



ACT
Government

Chief Minister, Treasury and
Economic Development

Tom Duncan
Clerk of the Assembly
Office of the Legislative Assembly
CANBERRA ACT 2601

Response to E-PET-047-25 Change the restrictive Garema Place Outdoor Dining rules

Dear Mr Duncan,

I refer to [E-PET-047-25 Change the restrictive Garema Place Outdoor Dining rules](#), lodged by Mr Mark Parton MLA. The petitions draw the Assembly's attention to the Places to Dine Outdoor Dining Toolkit for Garema Place. The Government acknowledges the concerns raised by the petitioner and the sponsoring member, particularly around Canberra's winter weather and the importance of engaging with businesses.

Small businesses are the lifeblood of our city. Their presence and offerings are what make the City Centre an appealing destination for Canberrans and visitors alike. Garema Place is home to a mix of popular local retailers and hospitality venues, including Landspeed Records, voted Australia's Best Record Store, and Bar Beirut, voted Canberra's Best Cocktail Lounge/Small Bar, among many other innovative and popular local businesses.

Garema Place upgrade and outdoor dining permits

Work is concluding for the Garema Place upgrade, which will deliver a welcoming, open and functional pedestrian plaza. The project delivers an accessible and connected public space with new paving, better lighting, garden beds, trees and less clutter.

It will be an open, versatile space that supports both everyday activities and special events. The project will improve not just the functionality of Garema Place, but also how people experience and perceive the City Centre, with a particular focus on safety and accessibility.

Consistent with the terms outlined in outdoor dining permits, the City Renewal Authority asked businesses in Garema Place to remove their outdoor dining setups to enable paving improvements on public land.

Under the *Public Unleased Land Act 2013*, a permit is required to use public land for commercial purposes such as outdoor dining. The ACT Government provides general information to support permit applicants in [A Guide for Using Public Land for Outdoor Dining Purposes](#), accessed through the Access Canberra website. Where a more complex installation is proposed, such as a marquee, a building approval (BA) or development application (DA) may also be required.



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Access Canberra categorises outdoor dining setups on public land into three types based on how complex they are to install and pack away. These are defined on the Access Canberra Outdoor Dining Permits webpage as:

1. **Simple:** Everything is packed away. Everything on outdoor public land is packed inside a shop-front or removed from site at the end of trading hours. For example, furniture, planter boxes, umbrellas, heaters and bins are all packed away.
2. **Medium:** Some objects stay outside. For example, chairs and tables are stored away but umbrellas and planter boxes are left outside after trading hours. The elements left outside are secured or bolted to the ground. These items are able to be removed with limited mechanical assistance within 48 hours.
3. **Complex:** Objects and structures permanently remain on premises, for example a marquee and stage. The objects are fixed permanently to the area and involve construction of some kind, for example a stage or marquee. These may also require a Development Application for complex use of the space with the Environment Planning and Sustainable Development Directorate.

The Places to Dine – Outdoor Dining Toolkit is not a set of rules or regulations; it is a guide designed to support businesses to apply for outdoor dining that is consistent, attractive and functional. It was produced to support the broader objectives of the Garema Place upgrade in alignment with other pre-established government policy including the *Planning Act 2023*, the *Public Unleased Land Act 2013* and the *Building (General) Regulation 2008*.

The Toolkit is intended to guide ‘simple’ and ‘medium’ outdoor dining set-ups, which are preferred for Garema Place as a highly pedestrianised public space and allow for a simplified approval process outlined in the Toolkit.

The Toolkit is to be read along with Access Canberra’s outdoor dining guidance and does not prevent business owners applying for Complex Outdoor Dining Permits. It guides them on the requirement to engage with the City and Environment Directorate to ensure an appropriate approval is in place under the *Planning Act 2023*.

If a business wants to apply for a Complex outdoor dining set up, it falls outside of the Toolkit’s remit. Complex proposals need to be lodged with the City and Environment Directorate (CED) for a Development and/or Building Approval.

Toolkit origin and business consultation

Outdoor dining guidelines are widely used across Australia, with many jurisdictions adopting similar frameworks to achieve the same goals the Government is pursuing.

The Toolkit was developed in response to strong community feedback during consultation for the Garema Place upgrade, calling for high-quality and consistent outdoor dining. It supports businesses by outlining how to implement great outdoor dining while maintaining the needs of the community. It aims to balance the requirements of public spaces, the interests of local businesses, and the goals of the Garema Place upgrade.



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The Toolkit outlines the available public space for businesses to operate outdoor dining and practical guidance that:

- Improves design quality without privatising public land.
- Activates public spaces, improving safety and accessibility.
- Provide businesses with equitable access to public land for outdoor dining to increase their operating area, foot traffic and visibility.
- Supports the broader objectives Garema Place upgrade project.
- Supports a streamlined permit process, helping businesses get their outdoor dining up and running quickly.

The Toolkit was not created in isolation. It was created through collaboration with experts, incorporating best practice urban design, and shaped by feedback from Garema Place hospitality businesses.

Development of the Outdoor Dining Toolkit involved multiple rounds of consultation with Garema Place businesses including two dedicated workshops, as well as business visits, phone calls and emails.

- **March–May 2023:** Public consultation on the Garema Place upgrade highlighted the need for inclusive furniture, weather protection, cleanliness, and a consistent outdoor dining design across public and private spaces.
- **October 2023:** Targeted engagement on outdoor dining began, with 16 businesses providing feedback through visits and surveys.
- **January and April 2024:** Two Outdoor Dining Toolkit workshops were held at King O'Malley's, focusing on business needs and design principles.
- **September 2024:** The final toolkit was published online and delivered to 15 Garema Place hospitality businesses.

