OUTDOOR DINING POLICY

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OUTDOOR DINING POLICY

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HOW TO USE THIS POLICY

This Policy is divided into 3 main sections as follows:

**Part A: Policy Statement** which details the definitions, purpose, objectives, scope, legislative context and the key considerations of the policy.

**Part B: Requirements** which detail the location and site criteria, furniture and amenities Requirements, management and compliance requirements and the application and approval process.

**Part C: Appendices** including a copy of the standard conditions, application form and references.
PART A: POLICY STATEMENT

1. INTRODUCTION

Liverpool City Council is creating a number of initiatives to guide and implement high quality improvements in both the public and private domains, and as such, encourages a range of both commercial and non-commercial activities on its footpaths, roads and public plazas that aim to enhance the public domain.

These activities are to be performed safely, and effectively managed through the provision of licences and permits.

Outdoor dining areas are encouraged within the Liverpool City Centre and throughout the Local Government Area (LGA) as they enhance economic viability and create vibrant street environments. They also assist in providing passive surveillance which makes the streets safer.

This policy is designed to assist people who wish to establish an outdoor dining area in association with, and usually adjacent to, a principal business engaged in the provision of prepared food and beverages such as a café or restaurant.

The establishment of outdoor dining areas brings public and private interests together in one place. The relationship between these two interests must be carefully managed and balanced to maintain the use, variety and enjoyment of the public environment, regardless of ethnicity, age, economic circumstance, gender, orientation or physical ability. Other drivers that influence and govern the layout and setting of an outdoor dining area include pedestrian safety considerations, maintenance of pathway functions and street character enhancement.

The Policy should be read in conjunction with the section of the current Liverpool City Council Development Control Plan (DCP) Part 4 dealing with the City Centre for applications within the Liverpool City Centre and specifically the sub-section which addresses Outdoor Cafés (click here for the DCP).

For applications for an Outdoor Dining Area elsewhere in the LGA the applicant should consult the DCP and refer to Section 6 “Development in Business Zones (except Liverpool City Centre)”, sub-section 12: Restaurant/ Outdoor Cafés (click here).

Compliance with the current DCP, this policy and these requirements does not guarantee approval of an application. The final decision whether or not to grant approval rests with Council and is subject to the merits of each application.
2. DEFINITIONS and ABBREVIATIONS

Council means 'the Council of the City of Liverpool'

DCP means 'Development Control Plan'

Outdoor dining means an outside area which is associated with and usually adjacent to a principal café or restaurant business where:
- The site is accessible and available for patrons of the associated business
- The associated business extends its supervised activities within the outdoor dining area
- Food and beverages are provided for consumption by patrons of the associated business, excluding pubs and small bars
- Items of furniture such as tables and chairs are available for use by patrons of the associated business

LGA means 'Local Government Area'

Outdoor furniture includes shade structures, tables, chairs, heaters, bollards, garden beds and perimeter barricades.

Permit means an annual renewable contract between Council and the applicant that allows the applicant to use a Council approved area for the purposes of ‘outdoor dining’ with specific conditions in return for an annual fee

Road means a public or private street, road or thoroughfare to which public access is available on a continuous basis to vehicles or pedestrians or both and includes a walkway.

3. PURPOSE and OBJECTIVES

3.1 Purpose

The purpose of this Policy is to maximise the benefits and synergies between outdoor dining areas and other public uses in the Liverpool City Centre and LGA. It is important that all outdoor dining areas conform to a series of standards designed to make them safe, accessible and aesthetic. In addition, this policy document defines the safety, performance and maintenance requirements for the establishment of new footpath outdoor dining areas.

3.2 Objectives

The objectives of this Policy are to:

a) Promote a high quality visual environment;
b) Support local economic development and commercial vitality;
c) Ensure that pedestrians and other forms of traffic are not unduly obstructed by activities on the footpaths and/or roads;
d) Ensure the safety of both pedestrian and vehicular traffic;
e) Ensure that activities on footpaths and roads contribute to the amenity of adjoining or nearby properties;
f) Ensure proposed activities are compatible with other community uses of public space;
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g) Ensure that Council clearly communicates its desires and responsibilities for use of its footpaths and roads in the LGA and that the controls are easily regulated; and
h) Promote the operational layout principles for patrons’ safety and activity areas in order to achieve consistency in the use of road reserve areas.

4. POLICY SCOPE

This policy:

a) Provides guidance for the use of footpaths and roadways, public plazas and public squares or the like under the ownership or management of Council, which would ordinarily be used by the public for pedestrian movements or recreation within the Liverpool LGA; and
b) Applies to outdoor dining areas adjacent to and associated with the principal place of business.

5. LEGISLATIVE CONTEXT

This policy should be read in conjunction with the:

Building Code of Australia
Companion Animals Act 1998
Environmental Planning and Assessment Act 1979 and associated regulations
Food Act 2003 and Food Safety Standards
Liverpool Community Strategic Plan 2013-2023
Liverpool Development Control Plan
Liverpool Local Environmental Plan
Local Government Act 1993 and associated regulations
Roads Act 1993 and associated regulations
State Environmental Planning Policy (Exempt and Complying Development Codes)
Smoke-free Environment Act 2000
Smoke-Free Regulation 2007

6. POLICY CONSIDERATIONS

6.1 Eligibility

Outdoor dining areas in a public place can only be established in the Liverpool LGA where there is an approved indoor restaurant or café. Outdoor dining areas are not intended as the primary dining area but an extension of indoor seating, for use in fine weather. Outdoor dining areas should only be visible and in use during the operating hours of the associated business. They should not be designed for equipment other than temporary tables, chairs, umbrellas, screens and essential supporting items.

Businesses eligible to operate an outdoor dining area are required to provide food prepared in a council approved food preparation area. ‘Liquor only’ establishments are not eligible for a permit.

The associated food and beverage premises cannot be a pub or a small bar.
6.2 Key Standards

The standards contained in this policy provide a set of best practice design requirements and requirements for establishing and managing outdoor dining areas. The standards are in place to:

a) Regulate the installation and management of outdoor dining to ensure that pedestrian access is not obstructed;
b) Ensure safety of patrons and pedestrians;
c) Ensure that outdoor dining areas have safe and convenient layouts;
d) Ensure easy accessibility for people with disabilities;
e) Ensure that the furniture and fittings are attractive and are of high quality design and appearance, with repair and presentation standards maintained throughout;
f) Ensure that signage and advertising material is minimal and of an acceptable size and design (restrictions apply);
g) Ensure that outdoor dining areas are kept clean and maintained at all times, with minimisation of litter, noise and nuisance, and
h) Ensure that the outdoor dining areas do not reduce the amenity of neighbouring properties and establishments.

6.3 Application Requirements

In seeking Council approval under section 68 of the Local Government Act 1993, applicants for an Outdoor Dining Permit must:

a) Complete the application from and provide the associated documentation including:
   1) Site Layout and Management Plan;
   2) A Statement of Environmental Effects addressing the requirements of section 125 of the Roads Act 1993;
   3) A Waste Management Plan;
   4) Written consent from owners where required or advice that the property owner has refused consent (NB. If consent is refused the property owner will be required to advise Council in writing why they object to the space being used for outdoor dining and Council will take that into account when making its final decision)
   5) Certificate for Currency for Public Liability Insurance cover of at least $20million.

b) Pay the prescribed Application Fee, Bond and Permit Fee for occupying Council Land as required (click here for Council's list of fees and charges);
c) Agree to comply with the conditions of the permit (a copy of the standard conditions is attached to this Policy in Appendix 1).

