OUTDOOR DINING

COUNCIL POLICY

PURPOSE

This policy is intended to encourage the practice of outdoor dining across Palmerston whilst ensuring that the amenity, accessibility, safety and vibrancy within the public realm is maintained and enhanced.

The Outdoor Dining Policy regulates the ongoing and consistent occupation of Council land by businesses providing food and/or beverages. It does not apply to temporary activations, events, markets, or Council-led place activation initiatives including the Pop-Up Dining program.

PRINCIPLES

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

Underlying principles reflected in this policy are to:

- Encourage outdoor dining in areas that are suitable
- Add vibrance and activity, and improving safety to streets and public spaces whilst balancing existing amenity and character
- Encourage activities that contribute to the economy and amenity of Palmerston
- Designs are inclusive of and consider all users

DEFINITIONS

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

TERM	DEFINITION
Licenced	A business that holds a licence under the *Liquor Act 2019*
Outdoor Dining	An outdoor area within the Public Realm that provides tables and chairs for patrons of a business whose primary function is the provision of food and/or beverages, for the purpose of ongoing and consistent use. This definition does not include pop-up dining arrangements.

TERM	DEFINITION
Public Realm	The Public Realm is land that is used by the public as physical and social spaces where the public is entitled to have access for community, social and commercial interaction, and exchange. This includes, but is not limited to, streets, public square and civic spaces.

POLICY STATEMENT

1. General

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

The following applies to all outdoor facilities on Council land:

1.1. A permit is required to operate any outdoor café or dining area located on public land.

1.2. All permits are issued for a 12-month period. No security deposit is required. Renewals must be submitted prior to the permit expiry date.

1.3. Universal Design Principles and Crime Prevention through Environmental Design Principles should be applied to all design proposals to ensure that community safety is maintained and that the street is accessible to people of all ages and abilities.

1.4. Outdoor dining areas are to be maintained in a clean, healthy and tidy manner, and remain an attractive element of the Public Realm to the satisfaction of the City of Palmerston.

1.5. Outdoor dining areas must provide equitable access for all.

1.6. Outdoor dining areas in public places should be located adjacent to an existing indoor restaurant, bar or café and be an extension of this activity.

1.7. The design should consider cooling devices, weather protection and screens.

1.8. The design of the area must incorporate compliant disability access.

1.9. Outdoor dining areas should be integrated into the street in a way that does not compromise existing street activities, circulation requirements and pedestrian and traffic safety through maintaining adequate clearances.

1.10. Permanent structures such as shades, seating or tables may be considered on special merit. Council will use its discretion on a case-by-case basis.

1.11. Once the Permit has expired or revoked, the area must be restored to its original condition to the satisfaction of the Chief Executive Officer of City of Palmerston and at no cost to Council.

2. Class 1 Application – Up to four tables and a maximum of eight seats (whichever is the lesser)

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

2.1. Furniture will generally be commercially manufactured, well maintained, and of a suitable size to accommodate diners.

2.2. Where adjoining businesses provide a similar outdoor dining service the applicant may be required to provide furniture of a similar design.

2.3. The applicant will be required to satisfy all other standard or special permit conditions.

2.4. All applicants must comply with the applicable legislation, by-laws, regulations and Council policies listed below.

2.5. It is a requirement that the below be provided in their permit process:

2.5.1. Food Business Registration

2.5.2. Public Liability Insurance (minimum cover $20,000,000) that list City of Palmerston as an interested party.

2.5.3. Photos or brochure of furniture (tables, chairs and barriers) that will be used.

2.5.4. A scaled site plan and floorplan must be submitted showing:

- Dimensions of the total area including but not limited to the footpath, distances of tables to boundaries and other fixtures, and any other information deemed relevant;
- The exact location of the building, roads, car parks and proposed or existing street trees/furniture;
- The proposed location of tables, chairs and umbrellas including the seating configuration;
- Compliant pedestrian thoroughfare.

3. Class 2 Application – All other applications (with or without a Licence to Serve Alcohol)

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

3.1. An indication of the proposed permit term and any proposed permit conditions. Where relevant the location and style of patron protection measures with details of how the dining area will be delineated from the public area.

3.2. The style and look of the area must be in keeping with the character of the general area in which it is situated.

3.3. Outdoor dining areas must not be used solely for the consumption of alcohol, and food must be available during all trading hours in which alcohol is served.

3.4. In addition to the list of required documents provided in Section 2.5, venues with liquor licencing must be able to also provide;

- Current Liquor Licence, including trading hours and responsible service of alcohol
- Proof of adequate toilet facilities

ASSOCIATED DOCUMENTS

- City of Palmerston Annual Fees and Charges

REFERENCES AND RELATED LEGISLATION

- Palmerston (Public Places) By-Laws
- Palmerston (Signs, Hoarding and Advertising) By-Laws
- Disability Discrimination Act
- Local Government Act
- Tobacco Control Act

- Liquor Act
- Northern *Territory Noise Management Framework*

POLICY DETAILS

OWNER	Chief Executive Officer	RESPONSIBLE OFFICER	[Responsible Officer]General Manager People and Place
APPROVAL DATE	1 September 2026	NEXT REVIEW DUE	31 August 2030
RECORDS NUMBER	498445	COUNCIL DECISION	11/0591