KING ISLAND COUNCIL

Policy

On-Street Dining Policy

Responsible Officer: GENERAL MANAGER

Date: 15 December 2025

Review Date: 15 December 2029

1. Purpose

The Purpose of this policy is to:

1. Create a vibrant atmosphere through outdoor dining;
2. Improve the amenity and economic viability of the area;
3. Allow for the safe movement of pedestrians; and
4. Establish requirements for businesses seeking approval for an On Street Dining Licence.

2. Scope

This policy applies to townships and shopping precincts within the King Island municipality.

3. Policy

LEGISLATION

The relevant legislation to the policy is:

- Section 21 of the *Local Government (Highways) Act 1982*;
- Section 44 of the *Traffic Act 1925;* and
- Section 56C of the *Vehicle and Traffic Act 1999*

POLICY

Council will support street dining in townships and shopping precincts where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a permit subject to the following: -

a) Street dining is to be controlled by the issue by Council of an Outdoor Dining Permit (Permit) that applies to street dining on the pavement area immediately outside of the food premises..

b) Businesses may apply for a Permit, with the application to be assessed by the General Manager against the provisions of this policy. No application fee or annual renewal fee will be charged.

c) Permits will only be issued to food premises that are registered by Council's Environmental Health Officer and which comply with the F*ood Act 2003*.

d) Permits will specify the conditions of use outlined by this policy.

e) Permits may be cancelled if policy requirements are not complied with, following due warning for non-compliance.

f) Where an application meets all requirements of this Policy, Council will ordinarily approve the application. Applications remain subject to Council's consideration of site-specific factors, public safety, access, amenity, and operational requirements.

g) Permits are to be renewed annually in conjunction with the premise's Food Licence, or where a food licence is not required each 1 July.

POLICY OPERATION

1. Indemnity

Permit holders are to hold a public and products liability insurance cover extending over the area designated for street dining. Council is to be named on the policy and cover will be to a minimum value of $20 million.

Evidence of a current policy must be provided to Council at the time of application and each annual renewal.

2. Operational Requirements

a) If reasonably practical, equipment, furniture and signs are to be removed at cessation of each day's trading by the Permit holder including screens and support posts. If not reasonably practical to remove, these items must be identified at the time of application and may not need to be removed daily, at the General Managers discretion. These items must be removed if weather renders them potentially unsafe.

b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.

c) The Permit holder must maintain dining furniture in a safe, presentable, clean condition and comply with the requirements of Council's Environmental Health Officer.

d) The Permit holder must maintain all areas of encroachment, and adjacent areas, in a clean and sanitary manner including, but not limited to emptying waste bins; washing pavements daily; promptly cleaning/washing away any liquid, food, debris and broken glass or waste from the area resulting from the activity.

e) The Permit Holder shall not dispose of table waste into existing street litter bins.

3. Placement of Furniture

a) Furniture must only be placed adjacent to the vendor's shop front and is limited to the width of the vendor's shop front or tenancy. A minimum clearance of 1.5 metres is to be maintained adjacent to the road

carriageway to ensure a clear route for pedestrian traffic.

b) The General Manager will always consider pedestrian and vehicle safety, when assessing placement of street furniture, and if it is deemed necessary for safety reasons, require relocation of street furniture or the installation of a barricade or energy absorbing bollards between the dining area and the kerb at the applicant's cost.

c) Outdoor heating devices will only be approved where the safety of people and property is not compromised. Where freestanding heaters are approved, they must be located at least 0.5m within the approved dining area boundary.

4. Furniture Design

a) Locating dining furniture, vending equipment, or signboards within 1.0 metre of any Council owned/managed street furniture is subject to approval by the General Manager.

b) Size, materials, colours for tables, chairs, umbrellas, screens, barricades and any other dining furniture proposed to be used is subject to approval by the General Manager and must be of sufficient weight so as to prevent them moving in strong winds. Furniture shall not have any protruding parts which are likely to catch clothing and will not cause danger to or obstruction to pedestrians.

c) If screens are used to define the outer dining areas, these are to be based on removable posts, set in sockets installed by Council at the applicant's cost or secured to the satisfaction of Council. Posts and screen frames to be colour compatible with street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture.

d) Advertising logos or signs must relate to the activities or products of the business.

e) Notwithstanding the above placement requirements, where the clearances specified cannot be achieved, the General Manager may allow the placement of dining furniture or vending equipment if the applicant can substantially demonstrate that it will not cause danger to or unnecessarily obstruct pedestrians or road user.

5. Smoking

a) Smoking, vaping and e-cigarettes are prohibited in designated smoke-free areas, which includes street dining areas where food is being served and consumed.

6. Dogs

a) Dogs in street dining areas, unless prohibited under Council's Dog Management Policy, must be on the lead, kept on the ground and not be a nuisance to other diners.

7. Signage

Unless referenced in the relevant Planning Scheme provisions, Signage which is not permanently attached to a building or structure or to the ground does not require a Street Dining and Vending Permit but must comply with the following guidelines:

a) One sign is permitted per tenancy and can be located directly adjacent the building or 0.6m from the kerb provided a 1.5m clear pedestrian path is maintained.

b) Signs must be securely anchored or weighted to prevent movement during strong winds. Signage must not exceed 0.75m in width and 1.5m in height.

8. Application process

a) An applicant is required to submit the following: -

i. A written application together with a plan to a suitable scale showing the size, the number of tables and chairs, screens and other furniture proposed including photographs or other illustrations.

ii. A copy of public liability insurance showing indemnity in favour of the Council

b) When all information has been received Council will decide within fourteen days whether to issue a Permit. In the event of approval, the applicant will have to meet all the requirements of the Permit before commencement of street dining. Where an application is refused, Council will provide grounds for refusal.

c) In the event of an application being refused the applicant has the right to appeal within 21 days, to the General Manager for review of the decision.

9. Monitoring and Review

This Policy will be reviewed in line with Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

AMENDMENT

Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

4. Legislation, Terminology and References

Applicable legislation:

All laws in connection with On-Street Dining

Definitions	
Term	**Meaning**
Council	King Island Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993* (TAS)
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Other Persons at the Workplace	A person, other than a Councillor, who carries out work in any capacity for Council, including work as: (a) a contractor or subcontractor. (b) an employee of a contractor or subcontractor. (c) an employee of a labour hire company who has been assigned to work at Council. (d) an apprentice or trainee. (e) a student gaining work experience; or (f) a volunteer.
Policy	On-street Dining
Workplace	A place where work is carried out for Council.

History:

Any previous policies used by Council: Policy Adopted – 15 February 2022

Res No: 32/11

POLICY VERSION AND REVISION INFORMATION

Title: On-Street Dining Policy

Policy Maintained by: Development Services Coordinator

Policy Commencement: 15 February 2022

Policy Review: 15 December 2029

Version No	Date	Resolution No	Responsible Officer
1.0	15/12/2025	242/25	General Manager