6.4 Public Liability Insurance

To provide adequate protection against claims that may arise as a result of the operation of the outdoor dining area, each operator must have a current public liability risk insurance policy.
Prior to issuing the “Permit for Outdoor Dining”, Council will require a copy of a certificate of Currency for a Public Liability Insurance Policy for a minimum cover of $20 million for the outdoor dining area/s.

The certificate must clearly state that Liverpool City Council has been nominated on the policy as a joint party or as an interested party and indemnify Liverpool City Council against any public liability claims within the area between the front property boundary of the subject premises and the kerb line of the street for the full frontage of the associated premises and influence area of the activity.

Where the outdoor dining area is not directly adjacent to the associated premises, the area covered by the insurance policy shall include the permitted area and the area between the café/restaurant and the associated business frontage. The policy shall cover accidents involving staff employed and the public within the permitted outdoor dining area and the associated business.

The applicant shall keep the policy current at all times and forward a copy to Council annually and each time it is renewed. A failure to do so will result in Council terminating the dining permit.

6.5 Requirements

In addition to this Policy Statement, the Requirements for Outdoor Dining Areas (which are detailed in Part B) shall consist of the following elements:

a) Location and Site Criteria;
b) Furniture and Amenities Requirements;
c) Management and Compliance Requirements;
d) Application and Approvals Procedures.
PART B: REQUIREMENTS

7. LOCATION AND SITE CRITERIA

7.1 Introduction

The most important conditions to be considered in locating outdoor dining areas are:

a) Proximity to the associated approved food and beverage premises;
b) Available area for outdoor dining – footpath width and width of public space;
c) Existing context including footpath gradient, existing street furniture and access points to nearby business;
d) Location and design of any existing outdoor dining in the area;
e) The generation of noise;
f) Impacts on nearby residential premise;
g) Proximity to vehicular traffic;
h) Road alignment, clear zones, setbacks and street furniture lateral placement, and
i) Peripheral activities such as the operation of buses, taxis and accessible parking locations or other activities that may require the footpath area for pedestrian movement or storage.

7.2 Site Conditions

The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of furniture.

Minor structures and changes to the footpath may be approved to achieve a suitable gradient. In elevated locations, for example, a change of level, and at the edge of deep water, outdoor dining is only appropriate in conjunction with a suitable safety rail, the design of which shall be to Council’s satisfaction and approval.

In certain circumstances, the applicant may wish to undertake other streetscape works to accommodate an outdoor dining area. Such works might include footpath widening, paving, street tree planting, lighting, safety fencing, bollards, garden boxes, tactile ground surface indicators, pedestrian fencing and the like. Any such works require prior approval by Council.

7.3 Location and Space Requirements

In order to comply with the requirements of section 125 of the Roads Act 1993, the following parameters need to be addressed in the application. The location will be determined considering local conditions, including the retention of a continuous accessible pedestrian corridor; the volume of pedestrian traffic; the location of existing outdoor dining areas, existing shop fronts and awnings; and the location of streetscape elements including poles, signs, refuse bins; and the location of the bus stops and taxi stands and the like.

Equitable access is to be considered and clearances must have regard to current Access Standards including AS1428.
7.3.1 Footpath locations
For circulation, safety, accessibility and convenience clearances are required around outdoor dining areas. For outdoor dining areas in business centres they may be located adjacent to the:

a) Respective indoor premises, or
b) Kerb/roadway.

The minimum width of footpath reserve required for an outdoor dining area is 3.3 metres and anything narrower than this will not be considered. The outdoor dining area on a 3.3 metre footpath will be restricted to a single line of tables and chairs situated next to the building line and must allow an unimpeded absolute minimum 2.0 metre thoroughfare for pedestrians. See the figure below.

Figure 1 Outdoor dining on 3.3 metre footpath

Alternatively, the following diagram shows the location of the 2.0m wide pedestrian corridor where outdoor dining is proposed along the kerb line. Location requirements specify that a 600mm wide clearance from the kerb must be provided where there is a parking lane in the adjacent road. Note, this means that the minimum footpath width requirement in this situation is 3.6m wide.

Figure 2 Location requirements along kerb line
For safety reasons, allowances for clear pedestrian passage may be increased in areas of higher pedestrian activity, and traffic speed and volumes, and where required by the RMS on classified roads. Energy-absorbing safety bollards/barriers may also be required to be installed at the expense of the applicant/approval holder and to the satisfaction of Council.

Where there is no kerb-side parking, a suitable barrier may need to be erected at the expense of the applicant/approval holder and to the satisfaction of Council for safety considerations including, preventing diners from walking directly onto the roadway.

A minimum setback is required and the distance depends on the frangibility of the object placed within the clear zone area; however the barrier must be approved by Council. Landscape barriers (for example, trellis with planting and energy-absorbing bollards, and open structures are preferred to barriers which are solid and bulky in appearance (for example, brick walls). Consideration should be given to colour contrasts when selecting barriers, as a means of assisting people with sight impairments avoid the barriers. Access for maintenance of services that may exist in the footpath area needs to be considered with the placement of any structures temporary or permanent in nature.

For footpaths which measure 6 metres or over in width the Outdoor Café should be located towards the kerb at a distance of not less than 1 metre from the kerb line and must also allow a minimum of 2.5 metres width from the building line for pedestrian thoroughfare. See the figure below.

![Figure 3 Outdoor dining on a 6 metre footpath](image)

Council reserves the right to adjust these measurements depending upon the circumstances. Mere technical compliance with these standards does not guarantee approval.

7.3.2 Corner locations
At street corners, a setback of at least 2.5 metres measured from the building corner applies exclusive of any obstruction or street fixture for example, a bench, tree, rubbish bin, pole. This is required to maintain safe sight distances for vehicles and pedestrians, as well as clear paths of travel and equitable access.
7.3.3 Plaza or mall locations

A) General plaza or mall locations
Where the outdoor dining area is proposed for a mall or plaza location (other than the Macquarie Mall – see Section 7.3.3 B below), it may be considered in locations not directly in front of the associated business. In these circumstances it may be considered in close proximity to the respective café, restaurant or hotel, depending on:

a) The design of the plaza area;
b) The location of street furniture and services;
c) Topography of the site and surrounds;
d) Location of pedestrian corridors, service vehicle access (existing or planned), street stalls, and

e) Other matters including the needs of adjacent businesses.

Any consideration of these matters will require the written consent of the owner and the occupier of the adjoining premises or advice that consent has not been provided. In the event that consent is not provided the property owner and/or adjoining premises should submit in writing their objection to the outdoor dining area. Council will then take this into account when making its final decision.

B) Macquarie Mall locations
Given the prominence of the Macquarie Mall as a special precinct within the Liverpool city centre and the ownership of assets within the Mall by Council, additional operational standards and conditions apply to the outdoor dining areas in the Mall.

The Macquarie Mall Standards and Conditions document (click here) will override the general policy if any inconsistency arises.

