises.
- Music or other noise for the benefit of outdoor diners must not cause nuisance to any other neighbouring businesses, land owners, or to pedestrians.
- Outdoor dining areas must be clearly identified as non smoking or smoking in accordance with the designation of the particular area.

#### **2.7.4 Car parking**

The provision of additional Car parking associated with outdoor dining may be required by the Council in accordance with the rates set out in the relevant Unley Development Plan.

## 2.8 Permit Application

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 City of Unley
- A public liability insurance Certificate of Currency
- A receipt for payment of application administration fee in accordance with the City of Unley's current Schedule of Fees and Charges
- Supporting information, including a site plan of existing conditions, 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 cafe 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 cafe
- A site plan of the proposed outdoor dining layout, showing accurately the area of the proposed location and the arrangement of all proposed screens, tables, chairs, and umbrellas, including all set back dimensions, etc
- 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
- Photographs, references to supplier catalogues, and/or architectural drawings detailing proposed furniture
- Details of external lighting, if proposed, showing the type of fixtures and their proposed placement
- Details of advertising in form of a photograph and/or a graphic design drawing of the proposed cafe logo, and a clear indication of its size and location on screens and/or umbrellas
- Where applicable, a letter outlining the support of the relevant Precinct Association/Group is encouraged
- The applicant shall arrange for any amendments required to the plan to be re-submitted before final approval can be given.

- Any other information the Council may reasonably require to assess the application for a permit.

### **2.8.1 Development Approval**

In some instances outdoor dining may constitute 'development' for which approval will be required under the *Development Act 1993*, in addition to the Permit. For example, approval will be required for those items defined as 'building work' in the *Development Act 1993*, such as some:

- Fixed screens
- Full height enclosures (e.g. plastic screens)
- Permanent structures (e.g. shade structures)
- Signage

In some cases outdoor dining areas may also involve a “change in use” of land under the Development Act or may involve the variation of relevant conditions attached to an operative development approval in which case approval under the Act would also be required.

If Development Approval is required, the applicant will be notified and be advised on the process and requirements. Additional fees and timelines apply.

### **2.8.2 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 for outdoor dining purposes. This is to ensure a strategic approach to the design of the City'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 the standards specified by the City of Unley. All costs associated with changes to the public realm by request of the applicant are to be borne by the applicant, including:

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

The assets created will be owned by the City of Unley. Where it is an integral part of an Outdoor Dining Permit, changes to the public realm have to be completed before the Permit can be issued.

Financial and time implications should be considered.

## **2.9 Approval**

The City of Unley will notify the applicant of the decision. In the event that the application is approved an Outdoor Dining Permit will be issued .

An Outdoor Dining Permit is valid when the City of Unley has:

- Issued a duly executed Permit to the proprietor,
- Received an endorsed public liability insurance certificate.

The Outdoor Dining Policy and Operating Guidelines will not be applied retrospectively, i.e. the intent is that the Policy and Operating Guidelines are to be applied to new outdoor dining facilities for which a permit is sought or, at the Council's discretion, in respect of permits which are the subject of an application for renewal.