



# **OUTDOOR DINING POLICY**

## **Guidelines & Procedures**

### **Enquiries and Applications to:**

Renmark Paringa Council  
PO Box 730  
61 Eighteenth Street  
Renmark SA 5341  
Phone: 08 8580 3030  
Fax: 08 8580 3030  
Email: [council@renmarkparinga.sa.gov.au](mailto:council@renmarkparinga.sa.gov.au)

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## **1.0 INTRODUCTION**

Council's Urban Design Framework (UDF), prepared in June 2005, identified the need to strengthen existing retail areas, with a focus on active retailing and dining opportunities.

Outdoor dining areas provide a place in which to eat and drink, meet people, watch passers-by and to engage actively in social and cultural life.

### **1.1 Purpose**

The purpose of these guidelines is to provide design criteria or standards in which to assess applications for an Outdoor Dining Permit. In meeting these guidelines, it is considered that an outdoor dining area will provide a safe and secure environment for both patrons and pedestrians, is appropriately located and makes a positive contribution to the vibrancy and visual amenity of the public realm.

### **1.2 Scope**

Outdoor dining is an important component of Council's public realm and may be allowed where the Council does not require space for public infrastructure and on the basis that outdoor dining areas comply with these guidelines.

The Local Government Act, 1999 requires that Council's be responsible for determining appropriate locations for outdoor dining prior to the issue of an Outdoor Dining Permit. Consequently, Council is mindful that it needs to consider the safety, urban planning, transport and management issues that relate to the outdoor dining environment.

These guidelines apply throughout the Council area for the assessment and implementation of new outdoor dining areas where food and beverages are served to patrons, including changes or alterations to existing outdoor dining permits and for the renewal of permits.

## **2.0 OUTDOOR DINING GUIDELINES**

These guidelines provide an integrated and balanced approach to the design and management of outdoor dining throughout the Council's public realm in order to achieve safe, functional and high quality outdoor dining areas.

Opportunities for outdoor dining may be limited in some areas due to the width of the respective footpath and location of existing or proposed public/community infrastructure.

## 2.1 Risk Assessment

To determine the suitability of an area or location for outdoor dining, an assessment of the potential risk associated with outdoor dining must first be undertaken.

Outdoor dining locations are placed into three (3) risk categories:

1. **Low Risk:** Site appropriate for dining, without special safety measures
2. **Medium to High Risk:** Site appropriate for dining, subject to safety measures
3. **High Risk:** Site inappropriate for outdoor dining

**Low risk** generally means that the site is situated well away from vehicular traffic, is in an area of limited traffic volume and/or speed or there are pre-existing barriers that effectively screen the dining area from vehicles.

**Medium to high risk** generally means that the site is situated near an intersection or potential vehicle conflict points, but could be made safe through the use of Energy Absorbing Bollards.

If a location is deemed to be of **high risk**, and therefore unsafe for outdoor dining, approval of an outdoor dining permit is unlikely to be granted even if the following guidelines have been satisfied.

## 2.2 Layout, Design and Appearance

The layout, design and appearance of outdoor dining furniture and structures should:

- (a) create a sense of place through vibrant and dynamic street frontages;
- (b) make a positive contribution to the appearance of buildings and the City's visual amenity;
- (c) meet vehicle and pedestrian safety requirements; and
- (d) protect heritage buildings and their setting.

### 2.2.1 Tables and Chairs

Tables and chairs must be of high quality design, attractive, durable and comfortable. Furniture should be consistent in type and style throughout the dining area and be easily cleaned and maintained.

Tables and chairs must be positioned within their allocated space so as to provide a functional and inviting dining environment. There must be sufficient room between tables to allow ease of movement for both patrons and service staff.