A Macquarie Mall Masterplan (click here) details allowable locations for outdoor dining including:

a) Permanent outdoor dining zones which define the central zone of the Mall; and
b) A zone for outdoor dining along the building edge in front of the John Edmondson Club Liverpool.
The Macquarie Mall standards and conditions also specify a hierarchy for outdoor
dining structures and locations as follows:

a) Two large permanent outdoor structures located in-between the avenue of trees
   and the central promenade/ shared roadway;

b) One smaller permanent outdoor structure located adjacent to the western events
   space, and

c) Smaller structures located in-between the trees in two configurations:
   1) Single structures, in-between the trees and light poles;
   2) Group of 4 structures, centred in-between the trees.

The use of framed fabric barriers may be considered between adjoining outdoor
dining areas to separate the dining activities, provided they do not become a physical
or visual obstruction within the public domain and do not have a detrimental impact
on pedestrians. Barriers should also be provided where the outdoor dining area is
located 600mm from the kerb line to prevent chairs and tables creeping closer to the
kerb.

The requirements for the use of barriers in the Macquarie Mall must comply with the
Requirements set out in Section 8.2.2.

The standards and conditions also specify design/construction requirements for the
permanent structures which are set out in Appendix 4, along with a diagram of the
specified locations.

Any operation of an outdoor dining facility within the Macquarie Mall must comply with
the requirements and licensing conditions contained within this Policy, including
Section 8 Furniture and Amenities Requirements (8.1, 8.2, 8.3, 8.6 to 8.14 – 8.12 and
Section 9 Management and Compliance).

7.4 Extension Areas

In some circumstances, for example, where an outdoor dining area is proposed
outside a row of shops, consideration may be given to extending the outdoor dining
into the area in front of the adjoining shop. This consideration will require the written
consent of the owner and the occupier of the adjoining premises to be submitted with
the application. If permission is not granted the owner and occupier of those
businesses are required to substantiate their reasons in writing to Council. Council
will then assess those reasons in making its final decision. Council is the final
decision-maker given that the property to be used is owned and managed by Council.

Any changes to the ownership or occupancy of the adjoining premises will require the
approval holder to seek continuing consent from the new owner or occupants of the
adjoining premises. If this approval is not provided, building owners or adjoining
premises need to substantiate their concerns in writing. Council will take these
concerns into account in making its final decision.

Outdoor dining approvals will also cease upon change of use or change of ownership
of the principal dining premises. Outdoor dining permits are strictly non –
transferrable.
7.5 Unsuitable Areas

Not all footpaths are suitable for use as outdoor dining areas, or may not have sufficient width to meet pedestrian or vehicular access, sightlines etc.

Where a suitable contiguous pedestrian access corridor is unable to be provided, outdoor dining will not be permitted.

If the speed zone of the road is greater than 60 km/h, then the site is not recommended to be used for outdoor dining purposes.

Outdoor dining areas will not be considered within 5 metre of bus stops, taxi ranks, accessible parking places, near pedestrian crossings, or other areas where there is concentrated pedestrian or vehicular traffic and associated safety concerns.

8. FURNITURE AND AMENITIES REQUIREMENTS

This section provides requirements for the design of both removable and fixed furniture associated with outdoor dining.

Note: The cost of any street furniture belonging to Council which is required to be moved and relocated to a new position will be charged to the applicant. Any additional changes to the footpath in order to accommodate the outdoor dining area will also be charged to the applicant.

8.1 Furniture Layout

The layout and orientation of furniture should be chosen according to the size and shape of the available space. The available depth of an outdoor dining area depends on the width of the footpath; however the minimum practical width for outdoor dining is 1 m for narrow width paths less than 3.6 metres in width.

The location of all furniture, barriers and the like, removable and fixed, must not extend beyond the boundaries of the approved outdoor dining area.

The approval holder is responsible to ensure patrons maintain furniture within the boundaries of the approved seating area and its storage outside business hours.

In kerbside locations, for safety reasons, the layout must be organized so that chairs must not be placed with their backs to the kerb.

Whenever possible, an outdoor dining area should visually relate to and be physically aligned with streetscape features.

The layout of the outdoor dining area should also make provision for people in a wheelchair and people with other special access needs.
8.2 Boundary Identification

Council requires all boundaries of the approved outdoor dining area to be marked out on the site. The methods of identifying the boundaries which may be considered acceptable include:

a) Markers;
b) Tactile ground surface indicators;
c) Barriers/ bollards – fixed or removable;
d) Planter boxes, seating walls and other landscape elements.

The placement of barriers or bollards needs to consider the crashworthiness of the object and level of protection offered relative to the likelihood of impact, clear zone maintenance and the speed limit applied to the road adjacent to the outdoor dining area. The choice of barrier will depend on the location of the outdoor dining area and will be determined by Council. The following requirements apply to markers, ground indicators, barriers, bollards and other suitable elements.

8.2.1 Markers
In most cases, corner markers will suffice. In some locations, it may be necessary to use additional markers along the boundary alignment. Where markers are to be used, Council will install them on land in its ownership, at the cost of the approval holder. In paved areas, metal discs are installed flush with the paved surface. In areas with a grass, gravel, or similar surface pavement markers are not feasible and existing or new landscape elements such as trees, light poles, bollards, and the like are used instead.

8.2.2 Tactile ground surface indicators
Tactile paving markers may be considered as one indicator for people who are blind or who have vision impairment that they are approaching an outdoor dining area, furniture or barrier. However, care should be taken when deciding on the use of us makers and it is important to consider that incorrectly or poorly located tactile paving can be a hazard particularly for wheelchair users. Consideration could also be given to colour contrasts when selecting barriers, as a means of assisting people with sight impairments avoid obstacles.

If Tactile Ground Surface Indicators (Warning Type) must have a 30% luminance contrast to the surrounding ground surface and must comply with Sections 1 and 2 of AS/NZS1428.4.1-2009.

8.2.3 Barriers and bollards
The use of framed fabric barriers may be appropriate, provided they do not become a physical or visual obstruction within the public domain and do not have a detrimental impact on pedestrians.

Barriers may be considered between adjoining outdoor dining areas to separate the dining activities. Barriers should be provided where the outdoor dining area is located 600mm from the kerb line to prevent chairs and tables creeping closer to the kerb. The barriers prevent car parkers/ passengers walking through the maze of tables and chairs to access the footpath. For safety purposes, barriers/bollards are required to
be designed to be energy-absorbing and their choice will be dependent upon the speed zone of the road, clear zone and risk impact.

Removable impact absorbing barriers and/or bollards, placed on public land, must be free standing and of a weight that is safe, durable and supports the design. The establishment of holes, location of fasteners and other penetration into a pavement surface is not permitted without Council approval.

Barriers must be of a colour and type that complements other furniture, such as umbrellas. Some examples are set out below. Consideration should be given to colour contrasts when selecting barriers, as a means of assisting people with sight impairments avoid the barriers.

![Figure 5 Examples of dining area barriers](image)

Other barriers that may be appropriate between the outdoor dining area and footpath/kerb area are planter boxes and landscape features. The design of such elements should be discussed with Council.

All fixed barriers/bollards require the approval of Council. Failure to comply with Council conditions and for directions in relation to the nature placement or condition of markers, ground surface indicator’s barriers or bollards will result in termination of the outdoor dining permit.

