

**Report to General Manager**

Attachments:

1. Previous Outdoor Dining & Goods Display on Footpath Policy 2018  
Appendix A to Attachment 1 - Previous Guidelines 2018
2. Draft Amended Outdoor Dining & Goods Display on Footpath Policy 2020  
Appendix A to Attachment 2 - Draft Amended Guidelines 2020

**SUBJECT:** Draft Amendments to the Outdoor Dining and Goods on Footpath Policy and Guidelines

**AUTHOR:** Risha Joseph, Property Officer

**ENDORSED BY:** Duncan Mitchell, Director Engineering and Property Services

**EXECUTIVE SUMMARY:**

On 20 December 2013, *The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* was amended and introduced 'Footpath-Outdoor Dining' as an exempt development type, subject to specific criteria within the policy.

The amendments to the *Codes SEPP* affect *Section 8* of the North Sydney Development Control Plan (NSDCP) 2013 which relate to the '*Outdoor Dining and Display of Goods on the Footpath Policy*' and its Guidelines.

Council's "*Outdoor Dining and Display of Goods on the Footpath Policy and Guidelines*" was prepared in conjunction with the criteria contained within the *NSDCP 2013*. It is therefore necessary to update Council's "*Outdoor Dining and Display of Goods on the Footpath Policy and its Guidelines*" concurrently with the draft *NSDCP*, also tabled for this meeting.

This report seeks the approval of the public exhibition of proposed amendments to Council's 'Outdoor Dining and Display of Goods on the Footpath Policy' and its Guidelines to maintain consistency with the approval process detailed within the report.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

1. **THAT** the draft amended 'Outdoor Dining and Display of Goods on the Footpath Policy' and its Guidelines be placed on public exhibition for 28 days.
2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the draft amended 'Outdoor Dining and Display of Goods on the Footpath Policy' and its Guidelines as adopted at the end of the closing period for submissions.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 2. Our Built Infrastructure

Outcome: 2.1 Infrastructure and assets meet community needs

## BACKGROUND

The Outdoor Dining and Goods on Footpath Policy was originally adopted by Council on 12 May 2008 and was last amended on 25 June 2018, Policy D2-06.

The amended policy will replace the existing Outdoor Dining and Goods on Footpath Policy.

This report is to be read concurrently with the North Sydney DCP Review 2020 (**Refer Item 10**) prepared by Ben Boyd, Executive Strategic Planner which is also tabled for this meeting.

On 20 December 2013, *The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* was amended and introduced 'Footpath-Outdoor Dining' as an exempt development type, subject to specific criteria within the policy.

Previously the *North Sydney Local Environmental Plan (NSLEP) 2013* and *North Sydney Development Control Plan (NSDCP) 2013* provided that 'outdoor dining' could be undertaken as exempt development under the *(NSLEP) 2013* where it met certain criteria or otherwise required obtaining a development consent. The principal difference between the ability to undertake Outdoor Dining as exempt development or with Development Consent related to the size of the footpath to be used for Outdoor Dining.

Section 8 of the current *NSDCP 2013* relates to "*Outdoor Dining and Display of Goods on the Footpath*" and must be read in conjunction with the *Codes SEPP* to maintain consistency between the two documents.

The amendments to the *Codes SEPP* in 2013 significantly increased the opportunities when outdoor dining activities could be undertaken as exempt development thereby removing the need to obtain development consent.

The *Code SEPP* identifies the circumstances when **outdoor dining** can be undertaken on footpaths without development consent (i.e. it meets all thresholds to be deemed "exempt development").

NSLEP 2013 identifies the circumstances when **the display of goods** can be undertaken on footpaths without development consent (i.e. it meets all thresholds to be deemed 'exempt development').

Council's "*Outdoor Dining and Display of Goods on the Footpath Policy*" was prepared in conjunction with the criteria contained within the *NSDCP 2013*. It is therefore necessary to update Council's "*Outdoor Dining and Display of Goods on the Footpath Policy*" concurrently with the draft *NSDCP*.

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## **CONSULTATION REQUIREMENTS**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

## **SUSTAINABILITY STATEMENT**

The sustainability implications were considered and reported on during the initiation phase of this project.

## **DETAIL**

The purpose of the amendments to the "*Outdoor Dining and Display of Goods on the Footpath Policy D2-06*", is to maintain a consistency of the approval process.

This policy is accompanied by the "*Outdoor Dining and Display of Goods on the Footpath Guidelines*" which should be read in conjunction with the following legislative planning policies and which is also referenced in the Background Section of this report.

- *State Environmental Planning Policy (Exempt & Complying Development Code) 2008 (Codes SEPP).*
- *North Sydney Local Environmental Plan (NSLEP) 2013; and*
- *North Sydney Development Control Plan (NSDCP) 2013*

As there are a number of proposed changes within the Draft "*North Sydney Development Control Plan*", the "*Outdoor Dining and Display of Goods on the Footpath Policy and its Guidelines (Annexure A)*", it is important that these three (3) documents align with each other.

## **Key Amendments**

- Updating the approval process.
  - Correcting of the spelling and grammatical errors.
  - Correction of the legislated terms in relation to outdoor dining and goods display.
  - Minor formatting issues to ensure consistency throughout the documents.
  - Minor amendments to the character statements within the Guidelines to reflect the current and future local context.
  - Replacement of negative connotations within the guidelines that do not promote the uptake of outdoor dining.
  - Re-incorporation of missing diagrams within Schedule 5.
  - Revision of the Area Management map.
  - Incorporation of updated images.
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## Outdoor Dining & Goods Display Areas on Footpath Management Map

Figure 1: The North Sydney Local Environmental Plan 2013 zoning, and the corresponding map illustrates the low, medium and high-density areas currently occupied by Outdoor Dining within North Sydney. A larger version of this map is available for viewing on Council's website.

As part of the amendments to the policy, it is not proposed to change the extent of the areas currently categorised as low, medium or high rated areas for Outdoor Dining and Display of Goods areas on footpaths.

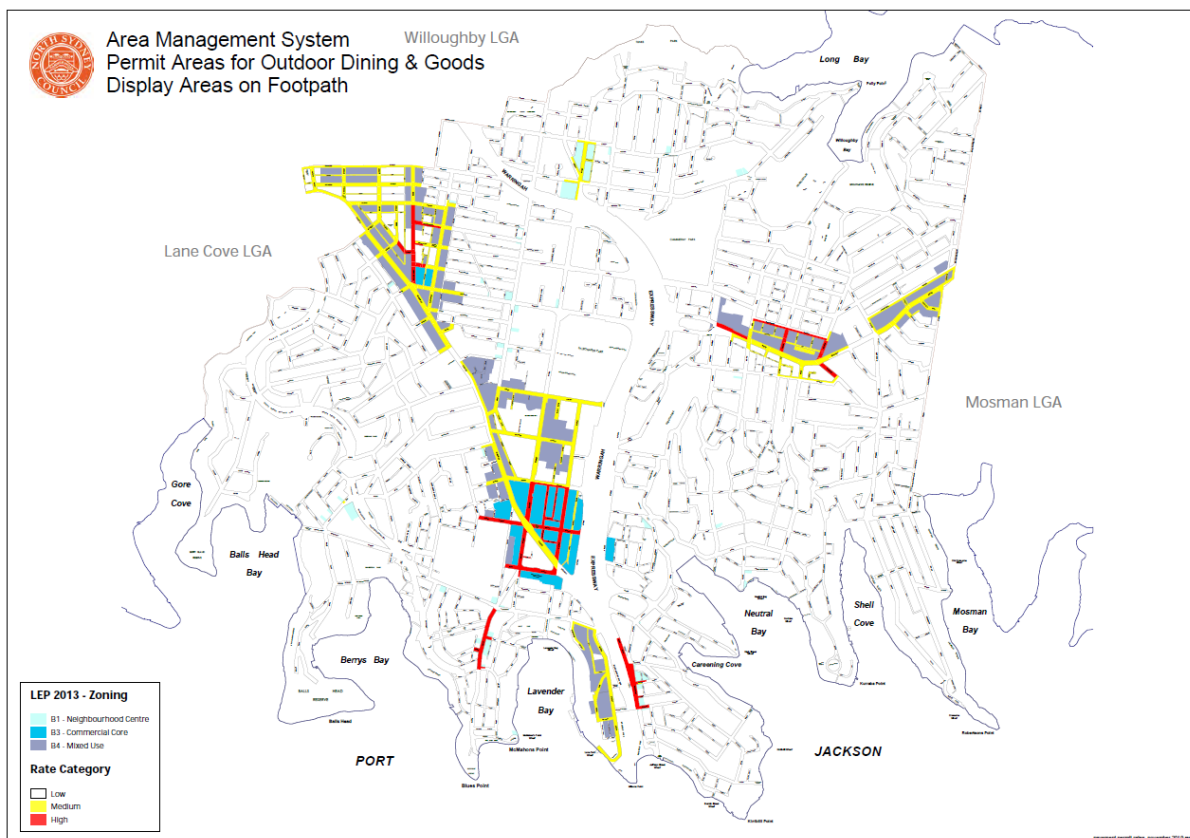


Figure 1

## Conclusion

To enable Council to effectively manage its Outdoor Dining and Display of Goods on its footpath, it is necessary that the following documents be amended concurrently to maintain consistency with the *Code SEPP* which was amended on 20 December 2013 and which introduced 'Footpath-Outdoor Dining' as an exempt development type, subject to certain criteria within the policy:

- *North Sydney Development Control Plan (NSDCP) 2013*
- *Outdoor Dining and Display of Goods on the Footpath Policy and its Guidelines*





# OUTDOOR DINING AND GOODS ON FOOTPATH POLICY

D2-06

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**Policy Owner:** Director Engineering and Property Services

**Category:** 2. Our Built Infrastructure

## 1. STATEMENT OF INTENT

1.1 The purpose of this Policy is to:

- a) encourage outdoor dining in the North Sydney local government area;
- b) facilitate the appropriate use of footpaths, plazas and public areas for the purposes of outdoor dining areas and other footpath trading activities in the North Sydney local government area;
- c) emphasise the need for high quality design while allowing for flexibility in design and appearance to better relate to the individual charter of different localities and development;
- d) facilitate improvement to the street activation, vitality, amenity and economic viability of North Sydney's commercial areas;
- e) provide opportunities for shop owners and residents to benefit from pedestrian circulation;
- f) set a high standard for public safety and avoid disruption to pedestrian movement; and
- g) maintain a high quality Public Domain within the North Sydney local government area.

1.2 The objectives of this Policy are:

- a) The appropriate use of footpaths, plazas and public areas for outdoor dining areas and footpath trading activities;
- b) Outdoor dining areas and footpath trading activities must contribute positively to the streetscape character;
- c) Outdoor dining areas and footpath trading activities must be compatible with other community uses of the public space; and
- d) Outdoor dining and footpath trading areas must be safe and accessible for all users.

## 2. ELIGIBILITY

2.1 This Policy applies anywhere in the North Sydney local government area where there are shops and restaurants operating with development consent within all land use zones of the *North Sydney Local Environment Plan 2001*.

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**3. DEFINITIONS**

- 3.1 Footpaths and Public Places - means any area such as a footpath, plaza, park or other space owned, operated or managed by Council and used for pedestrian movement or recreation by the community. It does not include roadways or other thoroughfares intended predominantly for vehicular traffic or privately owned arcades or plazas.
- 3.2 Outdoor Dining Area - means an area which is the portion of a café, restaurant, take away food shop or other premises directly in front of the premises and on Council owned land where food is served.
- 3.3 Permitted Area - means the site of the footpath/plaza/public area for which a permit for commercial activity has been granted.

**4. PROVISIONS**

- 4.1 This Policy controls the following activities:
- 4.1.1 Outdoor dining areas associated with an existing or approved shop, restaurant, café, take away food or drink premises or tavern/pub (or a development application lodged concurrently for a shop, restaurant, café, takeaway food or drink premises or tavern/pub, where such are permissible with development consent) located on land owned by the Council or being a road to which the *Roads Act 1993* applies, or other land under the care control and management of the Council where an existing Plan of Management allows the proposed use.
- 4.1.2 Outdoor dining incorporates the serving of food and or drink in the public domain and any associated furniture such as seating, tables, barriers, planters, umbrellas, heaters and the like.
- 4.1.3 Outdoor display of goods, including on land being a road to which the *Roads Act 1993* applies.
- 4.1.4 Items and temporary structures, including umbrellas, protective blinds or coverings, heaters (fixed and portable), temporary or removable barriers (screens), safety railings, planters, paving, display racks, tables and chairs associated with either of the above.
- 4.1.5 Other outdoor dining areas or goods display locations on any land contiguous with a road or footpath such as within an adjacent colonnade, building undercroft or plaza area that relates to a public road or to other public space, whether or not a permit under the *Roads Act 1993* is required but where development consent may also be required.

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4.1.6 Outdoor dining areas for licensed premises under the *Liquor Act 1982*. Where it is intended to serve alcohol a license may also be required to be issued by the relevant authority under the Liquor Act.

4.2 Application process - Council will use this Policy (Appendix A) to assess all applications for the commercial use of footpath, plazas or public areas. Before applying applicants must read the conditions within the Permit for an Outdoor Dining or Goods on Display in a Public Place Application Form.

In determining a Permit Application the decision of Council is final. In some circumstances Council may grant a trial period for up to 12 months to help determine a location's suitability for an outdoor dining permit of display of goods permit. Following the trial period, Council may vary design, operations and conditions if an approved permit on renewal (or revoke the permit if it is deemed by Council to be an unsuitable site).

4.3 Exempt and complying development - where applications are partly or fully on private land then development consent is required unless the proposed use is listed in the Exempt and Complying Development provisions of the *North Sydney Local Environment Plan* (refer to Appendix A).

4.4 Outdoor dining areas may not be appropriate in civic or ceremonial spaces. They are not permitted in potentially hazardous places such as the corners of street intersections or unprotected elevated locations. In elevated locations, eg. a change of level and at the edge of deep water, an outdoor dining permit is only appropriate in conjunction with a suitable safety rail, the design of which shall be subject to Council's approval.

4.5 In assessing applications the most important considerations are pedestrian and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and, in residential areas, residential amenity. The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of the required furniture and associated circulation areas. To achieve this only minor structures or changes in the footpath will be permitted.

4.6 All applications for outdoor dining areas must show all the existing features and permanent elements of the streetscape and landscape such as planter boxes pavilions, trees, pedestrian lights, bollards etc. Whenever possible, an outdoor dining area should visually relate and compliment the surrounding public domain.

**5. RESPONSIBILITY/ACCOUNTABILITY**

5.1 Council's Engineering and Property Services Division is responsible for the provision and management of Outdoor Dining or Goods on Display in a Public Place permits, including processing applications.

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5.2 Council's Ranger and Parking Services Department is responsible for enforcement of permits.

**6. RELATED POLICIES/DOCUMENTS/LEGISLATION**

The Policy should be read in conjunction with the following Council policies and documents:

- Compliance and Enforcement Policy
- Development Control Plan
- Local Environment Plan

The Policy should be read in conjunction with the following documents/legislation:

- Roads Act 1993
- Building Code of Australia
- Liquor Act 1982
- Local Government Act 1993

<b>Version</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Resolution No.</b>	<b>Review Date</b>
1	12 May 2008	Council	282	2008/09
2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21

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**APPENDIX A**

**Outdoor Dining and Goods on Footpath Policy Guidelines**



## **North Sydney Council Outdoor Dining and Goods Display Policy**

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**Adopted by Council: 12 May, 2008**

**Effective: 29 May, 2008**

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## **1 Introduction**

### **1.1 Background**

The use of footpaths for outdoor dining has become a feature of places in metropolitan Sydney taking advantage of Sydney's mild climate and resulting in an enlivening of streets and public areas. This increases the amenity of the public spaces, provides casual surveillance and assists business prosperity.

Cafes are being used as surrogate business meeting rooms where professional people are seen carrying out their work and having meetings in cafes. The cafes like their predecessors in Europe often provide a refreshing extension of the office or home environment and provide a welcome change of venue during a long day. The break in environment or a stimulating walk to meet a friend for a coffee or to chat with business associates may increase productivity by way of enabling a better quality of life for residents and improve the working environment.

With careful consideration of design and sensitivity to local characteristics and amenity of residential areas, as well as safety, these benefits can extend to other localities within the Local Government Area (LGA), including neighbourhood business centres, as well as for other uses including the display of goods for sale.

In addition, by permitting the use of public places for outdoor dining or goods display, Council will be able to achieve one of its many functions, whereby it ensures that it generates a reasonable level of revenue from its assets.

### **1.2 Land to which this policy applies**

This policy applies anywhere in the North Sydney Local Government Area where there are shops and restaurants operating with development consent within all land use zones of the North Sydney Local Environmental Plan 2000 (LEP).

The following represent the main localities nominated in the LEP that are relevant to this Policy. Their characteristics and objectives in relation to outdoor dining are described in Schedule 1:

- North Sydney Central Business District
- North Sydney Civic Neighbourhood
- St Leonards Town Centre
- Crows Nest Town Centre
- Cammeray Village Neighbourhood
- Kirribilli Village
- Blues Point Village
- Milsons Point Town Centre
- Neutral Bay Town Centre
- Cremorne Town Centre
- Waverton Village Centre

See Figure 1 on the following page for identification of the above localities.



Figure 1 Localities Map

### **1.3 Relationship to other policies and controls**

This Policy should be read in conjunction with the North Sydney LEP to determine permissibility of the proposed use of the footpath and other areas. The controls within the LEP relating to Exempt and Complying Development (See Schedule 12 of this Policy) will allow some proposals to be carried out without development consent of Council. However, where Council is the landowner (e.g. public footpaths) an application for a Permit (under the Roads Act, 1993) must be submitted to the Council and no works or outdoor dining use can take place without a Council Permit.

This policy replaces:

- North Sydney Council Policy and Guidelines for Use of the Footpath for Outdoor Dining or Display of Goods.

This policy is subject to the provisions of:

- The Roads Act 1993
- The Building Code of Australia
- Liquor Act 1982
- Local Government Act 1993

Under certain circumstances a development application may be required to be lodged. The requirement for lodgement of a development application resides in the current Local Environmental Plan, including the Exempt and Complying Development provisions (refer to Schedule 12 of this Policy). The Council should be consulted beforehand to ensure that the proposal is both permissible and to determine the appropriate application process (Permit Application, Development Application or both).

### **1.4 Activities controlled by this Policy**

This Policy controls the following activities:

- Outdoor dining areas associated with an existing or approved shop, restaurant, café, take away food or drink premises or tavern/pub (or a development application lodged concurrently for a shop, restaurant, café, takeaway food or drink premises or tavern/pub, where such are permissible with development consent) located on land owned by the Council or being a road to which the Roads Act 1993 applies, or other land under the care control and management of the Council where an existing Plan of Management allows the proposed use.
- Outdoor dining incorporates the serving of food and or drink in the public domain and any associated furniture such as seating, tables, barriers, planters umbrellas, heaters and the like.
- Outdoor display of goods, including on land being a road to which the Roads Act 1993 applies.
- Items and temporary structures, including umbrellas, protective blinds or coverings, heaters (fixed and portable), temporary or removable barriers (screens), safety railings, planters, paving, display racks, tables and chairs associated with either of the above.
- Other outdoor dining areas or goods display locations on any land contiguous with a road or footpath such as within an adjacent colonnade, building undercroft or plaza area that relates to a public road or to other public space, whether or not a permit under the Roads Act is required but where development consent may also be required.

- Outdoor dining areas for licensed premises under the Liquor Act. Where it is intended to serve alcohol a license may also be required to be issued by the relevant authority under the Liquor Act. Note that Council may oppose the granting of such a license in certain circumstances.

As indicated in Section 1.3, prior to any use of the footpath for outdoor dining purposes, it needs to be determined whether or not development consent is required from Council to undertake the activity. Where development consent is required, the applicant must lodge a development application (DA) with Council. However, a development application may not be required where that activity satisfies the exempt development provisions of NSLEP. In either instance, a Permit under this Policy will be required to be submitted to Council.

The exempt development provisions of NSLEP may allow a minor increase in overall seating numbers associated with an adjoining café or restaurant. However, any such increase is not considered to be “exempt development” where the proposal does not meet the remaining exempt development provisions or where an existing consent for the use of the associated restaurant or café also contains a condition which limits the occupation and use of the footpath area for outdoor seating. In this instance a development application will be required to be submitted to use the footpath area.

### 1.5 Policy objectives

The aim of this Policy is to control outdoor dining and display of goods on Council footpaths and on other land that is contiguous with public land (such as colonnades, plazas and undercrofts of buildings) in the North Sydney local government area.

