

Name:	Outdoor Dining		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director Finance and Governance		
Approval Date:	5/04/2022	Next Review Date:	6/04/2026
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## 1 PURPOSE

This policy is intended to encourage the practice of outdoor dining across the Palmerston area whilst ensuring that the amenity and safety of streets and public places is maintained and that there is clear guidance and consistency with respect to outdoor dining.

## 2 PRINCIPLES

The City of Palmerston encourages dining in all areas of Palmerston and seeks to maintain and improve public street amenity while providing economic benefits to the community. 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

## 3 DEFINITIONS

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

Term	Definition
Licensed	A business that holds a license under the <i>Liquor Act 2019</i>

## 4 POLICY STATEMENT

### 4.1 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:

- 4.1.1 Ensure that Universal Design Principles and Crime Prevention through Environmental Design Principles are adhered to.
- 4.1.2 Outdoor dining areas are 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.
- 4.1.3 Equitable access for all.
- 4.1.4 Generally outdoor cafés and dining areas in public places should be located adjacent to an existing indoor restaurant, bar or café and be an extension of this activity.

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- 4.1.5 The design should consider cooling devices, weather protection and screens.
- 4.1.6 The design of the area must incorporate compliant disability access.
- 4.1.7 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.
- 4.1.8 Permanent structures may be considered.
- 4.1.9 A permit is required to operate any outdoor café or dining area located on public land.

### 4.2 Class 1 Application – Up to 4 tables/8 seats (whichever is the lesser)

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

- 4.2.1 Furniture will generally be commercially manufactured, well maintained, and of a suitable size to accommodate diners.
- 4.2.2 Where adjoining businesses provide a similar outdoor dining service the applicant may be required to provide furniture of a similar design.
- 4.2.3 Permits will be annual, and no security deposit is required.
- 4.2.4 The applicant will be required to satisfy all other standard or special permit conditions.

### 4.3 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:

- 4.3.1 A dimensioned drawing indicating the frontage of the site, the position of tables and chairs, and any street furniture or service infrastructure visible within the proposed site.
- 4.3.2 Consent in writing from the owner of the adjoining premises/business.
- 4.3.3 A photograph or brochure detailing the proposed furniture, accessories and fittings intended to be placed in the area.
- 4.3.4 An indication of the proposed permit term and any proposed permit conditions.
- 4.3.5 Where relevant the location and style of patron protection measures.
- 4.3.6 Details of how the dining area will be delineated from the public area.
- 4.3.7 The application being for the area directly adjacent the business to which it relates and not exceeding the lateral boundaries.
- 4.3.8 The style and look of the area must be in keeping with the character of the general area in which it is situated.

## 5 ASSOCIATED DOCUMENTS

- 5.1 City of Palmerston Annual Fees and Charges

## 6 REFERENCES AND RELATED LEGISLATION

- 6.1 Palmerston (Public Places) By-Laws
- 6.2 Palmerston (Signs, Hoarding and Advertising) By-Laws
- 6.3 Disability Discrimination Act
- 6.4 Local Government Act
- 6.5 Tobacco Control Act
- 6.6 Liquor Act