8.3 Furniture Style

Council encourages furniture styles that are practical, robust and attractive and complements the surrounding streetscape and makes a positive contribution to the street environment. All furniture items, including umbrellas and barriers, are to be approved by Council, details of which must form part of any application.

The design and colour should give consideration to the furniture in existing approved outdoor dining areas in the street, and access for the vision impaired (refer AS1428).

Manufacturers’ details and related information are to be provided with any application to demonstrate compliance with the following criteria:
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a) The furniture should be strong, sturdy, durable, waterproof and weather resistant, designed for commercial outdoor use;

b) The design must not contain parts that are likely to cause damage to the pavement;

c) The furniture must be suitable for public safety, comfort and hygiene considerations:
   1) Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users;
   2) Tables must be able to be cleaned and not be of a design that allows particles of food to collect;
   3) Surfaces such as table tops must be non-reflective;

d) All removable furniture must be easily stored within the associated indoor premises;

e) Furniture colour schemes must form part of any application, and

f) Any proposed items of furniture that are to carry advertising materials (logos, brand names and the like) must be detailed as part of the application.

Note: Council retains the right to require that all outdoor dining furniture be removed or relocated during street festivals and other Council approved events. No compensation shall be offered or paid under these circumstances.

The following figures provide some examples of removable and fixed outdoor dining furniture and other fittings. They are illustrative only and requirements will vary based on the proposed location of outdoor dining area.

Figure 6 Examples of removable outdoor furniture
8.4 Enclosures

Full height solid screens are not preferred. Contact with the environment is an integral part of the outdoor dining experience, and an amenable setting can be created through proper location and furniture layout in relation to existing buildings and other streetscape elements.

Where applicants propose the use of any form of enclosure for outdoor dining areas, such as roll-up blinds and screens, the enclosures are:

a) Not to be permanently rolled down (in the case of blinds) but can be rolled up and down for use in inclement conditions;
b) Not to work against the amenity of outdoor dining;
c) Not to cause any obstruction to the minimum path clearance required for public access (including special access requirements for people with a disability);
d) Not to encroach on the roadway or the approved seating area;
e) Not to be able to be blown into kerb edge/roadway area or pedestrian area;
f) Not to be located near any heating devices so as not to cause a potential fire hazard;
g) To be securely fitted and installed to ensure that they withstand the effects of wind.

The placement of any permanent structure, that is, a shade structure, framework and so on also:

a) Requires structural engineering certification and Council approval;
b) Is not to undermine the strength of the structure on which they are to be fitted, and

8.5 Umbrellas

Umbrellas are appropriate for providing shade and shelter; however safety considerations are critical and umbrellas must:

a) Be installed to ensure that they are at all times securely fixed to withstand the effects of wind. Fixtures that penetrate or damage the pavement on Council footpaths will not be permitted without Council’s approval;
b) Be removed or closed in extremely windy conditions and must be removed when
the outdoor seating area is not in use;
c) Not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres above the ground level at the lowest point;
d) Be manufactured from fire retardant material if adjacent to a heating device;
e) Be maintained in sound and aesthetically acceptable condition, and
f) Not have general advertising, but may include business premises identification and advertising associated with the food and beverage premises (for example, coffee brand).

Other shade structures may be permissible, but only with written consent from Council.

8.6 Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property. Any such devices must be constructed in accordance with the applicable Australian Standard and relevant industry standards, and be kept in a safe and serviceable condition.

8.7 Service

Table service is encouraged. It is mandatory where alcohol is served.

The use of crockery and glassware is preferred in the serving of food and beverages in outdoor dining areas.

Plastic containers, paper and polystyrene cups add to waste consumption and cause additional litter on the street and stormwater drains, as well as contribute to greenhouse emissions. In addition, the use of crockery and glassware can indicate quality and attract diners.

If the site of the subject application for outdoor dining is in or adjacent to a residential area and is likely to involve the consumption of alcohol, Council must consider the following matters in determining the application:

a) Whether the proposed use is likely to have a detrimental impact on the amenity of the surrounding residential area, and
b) Whether any objections to the proposed liquor licence are well founded.

8.8 Smoke Free Environment

The control of smoking within and adjacent to an outdoor dining area must be in accordance with the provisions of the Smoke-Free Environment Act 2000 and Regulation. The Act makes a number of outdoor public places smoke-free, namely, a seated dining area, within 4 metres of a seated dining area on licensed premises, restaurant or café, and within 10 metres of a food fair stall.
Under the Act, smoking relates to any ignited tobacco product or non-tobacco smoking product and includes smoking from a cigarette, pipe, water-pipe or any other smoking device.

Owners must ensure that adequate ‘no-smoking’ signage is displayed in an outdoor dining area. This signage needs to meet specific wording requirements. Guidelines and free resources are available from NSW Health at: http://www.health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx

8.9 Storage Facilities

Adequate storage facilities will be required to be provided in the associated premises or in the building containing the associated premises for tables, chairs, umbrellas, heating devices and the like, when not in use.

8.10 Access to Amenities

Toilet facilities are to be made available to patrons in accordance with the requirements under the health and amenity provisions of the Building Code of Australia.

Toilet facilities are required to be available in the building occupied by the food and beverage premises where alcohol is served or if the total seating provided (including indoors and outdoors) exceeds 19 seats.

The addition of outdoor dining will increase the number of seats to a food and beverage premises. Where a significant increase in the number of patrons results from the addition of an outdoor area it may be necessary to upgrade the existing facilities in accordance with the requirements of Part F2 of the Building Code of Australia.

8.11 Advertising and Signage

The name of the outdoor dining premises, its business name or logo may be placed on outdoor umbrellas, and other items of furniture, only if it:

a) Identifies the outdoor dining premises;
b) Is in the nature of a corporate logo or identification;
c) Is an integral element of the furniture design and does not have an excessive impact on the dining area or streetscape.

No other advertising is permitted on any outdoor furniture or elsewhere in the outdoor dining area or adjacent area unless Council grants a specific conditional approval.

Details of all signage and advertising must be submitted for approval as part of the application.
8.12 Lighting

Any outdoor dining area approved to operate outside daylight hours must provide adequate lighting, to Council’s satisfaction, to ensure the safety and amenity of patrons and the general public.

8.13 Animals

Animals are permitted within the outdoor dining area under the *Companion Animals Act* 1998. However the operator of the premises reserves the right to refuse some animals within the approved area.

Owners are required to keep the animal on leash (and off furniture) and cannot feed or use cutlery/ plates for feeding the animal.

8.14 Exclusions

Loudspeaker equipment, food vending machines, food preparation equipment and other equipment such as refrigerators are not permitted in outdoor dining areas.

9. MANAGEMENT AND COMPLIANCE

This section of the requirements sets out the ongoing management and compliance standards necessary to ensure that outdoor dining areas meet the relevant approvals and local controls.

9.1 Conditions of Approval

The approval holder will be responsible for making sure that the outdoor dining area is operated in accordance with the conditions attached to the approval which will include under the section 125 of the *Roads Act* 1993. A copy of the standard conditions is in Appendix 1.

Non-compliance will be enforced by way of a written warning for a first offence and a fine in all other circumstances. Continual non-compliance may result in the approval being revoked or enforcement action being taken.

