



Northern Territory of Australia  
**LOCAL GOVERNMENT ACT**  
 AND  
**CITY OF DARWIN BY- LAWS**

Rec No:
Rec Amount:
Rec Date:

# Application for Outdoor Dining

**NOTE:** Applications will only be accepted and assessed providing the application form is fully completed and information is submitted to an acceptable standard and level of detail, as specified within the City of Darwin Procedures, Design and Assessment Criteria for Outdoor Dining Areas in Public Spaces (attached to this form)

**BUSINESS DETAILS**

Name of Business \_\_\_\_\_

Location of Business \_\_\_\_\_  
Lot Street Number Street Name Suburb

Contact Person's Name \_\_\_\_\_

Postal Address \_\_\_\_\_

Phone (w)\_\_\_\_\_ (m)\_\_\_\_\_

E-mail \_\_\_\_\_

**APPLICANT'S DETAILS**

Name of Applicant \_\_\_\_\_

Name of Business \_\_\_\_\_

Phone (w)\_\_\_\_\_ (m)\_\_\_\_\_

If different from above

E-mail \_\_\_\_\_

**DINING AREA**

**Licensed** (Alcohol proposed)  Total area required (in square metres) \_\_\_\_\_

**Trading Hours**

*Council's in principle support is required, prior to any application submitted to other authorities. An outdoor dining - licensed application is required to comply with all City of Darwin Policies and all relevant Australian Standards.*

**Non-Licensed** (No alcohol proposed)

Number of Tables \_\_\_\_\_ Table Dimensions \_\_\_\_\_

Number of Chairs \_\_\_\_\_ Proposed Trading Hours \_\_\_\_\_

Number of and height of Umbrellas (Number) \_\_\_\_\_ (Height) \_\_\_\_\_

# Application for Outdoor Dining

## APPLICANT'S CHECKLIST

- Photographs or brochures of furniture and fittings
- Copy of a current Eating Establishment Licence
- An A4 site plan (dimensioned) detailing the following
  - 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
  - Pedestrian thoroughfare
- Public Liability Insurance to a value in accordance with Council requirements that **LISTS** City of Darwin as an interested party
- Any other additional information to support the application

### **Licensed** (Alcohol proposed)

- The type of and position of barriers, which clearly delineate the Outdoor Dining - Licensed area
- Proof of access to appropriate toilet facilities
- Trading Hours

### **Signatures of Business Owner/s and adjacent Land Owner/s**

\_\_\_\_\_  
Business Owner/s Signature

\_\_\_\_\_  
Land Owner/s Signature

\_\_\_\_\_  
Business Owner/s Name

\_\_\_\_\_  
Land Owner/s Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Sections 183 and 185 of the Local Government Act, provide City of Darwin with the power and control to manage reserves and roads within the Darwin Municipality and as such, Council reserves the right to approve or refuse any outdoor dining application for any reason.**

#### **Privacy Statement**

City of Darwin will comply with the information Privacy Principles contained in the Northern Territory Information Act. These principles protect the privacy of personal information collected and held by the Council. The Council's Privacy Policy explains how personal information is collected, used and stored. It also details how you can access your personal information. Council's privacy statement is available from the City of Darwin, Harry Chan Ave, Darwin or via the City of Darwin website at: [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au)

# Procedures, Design and Assessment Criteria

## Outdoor Dining Areas in Public Spaces

### Introduction

This document is a guide on how to apply for outdoor dining (licensed – alcohol is proposed to be served) and (non-licensed – no alcohol) within the Darwin municipality. This document is to be read in conjunction with, and meet the objectives of City of Darwin Policy No 011 – Outdoor Dining and for licensed premises, the Draft Darwin City Centre Master Plan. All documents can be found on City of Darwin web site at <http://www.darwin.nt.gov.au>

**Please note:** that as land owner, Council may approve or refuse any outdoor dining application whether or not the application complies with City of Darwin Policy No 011 – Outdoor Dining. The Council also reserves the right to add any conditions it considers relevant to individual outdoor dining permits.