Engagement records, which have been previously released under a Freedom of Information request, show that Via Dolce was informed of the Garema Place upgrade before they installed their structure, most notably on 29 March 2023 when a meeting was held between City Renewal staff and the owners of Garema Place businesses. In 2024, Via Dolce was invited to participate in development of the Outdoor Dining Toolkit on several occasions.

Despite repeated outreach, Via Dolce did not engage or provide feedback. While I respect the right to participate or not, it is important to acknowledge that meaningful consultation requires mutual engagement.

Since the removal of Via Dolce's structure on Garema Place and the launch of the petition, businesses have continued to express their support for the removal of enclosed structures from Garema Place. Of 26 traders surveyed by the City Renewal Authority during the petition period, 23 supported the toolkit's objectives and its role in the upgrade project. Two traders expressed a neutral stance, and one business supported the objectives of the toolkit but expressed a desire to seek permission for a complex outdoor dining set-up for further weather protection.



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When asked about the removal of outdoor dining structures and the goals of the Toolkit, businesses in Garema Place requested that their responses remain anonymous.

Industry and community groups—including the Australian Institute of Landscape Architects ACT and Public Transport Canberra—have expressed their support for the Toolkit’s objectives. Statements from these groups have been included at the end of this written response.

Shelter from Canberra’s climate

Canberra’s winters are harsh. Freezing temperatures, cold winds and rain are conditions where people typically choose to dine indoors. However, it’s important to distinguish outdoor dining and enclosures that privatise public land.

To help manage both heat and cold, the Toolkit does support overhead shelters such as fixed and portable umbrellas and awnings, planter boxes to reduce the impact of cold wind, along with misters to keep customers cool in summer and heaters to keep them warm in winter. There are a multitude of outdoor dining set-ups across the Territory that have followed and successfully implemented these principals.

Outdoor dining is intended to create open, inclusive, and flexible spaces that enhance the public realm—not replicate indoor environments. The Toolkit ensures equal access to the public realm by businesses and inclusivity by creating a welcoming and accessible public realm.

While large, enclosed and permanently fixed structures may offer shelter from the inclement weather, they also obstruct pathways, reduce visibility and lighting, complicate maintenance and hinder emergency vehicle access.

Recognising Garema Place as a busy thoroughfare and the safety and accessibility objective of the upgrade project, the Toolkit is intended to support businesses with ‘simple’ and ‘medium’ outdoor dining applications. ‘Complex’ applications require an approved development application and therefore follow an alternate pathway.

Supporting fixed and enclosed outdoor dining structures for increased weather protection in Garema Place risks:

- Privatising public spaces
- Restricting access and egress, including for pedestrians and Emergency Services vehicles
- Impacting sightlines (lines of clear physically uninterrupted sight) and visibility
- Reducing pedestrian movement through the public space



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The Government has a responsibility to ensure public land serves the public. When used for commercial purposes, access must be fair, equitable, and consistent for all traders. No single business should dominate public space that should be shared with the community and neighbouring tenants.

Conclusion

The Government's approach to outdoor dining in Garema Place reflects the need to balance commercial activity with the broader public interest. Public land must remain accessible, safe, and inclusive for all users.

The Outdoor Dining Toolkit provides practical guidance for traders while safeguarding the integrity of public land, ensuring that outdoor dining contributes positively to the City Centre's functionality, appearance, and accessibility.

This guidance is intended for 'simple' or 'medium' outdoor dining set-ups. Businesses may apply to implement 'complex' set-ups that offer enhanced weather protection. These applications are managed by the City and Environment Directorate through the development and/or building approval process.

This government has listened to feedback, engaged directly over multiple years, and acted transparently. The Toolkit is the result of collaboration, not imposition, supporting business operations, public safety, and the long-term vision for Garema Place.

Yours sincerely

Andrew Barr
Chief Minister

11 December 2025



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Appendix A: Statements from industry and community groups



Australian Institute of
Landscape Architects

Australian Institute of Landscape Architects (AILA) ACT

The Australian Institute of Landscape Architects (AILA) urges the ACT Government to continue to apply the Places to Dine: Outdoor Dining Toolkit for Garema Place as they stand. The petition to suspend and/or amend Garema Place is a significant place in Canberra's social landscape but improvement in its amenity and urban character has not reflected this. This toolkit is critical to this improvement, its development has been long overdue, and its continued application is vital toolkit facilities outdoor dining so that it will contribute to the vibrancy of Garema Place and add to its landscape quality.

Gay Williamson, President, Australian Institute of Landscape Architects ACT

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Public Transport Association of Canberra (PTCBA)

The Public Transport Association of Canberra (PTCBA) supports the City Renewal Authority's Outdoor Dining Toolkit and their approach to fairly managing use of public space in Civic.

Garema Place is the key pedestrian link between City Interchange and Civic businesses, and it needs to be an inviting area with a clear path through for bus and light rail passengers to get to where they want to go.

Active travel in our city centre is important and must not be impeded by non-compliant structures in public spaces that make walking and cycling difficult.

We believe that the City Renewal Authority's Toolkit presents great options for businesses in Garema Place to provide pleasant outdoor dining options to customers without obstructing the flow of pedestrian traffic, and without taking up an unreasonable amount of space on public land.

Amy Jelacic, Chair, Public Transport Association of Canberra