The following principles apply to tables and chairs:

- Tables and chairs must be of a design and style that is attractive, contemporary, of high quality materials and appropriate in colour so as to complement the adjacent building(s) and streetscape. Cheap moulded plastic chairs/tables and stools are not permitted. Examples of appropriate tables and chairs are illustrated in **Figure 1**;
- Furniture should be sturdy, comfortable, durable and stackable for ease of storage;
- Tables and chairs should be non-fixed and removable to allow furniture to be removed from dining areas outside of approved trading hours. The use of fixed furniture may be appropriate in some circumstances provided that siting and safety principles are satisfied and Development Approval has been granted;
- The following minimum areas are required for tables and chairs (guide only):
  - 2 person table/chairs – 1m x 2m
  - 3 person table/chairs – 1.5m x 2m
  - 4 person table/chairs – 2m x 2m

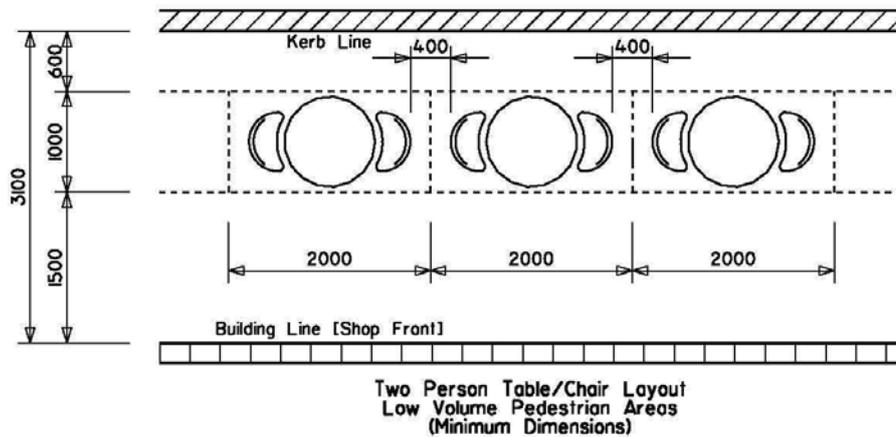
To provide adequate access and avoid overcrowding, a minimum distance of 400mm should be provided between each dining setting. An allowance of 600mm is required for bench seats. Refer to layout examples in **Figure 2**;

- Tables must be no greater than 800mm in diameter;
- Furniture must be located within the licensed outdoor dining area at all times;
- Furniture must be kept clean and in good repair at all times. Damaged, discoloured or weathered furniture must be replaced at the permit holder's expense;
- The positioning of tables and chairs must comply with the siting criteria specified in **Section 2.3** of these guidelines; and
- Fixing mechanisms must be designed to provide for the reinstatement of the pavement so as not to cause trip or other hazards following removal of the furniture.

**Figure 1 Table and Chair Examples**



**Figure 2 Typical Table and Chair layout**



### 2.2.2 Café Screens

Café screens are an effective means of providing protection to diners from undesirable weather, thus providing an additional level of comfort for diners while allowing traders to operate efficiently during these periods.

Screens not be used primarily to define or delineate individual outdoor dining areas, as the proliferation of screens can result in visual clutter and limit the usability of the footpath as a public space. Screens must not obstruct pedestrian access or visibility for motorists.

The following principles apply to café screens:

- Café screens must be of a design and form that is lightweight and visually attractive. Glass or non-transparent (solid form) screens are both considered suitable. Examples of appropriate café screens are illustrated in **Figure 3**;
- While screens should be removable or de-mountable, permanent screens may be appropriate in locations where the respective footpath is of sufficient width;
- Screens must be structurally sound and appropriately fixed to the ground to meet wind loads, resistance to vandalism and impact from pedestrians. To avoid injury and property damage, fixing mechanisms or footings must be designed to allow the reinstatement of the pavement following removal of the screens;

