

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	OUTDOOR DINING
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Policy Number:	COM-19
Responsible Department(s):	Property Services
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Alteration of Road Policy
Relevant Procedure(s):	Alteration of Road Procedure
Relevant Legislation:	<i>Local Government Act 1999, Planning, Development and Infrastructure Act 2016, Public and Environmental Health Act 1987 Food Act 2001</i>
Policies and Procedures Superseded by this policy on its Adoption:	Outdoor Dining 24/4/2018, Item 12.5
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Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	23/02/1999	Initial policy for adoption	Council – Res B78
2.0	04/12/2007	Policy Review	Council – Res B326
3.0	08/11/2011	Policy Review	Council – Res 327
4.0	24/4/2018	Policy Review	Council - Res 91/18
5.0	22/02/2022	Policy Review	Council - Res 34/22

OUTDOOR DINING POLICY

1. INTRODUCTION

- 1.1. The Adelaide Hills Council recognises and supports the practice of outdoor dining in the various business centres within the townships and urban areas of the Council area, but acknowledges the need for appropriate permit procedures and guidelines for the assessment and approval of these activities.
- 1.2. Outdoor dining contributes to the amenity of our streetscapes and other public places. Outdoor or al fresco dining areas provide a place to not only eat, but are also venues for meeting, and a place for people to engage in the social and cultural life in the Adelaide Hills.
- 1.3. Council has an active involvement in the management of Outdoor Dining Areas, and may get involved in the following ways:
 - as a Land Owner
 - as the Development Assessment Authority administering the *Planning, Development and Infrastructure Act 2016*
 - as the Administrator of the *Local Government Act 1999* and the issuer of authorisation permits.
 - as an Enforcement body in relation to the *Food Act 2001*

2. OBJECTIVES

- 2.1. The policy provides guidelines that facilitate outdoor dining in the Adelaide Hills area. It establishes the approach to be taken when assessing outdoor dining applications and while issuing Permits for Outdoor Dining Areas, to ensure an appropriate balance between the interests of Council, businesses, residents and visitors to the Adelaide Hills Council area. The Policy is consistent with an integrated approach to the design and management of the Council's public realm that is aimed at improving its quality and image.
- 2.2. The objectives of this policy are:
 - To demonstrate the accountability and responsibility of the Adelaide Hills Council to its ratepayers;
 - To treat all parties involved fairly and equitably;
 - To monitor and record all processes related to the assessment and issuing of Outdoor Dining Permits in the Adelaide Hills Council district;
 - To provide for and improve public health, safety and amenity in relation to outdoor dining areas. To treat all parties involved fairly and equitably.

3. DEFINITIONS

<p><i>Alteration</i></p>	<p>Under Section 221 of the Local Government Act (SA) 1999:</p> <ul style="list-style-type: none"> • altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or • erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or • changing or interfering with the construction, arrangement or materials of the road; or • changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or • planting a tree or other vegetation on the road, interfering with vegetation on the road, or removing vegetation from the road.
<p><i>Commercial/Special Purpose Permit</i></p>	<p>This permit is used when a road reserve or part of a road reserve is authorised for one- off special use such as café sidewalk/outdoor seating or commercial uses such as roadside petrol outlet that are not appropriate to issue as either a non-exclusive or exclusive permit.</p>
<p><i>Outdoor Dining</i></p>	<p>is defined as tables and chairs placed on public land for the purpose of increasing the capacity of the café, delicatessen, dining or similar option for the proprietor and customers.</p>
<p><i>Road</i></p>	<p>Under the <i>Local Government Act 1999</i>, means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicle or pedestrians or both and includes a bridge, viaduct, subway, alley, laneway or walkway.</p>

4. SCOPE

4.1. In any, or all, of the above ways Outdoor Dining Areas will require Council consent under:

4.1.1. The *Local Government Act (Section 208)* - where an area is owned by Council, the Council's consent is required to ensure that the land is being used in an appropriate manner - this permission is given under the *Local Government Act 1999* by way of a permit or authorisation.