### Objectives

The objective is to provide an interesting, vibrant, active and safe environment for pedestrian traffic and other street activity. Outdoor dining areas contribute significantly to street and park life by providing a space to sit and relax, to observe activity in the street and to meet and socialise.

City of Darwin Policy No 011 – Outdoor Dining 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 public places is maintained and that there is clear guidance and consistency with respect to outdoor dining. The consumption of alcohol in the Public Realm is only permitted where meals are served, and during the permitted hours of operation.

### Fees and Charges

Council sets the fees and charges on the 1 July of each year and as such, all dining Permits expire on the 30 June. The current fees and charges are published on City of Darwin's web site.

In addition to the annual fee, the applicant is responsible for the once-off cost of the preparation of the licence and agreement conditions. City of Darwin prepare non-licensed permits and are at the cost defined within City of Darwin Fees and Charges. External Solicitors prepare the licensed permits, with the applicant responsible for all costs.

## **General Criteria for Determining an Outdoor Dining Application**

1. A key determinant will be whether the proposed outdoor dining area is served from an adjacent shop, restaurant, bar or café.
2. The applicant is to take out, keep current and list City of Darwin as an interested party in a Public Liability policy for a value not less than \$20 million.
3. The permit holder shall at all times indemnify City of Darwin 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, expenses, losses and other claims and liabilities which may arise out of, or be incidental to the operation of the outdoor dining Area.
4. All outdoor dining areas are to be kept clean at all times.
5. Outdoor dining permits do NOT permit the holder to prepare food in the Public Realm.
6. Adequate toilet facilities must be accessible during hours of operation in accordance with the Building Code of Australia. Toilets for outdoor dining (licensed) areas are NOT to be provided in the Public Realm.
7. Sight-impaired persons require the use of shop fronts as a guide. Shop fronts are to be kept clear of tables, seating, advertising signs, and other street furniture as per the Commonwealth Disability Discrimination ACT of 1992. Outdoor dining (licensed) applications proposing to modify the footpath must incorporate a continuous path of travel past the dining area for pedestrians.
8. The operator/permit holder must maintain a clearance of 2.1m above the footpath to allow for pedestrian head clearance, safety and access. Umbrellas and plants must maintain this clearance. The height clearance for overhead signs is 2.7m above the footpath.
9. Outdoor dining permits are for the placement of street furniture for the purpose of outdoor dining for the period of the outdoor dining permit. 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 Darwin and at no cost to Council.
10. It is the responsibility of the applicant to ensure that any umbrellas included in an application are adequately secured to ensure they do not become a safety hazard and do not contain any advertising.
11. Crime Prevention through Environmental Design (CPTED) Principles and Universal Design Principles must 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.
12. Connection to services if required will be at the applicants' expense and designed to Australian Standards.

### **Extra Legislation for Outdoor Dining - Licensed**

Any proposed outdoor dining – (licensed) requires Planning and Licensing approvals. Applications to the Development Consent Authority and Liquor Commission cannot be made without Council's authorisation in the first instance, as land owner.

# DESIGN

## **Specific Criteria for Outdoor Dining (Licensed & Non-licensed) Location**

Outdoor dining areas must be serviced from an adjacent business. Licensed dining must be integrated with existing or new built canopies and street trees. Non-licensed dining must take into account existing or new built canopies and street trees. Council may consider outdoor dining which occurs away from the business after considering any submitted special circumstances.

A 3m minimum clearance is required between the shop front and the dining area in high volume pedestrian areas in the Darwin City Centre. This excludes Mitchell Street which is detailed further within specific criteria detailing clearances for Mitchell Street.

In all other areas in the City of Darwin, an assessment of pedestrian volumes will be made in line with the Austroads Guide to Road Design, resulting in a minimum pedestrian clearance of between 2 to 2.4 metres.

