



**POLICY**

**FOR**

**FOOTPATH DINING PERMITS**

Approved February 1998

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## 1. OVERVIEW

The objective of the Policy for Footpath Dining Permits is to facilitate outdoor dining, and in so doing, to improve the amenity of streets and public places, while providing added convenience and economic benefit to the community.

Outdoor dining involves the sale and or consumption of articles at an outdoor eating area or footpath, road (including roads under the control of Northern Territory Government) or other public place, under the care of Darwin City Council.

The Policy for Footpath Dining Permits is applicable across the Darwin Municipal area. The Policy has taken into consideration the views of:

- Darwin City Council Aldermen and Staff
- Existing Traders
- Property Owners
- Interested Organisations and Individuals.

## 2. FOOTPATH DINING PERMITS

Footpath Dining Permits are for the temporary (during opening hours) placement of street furniture for the purpose of outdoor dining.

- ◆ **A Footpath Dining Permit does not entitle the holder to prepare food on the footpath.**
- ◆ **No alcohol is to be consumed in the area used for footpath dining.**

Footpath Dining Permits are available, subject to the provisions of this policy for all areas with the exception of "The Mall" and "Raintree Park". Outdoor dining in "The Mall" and "Raintree Park" will only be permitted through the use of Alfresco Area Agreements.

## 3. APPLICATION PROCEDURE

The application must be in writing on the prescribed form accompanied by the following supporting material:

- ◆ **A dimension drawing indicating frontage of the site, the position of the tables and street furniture in relation to any existing features such as planter boxes and the size of the proposed footpath dining area**
- ◆ **A photograph or brochure detailing furniture, accessories and fittings intended to be placed on the footpath**
- ◆ **Consent in writing from the owner of the abutting premises**
- ◆ **A copy of the current Eating Establishment Licence and Registration Certificate issued by the Health Department, and**
- ◆ **A Certificate of Currency for Public Liability insurance for not less than \$10million.**

The applicant must furnish any further relevant information or documents that Council may need to assess the application.

A Footpath Dining Permit will only be considered for the part of the footpath which abuts the food premises owned and/or occupied by the applicant.

An application for a permit is not duly made until the applicant has complied with all requirements.

#### 4. CRITERIA

The following criteria will be used in determining whether or not a Footpath Dining Permit is issued:

- ◆ **The premises must be approved under the Food Regulations**
- ◆ **Consideration of the potential impact on adjoining property owners and occupiers, traffic and pedestrians, and amenity of the area**
- ◆ **Consideration of the potential benefit and enhancement of the area.**

#### 5. CHARACTER AND DESIGN

The layout, design and type of furniture and associated fixtures of the proposed footpath dining area must be in keeping with the characteristic of the local area.

- ◆ **Brochures or photographs of the proposed furniture must be used to support the application.**

#### 6. PROVISION OF TOILETS

- ◆ **Adequate toilet facilities must be accessible during hours of operation in accordance with Section F2.3 of the Building Code of Australia.**

#### 7. NOISE

The occupier of any food business holding a Footpath Dining Permit must not cause or permit any amplified music system or patrons to emit any noise that is unreasonable.

- ◆ **Council approval is required for all amplified music systems within the permit area.**

Noise from a food business holding a Footpath Dining Permit is unreasonable if at any time, the adjusted average maximum noise level measured exceeds the background level by more than 5dB(A) measured outside any affected noise sensitive place.

Approval to use amplified music is unlikely where the use is located in a predominantly residential area and would be likely to have an adverse affect on residential amenity.

#### 8. DISABILITY ACCESS

The occupier must provide clearance for people with disabilities as per the Commonwealth Disability Discrimination Act 1992. Blind pedestrians normally use the shopfront as a guide and placing dining facilities in this area increases the risk of injury to them, as they must negotiate between the tables and chairs and the kerb.

- ◆ **A clear width of 1800mm must be provided to allow two wheelchairs to pass comfortably as per AS 1428.2 1992 "Design for Access and Mobility: Enhanced and Additional Requirements - Buildings and Facilities."**

## 9. FOOTPATH AREA AND CONDITIONS

- ◆ **The occupier must provide a head clearance for pedestrians of a minimum height of 2.1 metres for umbrellas and plants**
- ◆ **Approximately 5.5<sup>2</sup>m should be set aside for each table for four chairs.**

Where an application proposes to provide additional items beside tables and chairs, such as umbrellas, pots, posts or other structures which provide a risk of head injuries, or alter the surface, approval must be obtained from the Director Technical Services Department of the Darwin City Council prior to commencement.

Darwin City Council has the responsibility to maintain the structural integrity of the footpath areas to the standard at the commencement of the permit. If the footpath area is damaged by the activities of footpath dining, the permit holder shall bear the cost of reinstatement works.

- ◆ **Reinstatement works are to be designed and constructed to the satisfaction of the Director of the Technical Services Department.**

The occupier must apply to Darwin City Council for approval to have any signage on the permit area. Applications will be assessed in accordance with Council's Signs Code. The height clearance necessary for overhead signs hanging from awnings is 2.7 metres.

- ◆ **Council approval must be sought for any signage on the permit area.**

## 10. CLEANING AND MAINTENANCE OF AREA

- ◆ **The permit holder will keep the area clean at all times during the hours of operation.**

## 11. FEES AND DURATION

The permit is renewable annually with fees payable monthly in advance and a review of fees effective in July each year.

- ◆ **A security bond of \$500.00 must be lodged with Darwin City Council before a permit is issued**
- ◆ **If approval is granted for a permit of 3 months or less, a \$200.00 bond is payable.**

## 12. TRANSFER

Footpath Dining Permits are not transferable.

## 13. STREET FURNITURE

Off street storage for this furniture is required when not in use.

- ◆ **Outside the hours of operation all street furniture is to be removed from the footpath.**

#### 14. PERMIT CONDITIONS

Other conditions that Darwin City Council considers relevant to the site may be attached to the permit.

#### 15. INDEMNITY

The permit holder shall at all times indemnify the Council and keep it indemnified against all actions, proceedings, accounts claims and demands whatsoever on the part of any person or persons and from all costs damages expense, losses and liabilities which may arise out of, or are incidental to, the operation of the footpath dining.

- ◆ **The permit holder must maintain a public liability policy for the footpath dining operation for not less than \$10 million which lists Darwin City Council as an interested party.**

#### 16. REVOCATION OF PERMIT

A Footpath Dining Permit may be revoked if:

- a) The holder, during the time that the permit is in force, fails to comply with any condition of the permit; and/or
- b) The Council determines that the permit should be revoked.