4.1.2. The Planning, Development and Infrastructure Act 2016 - where, in addition to requiring a Permit under the Local Government Act, the establishment of Outdoor Dining areas may require (especially if located on a footpath), Development Approval (including both Development Plan Consent and/or Building Rules Consent).

If a change of land use is envisaged to be a part of the application, then Development Plan Consent will be required. These approvals must consider the criteria set out in this policy and adhere to the recommended layout requirements shown in Appendices 1, 2, 3, 4 and 5. Tables and chairs must be positioned in a regular, orderly manner. Staff of the food business must conduct meals, service and clearing in a manner consistent with the requirements of the Development Approval. Applications for approval must address car parking requirements, pedestrian access areas, safety requirements for patrons and motorists, and other relevant issues.

Construction of any fixtures and additional structures such as blinds, awnings and screens may also require approval under the Planning, Development and Infrastructure Act 2016.

4.1.3. Areas where Outdoor Dining extends to footpaths, where the use is deemed as constituting a "business purpose" and requires that a permit be issued under Section 222 of the Local Government Act, 1999. If a road is to be 'altered', an authorisation will pursuant to this Act also be required. In some instances, the business owner may elect to apply for both an extension of his business to the footpath and the alteration of the road layout.

4.1.4. When submitting an application for an Outdoor Dining permit, the following issues must be addressed:

- the location and layout of the Outdoor Dining area;
- the furniture design and quality;
- maintenance plans for the space;
- the proposed hours of operation;
- the length of time the permit/ authorisation is to apply for;
- planned installation and maintenance of fixtures and fittings
- method and extent of the enclosure
- the appropriate uses and management of the Outdoor Dining area
- fees, insurance, monitoring and enforcement of the area

- requirements under the Food Act 2001, and responsibilities in terms of powers, functions and duties it confers or imposes (Standard 3.2.2 – Food Safety Practices and General Requirements and Standard 3.2.3 – Layout of Premises to be such that there is a minimisation of the opportunities for food contamination).

This policy applies to outdoor dining areas that are located on footpaths and road reserves that are Council owned (as indicated in Section 208 of the Local Government Act 1999), where any food and/or non-alcoholic or alcoholic beverage is served.

5. POLICY STATEMENT

- 5.1. The use of public footpaths and road reserves¹ by food businesses is not a right, but a privilege to be granted only where there is no adverse impact on pedestrian and patron safety, vehicular traffic flow, and where character and amenity of the locality can be preserved.
- 5.2. Council supports the use of public footpaths in townships and urban areas of the Adelaide Hills Council district for Outdoor Dining, especially in association with an existing restaurant, where no structures are to be constructed and where the use only involves the placement of tables, chairs, bollards, planters, signage and umbrellas in line with the requirements set out in this policy document.

Types of Outdoor Dining Licence Permits	
Permit type/category	Common examples
Restaurant/ Café/ Pub Dining Permit	<ul style="list-style-type: none"> • Extension of restaurant/ café or pub seating to the front, side or rear
Fast-food Outdoor Seating Permit	<ul style="list-style-type: none"> • Extension of seating related to fast food serving areas like Pizza bars, Fish and Chip Shops etc.
Temporary Outdoor Dining Permit	<ul style="list-style-type: none"> • Seasonal seating areas – eg Summer dining or Wine and food festivals

¹ Footpaths and Public roads under the Local Government Act 1999 include road reserves, thoroughfares and alley ways.

6. APPLICATION PROCESS

6.1. Application

Outdoor dining requires an operating licence and may, in some cases, require Development Approval. Application forms are available from www.ahc.sa.gov.au, all Service Centres of the Adelaide Hills Council or mail requests to PO Box 44, Woodside SA 5244 or telephone 8408 0400.

For an outdoor cafe to serve alcohol a further application must be made to the Council's Development Services Unit, telephone 8408 0558, and subsequently to the Office of the Liquor Licensing Commission, telephone 8226 8410.