The objectives of this policy are to:

- emphasise the need for **high quality of design** while allowing for flexibility in design and appearance to better relate to the individual character of different localities and development;
- **maintain a safe environment** for pedestrians and café/restaurant patrons;
- **avoid disruption to pedestrian movement** in thoroughfares and to other legitimate street activity,
- ensure that outdoor dining and goods display areas are **compatible with the amenity of surrounding predominant land uses**, especially residential uses in residential zones; and
- **provide general performance criteria and standards** as well as locality specific objectives for outdoor dining and goods display to be addressed in applications for permits and development consents.

### 1.6 Council determination of a Permit

In determining a Permit Application the decision of the Council is final. In some circumstances the Council may grant a **trial period** of up to 12 months to help determine a location’s suitability for an outdoor dining permit or display of goods permit. Following the trial period, Council may vary design, operations and conditions of an approved permit on renewal (or to revoke the permit if it is deemed by Council to be an unsuitable site).

As well as determining a development application, if required, the Council may also impose appropriate conditions under any development consent granted in satisfaction of a development application. In most

circumstances a permit application and a development application can be determined concurrently.

### **1.7 Using a professional adviser**

It is recommended that a professionally qualified person prepares a permit application (or development application) for outdoor dining or goods display areas. Architects can be found through the Royal Australian Institute of Architects. Other appropriate professions include town planners and urban designers.

Using the services of a professional designer will help to:

- obtain a better result,
- conserve your time for your business,
- ensure faster processing of your application by using a professional accustomed to approvals requirements. The submission is more likely to be complete and therefore processed efficiently.

## 2 Procedure to prepare your Permit Application

The best way of ensuring that your application for an outdoor dining or goods display area can be processed efficiently is to follow this procedure. It is important that your submission as complete and competent as possible in order to reduce delays in processing. The formal permit application is at Schedule 11.

Applicant	Checklist	Council
<input type="checkbox"/>	1. Obtain an <b>application form for a Permit</b> for establish an outdoor dining or goods display area in a public place (see example at Schedule 11).	<input type="checkbox"/>
<input type="checkbox"/>	2. Provide a copy of a <b>current development consent</b> for the primary use as a shop, restaurant, café, take away food or drink premises or tavern/pub. Refer to North Sydney LEP Exempt and Complying Development provisions. Note that a development application may be concurrently processed if required.	<input type="checkbox"/>
<input type="checkbox"/>	3. Consider the <b>Character Statement</b> of the locality where you want to place your outdoor dining or goods display area. See Schedule 1. Consider how your area can contribute to the existing and planned context and help to achieve the objectives of the Character Statement.	<input type="checkbox"/>
<input type="checkbox"/>	4. Check the Council's Map of Heritage Items to see if there are <b>Heritage Items</b> nearby or whether the proposal is within a conservation area. If relevant, provide a brief written statement describing how the proposal addresses any potential heritage issues.	<input type="checkbox"/>
<input type="checkbox"/>	5. Provide an <b>Existing Conditions Plan</b> at scale 1:100 or 1:50 and photographs of the existing conditions. See Schedule 2 for the requirements. Identify by reference to the development consent the current approved seating or patron capacity of any existing premise that is related to the proposal.	<input type="checkbox"/>
<input type="checkbox"/>	6. Define your proposed area using the <b>Setbacks and Sightlines</b> information in Schedule 3.	<input type="checkbox"/>
<input type="checkbox"/>	7. Using the <b>Layout Diagrams</b> in Schedule 4 work out the table and seating layouts.	<input type="checkbox"/>
<input type="checkbox"/>	8. Consider the advice in Section 4 " <b>Design approach</b> " for information and guidance.	<input type="checkbox"/>
<input type="checkbox"/>	9. Review the outdoor <b>furniture</b> examples at Schedule 5 and identify existing furniture and heaters presently being use in the <b>locality</b> in order to make your selections appropriate to your purpose and the local context. Apply the sizes of selected furniture to the Permit Plan to make sure they fit and can be used in accordance with the manufacturer's requirements. Provide specifications or advice from the manufacturer that confirms the items are "commercial grade" and are suitable for their intended purpose.	<input type="checkbox"/>
<input type="checkbox"/>	10. For Logo artwork and locations see Schedule 6.	<input type="checkbox"/>
<input type="checkbox"/>	11. Provide a <b>Permit Application Plan</b> in accordance with the requirements in Schedule 7.	<input type="checkbox"/>
<input type="checkbox"/>	12. Provide an <b>Operations Plan</b> . See Schedule 8 requirements.	<input type="checkbox"/>
<input type="checkbox"/>	13. <b>Indemnity and Public Liability Insurance</b> . Provide certificate of Currency of Public Liability Insurance. See Schedule 9 for required insurance and an example certificate. See Application form for Indemnity Statement.	<input type="checkbox"/>
<input type="checkbox"/>	14. Provide <b>landowner's consent</b> where part or all of the land is not owned by Council. Consent may be by a letter from the landowner or completion of the form in Schedule 10 with the landowner's signature.	<input type="checkbox"/>
<input type="checkbox"/>	15. Finally, check that all information required in the above steps is included with your <b>Permit Application</b> (see Schedule 11) and lodge with Council.	<input type="checkbox"/>

### 3 Design approach

#### 3.1 The “outdoor room”

This section on design is to encourage and inspire high quality design of an outdoor dining area. When designing outdoor dining areas you are essentially designing an **outdoor room**. It is not a conventional room with hard walls and ceiling but is defined by delineation devices such as:

- **‘A roof or ceiling’**

Shelter is best provided by a combination of the following:

- verandahs
- awnings
- umbrellas
- shade tree canopy (tree canopies can be quite high)

North Sydney is fortunate to have a legacy of mature plane trees which are a highly successful urban tree and provide an excellent canopy for street cafés. To delineate a space, the layering of devices such as street tree canopies awnings and umbrellas is ideal, as the comfort conditions for people in seating areas is increased. Layering of various means of delineation, especially the “roof/ ceiling” or canopy creates a softer sense of enclosure which is pleasant and yet allows the experience of the outdoors. It also provides effective year round weather protection.

- **‘Walls’**

‘Walls’ are mostly imaginary with some discrete form of definition (such as a planter, short screen and canopy edge) and transparent. The definition around the edge of a seating area can provide protection from traffic (for example, the substantial planter boxes around the outdoor dining areas in the Crows Nest Town Centre). These “walls” require an “open” quality so that there can be casual visual interaction in the public domain. This enables the important social function of people being able to interact with the wider community.

- **‘Floors’**

The “floor” is the Council paving and paving on private land. Paving for outdoor dining areas should be:

1. Fully vitrified or dense stone, preferably granite, for easy cleaning
2. Anti-slip for safety
3. A dark colour so as to not show dirt
4. Large size pavers in order to suit the scale of public spaces and for less joints which means easier cleaning and better comfort for people in wheelchairs due to less wheel vibration.

Cement joints are porous and difficult to clean especially of grease or contaminants like chewing gum. Therefore in food areas and public areas it is preferable to minimise the number of joints and the width of joints.

All of the above requirements for paving are especially important where the serving of food is involved. Inevitably food and drink are spilled and the performance requirement for the paving material that takes priority over most other considerations is the ease of cleaning and the reinstatement of a presentable surface for pedestrian safety and amenity of the public domain.

In certain localities (see Schedule 1) it is permissible for dining areas to have a second floor over the Council paving such as a floating timber deck.





Figure 2 Prime position seating Kirribilli



Figure 3 Woolloomooloo Wharf



Figure 4 Cours Mirabeau (France)

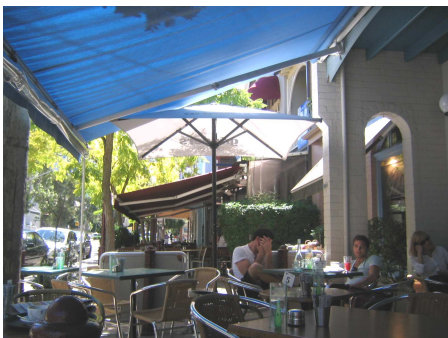


Figure 5 Blues Point Road

- **Edge design of private developments**

Outdoor dining areas are usually along the edges of buildings and streets so they have exposure to views and passing activity and, as such, are the most desired and valuable space for a business when conditions are good. It is for this reason that the shape of outdoor dining areas is often a long thin rectangle.

The edges of these areas are sought out by patrons when conditions are favourable. Therefore the edges need to be flexible and adaptable to increase the amount of time that the valuable edge is in optimal conditions (for example, extendable awnings). Some businesses invest in flexible, transparent, plastic, roll-down/zip-up screens/walls which are used extensively during cold inclement conditions.

The plan shape of an outdoor room for dining can often be a long thin rectangle because of edge conditions. This shape is usually optimal as most patrons then have a front row seat. When designing outdoor dining areas an important objective is to give diners a prime position. Deep or large spaces can benefit from a slight change in level to increase the number of clear views and break up the mass of seating to prevent some areas from being overly enclosed.

By using the above techniques, specific uses have visually defined areas.

The following examples show how these techniques can work well:

- **Woolloomooloo Wharf**

Patrons can sit in cafes and restaurants close to people walking by on the promenade. Most diners are comfortable because the promenade and outdoor dining areas are clearly defined

- **Cours Mirabeau, Aix en Provence, France**

France, the home of cafes, is the place to find the archetypal best. In Cours Mirabeau the aged plane trees form a cathedral like roof between 10 and 20 metres above the street. The tree canopy formed by 2 rows of trees fills the upper reaches of the boulevard space between the 5 storey buildings on either side of the main shopping street, Cours Mirabeau. Cafes nestle on the street below where further devices of awnings and umbrellas intensify the depth of shadow on a hot summer's day. The whole boulevard forms a massive outdoor room in the cavity of the street within which there is a row of cafes with their additional defining devices.

- **Blues Point Road, North Sydney**

Is a smaller intimate scale where the incidental and effective layering of tree canopies, awnings and umbrellas is used to optimal effect.



### **3.2 Outdoor dining locational restrictions**

The convenience for pedestrian movement will take priority and further restrictions may be imposed by Council on the location of outdoor dining areas. Such restrictions may be in siting, layout and time of use. For example, locations adjacent traffic clearways are particularly problematic as described below.

#### **Adjacent traffic clearways**

Non complying outdoor dining areas are discouraged in potentially hazardous places. These are generally roads with high traffic volumes that are affected by clearway restrictions (for example, Pacific Highway and Military Road). The level of amenity on these roads is generally poor during the clearway period.

Outdoor dining areas adjacent to the relevant building / tenancy wall can be permitted during clearway times provided the minimum setbacks are complied with for heavily trafficked roads or safety devices are installed. At other times (outside clearway restriction periods) the circumstances of each case will be considered on their merits and subject to compliance with the setback and other provisions of this policy.

### **3.3 Environmental Criteria**

There are a number of related environmental goals that should be considered in formulating a suitable proposal:

#### **Noise**

Minimise unnecessary noise generation, especially to nearby residential development. Avoid any external live or recorded entertainment such as music and broadcasts.

#### **Lighting**

Ensure that adequate lighting is available to provide for existing pedestrians using the footpath as well as providing for the safety and comfort of patrons. Avoid "light spill" that may disturb neighbouring shops or cause impacts to residences.

#### **Solar Access**

Choose a location that has good access to daylight. Avoid any unreasonable loss of sunlight access to public places such as parks, other adjoining outdoor dining areas or residences during the winter months.

#### **Weather protection**

Provide for weather protection for patrons. Canopies, umbrellas, heaters and other techniques and infrastructure may be appropriate during different times of the year as generally described in Chapter 4 of this Policy.

#### **Safety**

Ensure that the safety of patrons and pedestrians and other roadway users remains the paramount consideration. Avoid any potential screening of advisory or other road regulatory safety signs or signals.

#### **Equity**

Consider the neighbouring properties when locating outdoor furniture so that window displays are not unduly screened or business identification is made difficult for pedestrian passers by or road users.

## **4 Furniture criteria**

### **4.1 Generally**

Generally, all items to be used as part of the outdoor dining area or as goods displays are to be used in the manner for which they were designed and manufactured.

Schedule 5 provides examples of outdoor furniture which are of a suitable standard and type under this Policy.

Details from the manufacturer (i.e. technical specifications) demonstrating the furniture items are commercial grade and suitable for public outdoor use are to be provided with your permit application (see Schedule 7)

The following standards and performance criteria apply to all outdoor dining and goods display furniture and are subject to Council approval prior to installation.

### **4.2 Temporary screens or barriers**

- The design height of a temporary screen is to be 900mm. Screens that are located on sloping sites may be “levelled” off by use of an adjustable telescopic foot or similar.
- The length of a screen is to be 1.2 metres maximum. Where two or more screens are joined they should be joined with a common lift off pedestal foot, not roped or chained together.
- A temporary screen is to be manufactured from stainless steel, powder coated or painted metal with fabric or vinyl insert either bonded or laced to the metal frame. Temporary glass/perspex inserts or plastic frames are not permitted.
- Refer to Schedule 6 for logo criteria.

Refer to Schedule 5 suitable examples of temporary free barriers.

### **4.3 Planter boxes**

- Non permanent planter boxes are to be capable of being moved from the footpath to overnight storage by one person.
- Non permanent planter boxes are not to be longer than 1.2 metres in length nor more than 0.8 metre in height (excluding plants).
- Planter boxes are to be stable and safe (to avoid being knocked down by people or the wind)
- Plants in planters are to be either hardy pot species or in season flowering varieties (which are changed when not in season).

Refer to Schedule 5 for suitable examples of planters.

Note that permanent fixed planters may only be installed with the consent of Council.

#### **4.4 Screens and planters**

- Screens and planters shall be uniform in appearance for the premises that they serve, where there is more than one screen or one planter proposed.
- Moveable planters and screens must be removed from the footpath and stored inside the premises at the cessation of trading or at the time allowed under the permit, whichever is the sooner.
- Council may accept (or require) that some safety screens or planters are fixed in place as a permanent fixture associated with a permit, for safety (or aesthetic) reasons.

#### **4.5 Heaters**

- Heaters are to be compliant with the relevant gas association standards or electrical authority requirements. Electric heaters must comply with Australian Standards and the circuit be fitted with earth leakage shut off safety devices.
- Gas heaters must incorporate an integrated gas bottle and must be fitted with a compliant (in service date) gas bottle with a safety shut off valve (in case of tipping over).
- Mobile heaters are to be removable and generally are not to be permanently fixed. They must be removed from the footpath and stored inside the premises when seating is removed, at the cessation of trading or at the time stipulated on the permit, whichever is the sooner.
- Heaters shall be used in accordance with the manufacturer's instructions and placed clear of all combustible materials and are not to be placed under a fabric umbrella or a fixed canopy unless there is a clear distance of 0.5m (or the manufacturer's specified distance, whichever is the greater) above and to the sides of the heater or within 800mm of any kerb (measured from the edge of the heater canopy reflector).
- Table top heaters are not permitted.

#### **4.6 Tables and chairs**

- Chairs are not to be arranged so that seated patrons have their backs to the kerb unless there is a minimum free space of 1.2 metres between the chair and the kerb for pedestrians or a fixed safety screen located between the chair and the kerb. On busy roads Council may require the installation of a permanent screen or fixed (anchored but removable) safety screen.
- Tables and chairs are to be removed from the footpath and stored within the premises at the cessation of trading or at the time stipulated in the permit, whichever is the sooner.
- Tables and chairs are to be maintained in a serviceable condition.
- Where Council deems it appropriate integrated bench table(s) and seats may remain in place overnight but are to be fitted with an anchoring device to the building or to the ground (as circumstances dictate and as required by the permit conditions).

#### **4.7 Umbrellas**

- Moveable umbrellas are to be secured by a stabiliser foot or other restraining device to avoid wind instability. Council may require that an anchoring system be installed.
- Umbrellas are to maintain a minimum distance of 600mm between any of their edges and the kerb. Umbrellas may overhang the edges of outdoor dining areas in other cases (to achieve appropriate weather protection).
- The umbrella fabric shall have a minimum UV rating of 50 and be waterproof (i.e. made with a hydrophobic material or a material treated with a proprietary brand waterproofing/hydrophobic agent).
- Colours used in umbrella fabrics are to be the same for an outlet. If there is an existing predominant local character colour scheme then this needs to be taken into consideration.
- Umbrellas incorporating logos are to comply with the criteria Schedule 6 Logos.
- Umbrellas may incorporate clear plastic roll down weather screens, where these are permitted, and installed in accordance with the requirements of the umbrella manufacturer. Such screens may only be used during inclement weather.
- Gutters may be installed between adjacent umbrellas to collect rain runoff and provide continuous cover.

#### **4.8 Retractable canopies**

- Canopies incorporating logos are to comply with the criteria Schedule 6 Logos.
- Roll out/retractable type canopies are to be fitted and operated in accordance with the manufacturer's specifications and be commercial grade.
- Any motorised retractable canopy is to be capable of being manually retracted.
- Any retractable canopy is to be capable of being fully retracted in under 10 minutes (otherwise it would be deemed a permanent structure and require development consent). Council may require a wind assessment to be carried out if it considers that a site is unsuitable for a retractable canopy.
- The canopy fabric shall have a minimum UV rating of 50 and be waterproof (i.e. made with a hydrophobic material or a material treated with a waterproofing/hydrophobic agent).
- The retraction of canopies during windy conditions is to be carried out in accordance with the manufacturer's recommendations (note that it must have a manual or automatic retraction system although it is essential to also be able to retract manually). Automated retraction control is not to be overridden. Canopies are to be retracted whenever the premises are closed or unattended.
- Anchoring of canopies to pavements or other objects in the footpath is to be avoided. Council may consider an anchoring system at its discretion and may require submission of a written advice and justification by an accredited wind consultant.
- Roll down clear transparent weather screens may be installed at the sides of canopies – not to the front of canopies. Roll down weather

screens shall only be used during inclement or windy weather conditions. (see 4.9 below)

- Colours used in canopy fabrics are to be the same for an outlet unless there is an existing local character colour scheme.

#### **4.9 Clear plastic drop down screens**

- are to be replaced if torn or damaged
- are to be maintained in a clean and clear condition.
- are to be used only during inclement weather (to avoid rain, cold or wind) around seating areas.
- are to be rolled or stored in a manner that does not interfere with the public way.

#### **4.10 Display stands**

- Display stands (i.e. tables, menu boards, racks, shelves, boxes and frames) are to be removed from the footpath and stored inside the premises at the cessation of trading or at the times allowed under the permit, whichever is the sooner.
- Display items are to be fitted with a stabiliser foot or locking wheels/rollers. On sloping sites, a tether may be required.
- Display stands are to incorporate weatherproof fitted covers for covering during short periods of inclement weather. If goods are to be stored beneath, they are to be stored on storage shelves or drawers integrated into the table and not on the ground. If materials are to be stored under the table on shelves the table is to be fitted with a skirt to screen the storage areas.
- Mobile display tables are to have at least two wheels to be "locked" to prevent movement. Sturdy metal or timber construction with wheels is needed for ease of movement.

## 5 Maintenance of furniture

It is not the intention of this policy to identify all maintenance criteria which should apply to the items that are permitted to be located within the permit area. However, applicants and permit holders are reminded that their minimum obligation under the permit is to maintain all items in good order and repair for their safe use by patrons as well as for general public safety and aesthetic reasons.

Visible signs of wear and tear should be checked regularly by the permit holder or staff for the serviceability of the item. Items found to be in need of repair or replacement, are to be removed and stored away from areas of potential use and public view (i.e. not stacked nearby or left within the permit area).

The Council may require removal of any item which is non-complying, unserviceable or unsafe. The following list is a guide to maintenance of items and that involve regular inspections.

- Abnormal cracks or signs of fatigue, especially in chairs;
- Hazardous projections or broken pieces that provide a sharp object;
- Loose joints, cracked or broken welds, loose screws or rivets;
- Broken legs or posts in tables, chairs and market umbrellas that provide instability of the item;
- Torn fabric in screens, canopies and umbrellas;
- Weak, worn or damaged anchoring systems for canopies or umbrellas;
- Delamination of laminated materials;
- Missing, worn or broken chair leg-end protectors;
- Rotted or warped timber (including poor aesthetic appearance);
- Unserviceable brittle plastics, polypropylene items or fittings
- Other items as relevant

Permit holders may also be held responsible for repair of damage to the footpath caused by objects used in the footpath (this is particularly relevant to bitumen surfaces, where the use of chairs and table legs without chair and table leg protectors may leave marks in the pavement) or where anchoring systems have been installed without prior approval.

The site of the permit area must be maintained in a clean and serviceable condition, with removal of food scraps, spillages and litter especially cigarette butts being the responsibility of the permit holder or licensee. Regular maintenance by weekly washing with a mop and mild detergent is acceptable and is the minimum to avoid build up of stains and the development of slippery (and hazardous) pavement surfaces. The use of any bleach based or other caustic chemicals on the footpath as a cleaning agent is not permitted. Surplus water from cleaning is to be mopped up and not allowed to flow into the drainage system. Hosing of the pavement is not permitted (and is subject to strict controls enforced by Council and by Sydney Water). Refer to the Operations Management Plan requirements at Schedule 8.