9.2 Fees

Council will charge an application fee and ongoing fee for the use of the footpath or Council owned land as an outdoor dining area. The initial and ongoing fees for outdoor dining approvals will take into account current market rates for equivalent indoor spaces.

Relevant fees are outlined in Council’s *Fees and Charges Schedule* and are reviewed on an annual basis. The annual fee is payable in advance and invoiced from 1 July each year. No refunds will be provided. A fee may also be charged for any Council provided shade structure and furniture.
Upon receipt of an Outdoor Dining Permit the applicant will be required to pay a security deposit bond equivalent to three (3) months of the total annual approval fee. This will be held by Council in trust for the duration of the approval holders occupation of the footway or Council land and returned when Council is notified in writing by the approval holder that the holder wishes to stop the use of the approved area, as long as there are no outstanding monies owed to Council and the approved area is left in good condition.

For existing approvals, the fee will be reviewed annually in accordance with the approval conditions.

9.3 Display of Permit

A Permit will be issued as part of the Council approval process and a copy of the outdoor dining approval, including a plan of the approved area, must be displayed in a clear and visible position inside the front window of the associated premises and be available to any authorised person.

9.4 Insurance

All approval holders will be required to carry and maintain public risk liability insurance to the minimum value of $20million.

9.5 Change of Ownership

The approval to operate an outdoor dining area will cease upon change of ownership or change of use of the principle dining premises. A new application is required in the case of a change of ownership.

9.6 Maintenance, Repair and Cleaning

All furniture must be maintained in a physically sound and aesthetically acceptable condition to the Council’s satisfaction at all times. Appendix 2 provides a guide to maintaining a high standard of presentation for all outdoor dining furniture and fittings.

The approval holder is responsible for cleaning the approved outdoor dining area, ensuring it presents a clean and well-maintained image as specified in the conditions of the approval.

Street rubbish bins are not to be used for the disposal of waste and the approval holder must have suitable arrangements for a commercial waste collection service.

Outdoor furniture, heating devices and dining equipment must be removed and stored away from all public areas outside the hours of business operation or when not in use due to bad weather, etc.
10. APPLICATION AND APPROVAL

This section sets out the procedures and documentation required to complete the application process.

Under the Local Government Act 1993, Council can adopt policies regarding footpath use and outdoor dining.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits the use of a footpath or a public open space that is adjacent to, connected with or part of a café or restaurant (food and beverage premises) as an outdoor dining area, as exempt development.

The outdoor dining areas must comply with policies and requirements as set out in this policy and be completed in accordance with an approval issued under section 125 of the Roads Act 1993 and section 68 of the Local Government Act 1993. Approval to operate an outdoor dining area on a footway of a classified road requires a concurrence approval from Roads and Maritime Services.

The following requirements and documents are required as part of the application, along with the relevant fees and charges:

10.1 Site Layout Plan

A site plan drawn to scale (1:100) must be prepared showing all of the following:

a) The dimensions and boundaries of the outdoor dining area relative to the business locality and other road features;
b) The number and location of tables and chairs in the outdoor dining area;
c) The location of any barriers and their relevant safety specification intended to define any part of the boundary of the area;
d) The kerb line of the street;
e) The width of the associated business premises frontage and location of entrances and exits;
f) The existing footpath adjacent to the associated business premises frontage allowing for the outdoor dining area;
g) The movement corridors to and from the outdoor dining area for the delivery and removal of food, beverages, crockery and rubbish;
h) How there is clear unobstructed passage for pedestrians using the public footpath;
i) How access for people with disabilities will be accommodated;
j) The location of pedestrian or vehicular entrances which serve the adjoining buildings premises or adjacent areas;
k) The area to be covered by public liability insurance which must include the whole of the outdoor dining area and the connecting area to the associated business over which food and beverage is delivered;
l) The provision for emergency vehicle access, where required by Council, so that such access ways always have priority over all outdoor dining areas;
m) The location of any public utility structure such as power poles, bus stops, trees, street furniture, signposts or other items which are adjacent to the site;
n) Colour photographs clearly showing the proposed outdoor dining area relative to buildings and existing features on the footpath.

10.2 Site Management Plan

The Site Layout and Management Plan must address the following items:

a) The hours of operation of the associated business and of the proposed outdoor dining area;
b) Whether the associated business is licensed to serve alcohol and whether it is proposed to seek permission from the licensing court to serve alcohol at the proposed outdoor dining area;
c) Details in the form of colour photographs or brochures on the colour, type and materials of the proposed chairs, tables, barriers, umbrellas, planter boxes and other items;
d) Details of how the name of the business and/or core product and/or service associated with the business may be placed on any item of furniture as a minor element of the furniture design, including details of quantity, size, colour, material, design and wording of any proposed signage either located on the associated business or on the outdoor dining area including logos of companies to the Council’s satisfaction;
e) Details of any proposed artificial lighting and/or heating;
f) Details of any proposed planter boxes including plantings.

10.3 Waste Management Plan

This policy aims to promote sound environmental practices that reduce the amount of waste generated from the activity and encourages the business owner to responsibly dispose of waste.

Appropriate environmental management is important to Council and the community. Waste management is the responsibility of all stakeholders including outdoor dining operators. This includes the containment and proper disposal of waste away from the outdoor dining area.

All waste must be stored in appropriate containers and operators must accept and demonstrate responsibility for the disposal of all waste as well as the cleanliness of the area immediately adjacent to their premises.

A waste management plan must be included with the application for an Outdoor Dining Permit, providing details of:

a) How rubbish and litter will be dealt with
b) How it is intended to clear tables of used crockery and waste
c) How the outdoor dining area will be kept clean and tidy at all times.

10.4 Written Consents

If the applicant is not the owner of the building in which the associated food and beverage business is located, then a letter of consent should be sought from the owner of the building from which the associated business operates. If this consent is
not given, the owners of the building must specify reasons in writing as to why
consent is not provided within 30 days of the consent being sought. If this advice is
not provided, Council will make a final decision regardless. If this advice is provided,
Council will take that advice into account when making its decision. The owner will
also be informed by letter of the outcome of the application. Council’s decision will
be final.

A letter of consent should also be sought from neighbouring owners/ tenants on each
side of the associated business. If consent is not provided, the neighbouring
owners/tenant must specify their objection reasons in writing. Council will take these
objections into account when making its final decision. The neighbouring
owners/tenants will also be informed by letter of the outcome of the application.

10.5 Completion

On receipt of a completed Outdoor Dining Application Form, associated
documentation, a valid Certificate of Currency and payment of all the correct fees
including any costs associated with the moving of street furniture, Council may issue
an Outdoor Dining Permit. At that time it will also issue a small notice detailing the
area for which the permit applies, which must be displayed in the shopfront window of
the associated business.

At that time, Council will also notify the Permit holder of the amount of bond that is
payable, as set out in section 9.2 of this Policy.

10.6 Withdrawal of Consents

If written advice withdrawing consent is received from the building owner, Council will
take this advice into account as to whether outdoor dining will be allowed to continue.
The building owner must specify their reasons in writing as to why consent is being
withdrawn. Council will make the final decision taking into account the building
owner’s rationale.