If it is determined the activity would require other approvals, such as approval under the Public and Environmental Health Act 1987 or Development Approval under the Planning, Development and Infrastructure Act 2016, the applicant will be advised to first obtain those approvals before the application is processed further.

6.2. Documentation

An application for an outdoor dining permit consists of:

- a fully completed Application Form (refer to Appendix 6 Application Form – Outdoor Dining Permit);
- a Certificate of insurance that indemnifies the Council;
- a Certificate of Currency for public liability insurance;
- photographs / photocopies of the proposed furniture;
- a scaled (1:100 minimum) dimensioned plan showing the proposed location of the tables and chairs. Two copies are required;
- fees in accordance with the Council's Schedule of Fees and Charges.

6.3. Notification and Approval

Where Development Approval is required, the Council will issue an Outdoor Dining Permit once Development Approval has been granted.

An outdoor dining permit is valid when the Council has:

- issued a duly executed permit to the proprietor; and
- received a copy of the public liability insurance certificate as required under this policy.

6.4. Permit Fee

The use of a public footpath as an outdoor dining area attracts an annual fee calculated on the number of seats the outdoor dining area seats.

Fees are set and reviewed each year by Council and are listed in Council's Fees and Charges Register located on the Adelaide Hills Council website at www.ahc.sa.gov.au.

A permit may be transferred by application and payment of an administration fee as per Council's Fees & Charges Policy. Where changes to the existing layout are proposed, a new application is required.

6.5. **Term of Outdoor Dining Permit**

Permits are issued for up to a five (5) year period. Permits will expire at 30 June or upon the change in ownership of the business holding.

A permit maybe cancelled by the permit holder in the nominated year by providing written notice to Council.

6.6. **Cancellation or Amendment of Licence**

A licence may be cancelled or amended if:

- The proprietor fails to comply with the conditions of the licence, or there are changed conditions affecting the outdoor dining area in its particular location, such as increased risk to health or safety.
- The permit holder will be given a minimum of three (3) calendar months' notice.
- Council or Service Authorities require access to the area for the purpose of servicing infrastructure.

6.7. **Renewal of Permit**

A permit will only be renewed after a review by the Council of the operations, health and safety conditions relating to the outdoor dining area.

A Certificate of Currency for the policy must accompany the application for, and renewal of, an outdoor dining permit.

6.8. **Public Use**

Outdoor dining areas remain public spaces. Outdoor dining operators and their patrons do not have exclusive use of the area.

6.9. **Annual Audit Compliance**

Permits are subject to an annual review to determine compliance with the permit.

If the Permit holder is in breach of the terms and condition of the permit, then the Council is entitled to terminate the permit by providing written notice to the permit holder.

6.10. **Public Infrastructure**

In some locations the existing area may require alterations for appropriate use as an outdoor dining area. In these instances the Council may approve alterations to the surface of the public infrastructure after the following has occurred:

- The application is in accordance with this policy.
- Engineering plans of the proposed alterations are provided at the cost of the applicant.

Any alterations to the public infrastructure are to be paid by the applicant.

Where approval is granted and the applicant incurs costs greater than \$3,000, the Council will give a commitment that if Council terminates the licence within the first 3 years, the Council will refund a portion of the costs occurred by using the following formula:

Refund = (Cost of Work ÷ 36 months) x (36 months – Time lapsed since infrastructure work completed in months)

6.11. **Public Car Parking**

In special circumstances outdoor dining areas may be established on public car parking space. This space is recognised as a valuable community asset and a further fee will be charged for the use of this area for the purpose of outdoor dining. The fee for the use of public car parking space is as per Council's Fees & Charges Policy.