- Screens are to be a maximum height of 1500mm and have a minimum clearance of 300mm from the pavement to facilitate water runoff;
- Screens can be applied to three (3) sides of the outdoor dining area with the side facing the footpath to be left open so as not to fully enclose the designated area;
- The positioning of screens must comply with the siting criteria specified in **Section 2.3** of these guidelines. At intersections, greater setbacks may be required to maintain vehicle sightlines;
- Screens will only be allowed where they do not present a safety risk to pedestrians and motorists;
- Screens must not be used as a safety barrier. Energy Absorbing Bollards should be used if additional safety protection is considered necessary;
- Screens must not be used for general advertising purposes. Refer to **Section 2.4** for advertising allowances;
- Glass screens not marked by either a business name or logo must have a contrasting colour strip at approximately 1.4 metres above the footpath to ensure their visibility;
- Screens should be cleaned regularly and maintained in good condition at all times;

**Figure 3 Café Screen Examples**

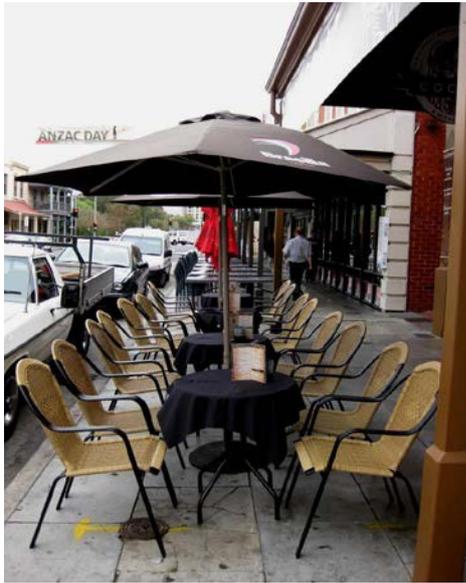


### 2.2.3 Umbrellas

Umbrellas provide shade and protection from the rain where existing shelter is inadequate. The following principles apply to umbrellas:

- Umbrellas are not permitted in areas where there is a verandah, canopy or other fixed cover structure, unless such covers are more than 4 metres above the footpath;
- Umbrella canopies must be of high quality material, such as canvas, and neutral in colour. Examples of appropriate umbrellas are illustrated in **Figure 4**;
- Umbrellas and canopies must not be used for general advertising purposes. Refer to **Section 2.4** for advertising allowances;
- Umbrellas must be removable. Permanent umbrellas are not permitted;
- Umbrellas must be properly secured to the pavement to prevent blowing over in strong winds. Fixing mechanisms or footings must be designed to allow the reinstatement of the pavement following removal of the umbrella;
- Umbrellas and their fixing mechanisms must be safely stored outside of approved trading hours;
- Umbrellas must have a clearance above the footpath level of at least 2 metres;
- Umbrella canopy edges may extend a maximum of 300mm outside the allocated outdoor dining area on the side facing the footpath (except where adjacent to the kerb);
- Umbrellas must be removed or closed during extremely windy conditions; and
- Umbrellas must be maintained in good condition at all times.

**Figure 4 Umbrella Examples**



#### **2.2.4 Permanent Structures**

Permanent structures can take a number of forms, such as verandahs, canopies, awnings and sails. They are only permitted in areas where shelter does not exist and where the footpath area is wide enough to accommodate a structure and pedestrian volumes without creating a safety hazard.

Permanent structures constitute a form of 'development', meaning Development Approval must be obtained as required under the Development Act 1993.

The following principles apply to permanent structures:

- Permanent structures may be permitted where the footpath is at least 6 metres wide;
- Structures must be of high quality design, contemporary style, lightweight and comprise of materials and finishes that reinforce the streetscape. Highly reflective surfaces are not permitted;
- The positioning of structures must comply with the siting criteria specified in **Section 2.3** of these guidelines. A structure must be setback a minimum of 600mm from the kerb (or 300mm where adjacent parking is prohibited) and at least 1 metre from existing structures and infrastructure;
- A minimum vertical clearance of 2.5 metres above the ground and a maximum height of 3.5 metres, unless otherwise approved by Council;

- Post and other structural elements must not obstruct pedestrian movement or the sight lines of motorists;
- Stormwater must be collected and discharged to the street water table to the satisfaction of Council; and
- Structures must be maintained in safe and good condition at all times.