In the event of the withdrawal of consent, Council will advise that a refund may be
made in respect of fees paid in advance for the use of the area in front of the
neighbouring premises. Council will also arrange for the refund of any bond monies
paid, as detailed in section 9.2 of this Policy.
PART C: APPENDICES

APPENDIX 1: STANDARD CONDITIONS APPLICABLE TO A PERMIT

1) Upon payment of the Permit Fee, the period of the Permit shall be twelve (12) months commencing on the first day of July to the 30th day of June (next occurring), unless terminated by Council beforehand.

2) The Applicant abides by Clause 3 on the Permit Agreement if the Smoke Free option is taken.

3) The Applicant must obtain Council’s approval for its intention to apply for a license to supply liquor to the Permit Area, prior to making an application to the relevant Liquor Licensing Authority.

4) The Applicant shall comply with Council’s liquor Licensing Accord or any Conditions relevant to the supply of liquor to the Permit Area imposed by Council.

5) The Applicant shall at all times ensure that no more than the number of persons specified on the Permit shall consume food or beverage within the Permit area.

6) The Applicant shall not secure any tables, chairs or other objects associated with the outdoor dining activities to the pavement without approval from Council.

7) The Applicant shall prepare in the adjoining premises, all meals, food and liquid refreshments supplied, pursuant to the Permit.

8) The Applicant shall at all times keep the Permit Area and all approved furniture and equipment thereon, clean and free from litter and waste materials and shall ensure that no waste material is swept or placed into the water system.

9) The Applicant shall remove all obstructions from the Permit Area upon twenty four (24) hours’ notice (or less in times of emergency), being given to the Applicant by the Council, that the Permit Area is required for pavement maintenance or repair work.

10) The Applicant shall remove all furniture at the close of business on each day.

11) The Applicant shall not enclose the Permit Area, with café screens, blinds, awnings or similar structures without prior permission.

12) The Applicant shall indemnify and keep indemnified and hold harmless, the Council, its members, employees and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever, which may be brought or made or claimed against them, or any of them, arising out of or in relation to the permit, or out of or in relation to the activities authorised thereby.

13) The Applicant or the Council may at any time (whether in the event of default of any of the Conditions or otherwise) terminate the Permit by serving upon the other twenty four (24) hours’ notice in writing provided that such termination shall be without prejudice to any rights of the Council against the Applicant for any antecedent breach of any of the Conditions.

14) If, after the date of expiration of the period of the Permit, the Applicant continues to operate on the Permit Area without paying permit fees or fails to execute a permit renewal form, Council may take enforcement actions in accordance with the Local Government Act 1993, can either refuse to grant a permit on any future application for an outdoor permit or apply a penalty interest rate of 12% per year, on a pro-rata basis.

15) This Permit is personal to the Applicant and may not be assigned or disposed of in any way whatsoever in favour of any other person or body.

16) The Applicant further agrees:

   a) To ensure that any alteration to the road does not interfere with, or cause damage to, or in any way affect, the property of any other person.

   b) To comply with any direction given by any statutory authority or Council to remove, maintain or otherwise modify the alteration to the road, subject to this authorisation.

   c) This authorisation does not confer on the applicant any exclusive right, entitlement or interest in the road and does not derogate from Council’s powers arising under the Local Government Act 1993 and the Roads Act 1993.
APPENDIX 2: REPAIR AND MAINTENANCE GUIDE

The following may be used as a guide for maintaining a high standard of presentation for all outdoor dining furniture and fittings.

Where Council owns these structures it will also operate within the same timeframes.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windbreaker/Screen broken</td>
<td>Repair within 24 hours</td>
</tr>
<tr>
<td>Windbreak/Screen missing</td>
<td>Replace within 7 days</td>
</tr>
<tr>
<td>Windbreak/Screen torn</td>
<td>Remove and repair within 7 days</td>
</tr>
<tr>
<td>Graffiti on windbreaker/screens</td>
<td>Clean within 48 hours</td>
</tr>
<tr>
<td>Screens, awnings, umbrellas &amp; drop downs in unclean condition</td>
<td>Clean within 24 hours</td>
</tr>
<tr>
<td>Components of windbreaker/screens missing or broken</td>
<td>Replace within 7 days</td>
</tr>
<tr>
<td>Graffiti on canvas</td>
<td>Remove and clean screens or replace within 7 days</td>
</tr>
<tr>
<td>Furniture in disrepair</td>
<td>Remove or replace within 7 days</td>
</tr>
<tr>
<td>Planter boxes damaged</td>
<td>Remove and replace within 7 days</td>
</tr>
<tr>
<td>Plants wilted</td>
<td>Remove and replace within 7 days</td>
</tr>
<tr>
<td>Advertising not meeting Council's Outdoor Dining Policy requirements</td>
<td>Remove within 24 hours</td>
</tr>
<tr>
<td>Shade Structure damaged or canvas torn</td>
<td>Remove and replace within 7 days</td>
</tr>
</tbody>
</table>
## OUTDOOR DINING POLICY

### APPENDIX 3: APPLICATION FORM

**LIVERPOOL CITY COUNCIL**

**OUTDOOR DINING PERMIT**
**APPLICATION FORM**
**1/07/2016 – 30/06/2017**

Trim Ref: 150616.2016

Council will use information provided on this form to process this application. It can also be made available by law to other government agencies. You can find more about your privacy rights in Council's Privacy Policy or by contacting Council’s Privacy Contact Officer (the Governance Coordinator) on 1300 36 2170.

- [ ] New Application
- [ ] Renewal Application

### Business address

<table>
<thead>
<tr>
<th>Shop/Unit No:</th>
<th>House No:</th>
<th>Office Use</th>
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<tbody>
<tr>
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<td></td>
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<table>
<thead>
<tr>
<th>Street:</th>
<th>Postcode:</th>
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<table>
<thead>
<tr>
<th>Lot No:</th>
<th>Deposited / Strata Plan No:</th>
<th>Section:</th>
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</table>

### Applicant details

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Office Use</th>
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<table>
<thead>
<tr>
<th>Business Name:</th>
<th>ABN:</th>
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</table>

<table>
<thead>
<tr>
<th>Postal Address:</th>
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<tr>
<td>(if different to business address)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Phone:</th>
<th>Mobile:</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Email:</th>
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</table>

### Details of proposed activity

<table>
<thead>
<tr>
<th>Commencement date of Outdoor Dining:</th>
<th>Liquor licence number (if applicable):</th>
<th>Office Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of chairs:</th>
<th>Number of tables:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimensions of area (m):</th>
<th>Total Outdoor Café area (m2):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

If you are located within the Macquarie Mall Precinct, state your Outdoor Dining Zone number(s) (adopted plan attached):

---------------------------------------
(Note: All furniture and café structures must remain within your approved outdoor dining zone)

### Applicant(s) Certification
Documents and payment required for a new application

- Application lodgment fee
- Driver’s licence/ photo ID
- Certificate of title/ lease/ licence agreement (front page only)
- Site layout plan: printed
- Site layout plan electronic copy
- Site Management Plan - printed
- Statement of Environmental Effects addressing the requirements of Section 125 of the Roads Act 1993
- Waste Management Plan
- Certificate of currency for public liability Insurance cover of at least $20million (noting Liverpool City Council as an interested party and the outdoor dining site address.)