6.12. **Sale or Transfer of the Business**

An outdoor dining permit will cease upon the sale or transfer for the business that holds the outdoor dining permit, unless:

- A written request is received from the purchaser of the business to transfer the outdoor dining permit.
- The outdoor dining permit will be re-issued in the name of the purchaser upon receipt of a written request to transfer
- If the outdoor dining permit is to be transferred and the outdoor dining permit fee for that financial year is not adjusted between the vendor and purchaser at settlement, the Council will provide a pro-rata refund to the vendor and will charge the purchaser with a outdoor dining permit fee on a pro-rata basis for the balance of the financial year.

6.13. **Conditions of Permit**

The following conditions, where applicable, will apply to Permits:

- Vendors must comply with all provisions of the Australian Road Rules.
- The permit holder must remove all plant and equipment from the area at the end of the day or at the conclusion of business hours, unless special circumstances are evident and prior approval is received to allow plant to remain on site.

- Music or other audible means used for attracting customers, e.g., bells, is to be kept to a minimum so as not to create a nuisance to residents or other businesses. The music or bell is not to be used when the vehicle is stationary. Note: environmental protection legislation governs noise impacts, for example when loud music interferes with the enjoyment of an area by a person.
- Council and Environment Protection Authority should be consulted with regards to any issues concerning noise and its impact on adjoining properties.
- The permit holder will comply with all relevant laws of the Commonwealth and State and any relevant Council by-laws.
- The permit, and the name and address of the permit holder, is to be displayed prominently in the premises/vehicle so as to be clearly seen by customers or onlookers.
- The permit holder is required to notify Council in writing within 7 days of any changes of address of the business.
- The permit is non-transferable
- All permit applications that relate to the sale or distribution of any food materials, must have lodged a food business notification form, as well as have had undertaken an inspection of any plant that is intended to be used in line with this permit, by an Environmental Health Officer, prior to the consideration for approval of any permit application.

Any breaches of permit condition(s) may result in the revocation of the permit as stated below.

- Operators are required to comply with all the requirements and conditions specified in the Permit/ the authority and this Policy.
- Any variation of the permit holder's operations from that authorised in the Permit will require an application to alter the Permit's requirements and/or conditions.
- Any breach of the Permit's requirements and conditions will require compliance to rectify the breach(es) and may result in the Permit being terminated.
- Repeated breaches of the Permit's requirements may result in the cancellation of the permit and authorisation. No refund will be provided. The following guideline is seen as enforceable with regards to any breaches of Permit and/or permit conditions:
 - 1) **First breach** – Verbal warning will be issued. Compliance to be achieved within 10 working days.
 - 2) **Second breach** – Written notice is provided by Council. Compliance must be achieved within 28 days.
 - 3) **Third breach** – Cancellation: Authorised Officer provides a further extension or enforces a cancellation of the Outdoor Dining Permit. No refund is provided.

If a breach is of a material degree, the Council may choose not to issue a verbal warning and may issue a written notice requiring the breach to be remedied within the specific timeframe provided in that notice. If the breach is not remedied in accordance with the

notice then the Council may terminate the Outdoor Dining Permit by further written notice.

7. PUBLIC LIABILITY INSURANCE

Operators are required to hold public liability insurance that notes Council as a specified person to the minimum value of \$20 million or as deemed from time to time. This amount will be reviewed annually in consultation with the Local Government Association Mutual Liability Scheme. Policies must note the Council as a "specified person".

8. INDEMNITY

The Permit Holder agrees to indemnify and to keep indemnified Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charge and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the Permit as determined by the Council.

9. DELINEATION

Use of Outdoor Dining areas on footpaths must include the placement of all associated objects, furniture, fixtures and other accessories within the specified area. No element should encroach into adjoining areas unless specified and authorised. Council may, at its own discretion, place markers on Council land to identify these approved Outdoor Dining areas.

10. LAYOUT OF OUTDOOR DINING SPACES

There is an important relationship between areas of food preparation and associated Outdoor Dining. Access, circulation, hygiene and safety issues must be addressed.

Outdoor Dining areas may be created to the front or side of a restaurant, café and/or fast food premise that is associated with a footpath or garden.