### **2.2.5 Blinds and Retractable Awnings**

Blinds and retractable awnings can provide an additional level of comfort for diners, particularly during wet and windy weather conditions. They should only be used as temporary measures and appear as being ‘ancillary’ to permanent buildings and structures.

The following principles apply to blinds and retractable awnings:

- Blinds must consist of a transparent and durable material, such as high quality clear plastic. Canvas blinds are not permitted;
- Blinds are not permitted on structures or canopies above 3.5 metres in height or where café screens are provided;
- Blinds must be structurally sound and firmly affixed to the underside of the associated structure and the ground to meet wind loads, resistance to vandalism and impact from pedestrians. Ground level restraints must be designed so as not to cause trip or other safety hazards;
- The positioning of blinds must comply with the siting criteria specified in Section 2.3 of these guidelines. A minimum setback of 600mm from the kerb;
- A minimum clearance of 2.5 metres above the ground for retractable awnings;
- Retractable awnings must be fixed to a solid wall in accordance with the manufacturer’s specifications;
- Blinds must be rolled up and awnings retracted outside of trading hours and when the weather does not warrant their use;
- The positioning of blinds and retractable awnings must not detract from pedestrian amenity or obstruct pedestrian movement or the sight lines of motorists;
- A contrasting colour strip at approximately 1.4 metres above the footpath must be clearly marked on blinds to ensure their visibility;

- They must be kept clean and maintained in safe and good condition at all times.

### **2.2.6 Gas Heaters**

Gas heaters may be temporarily located within outdoor dining areas for additional comfort for patrons.

The following principles apply to gas heaters:

- High quality and industry approved gas heaters that meet Australian Standards and Occupational Health and Safety requirements must be used only;
- Installation and operation of gas heaters should be in accordance with AS 4565-2001 (AG 405) Radiant Gas Heaters;
- The positioning of gas heaters must comply with the siting criteria specified in **Section 2.3** of these guidelines. They must be located well away from plastic blinds and not pose a safety or fire hazard;
- Gas heaters must be freestanding but securely fixed and stable when in use; and
- Gas heaters must be removed outside of trading hours.

### **2.2.7 Planter Boxes**

Planter boxes may be used in some circumstances to further delineate outdoor dining areas whilst providing a form of screening, visual interest and a vegetated setting. Planter boxes should not be used as a safety device. Applicants should not acquire planter boxes until the Council has determined whether the site is suitable.

The following principles apply to planter boxes:

- Planter boxes in medium to high risk areas are prohibited, unless located behind approved Energy Absorbing Bollards;
- The style and appearance of planter boxes must be high quality, comprising appropriate materials and colours to enhance the visual amenity of the street frontage;
- The structural strength of planter boxes must be adequate so as to withstand vandalism and impact from pedestrians;
- Materials must be durable with no sharp corners or edges. Moulded plastic is not permitted;

- Planter boxes must be positioned as follows:
  - (a) A minimum setback of 600mm from the kerb;
  - (b) A minimum gap of 300mm between each planter box;
  - (c) Must not be placed where they present a barrier or safety hazard to pedestrians and patrons; and
  - (d) A minimum clearance of 1 metre from buildings, trees, service access covers and other public infrastructure and street furniture.
- The size of planter boxes may vary, although a minimum width of 500mm is recommended. They must not exceed 1.2 metres in length;
- Planter boxes should be hand watered only. Irrigation systems are not permitted. Overflow must not discharge into the stormwater system, stain pavements or cause a safety hazard to pedestrians;
- Plant species must be suitable in terms of shape, form, hardiness and ability to be maintained. A list of plant species must be submitted when applying for a permit.
- All dead plants must be removed and replaced with healthy specimens and empty planter boxes replanted immediately;
- Business logos and other forms of advertising are not permitted on planter boxes. Refer to **Section 2.4** for advertising allowances; and
- Planter boxes must be kept clean and maintained in safe and good condition at all times.