## **References and acknowledgements**

The following documents were reviewed in preparing this Policy.

- The City of Sydney Outdoor Café Policy 2001
- The City of Melbourne Kerbside Café Code 2003
- The City of Melbourne Outdoor Café Design Guide Draft 2007
- Circular Quay Revitalisation Plan 1988
- Public Private Joint Ventures  
Case studies of Co-development Projects for the Ministry of Planning,  
Victoria
- Design Guidelines for Como, South Yarra, Victoria
- Tenant Fitout Manual, The Grand Avenue, Milwaukee, Wisconsin  
The Rouse Company , Columbia, Maryland, USA

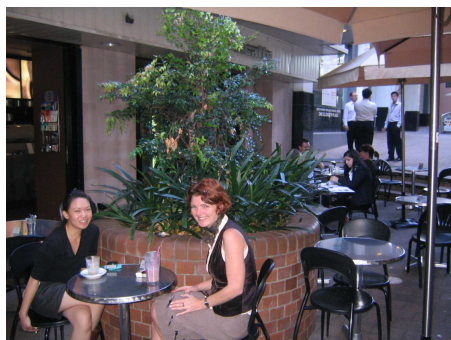
## **Schedules**

### **Schedule 1    Locality Character Statements**

Character Statements are provided for the following localities in terms of key characteristics and objectives for outdoor dining and goods display.

1. North Sydney CBD
2. Civic Neighbourhood
3. St Leonards Town Centre
4. Crows Nest Town Centre
5. Cammeray Village
6. Kirribilli Village
7. Blues Point Village and
8. Milsons Point Town Centre
9. Neutral Bay Town Centre and
10. Cremorne Town Centre
11. Waverton Village
12. Main Street Streetscape Strategies
13. Other: Typical isolated locations





**Figure 6 Working meetings**  
Workers use cafes for meetings as an alternative to the office

## 1. North Sydney Central Business District

The North Sydney Centre is predominantly an office precinct located (mainly between Berry Street and the North Sydney Station). This area is dominated by multi-storey office towers and has a street life influenced by the daily commuter patterns of office workers. The large numbers of workers and the services required to support the intense activity of the North Sydney CBD creates a significant demand for cafes and associated outdoor dining activity particularly during the lunchtime and morning/afternoon tea times and some breakfast service. Additionally several restaurants operate traditional evening restaurant hours. Most outdoor dining areas are associated with cafes mainly on private property (e.g. in setback areas, plazas and in colonnades) or street closures because relatively narrow pavements can, at times, be congested with commuters (Figure 7).

In this commercial environment cafes often act as surrogate meeting rooms where professional people are seen carrying out their work and having business meetings (Figure 6). Like their predecessors in Europe, cafes often provide a refreshing extension of the office or home environment and provide a welcome change of venue during a long day. The break in environment or a stimulating walk to meet a friend for a coffee or to chat with business associates may increase productivity by way of enabling a better quality of life.

Some cafes make ingenious use of otherwise poor environments with outdoor dining areas adding ambience (Figure 8). Lunch time outdoor dining is in high demand for much of the year as people seek respite from indoors and air conditioned offices. The legacy of mature plane trees in North Sydney provides excellent urban environments for outdoor dining provided by views of the green of the leaves overhead and in distant treed vistas. The dappled light enjoyed under the trees softens the harshness of and otherwise hard urban environment. The deciduous plane trees enable people to sit in comfort out of direct winter sun. Residential use is low in the CBD so the numbers of people required to provide viable demand for serious after hours and weekend use of cafes and restaurants with their vibrant street life and surveillance is embryonic.



**Figure 7 North Sydney CBD**

Use of setback and colonnade areas in high pedestrian traffic areas. Some café seating can “spill over” on to footpaths. These encroachments on to the public domain must be approved by the Council



**Figure 8 Bacino Bar on Mount Street**  
An innovative design opportunity using a small space and enhancing the life of the area.

### Key characteristics

- Urban environment of hard materials, harsh light/noise and air quality.
- There exists a synergistic energy or “buzz” typical of a busy business centre.
- Improvised and ingenious café locations and creative shopfront design in order to maximise outdoor seating opportunities.
- Variety and uniqueness of cafes due to the intense competition for customers.
- Mainly day time trading, with café’s often closing before 4pm.
- Good use of cafes as business “meeting rooms”.
- Mature plane trees often provide a good natural canopy.

### Objectives

- To take advantage of available sunlight especially in winter.
- To encourage outdoor dining areas in private spaces such as setback areas and colonnades and in lanes and streets not located on major public transport accesses.
- To ensure major transport pedestrian thoroughfares remain clear of obstructions during peak travel times (e.g. outdoor dining areas are only to operate from 10am to 3pm and after 7pm where appropriate) including:
  - Miller Street
  - Walker Street
- To take advantage of available soft shade especially under trees in summer time.
- To encourage the use of canopies, umbrellas and planters to define outdoor dining areas for cafés and restaurants.
- To encourage creative opportunities for cafes and restaurants which enliven underutilised areas and take advantage of good orientation.
- To align outdoor dining areas to the shopfront of the respective building or tenancy rather than to the kerb to avoid table-waiting staff having to cross the often high volume pedestrian traffic streams in order to wait on or clean tables.
- To provide frontages to premises that fully open on to the street where feasible and pedestrian flows allow.
- To encourage the softening of the harsh urban environment by taking advantage of the dappled light of shade trees and supplementary use of umbrellas, awnings, planter pots and separation screens.
- To provide protection for patrons using screens and barriers to be located adjacent to café frontages, not adjacent to the kerb.



Figure 9 A small café on Ridge Street facing North

## 2. Civic Neighbourhood

Adjacent to the CBD to the north is the Civic Neighbourhood which generally comprises low rise building stock and typified by educational, professional offices, community facilities and residential. This area is used fairly intensively and despite the large numbers of bus stops that limit outdoor dining opportunities there are several significant cafes and restaurants and there are likely to be more in the future. The inheritance of excellent mature plane trees in this area due to planning foresight especially lends itself to environments which are excellent for establishing outdoor dining areas. The Civic Neighbourhood contains several conservation areas:

- McLaren Street
- Walker/Ridge Streets
- Holtermann Estate C
- Holtermann Estate D

Any application for an outdoor dining area within these areas needs to take into account the conservation character of these areas.

### Key characteristics

- A quiet mixed use area adjacent to the busy North Sydney CBD.
- A large number of quality shade trees.
- Cafes and restaurants often trading after hours due to the significant residential component of the local population.

### Objectives

- To continue to use the following attributes of this area that set it apart from North Sydney CBD.
  - Naturally shaded areas beneath and adjacent to street trees
  - Residential areas with landscaping and generally more relaxed and pleasant environments
  - Architectural conservation areas with one and two storey character building stock
- To encourage the use of canopies, umbrellas and planters to define outdoor seating areas for cafés.
- To provide protection for patrons using screens and barriers to be located adjacent to a premise's frontage and not adjacent to the kerb.



Figure 10 Eighty Eight Café & Restaurant on West Street





**Figure 11 Wide footpaths**

St Leonards Town Centre provides opportunities to locate street cafes on wide footpaths (greater than 2.5m)



**Figure 12 Street seating and special paving**

Council furniture complementing outdoor café areas. Note: the denser quality paving of the seating area compared to the standard footpath paving. Dense quality impermeable paving is more suited to food areas for easier cleaning.

### 3. St Leonards Town Centre

St Leonards Town Centre is predominantly an office precinct although zoned mixed use to also allow residential development. The cafes and restaurants generally cater to businesses however they also enjoy some supplementary support after hours from nearby high density residential areas. There are several excellent thriving cafes in the area that demonstrate good and appropriate design such as completely openable shopfronts. There are some smaller cafes in incidental spaces around entry foyers which are also busy. Another niche which is evident in this area is cafes that are above street or road level and utilise space above footpath awnings. The grade separation increases amenity by placing customers in, what feels in many ways like, a separate environment above the noise and traffic especially near the Pacific Highway.

Wider road reserves have enabled Council and property owners to create generously sized outdoor dining areas with landscaping along Atchison Street. Many of these opportunities are as yet unused but they are on the south side of major buildings, therefore have limited access to winter sun.

#### Key characteristics

- Office precinct anchored to a large extent by the St Leonards railway station.
- St Leonards station, is a pedestrian generator in retail terms that forms an island of activity.
- Good variety of cafes within walking distance of all areas.
- Street trees are young but will mature to provide street conditions with amenity similar to that in the North Sydney CBD.

#### Objectives

- To continue to use the following attributes of this area which promote amenity:
  - Utilise areas provided for outdoor dining as far away from heavy traffic as possible (consider planter screens to screen locations in side streets).
  - Utilise areas for outdoor dining that also enliven office lobbies and building entries.
  - Utilise areas which enliven connections between the St Leonards Station and the St Leonards Town Centre.
- Canopies are acceptable and use of umbrellas and planters are encouraged to define café spaces.
- Encourage creative opportunities for cafes and restaurants which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.
- To provide protection for patrons using screens and barriers to be located adjacent to a premise's frontage and not adjacent to the kerb.



**Figure 13 Local identity**  
The crow design in the Crows Nest balustrade reinforces local identity



**Figure 14 After hours**  
After hours outdoor trading in Crows Nest is vibrant despite winter conditions.

#### 4. Crows Nest Town Centre

The Willoughby Road café and restaurant precinct has already achieved a gastronomic reputation on the lower north shore where the number and variety of eating establishments creates a magnet, drawing patrons from far beyond the locality. Council initiatives have provided for purpose designed street dining areas (Figure 15) creating a contiguous strip of outdoor dining with high levels of amenity. The deep planter boxes with well established planting surrounding the outdoor dining areas separate patrons from the roadway and create comfortable conditions despite often heavy traffic conditions including trucks using Willoughby Road. The consistency without rigid conformity of the umbrella shading treatments contributes to the busy, attractive atmosphere of the streets. The subtle and well resolved wrought iron corner elements incorporate a stylised crow to remind people that they are in Crows Nest (Figure 13). As the precinct is thriving (Figure 15) with the streetscape improvements that have been well thought out and tested over the years, it is recommended for Crows Nest's future prosperity that such improvements be reinforced, extended where possible and not significantly altered. The area has a reputation for after hours dining (Figure 14). The existing fine grained scale of the area with its traditional shopfronts is a key determinant of its character and needs to be respected and reinforced.

##### Key Characteristics

- Café & restaurant precinct - a large number of eating establishments provides a strong draw for customers.
- Predominance of consistent landscaping providing an attractive environment has created a Crows Nest identity which is distinctly Crows Nest including the crow logo.
- Consistency of Council constructed outdoor dining areas provides a common high standard and some discretion to expand for larger establishments.
- Length of Willoughby Road devoted to restaurants, cafes and retail provides an enjoyable and entertaining environment for walking for carrying out tasks or pleasure.



**Figure 15 Thriving Willoughby Road**





**Figure 16 Building stock character**

There is good character building stock which has an appealing human scale and contributes to the Crows Nest Town Centre atmosphere



**Figure 17 Bustling side street in Crows Nest**

## Objectives

- Continue to use the existing urban design framework to expand the existing footpath widening improvements to additional areas due to the proven success of the Crows Nest Town Centre.
- On Willoughby Road utilise complementary design techniques to existing cafes and restaurants in order to maintain the overall Crows Nest gastronomic identity as a whole in order to create a larger overall attraction to benefit the whole precinct. (Complementary means within a close family of shapes and styles). Examples are:
  - Utilise a harmonious selection of umbrella styles especially with those of neighbours and the street as a whole, that is additional umbrellas should not be a bright colour, odd shape, much smaller, much larger at a very different height etc.
  - To keep outdoor dining areas adjacent to shopfronts so as not to impede pedestrian movement in other parts of the Crows Nest Precinct where pavements are narrower and where there are different conditions.
  - To maintain a consistent seating layout (on a block by block basis) with the existing **pattern** of kerb, seating and the **siting** of existing outdoor dining or goods display areas within the streetscape. Irregular patterns of street seating and displays are to be avoided.
- Umbrellas are encouraged to provide shelter for patrons and provide a canopy to help define and enclose the outdoor seating areas
- Encourage creative opportunities for cafes and restaurants in side streets and lanes which enliven underutilised areas, take advantage of good orientation
- To locate goods displays adjacent to shopfronts so that the entrance to the shop is defined and the shopfront window displays are clearly visible.
- Consideration to be given to creating enlarged footpath areas where two or more restaurants are located adjacent to street corners (similar to existing examples in Willoughby Road).



**Figure 18 Council initiatives**

Council initiatives have provided street seating areas on Willoughby Road which successfully separate diners from passing vehicles.



**Figure 19 Use of side streets**

Cammeray side streets provide sheltered environments for street cafes out of the main street traffic flow.



**Figure 20 Protection barriers**

The design of protection barriers for pedestrians on busy Miller Street, Cammeray successfully integrates high quality design and safety.

## 5. Cammeray Village Neighbourhood

The Cammeray Retail strip on Miller Street has undergone substantial regeneration in the last 5 years and due to its focus as the service section of a busy vibrant community it will undergo more in the future. Shop top housing, a street closure and the café response have formed a good foundation precedent for Cammeray.

Council initiatives have increased amenity on Miller Street by using street tree planting with protected tree guards plus planters and fences to visually delineate, soften the edge of the busy traffic street and provide safety and protection at the pedestrian crossing (Figure 20). However the narrow footpaths on Miller Street at Cammeray and the high peak hour traffic volumes limit the street life and possible street seating areas.

The display of goods especially fruit and flowers provides welcome colour and life in an otherwise harsh urban environment. While there are no heritage buildings in Cammeray Village Neighbourhood around Miller Street and the areas within which cafes are located, the building stock is a scale conducive to a village atmosphere.

### **Consideration for the future**

As traffic levels will only increase and the footpath width is fixed the best way to provide increased amenity and services using the limited area may be to encourage retailers and property owners also to orient their outdoor dining areas where amenity is fundamentally important, towards the rear car park with established trees located to the rear of the shopping strip on the east side of Miller Street. This represents a similar response to that as found in Military Road in the Neutral Bay Town Centre. Such use would need to be carried out with attention to residential areas nearby and after hours trading noise constraints taken into account in terms of both design and management

### **Key characteristics**

- An old “high” street under transformation due to its inner city location and proximity to North Sydney CBD Sydney and revitalised residential areas.
- Heavy commuter traffic and important commuter bus stop.
- Narrow footpaths and heavy vehicle traffic limit pedestrian activity on Miller Street.
- Successful closure of side street for pedestrians.

### **Objectives**

- Continue to use the natural and built attributes of this area that set it apart from the North Sydney CBD
  - Utilise protected paving areas in side streets (Figure 19) away from traffic for outdoor dining especially if facing north so that sun penetrates during cooler months and is controlled at other times
  - Utilise the naturally shaded outlook onto the Council car park to the rear, east of Miller Street, subject to residential amenity considerations.
  - All outdoor dining areas on Miller Street needs to be adjacent to the premise’s frontage, setback from vehicular traffic flows. Protective fencing at the edge of the permit area may also be feasible to ameliorate traffic impacts (Figure 20).





**Figure 21 Goods display**  
This display of goods on Broughton Street adds colour and vitality to the streetscape.

## 6. Kirribilli Village

As the Character statement of DCP 2002 states “the Village Centre is lively with an appropriate number of outdoor cafes and restaurants.” Much of the residential neighbourhood of the area around the Village centre is small scale and relatively high density. Broughton Street is the main artery into the village but it is narrow and its traffic levels and narrowness preclude extensive street use. However, some traders have cleverly managed outdoor dining areas in quite restrictive circumstances and the street and neighbourhood is the better for their efforts. Note the narrow but efficient bench style seating along the east side of Broughton Street (Figure 22). Typically in such cases of busy streets more extensive street use can be found for services and cafés in streets perpendicular to the main busy street. Fitzroy street is an example with its new cafes and associated outdoor dining areas being most successful. The paving material needs investigation as it is already unsightly and dirty which is a turn off to patrons and could be a serious drawback if competition increases. Competition may come from outside the area. Paving where long term use of food related activities is envisaged needs to be considered for its impermeability, non slip quality, ease of cleaning and is a most important long term investment.

The Kirribilli Village contains many heritage buildings especially on Broughton Street around Pitt street.

Existing outdoor dining areas to date have respected the scale and character of the area. Any application for an outdoor dining area adjacent to heritage buildings needs to respect the character of the buildings and the area.



**Figure 22 Narrow footpaths**  
Narrow but efficient custom made bench style seating.





**Figure 23 Narrow side street cafés**

This café is well designed and provides a long edge of activity to the street.

### Key characteristics

- As Broughton Street is a main traffic artery which leads down to spectacular views of Sydney Harbour it is active with cafes and retail despite its narrow footpaths which inhibit more activity.
- Side streets such as Burton Street offer good opportunities for outdoor dining activities due to less traffic and wider footpaths.
- Eye catching umbrellas attract people to side street activity.
- Outdoor dining areas in Burton Street function as outdoor rooms defined by umbrellas, planter boxes, screens and drop down transparent plastic sides for inclement weather.
- A good mix of activities forms a centre which does have a Village atmosphere

### Objectives

- Continue to use the attributes of this area which make Kirribilli one of Sydney's most charming harbour side areas
  - To take advantage of naturally shaded areas especially in side streets with wider pavements and less traffic.
  - To make the most of tight and difficult areas with views or good accessibility through ingenious and well resolved design (Figure 23).



**Figure 24 Innovative solutions**

Making the most of a tight street with good views by providing bench seating adjacent to the shop front so that all diners can appreciate the view



**Figure 25 Side streets**

Burton Street cafes successfully provide amenity and large seating areas away from the main street.



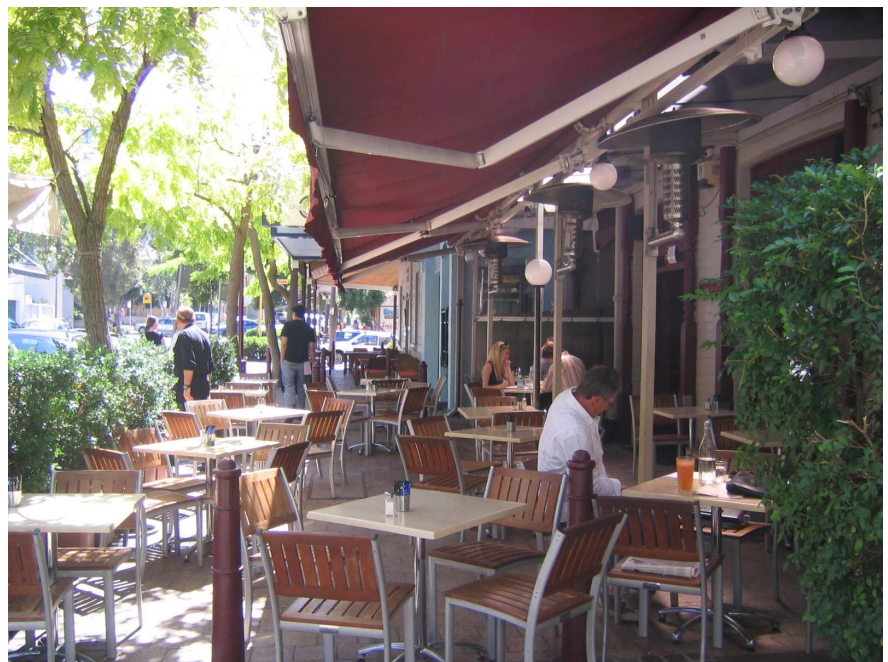
**Figure 26 Footpath**

The building setback from the footpath on Blues Point Road provides the opportunity for outdoor dining areas.

## 7. Blues Point Village

Nestled in the heart of a relatively small scale residential area which itself is fringed by harbour views the Blues Point Road Cafes are all located on the eastern side of the road possibly due to the aspect and the width of the pavement. The small scale buildings and street tree planting of honey locusts provide an excellent basic frame in which to create an outdoor dining environment. Picture perfect cafes with dappled light filtering through the trees are further defined by extendable awnings, umbrellas, planters and low screens. These serve to form subtle outdoor rooms where patrons can sit comfortably - "rooms" with no real walls or windows. Many of these cafes are prototypical of what can be achieved by a local café with an outdoor dining area.

The collection of about 6 cafes and a few retail shops together create a synergistic energy which makes Blues Point a delightful and notable local recreational dining area. It serves as an extension of the private living environment of the home to provide the opportunity for people to meet outdoors and fraternise within the public domain. The Blues Point Village is also within the McMahons Point South Conservation area. Most of the buildings in the row of cafes on Blues Point Road contribute to the heritage character of the area. Any application for an outdoor dining area within the conservation area needs to respect the character of the area and the contributory buildings.



