

5.4 Code for Outdoor Dining Areas

PURPOSE¹

The purpose of this code is to regulate the establishment and use of outdoor dining areas on public land.

(1) Element: Pedestrian Accessibility and Circulation

PURPOSE

To provide for outdoor dining areas which allow for adequate pedestrian movement and pedestrian accessibility by maintaining a clear and defined circulation pattern.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Outdoor dining areas must be situated so as not to prevent or cause congestion to the movement or flow of pedestrian traffic in public areas.	<p>A1.1 A clear width of at least 2 metres is maintained along a public footpath adjacent to the licensed area to provide safe pedestrian circulation.</p> <p>OR</p> <p>A1.2 At the waterfront, the licensed area is set back at least 3 metres from the water's edge to provide uninterrupted public access to and along the water's edge.</p> <p>AND</p> <p>A1.3 No fixed structures or devices that hinder pedestrian movement are placed or constructed within a public footpath. These devices may include:</p> <ul style="list-style-type: none"> • walls • partitions • fences • planter boxes.
P2 Outdoor dining areas on public land are situated so that pedestrian circulation is not diverted away from either the most direct route or the route offering adequate protection from inclement weather.	<p><i>(in relation to P2 and P3)</i></p> <p>A2.1 A minimum 2 metre wide clear public pedestrian path is maintained through or around outdoor dining areas by either:</p> <ul style="list-style-type: none"> • where an awning or other shade structure covers the entire footpath, locating the outdoor dining area abutting the building so that a minimum 2 metre pedestrian area is available adjacent to the kerb; or • where an awning or other shade structure does not cover the entire footpath allowing for a minimum 2 metre wide pedestrian path to be located adjacent to the building with the outdoor dining area located between the pedestrian path and the kerb.
P3 The design of the outdoor dining areas takes proper account of the extent and shape of the available public footpath area, and access requirements of neighbouring premises.	<p>A2.2 Outdoor dining areas are located more than 1.2m from the kerb.</p>

¹ Applicants are advised that development for outdoor dining purposes must also comply with the requirements for sanitary facilities specified in the Building Code of Australia. In addition, any application for outdoor dining on public land requires consultation with the relevant State Government Department as the administrators of Crown land.

(2) Element: Shade Structures

PURPOSE

To provide for shade structures and devices within the road reserve to be safe and attractive, and for shade devices to be able to be removed when not in use.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Any shade structure or device located within the road reserve or other public space must be compatible with, or enhance, the streetscape character and visual amenity of the locality.	<p>A1.1 Where a streetscape character or theme has been adopted for a locality, any shade structure or device is consistent with or enhancing that character or theme.</p> <p>AND</p> <p>A1.2 Any shade structure or device is visually consistent with the architectural, landscape and/or design theme of the premises for which the outdoor dining area has been provided.</p>
P2 Shade devices (such as umbrellas) must be used in areas that are exposed to the weather.	<p>A2 Umbrellas are used to provide shade and weather protection for outside dining areas not covered by shade structures.</p>
P3 All shade devices within the road reserve must be designed and located to ensure pedestrian safety and to be readily removable.	<p>A3.1 Shade devices provide a minimum clearance height of 2 metres for all pedestrian and patron circulation areas.</p> <p>AND</p> <p>A3.2 Any shade device is removed from the footpath outside the premises' operating hours and stored within the premises.</p>
P4 Umbrellas and other shade devices used for outdoor dining areas must be appropriately secured to ensure they do not become a safety hazard during adverse weather conditions.	<p>A4 Umbrellas and other shade devices are fixed securely when in use.</p>

(3) Element: Layout and Design

PURPOSE

To provide for outdoor dining areas to be designed having proper regard to footpath size and requirements for pedestrian movement, and to have furniture which is removable, attractive, durable and does not detract from the streetscape.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 Outdoor dining on public land must be located directly adjacent to the premises or beyond the frontage of the premises where footpath conditions allow for such use and access to, and operations of, adjoining premises are not adversely affected (requires adjoining landowners' written approval).</p>	<p>A1.1 The outdoor dining area is contained within the public footpath area adjacent to the premises of which it is a part and does not extend past the building's frontage.</p> <p>OR</p> <p>A1.2 The outdoor dining area extends beyond the frontage of the premises for which it is provided where:</p> <ul style="list-style-type: none"> • due to an extension of the public footpath as part of an urban improvement project, an area has been designed for outdoor dining that may not be directly in front of the premises, and • clear access is maintained to the entrance and any shop window display of adjoining premises.
<p>P2 Furniture used in outdoor dining areas on public land must be of a high design standard, robust and durable.</p>	<p>A2 Furniture, both tables and chairs, used in outdoor dining areas on public land are constructed of the following;</p> <ul style="list-style-type: none"> • powder coated steel; • polished aluminium; and • wood <p>and not plastic.</p>
<p>P3 All chairs and tables, and associated items must be removed from the public footpath outside trading hours.</p>	<p>A3 Tables and chairs, and associated items, are not fixed within the footpath and are removed from the street at the completion of trading and stored on site.</p>
<p>P4 The design and layout of outdoor dining areas on public land allow for pedestrians and patrons to move freely within the designated dining area.</p>	<p>A4 A minimum area of 1.5 m² is provided for each chair within an outdoor dining area on public land.</p>

(4) Element: Extent of Area Used

PURPOSE

To provide for the extent of outdoor dining to be characteristic of the use, and to be in keeping with the character and amenity of the locality in which it is situated.

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p>P1 The extent of outdoor dining on public land must be in keeping with the size of the premises and the character of the locality.</p>	<p>A1 The number of tables and chairs per premises is limited to:</p> <ul style="list-style-type: none"> • the size of the area available for use having regard to the requirements of the other elements of this code; and • 40% or less of the gross floor area of the premises for which the outdoor dining area is associated.