

# Application for Outdoor Dining on Public Land

Under Section 125 and 126 of the *Roads Act 1993* and Section 103 of the *Crown Lands Act 1989* and Section 46 of the *Local Government Act 1993*



## About this form

- 1: You can use this form to apply to use Public Land for the service of food and drinks to patrons in relation to a restaurant, cafe or licensed premises.
- 2: Food and drink must be prepared in an appropriately approved / licensed premises immediately adjacent to the public land to which this application relates.
- 3: The premises must have Development Consent to operate as a food premises and / or a licence under the *Liquor Act 2007* (if applicable) prior to an approval for use of public land being granted. For Further information refer to <http://www.cityofsydney.nsw.gov.au/development/application-guide/when-a-da-is-required/food-and-drink-premises>
- 4: **This is a public document and will be made available on the City of Sydney website.**
- 5: Please ensure you have read the [Outdoor Dining Guidelines](#) on the Council's website prior to lodging this form
- 6: **Application fees are payable** after submission of this application. Please refer to [Council's Schedule of Fees & Charges](#).
- 7: Rental fees are applicable and public liability insurance is required (see notes at the back of this form).

## How to complete this form

- 1: Ensure that all sections of Part A & B have been filled out correctly and saved separately.
- 2: All fields are mandatory and must be completed before submitting the application.
- 3: Please refer to the notes at the back of this form and the [Outdoor Dining Policy](#) for guidance when completing this form.
- 4: Once completed you can submit this form by email. Please refer to the Lodgement Details section at the back of this form for further information.

## Part A

### Site Details

1. Name of the Premises (which will use the public land for patrons)

2. Street Address (include Street Number, Street and Suburb)

### Applicant Details

Title

Given Name/s

Family Name

Organisation/Company Name (if applicable)

ABN/ACN

Email Address

Note: Please provide an email & postal address, correspondence will be via e-mail when possible

Address

Business Number

Mobile Number

Applicant Name (please print)

Applicant Signature

Date

Note: It is important that we are able to contact you if we need more information. Please give as much detail as possible. Council will deal only with the nominated applicant in the event of any query or communication regarding this application.

## Applicant Declaration - to be signed after completing Part A & B of this form

All details sought in this form and the accompanying checklist must be provided. On-site inspections are carried out prior to the determination of any application. As a result of this inspection, or from a preliminary assessment, further information may sometimes be required. A Council Officer will contact you soon after their initial inspection if this is the case. The completed checklist must be submitted with this application.

Note: Failure to provide the required documentation of an acceptable standard will result in your application being returned

### Conflict of Interest

To ensure transparency in Council's decision making process and to avoid potential conflicts of interest, you must make a declaration as to whether you, the landowner and/or anyone with a financial interest in the application is a Council employee or Councillor or is related to a Council employee or Councillor. You MUST tick at least one of the boxes below:

- Neither I, the landowner or any other person with a financial interest in the application is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council.
- I am an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.
- The landowner is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.
- Another person with a financial interest in the application is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.

Name and relationship:

### What you need for lodgment (please tick applicable box/es below)

- Footway Application Form
- Footway Application Checklist and all associated plans and documents
- Fees

**I declare the plans and documents are consistent with the Council's [Digital Requirements](#) document and are virus free.**

**I declare that the information provided on this form is accurate, complete and correct.**

**I declare that I have attached all supporting documentation indicated above.**

**I understand that this is an application, and approval of this application is not guaranteed.**

**I have saved Part A and B of this form separately.**

Applicant Name

Applicant Signature

Date

# Application for outdoor dining on Public Land

Under Section 125 and 126 of the *Roads Act 1993* and Section 103 of the *Crown Lands Act 1989* and Section 46 of the *Local Government Act 1993*

**Please note:**

- **information provided will be public information and will be placed on the City's website.**
- all fields of this form are mandatory and must be completed before submitting the application

## Part B

### Site Details

1. Name of the Premises (which will use the public land for patrons)

Street Number

Street Name

Suburb

Lot Number

DP/SP

### Applicant Details

Title

Given Name/s

Family Name

Organisation / Company Name (if applicable)

**1. Is this a 'new' application or a 'renewal' for an existing footway application?**

New  Renewal  Change of operator

All footway applications must be associated with an approved food & drink premises. An application for outdoor dining will not be accepted without a pending or approved development application (DA). Please provide the details of the approved or pending development application.