**Figure 27 Street café ambiance**

Blues Point Road epitomises the street café ambiance sought by these guidelines. The kerbside footpath is uninterrupted, the outdoor dining areas are generally within a setback area that makes the footpath read as a wide space, trees and planter boxes define the edge and awnings and canopy define the space overhead. Dining areas for different cafes and restaurants are located on an uninterrupted ground plane that makes the space feel open and airy – consistent with Sydney's benign climate.





Figure 28 Blues Point Road Café

### Key characteristics

- A promenade strip of restaurants/cafes along Blues Point Road with a neighbourhood atmosphere.
- Small scale buildings and landscaping create intimate and friendly conditions.
- The majority of the excellent outdoor dining areas for the Blues Point Cafes are located on private land where the buildings have been set back from the street. This set back is most likely the legacy of what were residential buildings with small front gardens. Further building setbacks could be encouraged to align with the original building setbacks to provide wide pavements to enable further extension of the café and restaurant strip.

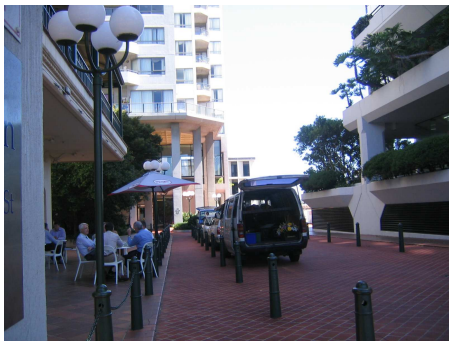
### Objectives

- To continue to use the low rise built form and scale attributes of this area which promote its convivial, intimate conditions as an alternative local eating place for residents and visitors. Take advantage of:
  - Naturally protected and shaded areas especially using trees
  - Residential architectural scale with landscaping and generally relaxed and pleasant environment.
  - Encourage a sympathetic response to the Conservation Area character buildings and scale
  - Encourage development of wide pavements to enable further extension of the café and restaurant strip where appropriate.
  - Continue to provide a range of canopies and umbrellas to reinforce the relaxed atmosphere and the variety of the streetscape treatments in the building setback areas.



Figure 29 Variety of awnings, umbrellas and trees

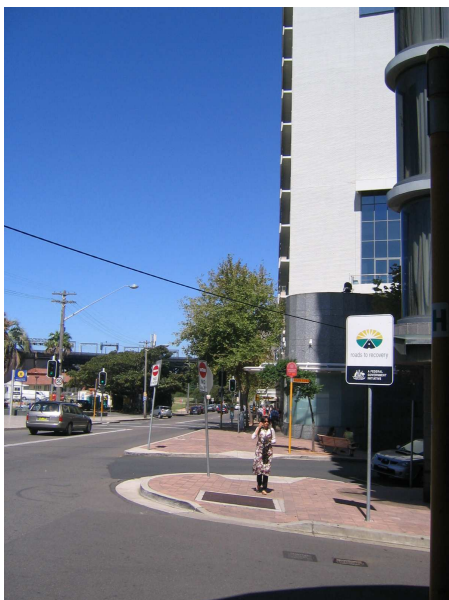
The variety is characteristic of Blues Point Rd and should be reinforced. The canopies and umbrellas provide overhead shelter from the sun and give a sense of enclosure.



**Figure 30 Opportunities limited by design**  
Narrow footpaths generally limit opportunities for outdoor dining. Some like the example here are restricted to private incidental spaces that have poor access to sun, vegetation and poor amenity.

*(\*This could be carried out without encroaching too much extent into the large open space areas under and to the side of the bridge approaches. Even under the bridge facing south there is further good opportunity. This would provide a continuous pedestrian link which could be under more surveillance and increase safety depending on the uses specified. The rents for areas with the views which would be achieved in these locations would be robust.*

*With hundreds of apartments along Alfred Street and to the east there is a need for services and eating places with amenity. Most likely Milsons Point office workers and resident's that now go to Kirribilli.)*



**Figure 31 Tall buildings**  
Tall buildings can magnify windy conditions on Alfred Street.

## 8. Milsons Point Town Centre

Alfred Street South is flanked on the western side by high density residential and offices. Considering the scale of the buildings, the large workforce and significant resident population in these towers the absence of street cafes (and other services) is notable. This absence is brought about by narrow footpaths, unpleasant wind conditions and the lack of trees and other buffers as well as possible competition from Kirribilli. However, there are excellent views of the Sydney Harbour Bridge and parts of the harbour. Some café's and restaurants have been developed in the existing buildings but they are prejudiced by the harsh environment and lack of outlook. Development, urban design and planning decisions made long ago preclude many present day possibilities for a better street life due to lack of amenity and well thought out space at street level – the critical junction of private entry level and public domain. There is one State Significant Heritage Item – 56 Alfred Street (Camden Villa) listed. It is unfortunately visually screened from the street by recent development.

On the eastern side of Alfred Street is a park adjacent to the North Shore Railway line and elevated roads approach to the Sydney Harbour Bridge. This recently improved park area enjoys afternoon sun and contrasts markedly with the streetscape on the opposite side of the street. Such an area would prove ideal for a specialty kiosk or other café style area similar to that existing in Hyde Park located adjacent to or under the viaduct. Such a café or restaurant could be incorporated under the bridge approach and thereby minimise its impact on the park. Bradfield Park (beneath the Harbour Bridge) would also present a similar opportunity. These are the kind of initiatives to improve the quality of local open space as identified in the Inner North (Draft) Subregional Strategy (p105).

### Key characteristics

- Wind exposed, harsh pedestrian street environment only conducive to entering and leaving tower blocks.
- Underutilised park areas around the Harbour Bridge pylons and western Railway Station entrances

### Objectives

- Aim to site café spaces in sunny areas, especially for winter sun. There are few significant street café opportunities on the western side of Alfred Street.
- Perhaps the best way to add amenity to this area, is to explore possibilities to use either the under croft of the freeway and rail approaches to the bridge or special pavilion buildings adjacent to its wall for café space and licensed seating areas adjacent.





**Figure 32 Traffic artery**  
Difficult traffic conditions lead to constraints to siting of café seating to ensure separation of patrons from traffic



**Figure 33 Rear lane example 1**  
The Chaos cafe is a “friendly” cafe which enjoys a northerly aspect and an outlook over the Neutral Bay carpark with its mature plane trees



**Figure 34 Rear lane example 2**  
This café makes good use of an otherwise poorly designed incidental space.

## 9. Neutral Bay Town Centre

At Neutral Bay, Military Road suffers from blight due to heavy levels of traffic. A few existing café’s have provided seating along the property line away from the road for reasons of safety and comfort. Conversely, traffic blight encourages indoor restaurant use as patrons stay shielded by glass and there is less traffic and more parking after hours. Side streets perpendicular to the main traffic street provide good possibilities for outdoor dining. However in this case many of the footpaths are quite narrow. To the north side of Military Road the Council car park with mature shade trees serves as a focus for higher amenity activities. Cafes mainly have outdoor dining areas on their own property as the footpaths are too narrow.

To the south side of Military Road on Yeo Street between Wycombe and Rangers Roads, wide pavements and mature street trees provide good conditions for relaxed cafes in a safe setting. However, the new Woolworths development turns its back on the street to the detriment of the street’s overall amenity. There are new cafes on Rangers Road near Military Road with outdoor dining areas which are rather exposed to the elements and traffic. Only a few heritage listed buildings are located in The Neutral Bay Town Centre but the Cremorne Conservation Area is immediately adjacent at the corner of Yeo Street and Wycombe Road. The conservation area can be used as a design reference for inspiration in order to counteract some of the bland commercial buildings which have collectively eroded the character of the area.

### Key Characteristics

- Dominated by traffic and high yielding (rent) development which often makes café uses less competitive
- The North Sydney Council at grade car park with its mature plane trees is the focus of the Neutral Bay Town Centre. Most retail, commercial, service and cafés are located around or close to the free parking under trees.
- The public domain is relatively poor yet it is the main source of amenity.

### Objectives

- Continue to use the attributes of this area which make it a busy attraction both for entertainment and convenience shopping
- Use the parking area as a green outlook and focus on the public domain with café, restaurant and goods display activities to provide for better amenity
  - Make the most of natural light and sun especially in the winter
  - Make the most of shade in the summer
  - Make the most of the cosmopolitan atmosphere
  - Maintain pedestrian/human scale
  - Avoid conflict with heavy vehicular traffic especially commuter traffic and delivery vehicles
- Encourage creative opportunities for cafes and restaurants which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.
- Encourage a sympathetic response to the Conservation Area’s character buildings and use them for inspiration in order to create more interesting building stock with higher amenity in the future.
- Use umbrellas to join spaces between tree canopies to enhance shade protection during summer months and inclement weather.
- A public domain plan is needed for Neutral Bay to improve physical environment.



**Figure 35 Street closure**  
This street closure is pedestrian and street café friendly



**Figure 36 Small street café**  
A small street café in Parraween Street takes advantage of low pedestrian flows with little or no impact.

## 10. Cremorne Town Centre

The footpaths alongside Military Road provide a harsh environment for outdoor dining and goods display areas due to very high levels of through traffic. In Cremorne the best opportunities for outdoor dining and goods display areas have been provided by street closures and on the streets and lanes to the rear of Military Road. Cremorne Plaza, an old street closure is very successful as it is fully pedestrianised and the public domain is devoted to an excellent example of landscaping including mature shade trees (Plane Trees). Within this highly favourable environment several cafes providing complementary services thrive. Further to the East, Spofforth Street is closed to the north of Military Road and it provides a good opportunity for outdoor dining. The area is well defined by 3 storey buildings of some character and a well thought through landscape plan provides an excellent space for outdoor dining.

By contrast close by on Parraween Street where the footpaths are narrow and a great deal of servicing occurs there is an example of a small café in a harsh environment but it works well. The café is housed in a north facing small building which could have been a garage. The pavement seating is on appropriate sturdy little stools which are essentially cubes of wood. The café is well patronised and as the street does not carry much traffic the close kerbside seating is comfortable for people. In fact people seem to like to perch on the informal seating which creates a “time out” atmosphere good for de-stressing or relaxing. These types of cafes are opportunists and the way they enliven otherwise stale and empty environments is appealing to customers and should be encouraged elsewhere.

The Cremorne Orpheum Picture Theatre is an important attraction in the midst of the cafes and restaurants mentioned on the north side of Military Road. The Cinema complex generates a great deal of visitation and works synergistically with the cafes and restaurants. Convenience shopping is mostly on the south side of Military Road. The Cremorne Orpheum is the only heritage building in the Cremorne Town Centre. Outdoor dining areas in or around the building needs to respond to its character and style.



**Figure 37 Public domain landscaping**  
The landscaping in Cremorne Plaza provides amenity for diners away from the traffic artery of Military Road





**Figure 38 Cremorne Plaza**  
Exceptional quality of the public domain

### Key characteristics

- As Military Road experiences heavy traffic, cafe activity tends to be within the side streets or away from the main street.
- Cremorne Plaza and Langley Place landscaped areas provide welcome respites, offering relaxed outdoor dining environments under well established trees.
- Innovative outdoor dining areas add activity to otherwise empty or sterile environments.

### Objectives

- To continue to use the attributes of this area which make it an attraction for entertainment (Cremorne Orpheum Picture Theatres and restaurants) and convenience shopping:
  - Make the most of natural light and winter sun, with shade in the summer.
  - Enhance the cosmopolitan atmosphere with innovative furniture and designs/layout of cafés and restaurants in available public spaces.
  - Provide protection from heavy vehicular traffic.
- Encourage creative opportunities for cafes and restaurants which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.
- Continue to follow the urban design frame work used at Cremorne Plaza which has made it so successful over the years.

## 11. Waverton Village Centre

The Waverton Village Centre comprises about 8 retail businesses on Balls Head Road around the Waverton Rail Station which is, a generator (of visitation) in retail terms. There are several eating and food supply businesses but the main outdoor dining activities occurring in a public area is in front of Finks Café which has been operating for many years. The opportunities for other establishments are limited by narrow footpaths.

Surrounded by residential uses, Finks serves as a neighbourhood watering hole specialising in breakfasts and lunches. There is a vista of Sydney Harbour water at the end of Balls Head Road. The Waverton Village Centre is within the Bay Road Conservation Area. Any application for an outdoor dining area within the conservation area needs to respect the character of the area through appropriate street furniture selection.

### Key characteristics

- A secluded collection of retail activity around a railway station in a purely residential area.
- An island of very old cabbage tree palms and a distant view of the water of Sydney Harbour.
- Finks café on the main street provides a break in the residential streetscape with its shopfront and outdoor dining area.



**Figure 39** Finks at Waverton Village on Bay Road  
Is a popular local café.

### Objectives

- Continue to use the attributes of this area which make it special and provide services to the local community:
  - To take advantage of the natural amenity of the location e.g. quiet, green, distant view of the water.
  - Residential area with landscaping and generally more relaxed and pleasant environments.
- Encourage creative opportunities for cafes and restaurants which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.



## 12. Other isolated locations

Locations which are not included in the above areas are best addressed by reviewing section 2 of this schedule, North Sydney Civic Neighbourhood which deals with isolated café and restaurant locations. Section 11, Waverton Village Centre is also relevant as it deals with a remote location and isolated cafes.

The objectives of any café and restaurant proposals in isolated areas of North Sydney are as follows:

### Objectives

- Use the attributes of the area which make it special and provide services to the local community.
  - To take advantage of the natural amenity of the location e.g. quiet, green, distant view of the water or a park
  - Residential areas with landscaping and generally more relaxed and pleasant environments.
- To encourage the use of canopies, umbrellas and planters to define outdoor dining areas.
- To provide protection for patrons using screens and barriers
- To minimise potential impact to any neighbouring residential development.

Encourage creative opportunities for cafes, restaurants, take away food or drink premises which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.



**Figure 40 An example of a neighbourhood café in a residential area**

The café on Amherst Street, Cammeray serves the residential area between Cammeray and Neutral Bay.

### **13. Main Street Streetscape Strategies**

Where a main street streetscape strategy has been adopted by the Council that includes design objectives and details for the public domain, the provisions of that strategy shall take precedence over the provisions of this policy, where the provisions of this policy are inconsistent with the adopted strategy.

Identified main street streetscape strategy areas are currently within (but are not limited to) the following localities:

- Cammeray Central Business District
- Crows Nest
- Kirribilli
- Neutral Bay
- St Leonards
- Waverton
- Wollstonecraft

The Council should be consulted prior to embarking on any design work outdoor dining or goods display area relating to main street areas within these localities.

## **Schedule 2 Existing Conditions Plan Requirements**

The Plan of Existing Site Conditions needs to show (but is not limited to):

- The front wall of the respective building and or tenancy to which the outdoor dining or goods display area belongs
- The windows of the front wall and how they open out
- Front entrance doors and the way in which they open
- The extent of any verandah or canopy/awning overhang
- Location of street trees within 10m of the outdoor dining or goods display area. Show the extent of tree canopy over the proposed outdoor dining or goods display area with an estimate of the canopy line
- The boundary line between the adjacent properties.
- The extension of the boundary line between the adjacent properties to the kerb at an angle perpendicular to the kerb alignment
- Exit doors and stairways
- Adjacent building entrances and stairways within 2 metres of the property boundary
- Intersections with streets or lanes within 20 metres
- The location of outdoor dining or goods display areas within 20 metres of the site.
- Changes in grade or levels (Note: that the drainage cross fall from the property boundary to the kerb is not required to be shown).

The following street infrastructure within 10 metres of the site are to be included on the plan of Existing Site Conditions:

- trees and tree plots/grates
- public street furniture (seating, rubbish bins, bicycle hoops, bollards)
- parking fixtures (signs and meters)
- above ground utilities (phone boxes, bus stop and shelters, fire hydrants, light/telegraph poles, telecommunication switch boxes and Australia Post boxes)
- Postal access for buildings and tenancies
- directional signs
- distance and direction to any residential buildings within 50 metres (if any).

Any other features which may affect the layout or performance of an outdoor dining or goods display area should also be shown.

### **Photographs of Existing Site Conditions**

Photographs of existing site conditions need to accompany the Plan of Existing Site Conditions showing:

- Façade of the building and or tenancy to which the outdoor dining or goods display area relates.
- Side view (along the street) of the area where the outdoor dining or goods display area is proposed to go.
- Distant views of both of the above views to show the context of the proposed outdoor dining or goods display area, including adjacent buildings and neighbouring conditions (e.g. photographs of street frontages taken looking along the frontages).

**Photograph specifications:** Minimum 2.1 mega pixels (preferable 3.1 mega pixels). Hard copies at minimum A5 size for each photograph and a CD of the same images are to be supplied with the Permit Application.

### **Schedule 3    Setback and sightlines criteria**

Setbacks from objects in the public domain are required for safety and amenity to ensure that outdoor dining or goods display adds to the benefit of the community and does not detract or inconvenience the use of the area. Minimum setbacks from obstacles, boundaries and kerbs are required in order to ensure fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have a mobility impairment.

By looking at the Existing Conditions and applying the setback and clearance distances, the area which is available for outdoor dining or goods display can be defined. Therefore the application must address the following issues in order to define the available area:

1. Pedestrian way clearance.
2. Clearance from objects.
3. Other clearances including street intersection sightlines, kerb setbacks, and food and drink premises separation.
4. Construction zones.

#### **1. Pedestrian way clearance**

The minimum clearance allowed for pedestrian movements varies for safety reasons and with the concerns of other users.

In areas with heavy pedestrian traffic and heavy vehicular traffic (such as roads affected by clearway restrictions) for safety reasons the minimum footpath clearance is 2m (Table 1) which allows 2 children's strollers/ prams or 2 mobility aids to pass.

RTA designated roads and busy roads affected by clearway restrictions generally require 2 metres minimum setback from the kerb. These roads include:

- Pacific Highway
- Falcon Street and Military Road
- Miller Street
- Approaches to entrances of railway stations

For quieter areas where both pedestrian and vehicular traffic is lower, 1.5 metre clearance for pedestrians is needed - this allows passing by sequencing or waiting until the other person/ stroller has passed. This type of queuing is well understood by people and is commonly used by pedestrians, cyclists and vehicular movements. The minimum distance of 1.5 M can be reduced subject to assessment of pedestrian or vehicular traffic or mitigating circumstances identified by the assessing Council officer (refer to Table 1).

**Table 1 Clearance for pedestrians.**

Where A is a kerb and B is an object not listed in Table 2

	High Traffic Risk*		Medium Traffic Risk#		Low Traffic risk+	
	A	B	A	B	A	B
High Pedestrian Traffic	3.0	2.5	2.5	2.0	2.5	2.0
Medium pedestrian traffic	2.5	2.0	2.0	1.5	2.0	1.5
Low pedestrian risk	2.0	1.5	1.5	1.0	1.2	1.0

**\* High traffic risk**

- high volume
- high speed
- travel lane adjacent to kerb
- requires vehicle protection to separate outdoor dining from traffic lane if outdoor dining is adjacent to kerb

**# Medium traffic risk**

- medium volume
- medium speed
- parking adjacent to kerb
- requires fence to separate outdoor dining from traffic if outdoor dining is adjacent to kerb

**+ Low traffic risk**

- low volume
- low speed
- parking adjacent to kerb
- requires minor planters to separate outdoor dining from traffic

The clearances are those considered desirable. Council shall assess each situation on its merits. However, Table 2 shall be regarded as the absolute minimum clearance in all circumstances.

## 2. Clearance from objects

Table 2 provides the minimum clearance required to specific objects of street infrastructure (refer to Table 1 for general requirements where object is not listed). Note that the Council may consider the ability to relocate certain items at the proponent's cost.

**Table 2 Clearance from existing street infrastructure**

Object	Min Clearance from object
trees and tree plots front of public seating rubbish bins bicycle hoops parking signs parking meters phone boxes bus stop shelters  <b>essential services</b> fire hydrants hose reel cupboards fire exit doors fire equipment stores substations switchboards communication pole hose reel cupboard	900mm
<b>Other infrastructure in the public domain:</b> Bollards Way finding signs Back of public seating	500mm

## 3. Other required clearances

Table 3 describes clearances from street intersections, waters edge setback and clearances between outdoor dining areas of different premises.

The sightlines which need to be observed for traffic and pedestrian safety are shown in Diagrams 1 and 2.