No elements of a proposed Outdoor Dining area must conflict with the provisions of the Adelaide Hills Council Development Plan, and where specific Development Plan provisions apply for a Zone or Policy Area, these are to be adhered to.

The Adelaide Hills Council will consider the appropriateness of suggested Outdoor Dining areas in terms of the requirements of Appendices 1, 2, 3, 4 and 5. Furthermore, the Policy Background (indicated above) must be understood by all applicants. This policy will apply to all Outdoor Dining areas within the Adelaide Hills Council district.

Permit holders are responsible for cleaning furniture, the outdoor dining area pavement and the adjacent footpath. Waste and sweepings must not be disposed of into the street gutter, and must be disposed in the appropriate manner. This refuse matter is not to be deposited into public litter bins.

Failure to maintain and clean the outdoor dining area to the satisfaction of the Council may lead to cancellation of the permit.

It is the responsibility of the operator to keep the area clean at all times, including steam cleaning of the area including food and beverage spills are to be cleaned up regularly and disposed of appropriately, and waste is not discharged into the stormwater system.

11.3. **Removal of Furniture**

All tables, chairs and umbrellas must be removed from the footpath at the close of business each day. Tables may be permanently fixed to the footpath with the approval of Council.

11.4. **Consumption of Alcohol**

Applicants are required to advise if they are applying for a liquor licence. An application for the consumption of alcohol at an outdoor dining area must be made initially to the Council's Development Services Unit and subsequently to the Office of the Liquor Licensing Commission. Alcohol must only be served and consumed in the area designated in any approvals granted.

11.5. **Toilets**

Toilet facilities should be made available for patrons wherever possible, and must be provided where alcohol is served.

11.6. **Lighting**

Adequate lighting must be provided where outdoor dining occurs outside daylight hours to ensure safety and amenity for pedestrians and patrons. It is the responsibility of the permit holder to provide additional lighting if necessary. Flashing or Chasing lights are not permitted and lights must not create unreasonable "spill" into properties.

11.7. **Table Service**

- Staff of the operator are responsible for cleaning tables and ensuring that waste is disposed of appropriately,
- Meals are to be prepared in the building and not within the outdoor dining area,
- Tables should not be preset with cutlery, glasses or unprotected food.

11.8. **Dogs**

Outdoor dining areas are places where there is a potential for dog owners to combine walking with socialising at the local café. While it is up to operators to determine if dogs will be permitted, the following conditions will apply:

- Dogs must be under effective control and on lead at all times and must not be a nuisance to other patrons or pedestrians
- Dogs must not be fed from the table, although water may be provided.

11.9. **Smoking**

Under the Tobacco Products Regulation Act 1997, smoking is not permitted in public outdoor dining areas from 1 July 2016.

- An outdoor dining area must be smoke-free at all times that food is being offered or provided, regardless of whether anyone is eating in the area.
- Outdoor dining areas must have adequate signage displayed to show that there is no smoking in the area. Signs must be displayed in such numbers and in positions of prominence so that the signs are likely to be seen by people within the area.

Businesses and venues can order free “No Smoking” signs from SA Health. See www.sahealth.sa.gov.au/tobaccolaws

11.10. **Damage to Property**

Any damage to an outdoor dining area by patrons is the responsibility of the permit holder, with all costs of repairs and reinstatement to be the responsibility of the permit holder.

11.11. **Amplified Music**

Amplified music or live entertainment is not permitted without Council approval.

11.12. **Development Approval**

The use of the Outdoor Dining area must be consistent with the development approval of the parent business. An application for Development Approval for an Outdoor Dining area must provide/show:

- clear identification of existing and proposed Outdoor Dining areas;
- table servicing – layout and movement;
- provisions for animals (if any);
- demarcated Smoking areas (if any);
- cleanliness and removal of rubbish details;
- safety devices to be used (if any);
- any details preventing/ kerbing damage to property;
- music or sound details;
- access to Toilets; and,

- all details of associated Liquor licensing areas and applications.