### 2.2.8 Energy Absorbing Bollards

Energy Absorbing Bollards (EAB's) may be required in certain locations to protect diners from out-of-control vehicles. It is imperative that only EAB's that comply with Australian Standards are installed, as more commonly used bollards may be hazardous in crash situations.

As outlined in **Section 2.1**, prior to assessing an application for an outdoor dining permit, Council will determine whether the location of a proposed dining area poses an unacceptable risk to public safety. If it is determined that additional safety protection is required, Council will require that EAB's be installed in accordance with the following principles:

- The colour and style of EAB's must complement the appearance of the street frontage;
- The positioning of EAB's must comply with the siting criteria specified in **Section 2.3** of these guidelines. A lesser setback of 300mm from the kerb may be permitted where parking is prohibited on the adjacent road;

- Where outdoor dining furniture is located on the kerb side of the footpath, a clearance of 500mm should be provided between the bollards and the furniture; and
- EAB's should be appropriately spaced in order to provide the highest level of protection and safety for diners. A spacing of 1.2 metres is required where the risk of a vehicle entering the outdoor dining area at 90 degrees is high, but the spacing may be increased to 2 metres if the risk of a 90 degree impact is considered low.

**Figure 5 Energy Absorbing Bollards Examples**



## 2.3 Siting Criteria

As outdoor dining is commonly provided on the public footpath, adjacent to or in front of an established restaurant or café, a fundamental consideration in determining the suitability of an area for outdoor dining is whether the footpath is of sufficient width to accommodate the necessary furniture and fixtures (tables, chairs etc). Consideration may also be given to locations other than on the footpath, such as gardens and other public areas.

Outdoor dining areas must be appropriately located so as not to compromise the safety of pedestrians and motorists, whilst similarly, not constraining the use of the footpath for public purposes such as seating, rubbish bins, parking meters, post boxes and telephones.

In order to determine whether an area or location is appropriate for outdoor dining, an assessment must be made against the following siting criteria.

### 2.3.1 General Principles

Outdoor dining is not permitted:

- (a) On streets/roads with a footpath width of less than 3.1 metres, unless the footpath is considered wide enough for the volume of pedestrians;
- (b) adjacent to bus stops and taxi zones;
- (c) adjacent to disabled parking spaces; and
- (d) adjacent to loading zones, unless sufficient space is available for loading/unloading of delivery vehicles.

### 2.3.2 Footpath Clearances

Footpath clearances refer to the distance between a building frontage or property boundary and the inner extremities of an outdoor dining area (including all outdoor dining items and furniture).

A minimum clear width of footpath is to be maintained between the front wall of the respective building and the designated outdoor dining area. Consideration is given to the type and volume of pedestrian access when determining the required width of a footpath clearance area. In areas of high pedestrian traffic, such as Murray Ave, Renmark, a wider clearance is necessary.

Footpath clearance measurements are to be taken from the front edge of the building or property boundary to the nearest part of the dining area (i.e. the back of the chair at a distance that equates to someone being seated at the table).

The required footpath clearances are specified in **Figure 6**.

### 2.3.3 Kerb Setbacks

Kerb setbacks refer to the distance between the back edge of the kerb and the outer extremities of an outdoor dining area or associated bollard (if required).

Kerb setbacks have been specified in order to allow for safe access from parked vehicles, servicing and maintenance of dining items, as well as providing sufficient movement between outdoor dining areas and safeguarding the safety of patrons.