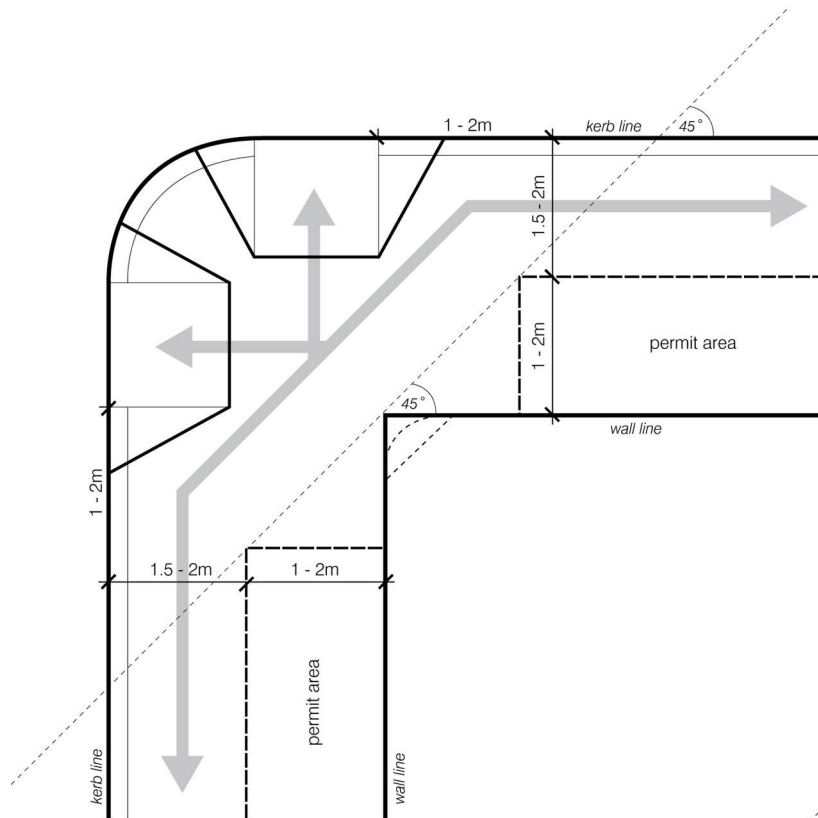
**Table 3 Other clearances**

Other Clearances	Minimum clearance
At Street intersections, from the building corner (note sightline angle of 45° is to be observed)	45° sightline angle see diagrams 1 and 2
Where seating is shared with a road (no kerb or street closure)	4 metres
Waters edge to provide uninterrupted access to the harbour	2 metres
Clearances between adjoining outdoor cafes with no separation screen	250mm

## 4. Construction Zones

Construction Zones are essential to maintain buildings, services, roads and footpaths. A 3 metre setback is required within a construction zone from existing outdoor dining permit area to protect patrons from possible danger, nuisance and noise. Note that construction zones are generally a temporary feature and may be granted by the Council at any time, at its discretion.

**Schedule 3 Setback and sightlines criteria**

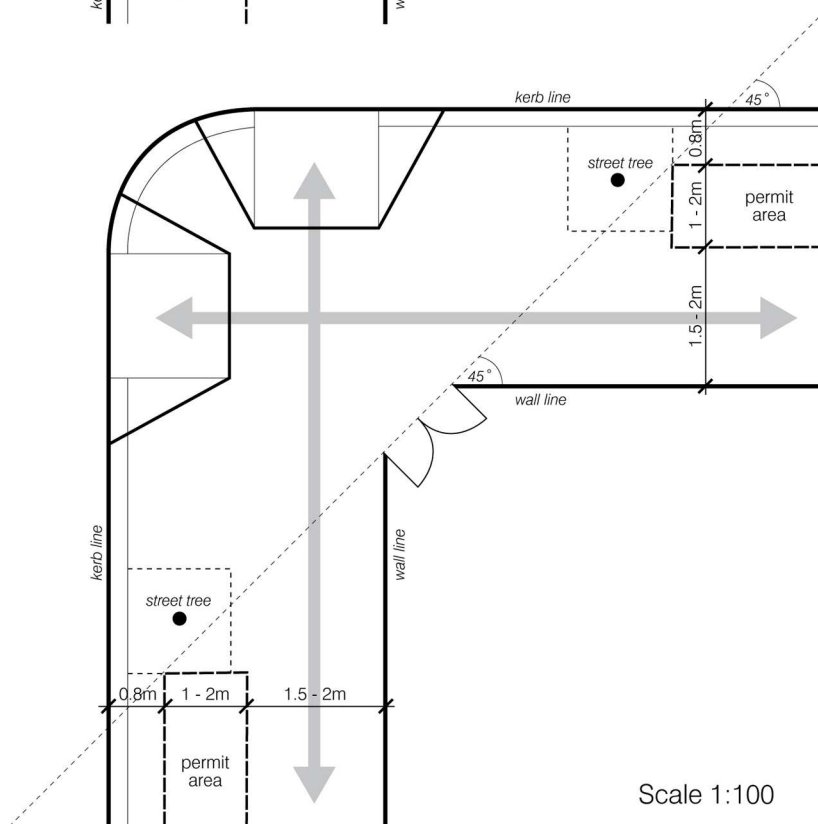


**Diagram 1**

**Corner Sight Lines**

Corner cafe safety sight lines for tables adjacent premises.

- alignment, nominal dimensions and minimum clearance for pedestrian traffic
- generally for classified arterial roads with high vehicle traffic volumes and moderate to high pedestrian traffic



**Diagram 2**

**Corner Sight Lines**

Corner cafe safety sight lines for tables near the kerb.

- alignment, nominal dimensions and minimum clearance for pedestrian traffic. Dependent on pedestrian traffic

Scale 1:100

## **Schedule 4    Layout criteria**

Layout diagrams for outdoor seating alternatives are included in this document to indicate the types of seating arrangements and spacing desired by Council to ensure safety and convenience for users of the public domain.

### **Permit area alignment**

#### ***Adjacent to Buildings / Tenancies***

Generally, for standard width footpaths (i.e. up to 3.6 metre wide) it is preferable to have outdoor dining areas located adjacent to the wall/window of the respective premises in order to:

- avoid the interruption to passing pedestrian traffic by table-waiting staff.
- separate people seated in outdoor dining areas from parked cars/moving vehicles/exhaust fumes for safety and amenity.
- more strongly connect the outdoor dining area with the premises.

Refer to Diagrams 3,4 and 5 of this Schedule for layouts of outdoor dining areas by the respective premise's wall.

#### ***Adjacent to street kerb***

There are several areas in North Sydney where pedestrian movement occurs adjacent to the building with the outdoor dining area located adjacent to the kerb. These are mostly generated by special situations which have resulted in a special response by the North Sydney Council by widening the footpath. These include the following:

- Willoughby Road, Crows Nest – where specially designed outdoor dining areas are on widened footpaths, there are deep solid planters between the carriage way and the outdoor dining area, there is a narrowing of the carriageway to reduce and slow traffic and there is often a significant change in level along the slope of the street between the outdoor dining area and the carriageway for protection from traffic.
- At St Leonards – Council has designated and specially designed outdoor dining areas on widened footpaths of Atchison Street.

Refer to Diagrams 6, 7 and 8 of this Schedule for layouts of outdoor dining areas situated away from the respective premise's wall.

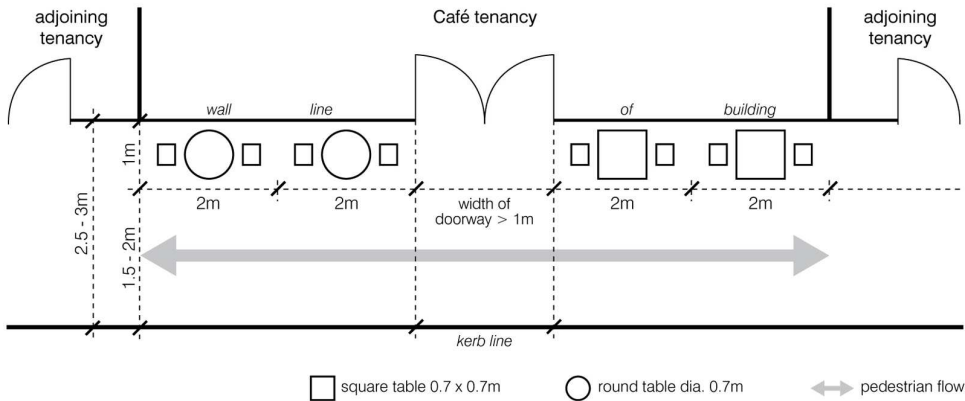
**Other special circumstances** that dictate similar responses may be encountered elsewhere. Where such special circumstances apply each case will be determined on its merits.

Similarly, separating display areas from a shopfront with a thoroughfare is generally to be avoided.

Special layouts and specifically designed furniture are permissible in situations where these are warranted, for example integrated table seating for narrow sloping pavements (such as at Kirribilli – see the example photograph in Schedule 1 for the Kirribilli Locality Character Statement). If specifically designed furniture is to be proposed full details and specifications are to be submitted or an example provided of a similar item that has already been actually fabricated and used in similar circumstances (testimonials from a public authority may also be provided) to aid assessment. Safety and stability are essential qualities.



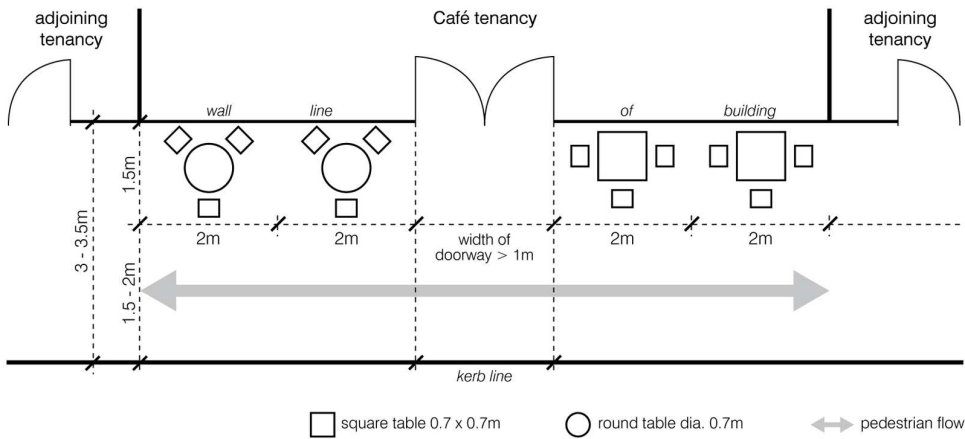
**Schedule 4 Layout criteria**



**Diagram 3**

2 person tables adjacent premises.

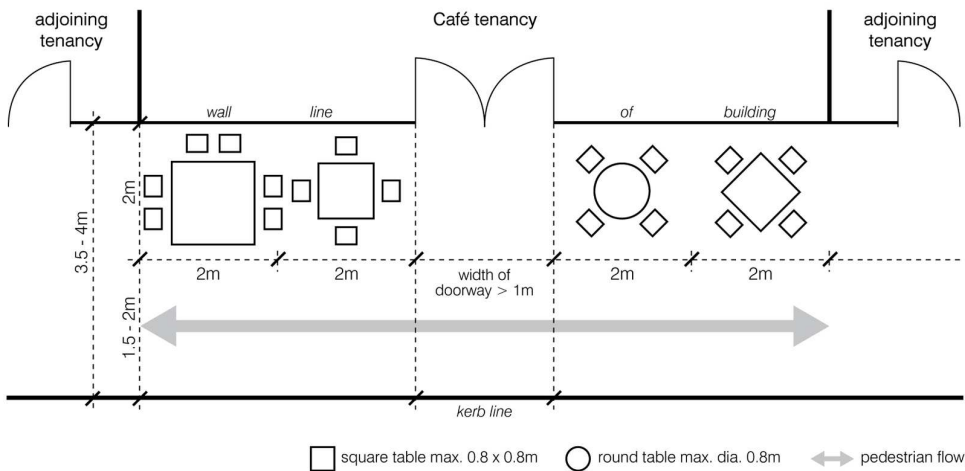
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table
- preferred pedestrian way 1.5 - 2m but variable in low vehicle traffic / light pedestrian traffic to 0.9m



**Diagram 4**

3 person tables adjacent premises - 3+ person table.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

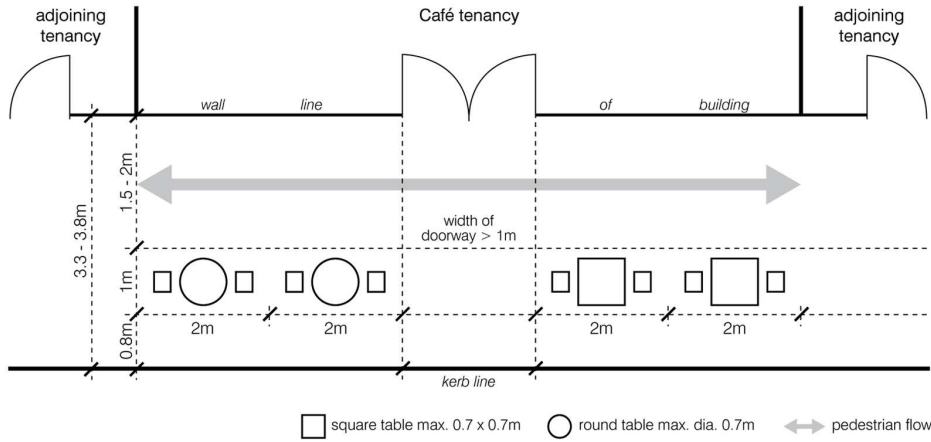


**Diagram 5**

4 person tables adjacent premises.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

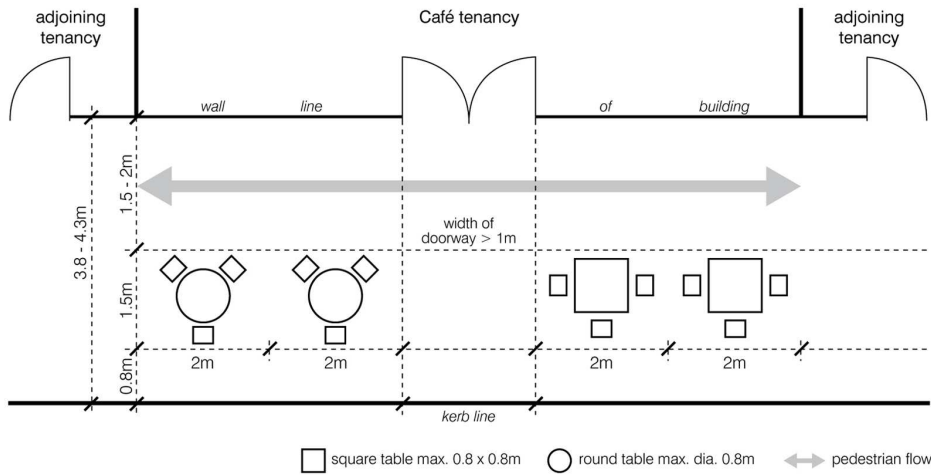
**Schedule 4 Layout criteria**



**Diagram 6**

2 person tables near kerb.

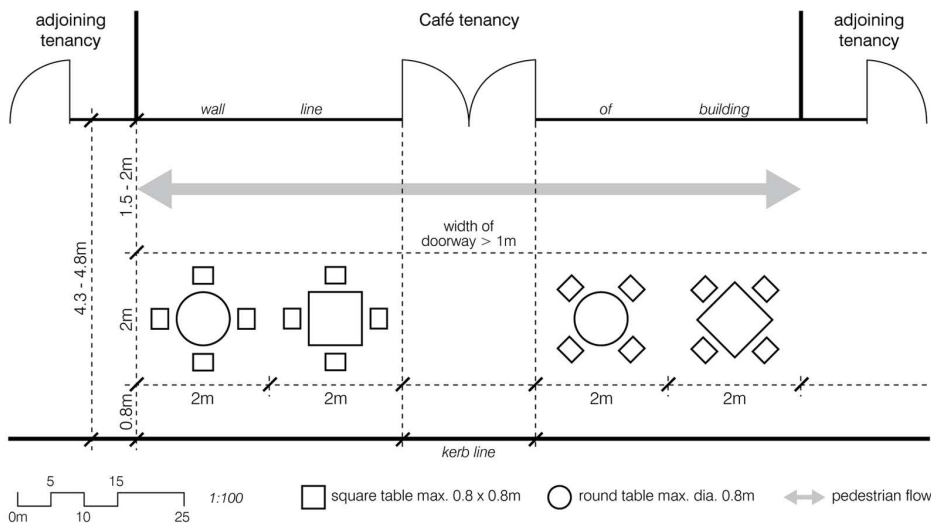
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table
- if there is a zebra crossing within 20m of the cafe then the area opposite the cafe door can be used for seating



**Diagram 7**

3 person tables near kerb.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table



**Diagram 8**

4 person tables near kerb.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table
- if there is a zebra crossing within 20m of the cafe then the area opposite the cafe door can be used for seating

**Schedule 5 Furniture examples**

The following sheets provide a range of furniture examples suitable for this Policy in terms of design quality and commercial standard for the high wear and tear of outdoor use by the public.

## Schedule 5 Furniture examples

### Furniture Projects



- Commercial quality furniture
- Durable



- High grade UV resistant
- Water Drainage hole in chair seat



- Suitable for outdoor use
- Easily maintained



- UV resistant chairs
- Durable finishes



- Easily cleaned
- Stackable chairs



- Suitable for usage
- Commercial quality

Note: All timber to be recycled and/or plantation timber

Schedule 5 Furniture examples

Tables



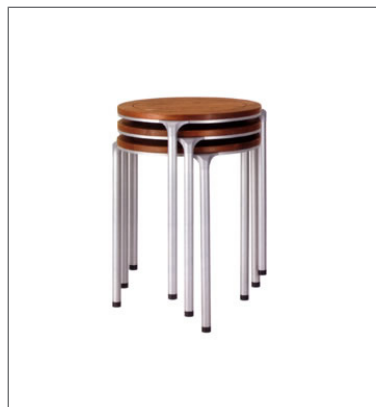
- Suitable for outdoor use
- Durable



- Sturdy
- Stable



- Flip top
- Easily stored



- Stackable
- Commercial grade



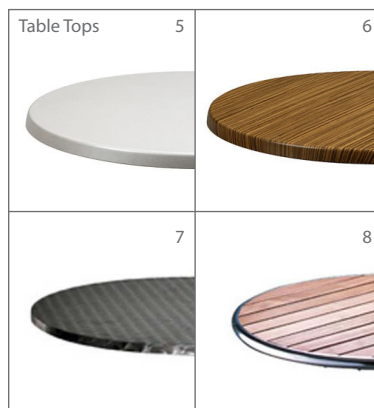
- 1 Compact Laminate
- 2 Solid Jarrah Slat
- 3 Solid Timber
- 4 Teak with Al. Edge



- UV resistant
- Stackable



- Folding table - commercial quality
- Easily stored



- 5 Pre Fabricated Resin - Silver
- 6 Pre Fabricated Resin - Timber
- 7 Stainless Steel Ring Spun
- 8 Teak with Al. Edge



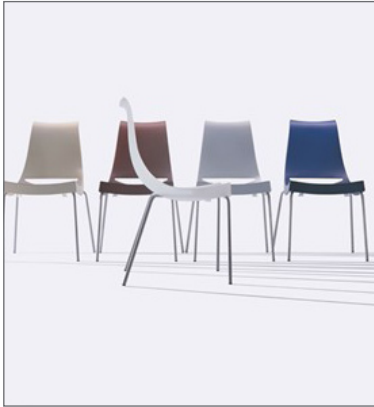
- Timber slatted top suitable for outdoor use

Note: All timber to be recycled and/or plantation timber



## Schedule 5 Furniture examples

### Chairs



- Easily cleaned & maintained
- Commercial Quality



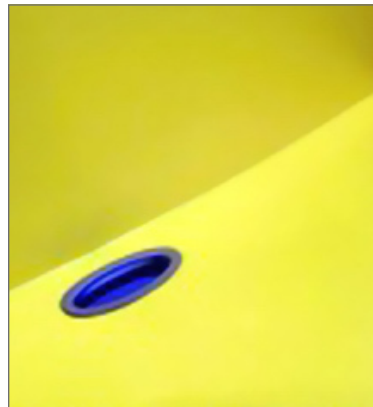
- Wicker UV resistant with wire reinforcement
- Non - porous wicker



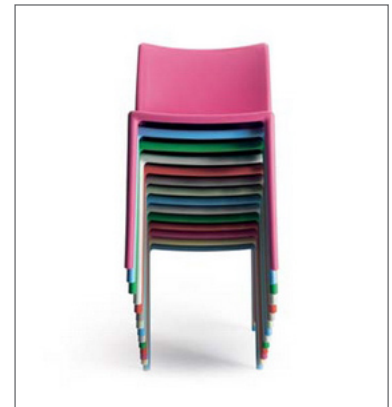
- Folding chairs to be safe & sturdy
- Easily stored



- Feet 'Glides' for floor protection & anti slip



- Drainage hole in rear of seat
- High grade UV resistant



- Stackable
- Polypropylene with glass fibre for strength



- Hardwood sealed plantation timber slats suitable for outdoor conditions
- Aluminium frame with all joints fully welded for strength



- Anodised aluminium
- All componentry suitable for outdoor use
- Commercial Grade / No Sub - standard imitations



- Hardwood suitable for outdoor use
- Suitable in light winds

Note: All timber to be recycled and/or plantation timber

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## Schedule 5 Furniture examples

### Stools



- Stainless steel frame
- Jarrah slatted top



- Stackable
- Polypropylene with glass fibre added for strength



- Easily cleaned & maintained
- High grade UV resistant



- Interlinking design
- Recyclable & UV resistant material



- Resilient Polyethylene
- Stable Design



- Recycled timber
- Commercial quality construction

Note: All timber to be recycled and/or plantation timber

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## Schedule 5 Furniture examples

### Planters



- Individual Pots - able to move & store



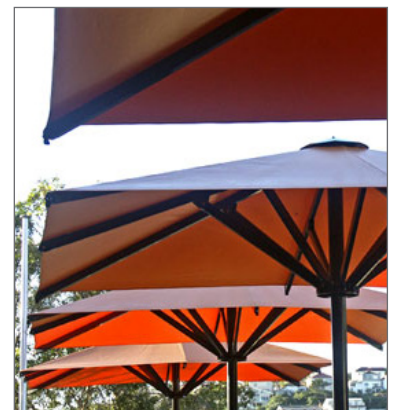
### Umbrellas



- Fade resistant covers
- High strength frames



- Excellent water resistance
- Mould & mildew resistant



- Commercial quality

Note: All timber to be recycled and/or plantation timber

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## Schedule 5 Furniture examples

### Heaters



- Heavy duty cast iron
- Wind resistant weighted base



- Wheels for easy mobility
- Safety shut off



- Commercial quality

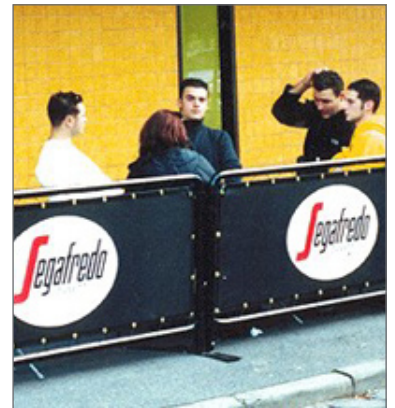
### Barriers



- Attractive site screening
- Clear wind / weather barrier



- Stable
- Discrete Graphics



- Laced on vinyl barriers
- No sharp edges

## **Schedule 6 Logos**

Identification and promotional logos can add colour and vitality to the streetscape and are encouraged in a controlled manner.