Documents and payment required for renewal application

- Application lodgment fee
- Driver’s licence/ photo ID
- Certificate of currency for public liability Insurance cover of at least $20million (noting Liverpool City Council as an interested party and the outdoor dining site address.)

<table>
<thead>
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<th>Office Use Only:</th>
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<tbody>
<tr>
<td>Application Fee (TRCAFE) $170.00</td>
</tr>
<tr>
<td>Tactile Indicator Fee (RC/APCAFE) $68.50</td>
</tr>
<tr>
<td>(New Application Only)</td>
</tr>
<tr>
<td>Chairs (RC/CHCAFE)_________________ x $48.50</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
<tr>
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</tr>
<tr>
<td>Print Name of Receiving Officer:</td>
</tr>
</tbody>
</table>
1. Upon payment of the permit fee, the period of the permit, shall be 12 months (the period from 1 July to the following 30 June) unless terminated by Council beforehand.
2. The applicant must obtain Council’s approval for its intention to apply for a licence to supply liquor to the permit area, prior to making an application to the relevant Liquor Licensing Authority.
3. The applicant shall comply with Liquor Licensing Accord for the particular suburb or any conditions relevant to the supply of liquor to the permit area imposed by Council.
4. The applicant shall at all times ensure that no more than the number of persons specified on the permit shall consume food or drink within the permit area.
5. The applicant shall not secure any tables, chairs or other objects associated with the outdoor dining activities to the pavement without approval from Council.
6. The applicant shall prepare in the adjoining premises, all meals, food and liquid refreshments supplied, pursuant to the permit.
7. The applicant shall at all times keep the permit area and all approved furniture and equipment thereon, clean and free from litter and waste materials and shall ensure that no waste material is swept or placed into the street drain/ water system.
8. The applicant shall remove all obstructions from the permit area upon 24 hours’ notice (or less in times of emergency) when directed by Council, where the permit area is required for pavement maintenance or repair work.
9. The applicant shall remove all furniture at the close of business on each day.
10. The applicant shall not enclose the permit area, with café screens, blinds, awnings or similar structures without prior permission of Council.
11. The applicant shall indemnify Council from all claims and damages arising out of or in relation to the permit, or out of or in relation to the activities authorised thereby.
12. The applicant or Council may at any time reasonably terminate the permit by serving upon the permit holder a notice giving the permit holder 24 hours to quit occupation of Council’s footpath.
13. If, after the date of expiration of the period of the permit, the applicant continues to operate on the permit area without paying permit fees or fails to execute a permit renewal form, Council may take enforcement actions in accordance with the Local Government Act 1993, and can either refuse to grant a permit on any future application for an outdoor permit or apply a penalty interest rate of 12% per year, on a pro rata basis.
14. This permit is personal to the applicant and may not be assigned or disposed of in any way or in favour of any other person or body.
15. Council requires that any addition or alteration to the road does not interfere with, or cause damage to, or in any way affect, the property of any other person.
16. Council requires the permit holder or any other person employed by the permit holder to comply with any direction given by Council, to remove, maintain or otherwise modify the alteration to the road, subject to this permit.
17. This permit does not confer on the applicant any exclusive right, entitlement or interest in the road and does not derogate from Council’s powers arising under the Local Government Act 1993.

NOTE: A road means a public or private street, road or thoroughfare to which public access is available on a continuous basis to vehicles or pedestrians or both and includes a walkway.

18. These Conditions are a summary only of Council’s requirements for an outdoor dining permit. Applicants should note that a separate permit approving any application will fully set out Council’s final requirements.
19. The following requirements apply to MACQUARIE MALL only:
INTRODUCTION

1.0 INTRODUCTION

1.1 Macquarie Mall Strategy
The Macquarie Mall continues to be the heart of the Liverpool City Centre. The public realm design aims to provide a platform for cultural and civic events by providing activities and destinations to attract members of the public to the Mall. The design responds to the existing cultures, climate and day and night time activities and will provide physical openness and accessibility for all.

The spaces have been designed to be flexible, adaptable, activated, safe and welcoming. A key design principle is to create a layered public realm framework that ensures the linear mall is punctuated by a series of small, medium and large scale events. These events will encourage pedestrian movement from one end to the other, encourage activity and provide the infrastructure for local activities and celebrations.

Both the Elizabeth Street and Moore Street arrival points into the Mall are defined by a large, open event space, linked together by a central promenade and catenary lighting system overhead. A permanent outdoor café zone defines the central zone of the Mall.

1.2 Where do these standards apply?
These standards apply to the Macquarie Mall precinct located in the Liverpool CBD, as shown Appendix A.

1.3 Permissible locations for outdoor dining
Council will only consider approval for outdoor dining in Outdoor Dining Zones noted in the Macquarie Mall Master Plan. A copy of the adopted plan is included as Appendix A. Other locations within the Mall have been designated for other uses such as events, activities or thoroughfares and will not be considered for outdoor dining.

1.4 Allocation of sites and Permits for Outdoor Dining
Each Outdoor Dining Zone will be licensed for a maximum period of one year, commencing on 1 July and terminating on 30 June the following year. Permit Holders are required to apply to renew permits on annual basis.

The allocation and approval of Outdoor Dining Zones and renewal of Outdoor Dining Permits is at the absolute discretion of Council. Council usually renews Permits with the incumbent Permit Holder on annual basis. However, Council reserves the right not to renew permits in circumstances including but not limited to:

A. Where the Permit Holder has breached conditions of the Operational Standards or the Outdoor Dining Permit and has not remedied within 28 days of notification in writing by Council; or

B. Where the dining zone is located in front of adjoining premises and the Owner of, or the Lessee of those adjoining premises has also lodged an application for a permit.

COUNCIL STANDARDS FOR USE OF OUTDOOR DINING ZONES

2.1 Alfresco Dining Modules
Licensed Outdoor Dining Zones must use Council approved Alfresco Dining Modules.

Module details are as follows:
Product:    Alfresco Dining 'Internal Mast'  
Dimensions:    4000x3500x2200mm high.  
Manufacturer:    Alfresco Shade - Internal Shade Solutions  
Website:    www.alfrescoshade.com.au  
Fabric:    Mehler FR700  
Ring Beam Size:    75x75mm  
Guttering & down pipes:    Downpipes discharge into the ground.  
Side Blinds:    75mm thick double laminated PVC

Dimensions for the two small modules located at the most southern end of the Mall are 2100x2100x2200mm high.

2.2 Tables and chairs
Furniture colour must be predominantly black, white or timber. Council may approve other furniture colours if the applicant can demonstrate that proposed colours are required to complement the character of their shop fitout.

The maximum height of tables and chairs must not exceed 1 metre and must comply with all relevant standards and codes.

All furniture must be contained within the boundaries of the Module. Furniture must not be placed past the roofline of the Module.

2.3 Barriers
Framed fabric barriers may be used around the perimeter of each Module. Barriers must not to be placed outside of the Outdoor Dining Zones.

The barriers must be free standing and be of a weight that is safe and durable. Holes, located fasteners and penetration into a pavement surface are not permitted.

All barriers including any artwork or advertising require Council’s approval prior to installation.

The maximum height of any barrier is to be no more than 900mm.