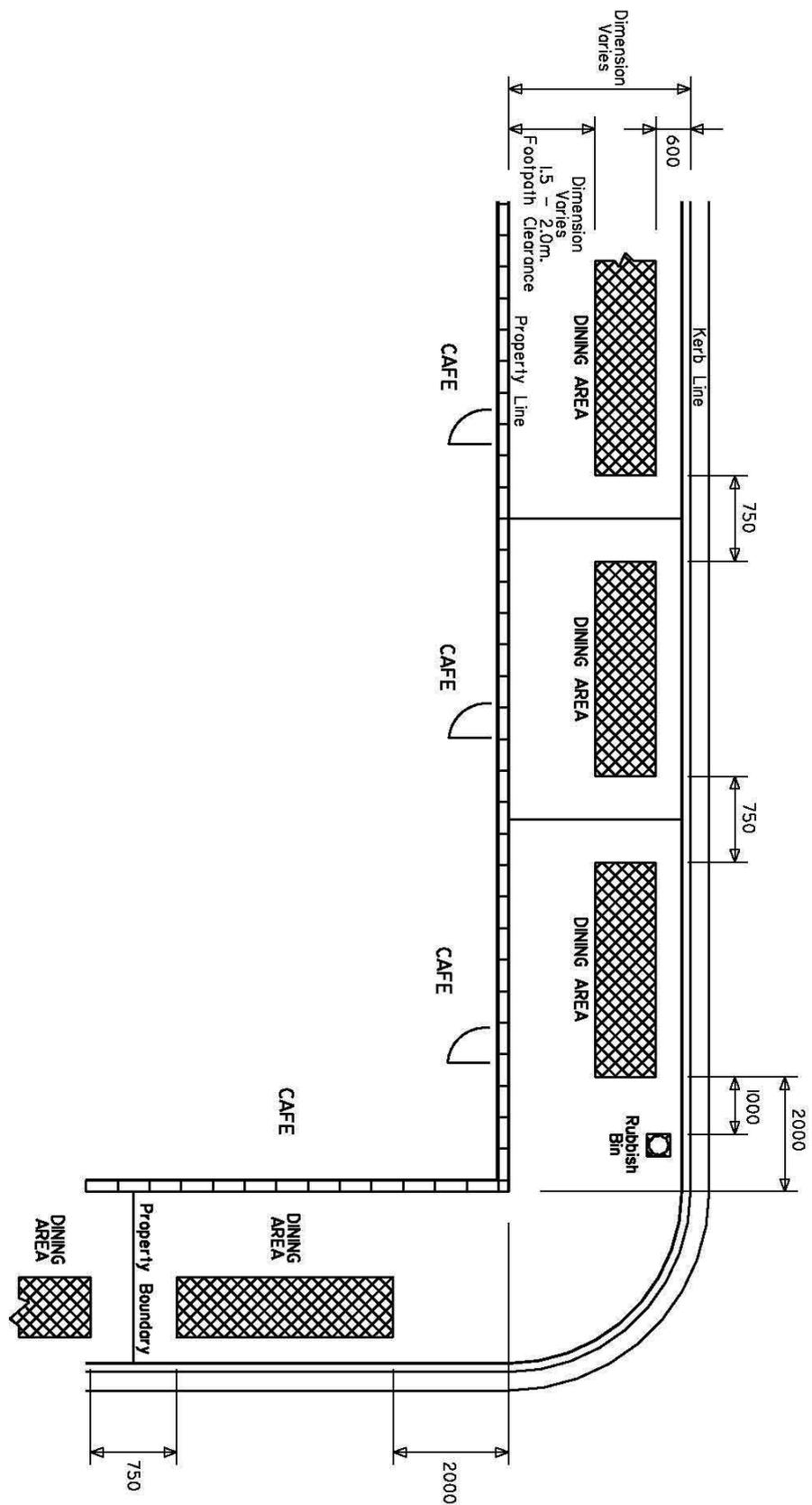
Kerb setback measurements are to be taken from the back edge of the kerb to the nearest part of the dining area (i.e. the back of the chair at a distance that equates to someone being seated at the table).

The required kerb setbacks are specified in **Figure 6** and are illustrated in **Figure 7**.