DA Number

Date Determined (if available)

A food business must be registered with Council, please provide your registration number:

**If this is a renewal, please give details of the previous approval to use public land for outdoor dining on this site. This number starts with 'FA' and can be found on the documents that accompanied your past approval.**

Approval Number

Approval Date

No. of square metres

Associated Structures and Furniture

Comment

## Licensed Premises

Are you intending to operate as a licensed premise?

No  Yes

Do you currently hold a liquor licence?  
(Liquor Act 2007)

No  Yes  ►

If yes, please submit a copy of your current liquor licence, including a plan of your liquor licence boundaries.

Please specify which type of liquor licence you are currently operating under or intend to operate under:

Hotel  General Bar hotel licence  On-premises licence  Club licence

Small Bar  On premises with a primary service authority

Other, please specify

## 2. Currently Development Consent is required to use public land if the seating is associated with a pub or a small bar

Please refer to the City of Sydney website <http://www.cityofsydney.nsw.gov.au/business/regulations/food-and-drink-businesses/outdoor-dining> or contact City staff to investigate whether you need to submit a DA.

If a DA is required, please provide information about the Development Consent below.

DA Number

Date Determined (if available)

Approved total public land area to be used, in square metres

Approved hours of operation

## 3. Proposed Public Land area to be used, in square metres

## 4. Proposed Hours of Operation

Days

Existing hours

Proposed hours

e.g. Mon - Thurs

e.g. 8.00am - 4.00pm

## 5. Type of furniture and structures to be placed on public land:

Chairs  Dining tables  Coffee tables  Barriers  Heaters  Umbrellas

Other  ► please specify below

Description of other associated furniture/structures

## 6. Are toilets facilities available at the premises?

No  Yes

## Plans and Accompanying Documents Checklist

### You must provide the following:

1. Digital copies of all plans and documents - see notes below (no hard copies required)
2. Photos of the proposed seating area, taking photos from several angles and capturing fixed structures such as trees, bus stops, street furniture, parking meters etc.
3. Photos / diagrams of the proposed furniture / structures
4. A site plan to be prepared in accordance with Figure 2. of the Outdoor Dining Guidelines 2016. This is a drawing of the proposed seating area including furniture / structure placement and must: 
  - be on A4 size paper at an appropriate scale e.g: 1:100, 1:150, 1:200 etc.
  - show the width of the building, the location of the building lines, the location of the kerb;
  - show the location of any entrances, doors, street furniture, i.e. benches, bins, power poles, light poles, trees, street signs etc.
  - show dimensions, such as: the width of the footpath to the building line, the length of the building frontage, the clearances for pedestrian access;
  - indicate the side boundaries, the address and name of the neighbouring businesses and subject premises;
  - accurately show the position of the dining area, include the dimensions of this area;
  - show, at the bottom of the plan the total area of the outdoor dining space in square metres.

## Notes for Completing the Application

### Plans and accompanying documents

Digital files must be virus free. Each plan and document must be supplied as a PDF file no larger than 20MB in size and be named in accordance with the City's [Digital Requirements](#). **Information provided will be publicly available, personal information such as credit card details and any other personal information must NOT be copied onto any documents.**

### Outdoor operating hours

Outdoor seating with operating hours beyond 10pm will require a plan of management.

It is the responsibility of the footway licence holder to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the livability of neighbourhoods. Plans of Management are to be a separate attachment to the application to use public land for food and drink service purposes. The Plan of Management should include information about the management of a premises (locality, security measures used, capacity, noise, hours of operation etc.). The Plan of Management should also describe the methods used by the premises to manage their business, e.g. crowd control, noise control and waste management. Further details can be found by referring to the City of Sydney Development Control Plan 2012.

