

1 PURPOSE

This Policy and the City of Darwin Procedure - Outdoor Dining Areas in Public Spaces document together set out the application procedure and the criteria to be applied when determining applications for outdoor dining areas.

City of Darwin is keen to promote outdoor dining as an activity that adds vitality and interest to our public places. The Council seeks to be pro-active by adopting clear policy and procedures to encourage applications for outdoor dining and ensure that applications are treated clearly and consistently.

There are 11 key objectives for this policy:

- to encourage outdoor dining in areas that are suited to purpose and in appropriate areas of the city
- to add vitality to the streets and public spaces of the city
- to protect and enhance the character of the surrounding streetscape and built form, as well as the community functions of parks and other public spaces
- to ensure that activity contributes to the amenity of adjoining and nearby properties
- to ensure that pedestrian and vehicular traffic safety and accessibility is not compromised by outdoor dining activities
- to ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation
- to ensure equitable access for all, including people with disabilities and that pedestrian dignity is maintained
- to ensure that Universal Design Principles and Crime Prevention through Environmental Design Principles are adhered to
- to ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner, and remain an attractive element of the Public Realm
- to provide clear guidelines for applicants, Council, staff and the community with respect to Council's expectations in relation to outdoor dining, and
- to provide for performance monitoring to be used as part of the approval renewal process.

2 SCOPE

This policy is intended to encourage the practice of outdoor dining across the Darwin municipal area while establishing robust procedures to ensure 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.

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3 POLICY STATEMENT

- (a) Generally dining areas in public places should be located where there is an adjacent existing indoor restaurant, bar or café and be an extension of this activity, unless Council considers there is a special merit.
- (b) Outdoor dining areas are not intended as the primary dining area, but an extension of indoor seating, for use in fine weather.
- (c) Outdoor dining areas should only be commercially used during café, bar or restaurant operating hours, or during specified hours depending on location.
- (d) They should be designed with a combination of robust fixed and temporary tables, landscaping, chairs, and umbrellas, cooling devices, weather protection and screens.
- (e) Outdoor dining areas will be located within the Public Realm or public place. The Public Realm is land that is used by the public as “common ground”, where the public is entitled to have access for community, social and commercial interaction and exchange. The Public Realm should allow for pedestrian flow and movement from one place to another.
- (f) A permit is required to operate any outdoor dining area located on public land.
- (g) The City of Darwin does not permit areas in the Public Realm to be used solely for the consumption of alcohol. The consumption of alcohol in the Public Realm must only occur in locations where meals are served from adjacent restaurants or bars.
- (h) Outdoor dining areas contained on Council land must comply with the requirements of the Northern Territory Tobacco Control Act and Regulations.
- (i) 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.
- (j) Outdoor dining is to contribute to a sense of safety in the City of Darwin. Improving the quality of the environment and promoting accessible and liveable places that encourage a feeling of safety and community participation is the key to safer places.
- (k) Permanent structures may be considered on special merit. The Council will exercise its discretion on a case by case basis.
- (l) No live or recorded music is to be played / transmitted from any outdoor dining area contained within the public realm (Council land).

4 DEFINITIONS

Outdoor dining area means an outdoor area in a public space or road reserve, which provides tables and chairs to provide seating space for a business whose main function is the provision of food and/or beverages.

An outdoor dining area may be licensed or unlicensed to sell alcohol.

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5 LEGISLATIVE REFERENCES

Local Government Act (NT) 2008

Sections 183 and 185 of the *Local Government Act 2008* (NT) provide the City of Darwin with the power to control and manage reserves and roads within its area.

For the purposes of this policy a “bar” is defined as an establishment where alcohol and meals are served. If alcohol is to be served in outdoor dining areas within specified times, the associated restaurant or bar must serve meals as well.

Outdoor dining areas may also be associated with “restaurants”, whose primary function is to serve meals, and may or may not be licensed to sell alcohol.

6 PROCEDURES / RELATED DOCUMENTS

City of Darwin Procedure - Outdoor Dining Areas in Public Spaces
City of Darwin 0019.100.E.R Fees & Charges Policy

7 RESPONSIBILITY / APPLICATION

The General Manager Innovation, Growth and Design is responsible for ensuring that this policy is understood and adhered to.

This policy provides the power to relevant delegated Council staff to:

- approve on-street dining in car parking bays
- negotiate leases for the temporary use of on-street car parking bays for outdoor dining purposes.
- provide business owners with a landowner letter authorising any liquor licence application associated with the outdoor dining (the letter only permits the application to be lodged for Liquor licence applications will still be referred to Council for consideration.

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