**Figure 6 Footpath Clearances and Kerb Setbacks**

<b>Outdoor Dining Areas – <u>Low Risk</u> (EAB’s not required)</b>	Minimum Setback from Kerb to Dining Area (m)		
<u>Kerb Setbacks</u> Adjacent Loading & No Standing Zone  <u>Footpath Clearance</u> Low pedestrian volume High pedestrian volume	0.6 1.2  1.5 2.0		
<b>Outdoor Dining Areas – <u>Medium to High Risk</u> (EAB’s required)</b>	EAB Setback	Dining Setback from EAB	Total Dining Setback
<u>Kerb Setbacks</u> Adjacent Parking Prohibited Adjacent Loading & No Standing Zone	0.6 0.3 0.9	0.5 0.5 0.5	1.1 0.8 1.4
<u>Footpath Clearance</u> Low pedestrian volume High pedestrian volume	1.5 2.0		

**Figure 7 Illustration of Siting Criteria**



### 2.3.4 Other Setbacks

The following setbacks apply to all outdoor dining areas:

- **Setback from Intersections** – A minimum of **2 metres**. Where the footpath allows for a 2 metre clearance between the outdoor dining area and the kerb AND a 2 metre clearance between the outdoor dining area and the building, this intersection setback may not be required.
- **Setbacks from Side Boundaries** – A setback of at least **375mm** is required from the side boundary of each building frontage.
- **Setbacks between Outdoor Dining Areas** – A setback of at least **750mm** is required between adjacent outdoor dining areas (375mm for each side).
- **Setbacks from Above-Ground Infrastructure** – A setback of at least **1 metre** is required from infrastructure, such as rubbish bins, light poles, seats, post and telephone boxes.
- **Setbacks to Underground Infrastructure** – Permanent outdoor dining items should be setback at least **1 metre** from infrastructure service openings to allow safe access and maintenance.

### 2.3.5 Extension to Outdoor Dining Areas

Consideration may be given to the extension of outdoor dining beyond the principal premises to include the frontage area of an adjacent business provided that the adjacent business operator does not choose to pursue an Outdoor Dining Permit. The on-going use of an adjacent frontage area for outdoor dining cannot be guaranteed.

Where permitted by Council, the extended area must be contiguous with the principle dining area and not extend beyond the frontage of the adjacent business premises on either side.

Any liability issues which may arise and that are associated with the extended outdoor dining area are the responsibility of the permit holder.

## 2.4 Advertising and Signage

Advertising and signage that identifies the name of the business and products sold on the premises may be provided on approved outdoor dining furniture. Advertising for third parties is not to be displayed on any furniture, except for removable umbrellas.

Advertising and signage are controlled under the Development Act, 1993 and Council By-Laws and are subject to Council approval.

The following principles apply to advertising and signage:

- Advertising and signage should be designed to enhance and complement the appearance and amenity of the premises, feature as a minor element on outdoor dining items, and be of tasteful appearance and presentation to fit with the desired character of the area (as described in the Renmark Paringa Council Development Plan);
- Advertising on approved umbrellas may include the trading/business name and/or logo of the business, or commercial advertising limited to products which are a core part of the business and normally supplied by the business to the public, provided the advertisement does not exceed an area of 25% of the total available space on each umbrella side panel or otherwise approved by Council;
- Advertising on approved outdoor dining tables, chairs, café screens, canopies, blinds and awnings is restricted to the trading/business name and/or logo of the business, provided the advertisement does not exceed a portion that covers 10% of the total available space on each item or otherwise approved by Council;
- The following forms of advertising are not permitted:
  - (a) third party advertising on all outdoor dining items except removable umbrellas;
  - (b) advertising on banners;
  - (c) advertising on plastic blinds; and
  - (d) Illuminated advertisements.
- Free standing moveable signs (i.e. A-frames) are not permitted on the footpath without Council approval and must comply with Council By- Laws. Movable signs must not be placed between the outdoor dining area and the property frontage. Each business is restricted to one movable sign that must be positioned within the shop frontage boundaries.