### Rental fees

Rental fees are to be paid monthly in advance on the first day of the month. All payments must be paid to the City as the City may in writing direct from time to time. Payment is to be made by direct debit. Rental fees can be found on the City of Sydney website: [www.cityofsydney.nsw.gov.au/footwayapprovals](http://www.cityofsydney.nsw.gov.au/footwayapprovals)

The City may review the rental fees having regard to the policy adopted by the City at that time in connection with fees and charges applicable to arrangements of this kind described in the Approval. The revised fees will take effect on and from 1 July in the relevant year. If the rental fees remain unpaid for 14 days after their due date then the Approval holder must pay to the City interest on those monies at the annual rate charged from time to time by the City's Bank on overdraft accommodation in excess of \$1,000, 000.00 determined at and calculated from the due date for payment of those monies to the date of actual payment. The City may recover those monies and / or that interest with all costs incurred in such recovery as if the same were rental fees in arrears.

**Licensed Premises**

The applicant is responsible for seeking a liquor licence from the relevant authorities if alcohol is to be served in the approved area. City of Sydney may oppose such an application in certain circumstances.

**Indemnity and Public Liability Insurance**

Approvals will require adequate (minimum \$10 million) public liability insurance for the area you intend to use. Please note that you are required to arrange for the 'Council of the City of Sydney' to be named on your insurance as joint insured for the respective rights and interests of yourself and the City, in respect of your outdoor seating / structures displayed on public land. The insurance must also include a "cross-liability" clause. Proof of insurance must be demonstrated prior to the approval being effective.

**Conditions of approval**

Any approval will be subject to conditions. Failure to comply with these conditions may lead to the imposition of penalties, and ultimately to the termination of your footway usage approval.

**Pedestrian Safety**

Seating and associated structures are to be in accordance with the Outdoor Cafe Policy. This includes the following critical dimensions specified in clause 2.3 and illustrated in Figure 4:

- (a) A minimum of 2 metres must be maintained adjacent to the seating area for pedestrian circulation; and
- (b) Where seating areas are situated adjacent to the road, seats must be a minimum of 80 cm away from the kerb edge. Any increase or decrease in minimum clearances required will be assessed according to the individual circumstances.

**Footway License Holder**

The approval will be given to the person named in this application as the License Holder. If the ownership changes, the new owner will need to apply for a new permit using the Application for footway usage (Outdoor Dining) form.

**Changes**

You will need to discuss any future changes to the style and number of furniture and structures with the City of Sydney as the approval will relate to those listed on this application form. Please contact the City of Sydney to discuss any proposed changes to determine if a new application will be required.

**What now?**

If your application is approved, you will be contacted by the City of Sydney. This approval will not be effective until you pay the first months rental fee and security deposit and demonstrate evidence of public liability insurance.

Privacy & Protection Information Notice

<b>Purpose of Collection:</b>	For assessment of an application to use Public Land for restaurant purposes.
<b>Intended recipients:</b>	Council officers and authorised contractors of the City of Sydney Council and members of the public.
<b>Supply:</b>	Voluntary. The information you supply in this application will enable your application to be assessed by Council. If the information is not provided, your application may not be accepted.
<b>Access/Correction:</b>	Contact the City of Sydney Council Customer Service Team to access or correct this information.
<b>Storage:</b>	City of Sydney Council, 456 Kent Street Sydney NSW 2000.