500mm from street furniture and tree plots or planters and 1000mm from public seats, payphones, litter bins, bicycle hoops, water bubblers, etc.

600mm as long as the dining area causes no interference to or from disabled parking bays, access to parked vehicles or access to loading zones. Council has the right to increase this distance at any time for any reason.

300mm for outdoor dining (licensed) areas in which a permanent fence or bollards has been proposed.

In addition there must be an unobstructed path measuring 1500mm at both ends of the outdoor dining area to allow passing space for wheelchairs and access to the footpath.

Where outdoor dining areas are located next to bus stops, the minimum distance between the face of the kerb and the outdoor dining area must be 1500mm.

# Specific Criteria for Special Areas in the Darwin City Centre

Some places in the city centre are unique in terms of their role and function and the design precedent already set. For this reason they are singled out for special consideration.

## **Mitchell Street**

Restaurants, pubs and bars, cafes, outdoor dining and the consumption of alcohol in Mitchell Street is a well-established use pattern. A unique arrangement of outdoor bars and dining areas has been established with some lengths of footpath relocated into the parking lanes to facilitate expanded outdoor drinking and eating spaces.

Awnings and/or canopies are to be provided and extend over outdoor dining areas and the public footpath to within 600mm from the kerb line.

Pedestrian Footpath Clearance is to be no less than a minimum of three (3) metres.

Where an outdoor dining area is located next to a bus stop, the minimum distance between the face of the kerb and the outdoor dining area must be 2500mm.

## **The Mall**

The Mall is unique as it is the only section of street which has been fully pedestrianised in the Darwin city centre. It is effectively the “urban living room” of the Darwin city centre. Smith Street is pedestrianised between Knuckey Street and Bennett Street, and for this reason it is singled out for special attention.

Outdoor dining areas are to be directly associated with an adjacent shop, café, restaurant or bar. No permanent structures are to be included in any proposal.

An emergency vehicle path traverses through The Mall and Council will only approve dining within the emergency vehicle path if the applicant confirms in writing that they will remove all furniture from the area if access through the area is required by an emergency vehicle.

A 2.4m minimum clearance is required between the shop front and the dining area in The Mall. A 1m minimum clearance is also required from the tactile strip located within The Mall.

No advertising, planter boxes or moveable signs may be placed in the dining area or pedestrian pathway.

## Design of Outdoor Dining Areas

Outdoor dining areas should complement and enhance the streetscape and other significant street elements such as trees, public art, paving surfaces and public street furniture. In general, outdoor dining areas should be unobtrusive in style, appearance, materials, finishes and colours. Suitable styles must not detract from the integrity and character of significant buildings, landscape features and structures in the street.

Furniture such as umbrellas, planter boxes and screens should not obstruct views of main areas of street activity and significant sightlines to important landmarks. Permanent structures will be considered on merit and may be approved by the Chief Executive Officer of City of Darwin.

### Furniture

Design of outdoor dining furniture is to be of a high standard in appearance and style, made of quality materials with finishes that are attractive and durable. Furniture should be portable yet sturdy and windproof.

### *Screens, Planter boxes and Umbrellas*

- Screens of any sort are not permitted to be used for outdoor dining – (non-licensed) areas
- Barriers including planter boxes may be considered on a case-by-case basis and judged according to available space, urban character, street activities and traffic conditions for outdoor dining (licensed) areas only
- Umbrellas may be used where there are no built canopies or tree canopies providing adequate shade and weather protection
- Umbrellas may NOT be used where canopies exist at typical ground floor height (2800-3800mm from the ground) and the umbrella is proposed to sit under any part of the canopy
- In all cases furniture must be approved by City of Darwin before use
- Advertising is not permitted without separate approvals

### Advertising

Any advertising including barriers or umbrellas within the dining area requires a separate application to City of Darwin.