**Figure 5 Examples of dining zone barriers**

2.4 Heating Devices
The use of heating devices in an Outdoor Dining Zones must be undertaken in a manner that is consistent with best practice in risk management, Australian Standards and Work Health and Safety requirements.

Any heating devices must:
A. Comply with the laws and requirements relating to them (including, without limitation, AS
OUTDOOR DINING POLICY

4565, 2004 Radiant Gas Heaters);
B. Cease operation automatically if overturned to prevent injury to patrons and property;
C. Be removed from public land and appropriately stored when not in use.

Access to the gas mains and use of electrical extension cords are not permitted. Heaters must be contained within the boundaries of the Module.

2.5 Advertising and Signage
Advertising will be allowed on barriers only, subject to final Council approval. Council reserves its right to order removal of any advertising or signage which in the opinion of Council is offensive, breaches copyright laws or is otherwise unrelated to the business being conducted by the applicant.

No advertising or signage of any kind can be placed on any other part of the Module.

2.6 Music
Installation of speakers or playing of music within Outdoor Dining Zones is not permitted.

2.7 Maintenance and Repair
The Permit Holder is responsible for any repairs resulting from their own negligence or misuse of the modules.

2.8 Cleaning
Council will engage a contractor to conduct regular cleaning of the structure, the cost of which is included in the annual fee.

Council will also organise regular machine cleaning of pavers and confirm the cleaning schedule in advance with Permit Holders who will need to ensure that all furniture and items are removed from the module prior to cleaning to allow for machine access.

2.9 Alcohol and Smoking
The Permit Holder, their employees, contractors and agents must comply with all relevant Laws and Regulations including the Smoke Free Environmental Act 2000 in relation to the purchase and service of alcohol and smoking.

2.10 Ownership of structures
Structures remain the property of Council at all times. The Permit Holder does not have the right to remove any part of the structure at any time.

2.11 Alterations and damage to modules
Council does not permit any alterations to the modules including painting or drilling. Alteration to modules may result in the immediate cancellation of the Permit by Council.

The Permit Holder must rectify damage to modules caused by the Permit Holder, their employees, agents or contractors.

2.12 Utilities
Structures are equipped with a conduit linking the Module to the property boundary. Permit Holders may organise for a 12V power supply to install lighting. Permit Holders requiring an electrical connection must enter into a contract with a suitable electricity provider and pay all associated usage and other costs directly to the electricity supplier.

The Permit Holder is responsible for any repairs to the power supply from the shop to the Module.

2.13 Authorisation of these standards
These standards were approved by Council’s Chief Executive Officer on 16 May 2016.
Macquarie Mall Strategy

The Macquarie Mall will continue to be the heart of the Liverpool City Centre. The public realm design aims to provide a platform for cultural and civic events. The master plan will create energy by providing activities and destinations to draw people in. The design responds to the existing cultures, climate and day and night time activities and will provide physical openness and accessibility for all.

The spaces have been designed to be flexible, adaptable, activated, safe and welcoming. A key design principle is to create a layered public realm framework that ensures the linear mall is punctuated by a series of small, medium and large scale events. The events will encourage pedestrian movement from one end to the other, encourage activity and provide the infrastructure for local activities and celebrations.

Both the Elizabeth Street and Moore Street arrival points into the Mall are defined by a large, open event space, linked together by a central promenade and catenary lighting system overhead. A permanent outdoor café zone defines the central zone of the Mall.

Hierarchy of Outdoor Dining Structure

Two permanent Outdoor Structures will be used for the Mall:

1. **Large Structure:**

   Product: Alfresco Dining 'Internal Mast'
   Dimensions: 4000x3500x2200mm high
   Manufacturer: Alfresco Shade - Internal Shade Solutions
   Website: www.alfrescoshade.com.au
   Fabric: Mehler FR700 - 10 year UV warranty / white
   Ring Beam Size: 75x75mm
   Guttering & down pipes: Refer Manufacturers specifications.
   Connection to stormwater by LCC.
   Lighting: Alfresco Shade TRIDONIC 12 Volt LED light Set for Vogue and Freedom Umbrellas
   Heating: 4no. x AG2500 2.5 KW Gold Architectural Series, 10 amp Directional Quartz element 1085 mm length
   Side Blinds: 75mm thick double laminated PVC supplied by Alfresco Dining

   The large structures also have a covered link back to the building awnings:
   Product: Alfresco Dining 'Internal Mast'
   Dimensions: 4500x2000x2200mm
   Manufacturer: Alfresco Shade - Internal Shade Solutions
   Website: www.alfrescoshade.com.au
   Fabric: Mehler FR700 - 10 year
   Side Blinds: 75mm thick double laminated PVC supplied by Alfresco Dining
2. **Small Structure:**

   - **Product:** Alfresco Dining 'Internal Mast'
   - **Dimensions:** 2100x2100x2200mm high
   - **Manufacturer Option 1:** Alfresco Shade - Internal Shade Solutions
     - **Contact:** Ph (02) 9653 1462; Fax +(02) 9653 1461
     - **Website:** www.alfrescoshade.com.au
   - **Manufacturer Option 2:** MakMax (Architectural Membrane Innovation Solutions)
     - **Website:** www.makmax.com.au info@makmax.com.au
   - **Fabric:** Mehler FR700 - 10 year UV warranty / white
   - **Ring Beam Size:** 75x75mm
   - **Guttering & down pipes:** Refer Manufacturers specifications.
   - **Connection to stormwater by LCC.**
   - **Lighting:** Alfresco Shade TRIDONIC 12 Volt LED light Set for Vogue and Freedom Umbrellas
   - **Heating:** 2no. x AG2500 2.5 KW Gold Architectural Series, 10 amp Directional Quartz element 1085 mm length
   - **Side Blinds:** 75mm thick double laminated PVC supplied by Alfresco Dining

**Location of Outdoor Structures**

1) **Large Structures:** are located in-between the avenue of trees and the central promenade/ shared roadway.

2) **Small Structures:** are located in-between the trees in two configurations:

   a) **Single structures,** in-between the trees and light poles;
   b) **Group of 4 structures,** centred between the trees.

**Outdoor dining along building edge**

A zone has been identified in front the John Edmondson Club Liverpool for dining; no shade structures are proposed under the awnings in this location.
OUTDOOR DINING POLICY

AUTHORISED BY
Council Resolution

EFFECTIVE FROM
14 March 2016

DEPARTMENT RESPONSIBLE
Economic Development
Property and Commercial Development

REVIEW DATE
Every two years from the date of adoption of this policy

VERSIONS

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THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH
Corporate Services (Governance and Legal Services)
Planning and Growth (Development Engineering)

REFERENCES
ACT Government: Outdoor Cafe and Vehicle Verge Permits 2013
City of Ryde: Outdoor Dining Policy 2010
City of Melbourne: Outdoor Cafe Guide 2008
City of Newcastle: Outdoor Dining Policy 2011
City of Parramatta: Outdoor Dining Policy 2012
Guide Dogs NSW: Community Education Coordinator
NSW Health: “No smoking in commercial outdoor dining areas” Fact Sheet 2015
Planning and Infrastructure NSW: “Footpath Dining and Mobile Food and Drink Outlets” Fact Sheet, 2014