11.13. **Location Specific Requirements**

The Adelaide Hills Council Outdoor Dining Policy affects all the townships and residential areas of the Council district. Certain townships have historically developed narrow footpaths and Outdoor Dining in these areas must allow appropriate pedestrian circulation widths. Dining areas in such areas should be planned carefully.

12. **DESIGN CONTEXT**

12.1. **Circulation and Access**

A defined area for outdoor dining will be approved by the Council only if it allows for safe pedestrian circulation and access, improves or maintains the existing amenity of the area, provides for convenient use, and does not compromise or restrict the sight lines for motorists.

A clear distance of at least 2.0 metres must be maintained for pedestrian circulation along the footpath. A variation to this minimum distance may be considered depending on site specific circumstances. Areas defined for outdoor dining must be in accordance with the diagrams in. Appendix 2 – Outdoor Dining Configuration.

The defined area of dining must be set back at least 0.6 metres from the face of the kerb. The defined area of dining should also be set back a minimum of 3.0 metres from an intersection.

12.2. **Streetscape Character**

The character and amenity of a street can be enhanced by the addition of outdoor dining where the placement and selection of outdoor furniture reflects and enhances other street elements, such as existing street furniture, street trees, garden beds, street light poles, fire hydrants, building entrances, service pits and roadside signage.

The location and design of all street elements should be considered in a manner that complements and improves the existing streetscape.

12.3. **Protuberances**

Where outdoor dining is located on a protuberance into a carriageway, additional protection must be provided to diners by placement of either pedestrian bollards or a fixed glass screen (see below). The criteria for circulation and access outlined in 12.1 above will still apply.

Approval must be obtained for the installation of bollards and fixed glass screens at the time of applying for an outdoor dining licence.

13. STREET FURNITURE

13.1. Introduction

The selection and placement of street furniture must comply with the Council's guidelines.

13.2. Enclosure

An outdoor dining area must be clearly defined to provide a safe environment for patrons and pedestrians. This can be achieved through appropriate placement of tables, seats, glass screens, bollards and/or planter boxes, while still maintaining an open, accessible environment that enhances the amenity of the street.

Umbrellas may be used to provide shade from sun, and shelter from wind and rain. Umbrellas must be securely fixed to prevent blowing over in strong winds - the fixing must be into a concrete footing underneath the footpath pavement. No part of the umbrella stand should protrude above the pavement level so as to present a hazard to pedestrians when the umbrella is removed. Umbrellas must achieve a minimum of 2 metres height clearance from the pavement when in use.

Development Approval under the Planning, Infrastructure and Development Act 2016 is required for awnings and shade structures. These elements must be designed to fit in with the existing buildings and street character, and must be connected to the public storm water system, in accordance with approval from Council.

13.3. Fixed Glass Screens and Plastic Blinds

Fixed glass-screens and plastic blinds provide protection from noise and wind, and may assist in definition of the area to be used for outdoor dining. Fixed glass screens and plastic blinds require Development Approval under the Planning, Infrastructure and Development Act 2016.

The design and placement of fixed glass screens must comply with the following principles (as listed in the following page).

13.4. Design

The form and structural strength of screens - must be adequate to meet functional requirements including wind loads, resistance to vandalism and impact from pedestrians.

- To avoid clutter in the street, screens must be simple in design and not appear as a decorative element in the street.
- Logos and other decorative elements are not permitted on screens.
- Screens may be laid out in a variety of configurations.

13.5. Location and Placement

Screen placement depends on:

- Distance from kerb line (minimum 0.6m)
- Spacing with regard to buildings, trees and other elements of public street furniture
- Positioning which allows for pedestrian amenity, including refuge from traffic
- Existing kerbside use (i.e. car parking, loading zones, etc)

Screens must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street. The length of any single screen along the street frontage must not exceed 15 metres, and a maximum of three screens in any one street block is permitted. Where adjacent screens are up to the maximum of 15 metres along the street frontage, the gap between screens must be a minimum of 3 metres.