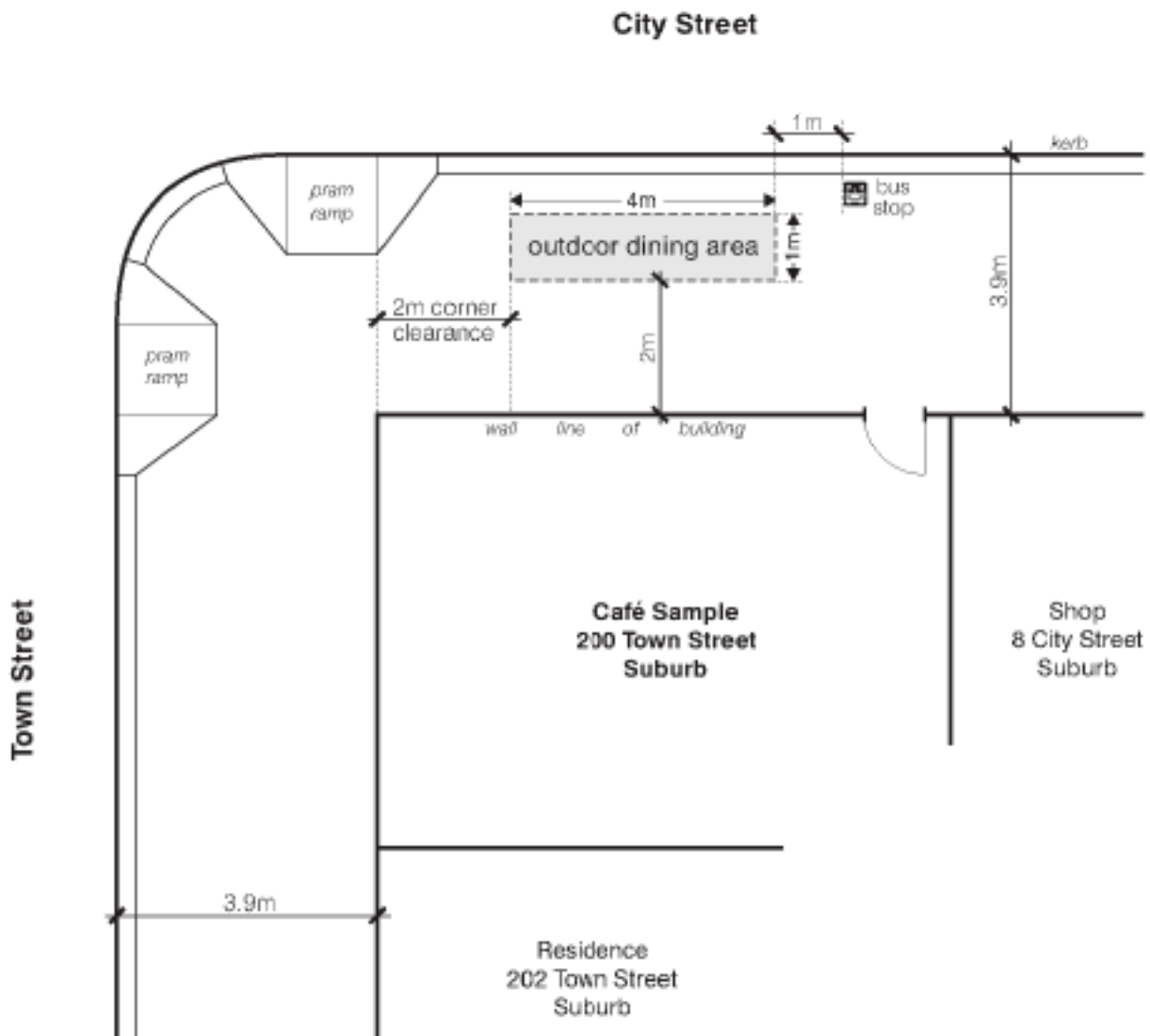
Lodgement Details

You can lodge the completed application by:

**EMAIL:** [planninglodgements@cityofsydney.nsw.gov.au](mailto:planninglodgements@cityofsydney.nsw.gov.au)

For further information regarding your application please contact us by:

**TELEPHONE:** (02) 9265 9333 or visit our **WEBSITE:** [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)



Hours of operation: 7am to 8pm, 7 days a week  
Area: 4.0m<sup>2</sup>

**Outdoor Seating Area**  
**Café Sample**  
200 Town Street  
Suburb

Scale 1:100  
(lengths are in metres)

Date: 10/10/2017