Logos can only be placed on outdoor umbrellas, canopies, screens and menu pedestal boards and are subject to the following criteria:

- Only identify the subject premises or products that are a core part of the premise's business and are supplied by the premise to the public.
- Only one product and one business identification name for each premise or business.
- A minor and integral element of the furniture design and does not have an excessive visual impact on the premise or the streetscape.
- Only displayed on every alternate screen panel screen or umbrella at a maximum.
- Covers less than 33% of the surface area of the screen panel.

The following identifies some unacceptable use of logos:

- Logos on outdoor dining furniture are not to be illuminated by neon or other spot lighting.
- Advertising is not permitted on any item within the outdoor dining area unless development consent has first been obtained.
- Private advertising is not permitted on any Council street furniture and public infrastructure.
- Where roll down blinds or screens are permitted no logo is allowed on transparent or roll down weather proofing blinds.

### **Submission details**

Graphic artwork or an accurate photo of a logo or business name proposed is to be submitted with the application and illustrations showing the position and how the logo is to be applied.

### **Schedule 7 Permit Plan requirements**

The Permit Plan illustrates the proposal and provides the set out details of the application. It should be prepared at a scale 1:100 or 1:50 and be based upon the details provided from:

- the plan of existing conditions (Schedule 2).
- the area defined using the setback criteria (Schedule 3).
- the selected outdoor furniture (examples in Schedule 5).

The Permit Plan is to include a scale drawing(s) that shows:

- The plan of existing conditions as base information.
- All setbacks marked.
- The layout of tables and chairs to scale and alternative layouts.
- Location and specification of outdoor heaters.
- Location and specification of outdoor lighting.
- Outdoor location of the menu(s).
- Location of planter boxes drawn to scale.
- Specification of planter box(es) and plant species.
- Location of screens drawn to scale.
- Location of umbrellas and awnings drawn to scale.
- Logo details (business identification logo or see the Logo criteria in Schedule 6).

## **Schedule 8 Operations Plan requirements**

An **Operations Plan** addressing the following items is required to be submitted with an application.

- **Trading hours.** Proposed trading hours are to be specified. Trading hours outside those requested may only be altered with the permission of Council.
- **Furniture storage.** The area where outdoor furniture is to be stored is to be shown on a plan of the interior of the building or tenancy or storage area. This includes, stackable chairs, tables, menu boards, gas heaters and the like as well as display tables etc.
- **Staffing levels.** The number of staff available during the nominated hours to manage the outdoor dining area is to be specified. Include any casual staff available who will be waiting on or managing the outdoor dining areas during nominated busy periods.
- **Toilet facilities.** The applicant must specify access to existing or proposed toilet facilities that may reasonably be available for use. Each case will be considered against the minimum requirements specified in the Building Code of Australia.
- **Cleaning program.** One of the most critical aspects of using the public domain for outdoor dining or goods display is the management procedures that will keep the area as clean as it would be if the areas were not there. The outdoor pavement is to be kept free and clean of all food or container spillages at all times. The pavement needs to be washed down on a weekly basis. Lack of adequate maintenance may cause a permit to be revoked.
- **Waste disposal.** Increased waste generated by additional seating capacity is to be estimated. All waste is required to be placed directly to 220 litre sulo bins unless the premises uses a dedicated skip. Waste disposal using plastic bags is prohibited. Significant increases in capacity of the premises may require additional bin capacity or extra garbage pickups. Each case will be considered on their merits.
- **Cigarette butt management.** Outdoor dining areas may be exposed to wind. Therefore, ash trays that avoid wind blown ash or cigarette butts to be blown about are required within any permitted smoking areas. Use of planters or other furniture items to dispose of cigarette butts is not acceptable. Planters must be maintained and cleared of refuse and cigarette butts.
- **Pigeon and other pest management.** Some areas experience a pigeon problem. Clearing tables immediately people leave will avoid pigeons from feeding on table scraps. Prompt cleaning of spillages and clearing of tables will avoid encouragement of other vermin. The avoidance of situations that attract such pests are an obligation of the permit holder in order maintain acceptable standards of public hygiene and to comply with the Health regulations.

### **Schedule 9 Indemnity and public liability insurance**

Evidence of public liability insurance for \$10 Million, (or \$20 Million within State Road Areas) is required with the Permit Application.

Suitable documentation is to be provided in accordance with the conditions of the grant of a Permit in the form of an acceptable Certificate of Currency for Public Liability Insurance as well as an indemnity form completed at the time of lodgement of a Permit Application (refer also to Schedule 11).

## **EXAMPLE**

### **EXZ insurance brokers**

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#### **Certificate of Currency**

Joe Bloggs  
Architect  
Draw4U Pty Ltd

**Date: 13/03/08**  
**Ref No: YYY111**

**Insured:** **Enzo's Coffee Lounge Pty Ltd**  
**T/as Enzo's Coffee Lounge**

We act as insurance brokers for the above client and at their request confirm the existence and currency of the following insurance subject to the limitations, exclusions, definitions and conditions of the insurance policy wording:

**Class:** Ludlow Entry Plus  
**Policy No:** ABC-1234-5678  
**Period:** 01/02/08 – 01/02/09  
**Covering:** Public and Products Liability  
Including Cross Liability  
**Sum Insured:** **\$20,000,000**  
**Situation:** At and from shop 2 and Storage Area  
123 Café Crescent  
NORTH SYDNEY NSW 2060

**Interested Parties:** North Sydney Council  
Roads & Traffic Authority

**Insurer:** Ludlow General Insurance  
**Per Cent:** 100.0000

**Note:** This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This confirmation does not amend, extend or alter the coverage afforded by the policy/policies. Should the abovementioned contract of insurance be cancelled, assigned or changed during the above policy period in such manner as to affect this document, no obligation to inform the holder of this document is accepted by XYZ Insurance Brokers.

**XYZ Insurance Brokers**  
22 Yippee Road, Ensworth NSW

**Schedule 10 Landowner's consent**

Where the proposal is to establish an outdoor dining or goods display area in front of a neighbouring business or property, written consent is required to be submitted with the Permit Application from the owner and/or the occupier of that adjoining premises.

**Schedule 11 Permit Application Form**

Following this page is the current (20 May 2008) Permit Application Form for an Outdoor Dining and Goods Display Area within a public place to which the Roads Act 1993 applies. Before completing a Permit Application Form, applicants are advised to contact Council to obtain a copy of the most recent Form, as certain sections of the Form may be subject to change, usually on an annual basis.

The Permit Conditions are contained within Section 4 of the Permit Application Form and are contiguous with Council's Outdoor Dining and Goods Display Policy.



## APPLICATION FORM AND CONDITIONS

# PERMIT FOR AN OUTDOOR DINING OR GOODS DISPLAY AREA IN A PUBLIC PLACE

North Sydney Council is responsible for managing footpaths within the North Sydney local government area. To ensure pedestrian access and safety is maintained, a permit is required for an outdoor dining or goods display area on the footpath.

This form includes five sections:

- applicant's details
- indemnity
- insurance details
- permit conditions
- application checklist

Development Consent is required for all new areas which do not satisfy the provisions of Schedule 6 (Exempt Development) of the North Sydney Local Environmental Plan 2001 (gazetted 1 June 2001). This allows Council to consider environmental issues that may arise from the use of the space. If you are not sure whether development approval exists for your area, contact Council's Projects Coordinator on (02) 9936 8100 for advice about the application process.

Permits are issued on an annual basis, renewable at the start of each financial year and are subject to compliance with the NSLEP 2001, North Sydney Council Outdoor Dining and Goods Display Policy and the Conditions attached herewith. **Please ensure you read the Conditions before applying for a permit.**

**To apply for a permit, please complete all sections of this application form and return it with the application fee to Council's Customer Service Centre, 200 Miller Street, North Sydney. A permit will be issued only after the necessary documentation and rental payment arrangements are in place.**

### FEES FOR 2007/2008

<b>APPLICATION FEE</b>	\$165 (GST exempt) payable to North Sydney Council
<b>RENTAL (GST inclusive)</b>	Payable to Council's appointed Property Manager, Preston Rowe Paterson
\$475/m <sup>2</sup> per annum	- for specific locations as defined on the North Sydney Council Area Map (NSCAM)
\$355/m <sup>2</sup> per annum	- for specific locations as defined on the NSCAM
\$245/m <sup>2</sup> per annum	- for areas not specifically defined on the NSCAM
Please note:	<ul style="list-style-type: none"> <li>• Rental fees are payable to Council's appointed Property Manager (Preston Rowe Paterson, phone 9292 7400)</li> <li>• Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis</li> <li>• Fees and charges are reviewed each financial year</li> </ul>



**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****SECTION 1 - APPLICANT'S DETAILS**

I \_\_\_\_\_ wish to apply for a permit to:  
(name)

- undertake outdoor dining  
 display goods on the footpath  
 other (please specify)

I have read and understood the application and operation conditions for this permit and agree to comply with these for the duration of the permit.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICANT'S DETAILS**

Applicant's name: \_\_\_\_\_

Name of business: \_\_\_\_\_

Phone number (during business hours): \_\_\_\_\_

**ADDRESS OF ADJACENT PROPERTY WHERE PERMIT WILL APPLY**

Number and Street: \_\_\_\_\_

Suburb and Postcode: \_\_\_\_\_

**BUSINESS ADDRESS (if different to above address)**

Number and Street: \_\_\_\_\_

Suburb and Postcode: \_\_\_\_\_

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****DETAILS OF PERMIT REQUEST****(please give details of type of outdoor dining or goods display proposed)**

Type of area (outdoor dining, goods display, other). Please specify:

Size of area: Length (in metres): \_\_\_\_\_ Width (in metres): \_\_\_\_\_ Total (square meters): \_\_\_\_\_

Proposed number of seats: Inside: \_\_\_\_\_ Outside: \_\_\_\_\_ Total: \_\_\_\_\_

Accurate location sketch and photos (must be attached): \_\_\_\_\_

Details of any prior consent to occupy the footpath/premises: \_\_\_\_\_

**DURATION OF PERMIT (NB All permits expire 30 June each year)**

Start date: \_\_\_\_\_

**PRIVACY STATEMENT**

The personal information requested on this form will only be used to fulfil the purpose for which it is being collected as described on this form. The supply of information by you is voluntary, but if you cannot, or do not wish to, provide the information sought, we may not be able to process your application. Council is to be regarded as the agency that holds the information and will endeavour to ensure that this information remains accurate and up-to-date. You may make an application for access or amendment to this information held by Council. This application form is accessible to the public upon written application, subject to Council's Privacy Management Plan, Section 12 of the Local Government Act 1993 and the Freedom of Information Act 1989.

*I have read and understand the Privacy Statement*

Signed: ..... Date: .....

**FOR COUNCIL USE**

Permit No: \_\_\_\_\_ OD. \_\_\_\_\_

Application Fee: \_\_\_\_\_ Payment Method: \_\_\_\_\_ Cashier code: 167

Receipt No: \_\_\_\_\_ Date: \_\_\_\_\_ Total Paid: \$ \_\_\_\_\_

Customer Service Officer \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****SECTION 2 - INDEMNITY**

This indemnity form must be completed and signed before a permit can be issued.

Please refer to Condition 2, Indemnity and Public Liability Insurance.

Name of business: \_\_\_\_\_

Address of business: \_\_\_\_\_

(referred to hereafter as the Permit Holder) holds North Sydney Council (referred to hereafter as the Council) and the Roads & Traffic Authority NSW (referred to hereafter as the RTA) (strike out RTA if not applicable) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which Council, the RTA (strike RTA out if not applicable) its servants, agents or employees may be held liable in respect of any loss, damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and the use of adjacent public areas used in conjunction with the licensed area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of Council, the RTA (strike out RTA if not applicable) its servants, agents or employees.

Name (please print): \_\_\_\_\_

Signed: \_\_\_\_\_

Date \_\_\_\_\_

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****SECTION 3 - INSURANCE DETAILS**

Permits will not be issued unless you have adequate public liability insurance for the area you intend to use. Please complete this form, giving details of your public liability insurance. Please note that **you are required to arrange for North Sydney Council and, within State Road areas, the Roads & Traffic Authority NSW (RTA) to be named on your insurance** as joint insured for the respective rights and interests of yourself, Council and if necessary, the RTA, in respect of your outdoor dining or goods display area on the footpath.

This insurance must include a 'cross-liability' clause.

A Certificate of Currency must be provided to Council by the insurance company before a permit is issued.

**INSURANCE INFORMATION**

I hereby declare that I (name of applicant) \_\_\_\_\_ as permit holder and North Sydney Council and the RTA (strike out RTA if not applicable) am insured for legal liability to the public in respect of personal injury and property damage for a limit of indemnity of not less than \$10 million, **(or \$20 million within State Road areas)**.

Name of Insured (include interested parties): \_\_\_\_\_

Address of Premises: \_\_\_\_\_

Name of Insurance Company: \_\_\_\_\_

Public Liability Policy No: \_\_\_\_\_

Period of Insurance from: \_\_\_\_\_ to: \_\_\_\_\_

Limit of Indemnity: \$ \_\_\_\_\_

I understand that this insurance shall not be cancelled or lapse without the agreement of North Sydney Council and the RTA (strike RTA out if not applicable) and the policy document shall be endorsed to this effect. This insurance includes the cross-liability clause.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****SECTION 4 - PERMIT CONDITIONS****1 FEES**

The annual rental payment for the allocated area must be made in advance by the applicant before a permit is issued. Alternatively, you may make periodic payments via direct debit by agreement with Council's appointed Property Manager, Preston Rowe Paterson. Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis.

**2 INDEMNITY AND PUBLIC LIABILITY INSURANCE**

The indemnity statement and public liability sections of the application form must be completed and signed by the applicant before a permit is issued. North Sydney Council and the Roads & Traffic Authority NSW (RTA) in respect of State Roads, must be named on your insurance as joint insured for the respective rights and interests of yourself, Council and where necessary, the RTA, in respect of your outdoor dining or goods display area on the footpath.

This insurance must include a "cross-liability" clause.

(State Road areas including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street, north of Falcon Street.)

**3 LICENSED PREMISES**

The applicant is responsible for seeking a licence from the relevant authorities if alcohol is to be served in the permit area. Council may oppose such an application in certain circumstances.

**4 PEDESTRIAN SAFETY**

The permit holder must ensure that the outdoor dining or goods display area is maintained and operated safely and that pedestrians have free access to the remaining area of the footpath. A clear passage of at least one metre be maintained at all times in front of exit doorways from adjoining and adjacent premises.

If directed by Council, the permit holder will immediately remove or make safe any outdoor dining or goods display area. If the permit holder does not comply with this direction, Council may remove any outdoor dining or goods display furniture and the permit holder will be required to reimburse Council for any associated costs.

**5 ADVERTISING SIGNS**

No freestanding (A-frame) advertising signs are allowed within the permit area. Any advertising and or signage must be in accordance with the Outdoor Dining and Goods Display Policy and the provisions of North Sydney Local Environmental Plan 2001 and North Sydney Development Control Plan 2002.

**6 ANCILLARY EQUIPMENT**

The permit holder must obtain Council's consent prior to installation of ancillary equipment such as umbrellas, free-standing barriers and the like.

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****7 ENVIRONMENTAL PROTECTION CONTROLS**

The permit holder is responsible for any environmental pollution resulting from the outdoor dining or goods display area. Should pollution occur, the permit holder is responsible, at their own cost, for returning the affected area to its condition prior to the pollution having occurred. If the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder will be required to reimburse Council for any associated costs.

**8 MAINTENANCE OF PERMIT AREA**

The outdoor dining or goods display area shall not cover or impede access to public or private utility access and drainage pits. Authorities such as Telstra and Sydney Water must be given access to the site if required. The outdoor dining or goods display area shall not obstruct the view of advisory and regulatory signs and traffic controls.

The permit holder shall clean the permit area daily, remove litter, food scraps and so on, and prevent damage to any Council property. If the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder will be required to reimburse Council for any associated costs.

**9 PERMIT DISPLAY**

The permit, which shall include a locality sketch prepared by Council, must be displayed in the front window of the subject premises at a minimum height of 800mm and a maximum height of 1700mm above ground level. This will allow Council Officers to check the permit without disrupting your normal business.

**10 VACATING AND REINSTATEMENT**

Should the permit expire or the premises be vacated, the permit holder shall, at their own expense, remove all outdoor dining or goods display furniture and ensure the area is returned to its original condition. The permit holder shall notify Council in writing, three weeks prior to vacating the premises.

**11 CANCELLATION**

Council reserves the right to revoke or not renew the permit if the outdoor dining or goods display area does not conform with the description provided in the application or the outdoor dining or goods display furniture or activities extend beyond the approved permit area or if permit conditions are not complied with. Council also reserves the right to revoke the permit should there be a change of Council policy on this issue.

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Permits are issued under Clause 125 of the *Roads Act 1993*, Council's Policy and Guidelines for the use of the footpath for outdoor dining and the display of goods and the provisions of the North Sydney Local Environmental Plan 2001 (gazetted 1 June 2001) as amended.