Screens must not be placed on top of service covers or where they interfere with existing services. Permit holders must remove screens at their own cost within three weeks of notification if the Council notifies its intention to repave the footpath.

Approval for any particular screen will be site specific.

13.6. Bollards

Bollards may be required where outdoor dining is located on a protuberance, or where additional definition of the area is necessary. The bollards used are designed to protect outdoor dining areas from withstanding an impact from a slow moving vehicle.

Bollard placement depends on:

- Distance from kerb line (minimum 0.6m)
- Spacing with regard to buildings, trees and other elements of public street furniture

13.7. Planter Boxes

Planter boxes may be used to provide further definition to outdoor dining areas as well as variety and colour to the street.

Approval must be obtained for installation of planter boxes, including their design and placement, at the time of applying for an outdoor dining licence (refer to Appendix 3 – Defined Areas, Planter Boxes and Outdoor Dining Screens).

The design and placement of planter boxes must comply with the following principles:

a. Design of Planter Boxes

- The form and structural strength of planter boxes must be adequate to meet functional requirements including resistance to vandalism and impact from pedestrians.
- Planter boxes must not have sharp corners or edges.

- The physical appearance of planter boxes, including materials and style, must be consistent with the streetscape character including other street elements.
- To maintain their appearance and structural integrity, durable materials able to withstand harsh use should be used. Fully moulded plastic planter boxes are not permitted.
- Logos and other forms of advertising are not permitted on planter boxes.
- Plant material may be either planted directly into planter boxes or contained within plastic pots for ease of replacement. Where irrigation is required the water supply lines must be concealed underneath the footpath. Drainage may also be provided and permission gained to connect direct to the street's stormwater system. Overflow from irrigation systems or hand watering must not stain pavements or cause a safety hazard for pedestrians.

b. Size of Planter Boxes

Planter boxes may be of a variety of sizes, although a minimum width of 500mm is recommended. Planter boxes must not exceed 1200mm long in any one unit.

c. Plant Material

- Plant species must be suitable in terms of form, shape, hardiness and ability to be maintained.
- A list of plant species proposed to be used must be submitted at the time of applying for a licence.
- All dead plants must be removed and replaced with healthy specimens.

d. Location and Placement

The placement of planter boxes depends on:

- Distance from kerb line (minimum 0.6m)
- Spacing with regard to buildings, trees and other elements of public street furniture
- Positioning which allows for pedestrian amenity, including refuge from traffic
- Existing kerbside use (i.e. car parking, loading zones, etc)

Planter boxes must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street. Where a number of planter boxes are proposed, a minimum gap of 300mm must be provided between units.

Planter boxes must not be placed on top of service covers or where they interfere with existing services. Permit holders must remove planter boxes at their own cost within three weeks of notification if the Council notifies its intention to repave the footpath.

13.8. **Street Furniture Style**

Street furniture can either be selected from the indicative style range provided in this document (refer to Appendix 4 – Furniture Guide and Appendix 5 Furniture Guidelines) or individually designed subject to the Council's approval. Furniture should enhance the amenity of an area and provide a well-designed practical suite that is durable, attractive and fits within the existing street character.

13.9. **Materials and Colours**

To maintain the appearance and structural integrity of outdoor furniture, durable materials and colours able to withstand harsh use should be used.

Fully moulded plastic chairs and tables are not permitted.

13.10. **Advertising and Signage**

Advertising and signage is controlled under the Planning, Infrastructure and Development Act 2016 and the Adelaide Hills Council Development Plan and is subject to development approval.

Furniture used in outdoor dining areas can have the name or logo of the premises placed on items of furniture. Markings should be a minor element in the design.

A-frame signs are not permitted within the outdoor dining area or the 2.0 metre clear pedestrian zone adjacent to the dining area.

14. **DELEGATION**

14.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

15. **AVAILABILITY OF THE POLICY**

This Policy will be available via the Council's website www.ahc.sa.gov.au