

Footpaths – Use for Outdoor Eating Areas Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	[22 May 2018]
Author	Manager of Building & Environment
Owner <i>(Relevant director)</i>	Director of Environmental Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council being elected
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

Development Consent application is to be made to Council, in accordance with the Environmental Planning and Assessment Act 1979 and complying with Council's Guidelines for Sidewalk Cafes and Furniture.

3 Approvals

Title	Date Approved	Signature
Director of Environmental Services		

4 History

Minute No.	Summary of Changes	New Version Date
00/12/49		18/12/00
10/02/17	Readopted by Council	15 February 2010
	Tidied up	March 2012
13/09/30	Readopted as per s165(4)	17 September 2013
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

To provide for local food premises (cafes, restaurants) within the zoned Village areas of Cabonne to establish attractive areas within the footpath areas for the service of food.

6 Scope

Covered within Policy Statement below.

7 Associated Legislation

Environmental Planning and Assessment Act 1979

8 Definitions

Licensed Premises – means the premises to which a license to sell alcohol relates.

BYO (Bring Your Own) – an invitation to patrons of an unlicensed establishment that they may bring their own liquor to be consumed at that venue.

Beer Garden – an open-air area attached to a licensed establishment where alcohol is legally served.

On-License – an establishment where alcohol must be consumed at the point of sale.

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy.

9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

10 Related Documents

Document Name	Document Location
Council's Guidelines for Sidewalk Cafes and Furniture	Follows Policy Statement

11 Policy Statement

Policies

1. Development Consent application is to be made to Council, in accordance with the Environmental Planning and Assessment Act 1979 and complying with Council's Guidelines for Sidewalk Cafes and Furniture; and
2. Approval is subject to an Agreement for the payment of fees and written indemnification against action or claims against Council included in Public Liability Insurances.

Objectives

- To provide a pleasant outdoor atmosphere for patrons, residents and visitors;
- To add colour and ambience to the village;
- To provide external business facilities for restaurant owners;
- To provide for an equitable method of control by licence.

Part A – Guidelines Apply To

1. Premises which have received development approval for a restaurant/café/take-away food outlet or similar
2. Licensed premises, BYO

Part B – Guidelines

1. The public concern must always be public safety and access so that no obstruction or danger is created for pedestrian or vehicular traffic flow;
2. The area to be occupied should be the legal width of the property and parallel in length to the shop front. Any extensions on to the neighbouring shopfront of the same premises must have the property owners written permission. Extension of the licenced area beyond the premises frontage will not be approved.
3. Applications must address the issues of pedestrian safety and pedestrian access to the footpath at all times.
4. Where parallel parking is adjacent, a set back of one metre is required for the passage of disabled to alight from their vehicles.
5. If alcohol is to be served, the street café is not to be used as a 'beer garden'.
6. Any approval for meal consumption would require appropriate signage stating that the furniture is only to be used by customers who are to consume a meal prepared or sold by the establishment and stating any restrictions to hours where alcohol is consumed. The wording is to be approved by the Director of Environmental Services.
7. Where BYO is intended a meal must be served involving crockery/cutlery presentation.
8. Where alcohol is to be consumed, specific approval is required.
9. The hours of operation will generally be:
 - a. No alcohol service – 6am to close of trading (or 2pm) whichever is the latest
 - b. Alcohol service:
 - Weekdays 12 noon and 10pm with up to 30 minutes close down;
 - Weekends 12 noon to 10pm with up to 30 minutes close down;
 - This applies to BYO or On-License service.
10. A legible sign describing requirements is to be clearly displayed (see attached sample)
11. No moveable furniture is to be left on the licenced area outside the hours stated in 9. above
12. Street furniture must meet the following objectives:
 - a. The type, style and colour of street furniture must be approved by the Director of Environmental Services.
 - b. A range of umbrella colours will be permitted provided there is consistent grouping of the theme of the umbrellas in colour and advertising.

- c. Discrete advertising related to the restaurant premises will be permitted on the umbrellas.
 - d. Street furniture must be kept in good serviceable order and repair.
13. Paving materials are to be approved by the Director of Environmental Services after consideration by Council.
14. All alcohol must be consumed while seated in the designated area.

Part C – Applications

1. Written application is to be made in the form of a development application an application fee. Details of the footpath layout plan including street furniture type style and colour is to be submitted with the application.
2. Where conditional approval is granted:
 - a. The following will be payable:
 - Annual fee for use of footpath
 - Approval preparation fee
 - b. Evidence of a current public liability insurance cover (\$10 million) is to be provided which must indemnify Council and include footpath trading
3. The approval will be limited to a maximum 24 months and be renewable. Approvals and Agreements will commence from 1 July annually. Council reserves the right to revoke the Licence subject to substantial complaints.
4. The fees payable under 2(a) above are adopted by Council annually and published in Council's Fees and Charges.

5. Signage

BUSINESS NAME

OUTDOOR RESTAURANT

LICENCES HOURS

MONDAY TO FRIDAYS & SUNDAYS

12PM TO 3PM

6PM TO 8 PM

SATURDAY

12PM TO 10.30PM

ALCOHOL MAY ONLY BE CONSUMED WITH A MEAL

LOCAL COUNCIL REGULATIONS REQUIRE THAT