**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE****SECTION 5 - APPLICATION CHECKLIST**

To be used in conjunction with the *North Sydney Council Outdoor Dining and Goods Display Policy* (Policy)

Applicant	Checklist	Council
✓ / ✘ / N/A		✓ / ✘ / N/A
<input type="checkbox"/>	<b>1. APPLICATION FORM FOR A PERMIT</b> Have all relevant sections of the Application Form been completed?	<input type="checkbox"/>
<input type="checkbox"/>	<b>2. DEVELOPMENT CONSENT</b> Has development consent been granted for the use of an outdoor dining or goods display area?  <b>Yes</b> <input type="checkbox"/> If yes: (a) What is the DA Number? _____ (b) Has a a copy of a current development consent been provided for the primary use as a shop, restaurant, café, take away food or drink premises or tavern/pub.  <b>No</b> <input type="checkbox"/> If no: (a) Has a written statement been provided that the proposal will comply with Schedule 6 (Exempt Development) of the North Sydney Local Environmental Plan 2001 as amended.  <i>(Note: A development application may be concurrently processed if required            A Permit Application cannot be accepted by Council if not compliant with above requirements.)</i>	<input type="checkbox"/>
<input type="checkbox"/>	<b>3. EXISTING CONDITIONS PLAN</b> Has an Existing Conditions Plan at scale 1:100 or 1:50 and photographs of the existing conditions been provided in accordance with Schedule 2 of the Policy?  Any such plan(s) should be identified by reference to the development consent and the current approved seating or patron capacity of any existing premise that is related to the proposal.	<input type="checkbox"/>
<input type="checkbox"/>	<b>4. CONCURRENCE</b> Is concurrence from the Roads & Traffic Authority necessary in respect of an <u>outdoor dining area</u> within a State Road reservation?  <i>(Note: Not necessary for the display of goods. Applies to State Road reserves including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street north of Falcon Street)</i>	<input type="checkbox"/>
<input type="checkbox"/>	<b>5. PERMIT APPLICATION PLAN</b> (a) Has a Permit Application Plan been provided in accordance with the requirements set out in Schedule 7 of the Policy? (b) Is the proposed area located in accordance with the Setbacks and Sightlines information contained within Schedule 3 of the Policy? (c) Are the proposed areas designed in accordance with the Layout Diagrams in Schedule 4 of the Policy? (d) Are any associated advertising or signs in accordance with the requirements set out in Schedule 6 of the Policy?  <i>(Note: Consider the advice in Section 4 of the Policy for additional information and guidance)</i>	<input type="checkbox"/>

**NORTH SYDNEY COUNCIL****PERMIT FOR AN OUTDOOR DINING  
OR GOODS DISPLAY AREA IN A PUBLIC PLACE**

Applicant	Checklist	Council
✓ / ✘ / N/A		✓ / ✘ / N/A
<input type="checkbox"/>	<p><b>6. OUTDOOR FURNITURE</b></p> <p>Have details been provided of any outdoor dining or display furniture which is proposed to be used?</p> <p><i>(Note: Specifications or advice from the manufacturer must be provided that confirms the items are "commercial grade" and are suitable for their intended purpose. Outdoor Furniture must be consistent with the examples illustrated within Schedule 5 of the Policy and or existing furniture presently being use in the locality.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>7. STATEMENT OF CONSISTENCY</b></p> <p>Has a statement been provided which illustrates how the proposal is consistent with the relevant Character Statement contained within the policy?</p> <p><i>(Note: Refer to Schedule 1 of the Policy. The statement should consider how your area can contribute to the existing and planned context and help to achieve the objectives of the Character Statement.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>8. HERITAGE STATEMENT</b></p> <p>Is the proposal located in the vicinity of a heritage item or within a heritage conservation area as identified in North Sydney LEP 2001?</p> <p>If yes has a Heritage Statement been provided which briefly describes how the proposal addresses any potential heritage issues.</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>9. OPERATIONS PLAN</b></p> <p>Has an Operations Plan been provided in accordance with the requirements set out in Schedule 8 of the Policy?</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>10. INDEMNITY AND PUBLIC LIABILITY INSURANCE.</b></p> <p>Has a Certificate of Currency of Public Liability Insurance been provided?</p> <p><i>(Note: Refer to Schedule 9 of the Policy for required insurance and an example Certificate and Section 2 of this Form for the Indemnity Statement.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>11. OWNERS CONSENT</b></p> <p>Has landowner's consent been provided where part or all of the land is not owned by Council?</p> <p><i>(Note: Owner's consent may be in the form of a letter from the landowner or completion of the form in Schedule 10 of the Policy with the landowner's signature or company seal.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p><b>12. FEES</b></p> <p>Is the application accompanied by the required Permit fee?</p> <p><i>(Note: Not required if development consent has been paid)</i></p>	<input type="checkbox"/>

**Note:**

Should the permit application be supported by Council, an invoice for rental will be issued by Council's appointed managing agent and must be paid prior to the issuing of a permit.

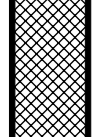
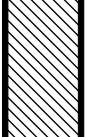

Enquires regarding the application should be directed to Council's Project Co-ordinator on telephone 9936 8237.


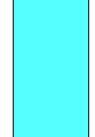
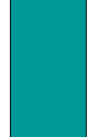
Enquiries regarding rental payments/invoicing should be directed to Preston Rowe Paterson, Managing Agents on telephone 9292 7400.

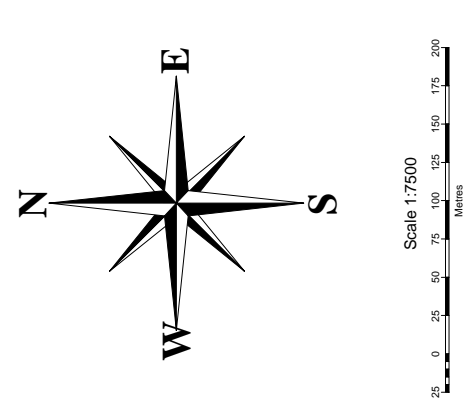
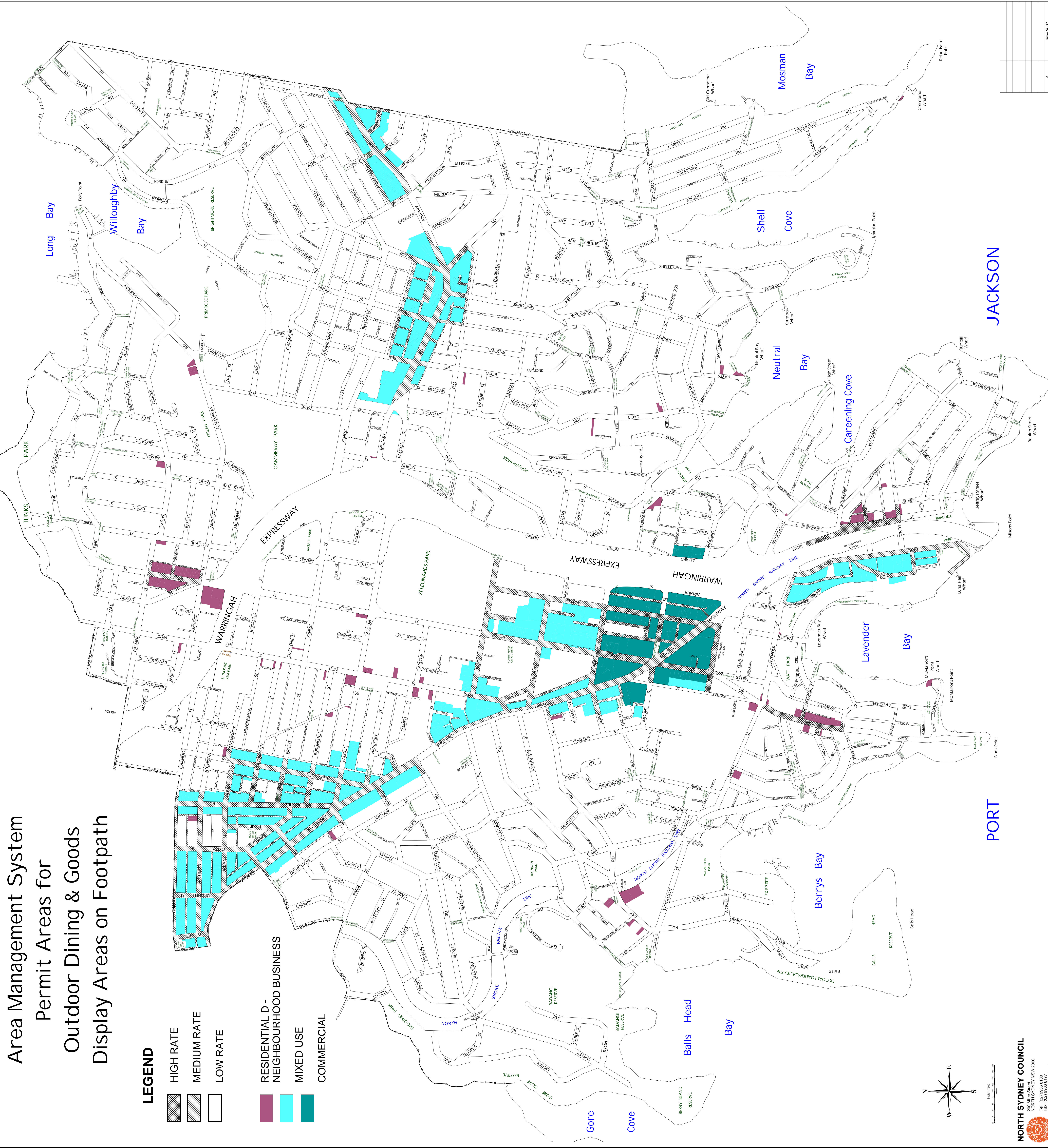


# Area Management System Permit Areas for Outdoor Dining & Goods Display Areas on Footpath

## LEGEND

-  HIGH RATE
-  MEDIUM RATE
-  LOW RATE

-  RESIDENTIAL D - NEIGHBOURHOOD BUSINESS
-  MIXED USE
-  COMMERCIAL



Scale 1:10000

REVISION	DATE
A	May 2007



## **Schedule 12 Exempt and complying development**

Where proposals are partly or fully on private land then development consent is required unless the proposed use is listed in the Exempt or Complying Development provisions of the North Sydney Local Environmental Plan (LEP) - see below. Where proposals are partly or fully on a public road (including a footpath) a Permit under this Policy is needed.

### **Exempt and Complying Development Provisions**

A proposal for outdoor dining or display of goods may be exempt development provided it satisfies the requirements outlined in Schedule 6 of the North Sydney Local Environment Plan 2001.

The proposed area for outdoor dining or display of goods must:

- be used in conjunction with an existing restaurant or café (refreshment room) for which consent has been granted in an area that is zoned commercial, mixed use or residential D;
- not involve any live or recorded entertainment including music, broadcast programs, flashing lights, or the like;
- be located immediately adjoining the refreshment room and not obstruct access to this, or to adjacent shops;
- be located a minimum of 1.8m between the seating, and roadway remains clear of seating;
- be no greater than 5m<sup>2</sup> in size;
- except where approved by the Council, not use any permanent structures to delineate the area to be used for the accommodation of diners for the display of goods;
- where approved by the Council, use removable screens or removable planter boxes, no higher than 0.5m to delineate the outdoor area;
- use temporary goods, materials and equipment which are removed from the footpath at close of business;
- not involve construction work;
- not display signs or advertising on the footpath;
- display only the name or logo of the establishment on furniture and equipment (outdoor dining only);
- not display any general advertising;
- not stack goods and display goods at ground level or on stable, temporary structures no higher than 1.5m;
- not place sandwich boards on the footpath; and
- subject to approval under a permit, limit the installation of umbrellas to 3 separate umbrellas.

Council is currently preparing a new comprehensive LEP for gazettal in 2009. As part of this process, Council will ensure the exempt schedule is consistent with this *Outdoor Dining and Goods Display Policy*, and also investigate the merits of increasing the opportunities for outdoor dining which falls under exempt development.

By increasing the area of outdoor dining which falls under exempt development, the process of obtaining approval from Council will be streamlined, as fewer proposals will be required to submit a development application in addition to the compulsory permit.



# OUTDOOR DINING AND GOODS ON FOOTPATH POLICY

D2-06

Page 1 of 6

**Policy Owner:** Director Engineering and Property Services

**Category:** 2. Our Built Infrastructure

## 1. STATEMENT OF INTENT

1.1 The purpose of this Policy is to:

- a) encourage outdoor dining in the North Sydney local government area;
- b) facilitate the appropriate use of footpaths, plazas and public areas for the purposes of outdoor dining areas and other footpath trading activities in the North Sydney local government area;
- c) emphasise the need for high quality design while allowing for flexibility in design and appearance to better relate to the individual charter of different localities and development;
- d) facilitate improvement to the street activation, vitality, amenity and economic viability of North Sydney's commercial areas;
- e) provide opportunities for business owners whilst balancing the need to provide adequate and safe pedestrian circulation;
- f) set a high standard for public safety and avoid disruption to pedestrian movement; and
- g) maintain a high quality Public Domain within the North Sydney local government area.

1.2 The objectives of this Policy are to ensure:

- a) the appropriate use of footpaths, plazas and public areas for outdoor dining areas and footpath trading activities;
- b) outdoor dining areas and footpath trading activities contribute positively to the streetscape character;
- c) outdoor dining areas and footpath trading activities are compatible with other community uses of the public space; and
- d) outdoor dining and footpath trading areas are safe and accessible for all users.

## 2. ELIGIBILITY

2.1 This Policy applies anywhere in the North Sydney local government area where "business premises", "office premises", or "retail premises" as defined under North Sydney Local Environmental Plan (NSLEP) 2013 are operating with development consent or are permissible with development consent under NSLEP 2013.



**OUTDOOR DINING AND GOODS DISPLAY ON FOOTPATH POLICY** Page 2 of 6

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- 2.2 The definition of “retail premises” under NSLEP 2013 incorporates, but is not limited to the following land use terms:
- “Food and drink premises”; which includes:
    - “restaurant or café”
    - “takeaway food premises”
    - “pub”
    - “small bar”
  - “neighbourhood shops”
  - “shops”

### 3. DEFINITIONS

- 3.1 ***Footpaths and Public Places*** - means any area such as a footpath, plaza, park or other space owned, operated or managed by Council and used for pedestrian movement or recreation by the community. It does not include carriageways or other thoroughfares intended predominantly for vehicular traffic or privately owned arcades or plazas.
- 3.2 ***Outdoor Dining Area*** - means an external area associated with a “food or drink premises” as defined under NSLEP 2013, which is located directly in front of the premises and on Council owned land where food is served.
- 3.3 ***Outdoor Goods Display Area*** – means an external area associated with a “business premises”, “office premises” or “retail premises” as defined under NSLEP 2013, which is located directly in front of the premises and on Council owned land where goods associated with the business is displayed.
- 3.4 ***Permit Area*** - means the site of the footpath/plaza/public area for which a permit and/or development consent for commercial activity has been granted.

### 4. PROVISIONS

- 4.1 This Policy controls the following activities:
- 4.1.1 Outdoor dining areas associated with an existing or approved “food or drink premises” (or a development application lodged concurrently for a “food and drink premises”, where such land uses are permissible with development consent) located on land owned by the Council or comprises a “road” to which the *Roads Act 1993* applies, or other land under the care control and management of the Council where an existing Plan of Management allows the proposed use.
- 4.1.2 Outdoor dining incorporates the serving of food and/or drink in the public domain and any associated furniture such as seating, tables, barriers, planters, umbrellas, heaters and the like.

**OUTDOOR DINING AND GOODS DISPLAY ON FOOTPATH POLICY** Page 3 of 6

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- 4.1.3 Outdoor display of goods, on land comprising a “road” to which the *Roads Act 1993* applies.
- 4.1.4 Items and temporary structures, including umbrellas, protective blinds or coverings, heaters (fixed and portable), temporary or removable barriers (screens), safety railings, planters, paving, display racks, tables and chairs associated with either of the activities within clauses 4.1.1, 4.1.2 and 4.1.3 above.
- 4.1.5 Other outdoor dining or goods display areas located on any land contiguous with a road or footpath such as within an adjacent colonnade, building undercroft or plaza area that relates to a public road or to other public space, whether or not a permit under the *Roads Act 1993* is required but where development consent may also be required.
- 4.1.6 Outdoor dining areas for licensed premises under the *Liquor Act 2007*. Where it is intended to serve alcohol, a license may also be required to be issued by the relevant authority under the *Liquor Act 2007*.
- 4.2 Application process - Council will use the associated Guidelines forming Appendix A to this Policy to assess all applications for the commercial use of footpath, plazas or public areas. Before applying, applicants must read the conditions within the Permit Application Form for an Outdoor Dining or Goods Display Area in a Public Place.
- In determining whether to approve a Permit Application, the decision of Council is final. In some circumstances Council may grant a trial period for up to 12 months to help determine a location’s suitability for an outdoor dining or goods display permit. Following the trial period, Council may vary the design, operations and/or conditions of an approved permit on renewal (or revoke the permit if it is deemed by Council to be an unsuitable site).
- 4.3 Exempt development - where requests for outdoor dining or goods display are partly or fully on private land, then development consent is required unless the proposed use satisfies all of the requirements for “exempt development” under NSLEP 2013 or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).
- 4.4 Outdoor dining or goods display areas may not be appropriate in civic or ceremonial spaces. They will not be approved in potentially hazardous places such as the corners of street intersections or unprotected elevated locations. In elevated locations, eg. a change of level and at the edge of deep water, an outdoor dining permit is only appropriate in conjunction with a suitable safety rail, the design of which shall be subject to Council’s approval.
- 4.5 In assessing applications, the most important considerations are pedestrian and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and residential amenity. The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe

**OUTDOOR DINING AND GOODS DISPLAY ON FOOTPATH POLICY** Page 4 of 6

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use of the required furniture and associated circulation areas. To achieve this only minor structures or changes in the footpath will be permitted.

- 4.6 All applications for outdoor dining or goods display areas must show all the existing features and permanent elements of the streetscape and landscape such as planter boxes pavilions, trees, pedestrian lights, bollards etc. Whenever possible, an outdoor dining area should visually relate and compliment the surrounding public domain.

**5. RESPONSIBILITY/ACCOUNTABILITY**

- 5.1 Council's Engineering and Property Services Division is responsible for the provision and management of Permits for Outdoor Dining or Goods Display Areas in a Public Place, including the processing of applications.
- 5.2 Where applicable, Council's Development Services Department is responsible for issuing a development consent for the use of outdoor dining and display of goods areas.
- 5.3 Council's Ranger and Parking Services Department is responsible for enforcement of permits and development consents.

**6. RELATED POLICIES/DOCUMENTS/LEGISLATION**

This Policy should be read in conjunction with the following policies and documents (as amended from time to time):

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- North Sydney Local Environment Plan 2013;
- North Sydney Development Control Plan 2013;
- North Sydney Compliance and Enforcement Policy.

The Policy should be read in conjunction with the following documents/legislation:

- Roads Act, 1993;
- Environmental Planning and Assessment Act, 1979;
- Liquor Act, 2007;
- Local Government Act, 1993; and
- Building Code of Australia;

**OUTDOOR DINING AND GOODS DISPLAY ON FOOTPATH POLICY** Page 5 of 6

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<b>Version</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Resolution No.</b>	<b>Review Date</b>
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2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21
5	... 2020	Council	...	2024/2025

**OUTDOOR DINING AND GOODS DISPLAY ON FOOTPATH POLICY** Page 6 of 6

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**APPENDIX A**


**Outdoor Dining and Goods on Footpath Policy Guidelines**

## GUIDELINES



## Outdoor Dining and Goods Display on Footpaths



Updated: January 2020  
Adopted by Council:  2020

This document was originally prepared by Architectus Sydney Pty Ltd for North Sydney Council in May 2008



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## **1. Introduction**

### **1.1. Background**

The use of footpaths for outdoor dining and goods display has become a feature of places in metropolitan Sydney taking advantage of its mild climate and resulting in an enlivening of streets and public areas. This increases the amenity of the public spaces, provides casual surveillance and assists business prosperity.

Cafés are being used as surrogate business meeting rooms where professional people are seen carrying out their work and having meetings in cafés. Like their predecessors in Europe, cafés often provide a refreshing extension of the office or home environment and provide a welcome change of venue during a long day. The break in environment or a stimulating walk to meet a friend for a coffee or to chat with business associates may increase productivity by way of enabling a better quality of life for residents and improve the working environment.

With careful consideration given to design, sensitivity to local characteristics, amenity of residential areas as well as safety, these benefits can extend to other localities within the North Sydney Local Government Area (LGA), as well as for other ancillary business activities on road reserves including the display of goods for sale.

### **1.2. Land to which this Policy applies**

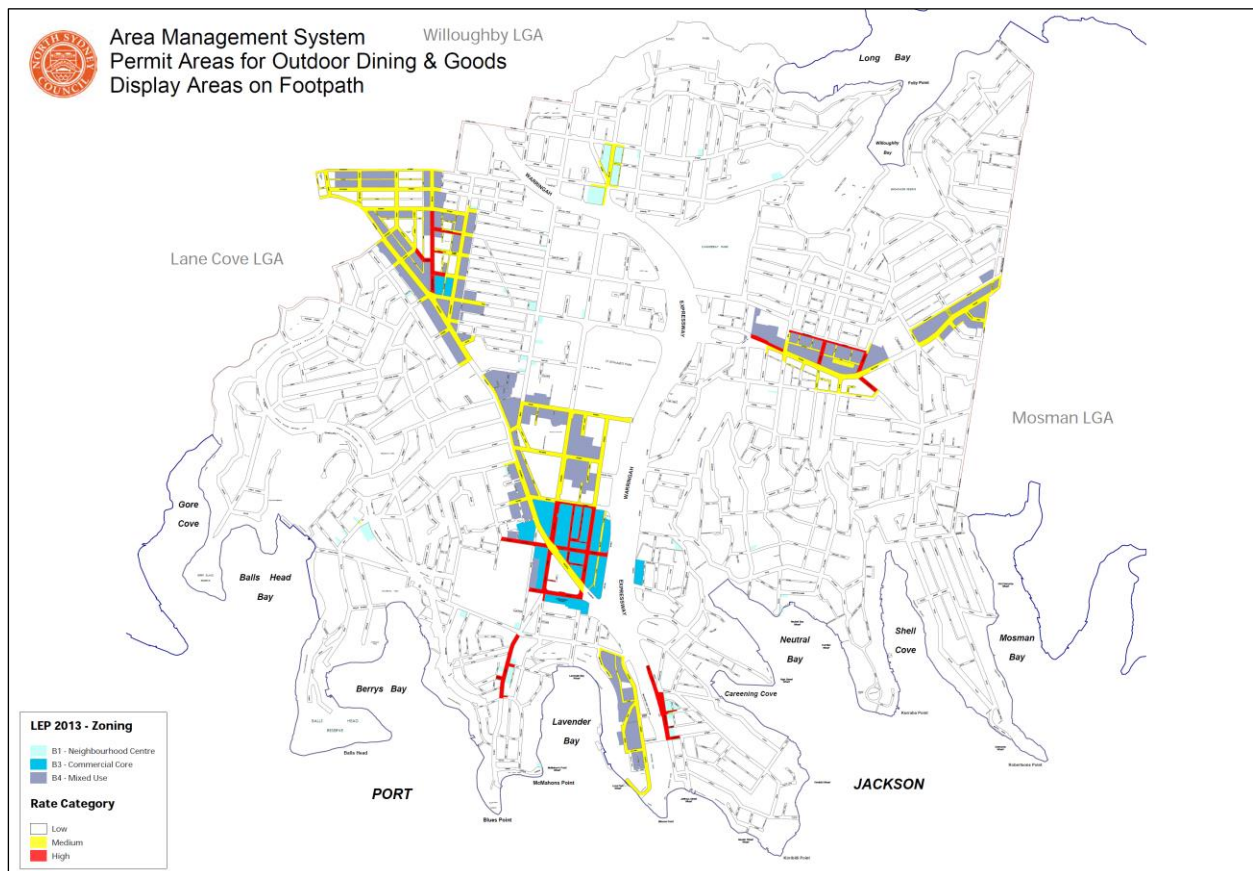
This Policy applies to all land within in the North Sydney LGA to which North Sydney Local Environmental Plan (NSLEP) 2013 applies and where “business premises”, “office premises” or “retail premises” (or their sub-landuse terms) are permissible with development consent. In particular, these land use activities are principally permitted in the *B1 Neighbourhood Centre*, *B3 Commercial Core* and *B4 Mixed Use* zones under NSLEP 2013. However, these land activities or their sub landuse terms may also be permitted in the *R3 Medium Density Residential*, *R4 High Density Residential*, *IN2 Light Industrial*, *IN4 Working Waterfront*, *RE1 Public Recreation* or *SP2 Infrastructure (Classified Road)* zones.

Both outdoor dining and goods display comprises an ancillary activity to “business premises”, “office premises” or “retail premises” (or their sub-landuse terms) as defined under NSLEP 2013.

The following represents the main localities in the LGA that are relevant to this Policy. Their characteristics and objectives in relation to outdoor dining and goods display are described in *Schedule 1 – Locality Character Statements*:

- North Sydney Central Business District
- North Sydney Civic Neighbourhood
- St Leonards Town Centre
- Crows Nest Town Centre
- Cammeray Village Neighbourhood
- Kirribilli Village
- Blues Point Village
- Milsons Point Town Centre
- Neutral Bay Town Centre
- Cremorne Town Centre
- Waverton Village Centre

See Figure 1 identification of the above localities.



**Figure 1 Localities Map**

### 1.3. Relationship to other policies and controls

These Guidelines (and the accompanying Policy) should be read in conjunction with the following legislative planning policies:

- *State Environmental Planning Policy (Exempt & Complying Development Code) 2008 (Codes SEPP)*;
- North Sydney Local Environmental Plan 2013; and
- North Sydney Development Control Plan 2013.

The Codes SEPP identifies the circumstances when outdoor dining can be undertaken on footpaths without development consent (i.e. it meets all thresholds to be deemed “exempt development”). NSLEP 2013 identifies the circumstances when the display of goods can be undertaken on footpaths without development consent (i.e. it meets all thresholds to be deemed “exempt development”).

Where a proposal is not capable of meeting the relevant criteria to be “exempt development”, a development application will need to be lodged to seek development consent to use the footpath for either outdoor dining or goods display. Council should be consulted prior to the lodgement of any application to ensure that the proposal is both permissible and to determine the appropriate approval process (i.e. applying for a Permit Application, Development Application or both).

**Outdoor Dining and Goods Display on Footpaths Guidelines**

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Where Council is the landowner (e.g. public footpaths) an application for a Permit (under the *Roads Act 1993*) must be submitted to Council and no works or outdoor dining use can take place until such time as Council has issued a Permit. This Permit is in addition to any requirement to obtain development consent from Council, if required.

These Guidelines and Policy are subject to the provisions of:

- *Environmental Planning and Assessment Act 1979*;
- *Roads Act 1993*;
- *Liquor Act 2007*;
- *Local Government Act 1993*; and
- *Building Code of Australia*

**1.4. Activities controlled by these Guidelines and Policy**

Includes:

- Outdoor dining associated with an existing or approved “food and drink premises” as defined under NSLEP 2013 (or a development application lodged concurrently for a “food and drink premises”, where such a land use is permissible with development consent) located on land owned by the Council, comprising a “road” to which the *Roads Act 1993* applies, or land under the care control and management of the Council and where outdoor dining is not inconsistent with any relevant Plan of Management.
- Outdoor display of goods associated with an existing or approved “business premises”, “office premises” or “retail premises” as defined under NSLEP 2013 (or a development application lodged concurrently for a “business premises”, “office premises” or “retail premises”, where such land uses are permissible with development consent), located on land owned by the Council, comprising a “road” to which the *Roads Act 1993* applies, or land under the care control and management of the Council and where outdoor display of goods is not inconsistent with any relevant Plan of Management.
- Items and temporary structures, including umbrellas, protective blinds or coverings, heaters (fixed and portable), temporary or removable barriers (screens), safety railings, planters, paving, display racks, tables and chairs associated with either outdoor dining or the display of goods.
- Other outdoor dining or goods display areas, located on any land contiguous with a road or footpath, such as within an adjacent colonnade, building undercroft or plaza area on private land, that relates to a public road or to other public space, despite whether a permit under the *Roads Act 1993* is required or not, but development consent also is required.
- Outdoor dining associated with “licensed premises” as defined under the *Liquor Act 2007*. Where it is intended to serve alcohol, a license may also be required to be issued by the relevant authority under the *Liquor Act 2007*. Note that Council may oppose the granting of such a license in certain circumstances.

As indicated in Section 1.3 to this Policy, prior to the use of any footpath for outdoor dining or goods display purposes, it needs to be determined whether development consent is required from Council to undertake the activity. Where development consent is required, the applicant must lodge a development application with Council. However, a development application may not be required where that activity satisfies the relevant exempt development provisions under the Codes SEPP or NSLEP 2013. Despite if development consent is required or not, a Permit will need to be obtained from Council, if the activity is proposed on a “road” as defined under the *Roads Act 1993*.

## Outdoor Dining and Goods Display on Footpaths Guidelines

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It should be noted that, that whilst the exempt development provisions of the Codes SEPP may result in an increase in overall seating capacity associated with an approved “food and drink” premises, the Council approval (i.e. a development consent) for the “food and drink premises” may contain a condition which caps the maximum number of patrons the premises can serve. Therefore, development consent may be required to be obtained to increase the total capacity of patrons on the site and adjoining outdoor dining area to match the total number of seats.

### 1.5. Policy objectives

The aim of these Guidelines and Policy is to control outdoor dining and goods display activities on Council footpaths and on other land that is contiguous with public land (such as colonnades, plazas and undercrofts of buildings over private land) in the North Sydney LGA.

The objectives are to:

- emphasise the need for **high quality of design** while allowing for flexibility in design and appearance to better relate to the individual character of different localities and development;
- **maintain a safe environment** for pedestrians and outdoor dining patrons;
- **avoid disruption to pedestrian movement** in thoroughfares and to other legitimate street activities;
- ensure that outdoor dining and goods display areas are **compatible with the amenity of surrounding predominant land uses**, especially residential uses; and
- **provide general performance criteria and standards as well as locality specific objectives** for outdoor dining and goods display areas to be addressed in applications for permits and development consents.

### 1.6. Council determination of a Permit

In determining whether to approve a Permit Application, the decision of the Council is final. In some circumstances the Council may grant a **trial period** of up to 12 months to help determine a location’s suitability for an outdoor dining or goods display area. Following the trial period, Council may vary the design, operations and/or conditions of an approved permit on renewal (or to revoke the permit if it is deemed by Council to be an unsuitable site).

As well as determining a development application, if required, the Council may also impose appropriate conditions under any development consent granted in satisfaction of a development application. In most circumstances a permit application and a development application can be determined concurrently.

### 1.7. Using a professional adviser

It is recommended that a professionally qualified person prepares a permit application (or development application) for outdoor dining. Architects can be found through the Royal Australian Institute of Architects. Other appropriate professions include town planners and urban designers.

Using the services of a professional designer will help to:

- obtain a better result,
- conserve your time for your business,

**Outdoor Dining and Goods Display on Footpaths Guidelines**Page 7 of 68

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- ensure faster processing of your application by using a professional accustomed to approvals requirements. The submission is more likely to be complete and therefore processed efficiently.



**Outdoor Dining and Goods Display on Footpaths Guidelines****2. Permit Application Procedure**

Follow the procedure to ensure your application for outdoor dining/display of goods can be processed efficiently.

<b>Applicant</b>	<b>Checklist</b>	<b>Council</b>
<input type="checkbox"/>	1. Obtain and complete a <b>Permit Application Form</b> to establish an outdoor dining or goods display area in a public place from Council's website.	<input type="checkbox"/>
<input type="checkbox"/>	2. Provide a copy of a <b>current development consent</b> for the primary use as a "food or drink premises", business premises", "office premises" or "retail premises" or a sub land use term to these definitions. Refer to Schedule 11* for Exempt and Complying Development provisions. Note that a development application may be concurrently processed if required.	<input type="checkbox"/>
<input type="checkbox"/>	3. Consider the <b>Character Statement</b> of the locality where you want to undertake outdoor dining or goods display. See Schedule 1*. Consider how your outdoor dining or goods display area can contribute to the existing and planned context and help to achieve the objectives of the Character Statement.	<input type="checkbox"/>
<input type="checkbox"/>	4. Check the Heritage Map to NSLEP 2013 to see if there are <b>Heritage Items</b> nearby or whether the proposal is located within a <b>Heritage Conservation Area</b> . If relevant, provide a <b>brief written statement</b> describing how the proposal addresses any potential heritage issues.	<input type="checkbox"/>
<input type="checkbox"/>	5. Provide an <b>Existing Conditions Plan</b> at scale 1:100 or 1:50 and photographs of the existing conditions. See Schedule 2* for the requirements. Identify by reference to the development consent the current approved seating layout of any existing premises that is related to the proposal.	<input type="checkbox"/>
<input type="checkbox"/>	6. Identify your proposed area using the <b>Setbacks and Sightlines</b> information in Schedule 3*.	<input type="checkbox"/>
<input type="checkbox"/>	7. Using the <b>Layout Diagrams</b> in Schedule 4 work out the table and seating layouts.	<input type="checkbox"/>
<input type="checkbox"/>	8. Consider the advice in Section 4 " <b>Design approach</b> " for information and guidance.	<input type="checkbox"/>
<input type="checkbox"/>	9. Review the outdoor furniture examples at Schedule 5* and <b>identify existing furniture</b> presently being used in the <b>locality</b> in order to <b>make your selections</b> appropriate to your purpose and the local context. Apply the sizes of selected furniture to the Permit Plan to make sure they fit and can be used in accordance with the manufacturer's requirements. Provide specifications or advice from	<input type="checkbox"/>

**Outdoor Dining and Goods Display on Footpaths Guidelines**

<b>Applicant</b>	<b>Checklist</b>	<b>Council</b>
	the manufacturer that confirms the items are “commercial grade” and are suitable for their intended purpose.	
<input type="checkbox"/>	10. For <b>Logo artwork</b> and locations see Schedule 6*.	<input type="checkbox"/>
<input type="checkbox"/>	11. Provide a <b>Permit Application Plan</b> in accordance with the requirements in Schedule 7*.	<input type="checkbox"/>
<input type="checkbox"/>	12. <b>Provide an Operations Plan.</b> See Schedule 8 requirements.	<input type="checkbox"/>
<input type="checkbox"/>	13. Indemnity and Public Liability Insurance. <b>Provide certificate of Currency of Public Liability Insurance.</b> See Schedule 9* for required insurance and an example certificate. See Application form for Indemnity Statement.	<input type="checkbox"/>
<input type="checkbox"/>	14. <b>Provide landowner’s consent</b> where part or all of the land is not owned by Council. Consent may be by a letter from the landowner or completion of the form in Schedule 10* with the landowner’s signature.	<input type="checkbox"/>
<input type="checkbox"/>	15. Finally, <b>check that all information required</b> in the above steps <b>is included</b> with your Permit Application <b>and lodge with Council.</b>	<input type="checkbox"/>

\* The term “Schedule” within the Table above refers to a Schedule within these Guidelines.

### **3. Design Approach**

#### **3.1. The “outdoor room”**

This section is to encourage and inspire high quality design of an outdoor dining area. When designing outdoor dining areas, you are essentially designing an **outdoor room**. It is not a conventional room with hard walls and ceiling but is defined by delineation devices such as:

- **‘A roof or ceiling’**

Shelter is best provided by a combination of the following:

- verandahs
- awnings
- umbrellas
- shade tree canopy (tree canopies can be quite high)

North Sydney is fortunate to have a legacy of mature plane trees which are a highly successful urban tree and provide an excellent canopy for outdoor dining. To delineate a space, the layering of devices such as street tree canopies, awnings and umbrellas is ideal, as the comfort conditions for people seated in outdoor dining areas is increased. Layering of various means of delineation, especially the “roof/ceiling” or canopy creates a softer sense of enclosure which is pleasant and yet allows the experience of the outdoors. It also provides effective year round weather protection.

- **‘Walls’**

‘Walls’ are mostly imaginary with some discrete form of definition (such as a planter, short screen and canopy edge) and transparent. The definition around the edge of an outdoor dining area can provide protection from traffic (for example, the substantial planter boxes around the outdoor dining areas in the Crows Nest Town Centre). These “walls” require an “open” quality so that there can be casual visual interaction in the public domain. This enables the important social function of people being able to interact with the wider community.

- **‘Floors’**

The “floor” is the Council paving and paving on private land. Paving for outdoor dining areas should be:

1. Fully vitrified or dense stone, preferably granite, for easy cleaning;
2. Anti-slip for safety;
3. A dark colour so as to not show dirt.
4. Large size pavers in order to suit the scale of public spaces and for less joints which means easier cleaning and better comfort for people in wheelchairs due to less wheel vibration; and
5. Consistent with any relevant Public Domain Strategy and Public Domain Style Manual.

Cement joints are porous and difficult to clean especially of grease or contaminants like chewing gum. Therefore, it is preferable to minimise the number of joints and the width of joints.

All of the above requirements for paving are especially important where the serving of food is involved. Inevitably food and drink are spilled and the performance requirement for the

paving material that takes priority over most other considerations is the ease of cleaning and the reinstatement of a presentable surface for pedestrian safety and amenity of the public domain.

In certain localities (see Schedule 1) Council may consider the erection of a second floor over the Council paving, such as a floating timber deck, to accommodate level outdoor dining areas.

- **Edge design of private developments**

Outdoor dining areas are usually positioned along the edges of buildings and streets, so they have exposure to views and passing activity and as such are the most desired and valuable space for a business when conditions are good. It is for this reason that the shape of outdoor dining areas is often a long thin rectangle.

The edges of these areas are sought out by patrons when conditions are favourable. Therefore, the edges need to be flexible and adaptable to increase the amount of time that the valuable edge is in optimal conditions (for example, extendable awnings). Some businesses invest in flexible, transparent, plastic, roll-down/zip-up screens/walls which are used extensively during cold inclement conditions.

The plan shape of an outdoor room for dining can often be a long thin rectangle because of edge conditions. This shape is usually optimal as most patrons then have a front row seat. When designing outdoor dining areas an important objective is to give patrons a prime position. Deep or large spaces can benefit from a slight change in level to increase the number of clear views and break up the mass of seating to prevent some dining areas from being overly enclosed.

By using the above techniques, specific uses have visually defined areas.



Figure 2 Prime position outdoor café seating - Kirribilli

The following examples show how these techniques can work well:

- Woolloomooloo Wharf

Patrons can sit in cafés and restaurants close to people walking by on the promenade. Most diners are comfortable because the promenade and outdoor dining areas are clearly defined



Figure 3 Woolloomooloo Wharf

- Cours Mirabeau, Aix en Provence, France

France, the home of cafés, is the place to find the archetypal best. In Cours Mirabeau the aged plane trees form a cathedral like roof between 10 and 20 metres above the street. The tree canopy formed by 2 rows of trees fills the upper reaches of the boulevard space between the 5 storey buildings on either side of the main shopping street, Cours Mirabeau. Cafés nestle on the street below where further devices of awnings and umbrellas intensify the depth of shadow on a hot summer's day. The whole boulevard forms a massive outdoor room in the cavity of the street within which there is a row of cafés with their additional defining devices.



Figure 4 Cours Mirabeau (France)



- Blues Point Road, North Sydney

Is a smaller intimate scale where the incidental and effective layering of tree canopies, awnings and umbrellas is used to optimal effect.



Figure 5. Blues Point Road – North Sydney - Typical Outdoor Dining arrangement and atmosphere

### 3.2. Outdoor dining locational restrictions

The convenience for pedestrian movement will take priority and further restrictions may be imposed by Council on the location of outdoor dining areas. Such restrictions may be in siting, layout and time of use. For example, locations adjacent traffic clearways are particularly problematic as described below.

#### Adjacent traffic clearways

Non-complying outdoor dining areas are discouraged in potentially hazardous places. These are generally roads with high traffic volumes that are affected by clearway restrictions (for example, Pacific Highway and Military Road). The level of amenity on these roads is generally poor during the clearway period.

Outdoor dining areas directly adjacent to the premise's street walls can be permitted during clearway times provided the minimum setbacks are complied with for heavily trafficked roads or suitable safety devices are installed. At other times (outside clearway restriction periods) the circumstances of each case will be considered on their merits and subject to compliance with the setback and other provisions of this policy.



### 3.3. Environmental Criteria

There are a number of related environmental goals that should be considered in formulating a suitable proposal:

**Noise** - Minimise unnecessary noise generation, especially to nearby residential development. Avoid any external live or recorded entertainment such as music and broadcasts.

**Lighting** - Ensure that adequate lighting is available to provide for existing pedestrians using the footpath as well as providing for the safety and comfort of patrons. Avoid “light spill” that may disturb neighbouring shops or cause impacts to residences.

**Solar Access** - Choose a location that has good access to daylight. Avoid any unreasonable loss of sunlight access to public places such as parks, other adjoining outdoor dining areas or residences during the winter months.

**Weather protection** - Provide for weather protection for patrons. Canopies, umbrellas, heaters and other techniques and infrastructure may be appropriate during different times of the year as generally described in Chapter 4.

**Safety** - Ensure that the safety of patrons and pedestrians and other roadway users remains the paramount consideration. Avoid any potential screening of advisory or other road regulatory safety signs or signals.

**Equity** - Consider the neighbouring properties when locating outdoor furniture so that window displays are not unduly screened, or business identification is made difficult for pedestrian passers-by or road users.

## **4. Furniture criteria**

### **4.1. Generally**

Generally, all structures to be used in conjunction with an outdoor dining or goods display area are to be used in the manner for which they were designed and manufactured.

Schedule 5 provides examples of outdoor furniture which are of a suitable standard and type under this Policy.

Details from the manufacturer (i.e. technical specifications) demonstrating the furniture items are commercial grade and suitable for public outdoor use are to be provided with your permit application (see Schedule 7)

The following standards and performance criteria apply to all outdoor furniture and goods display and are subject to Council approval prior to installation.

- All furniture must be installed and maintained in accordance with the manufacturer's specifications;
- All furniture must be kept in safe working order at all times.
- All furniture must be routinely cleaned and service to ensure that their presentation does not aesthetically detract from the streetscape character or public domain.

### **4.2. Screens and planters**

- Screens and planters shall be uniform in appearance for the premises that they serve, where there is more than one screen, or one planter proposed.
- Moveable planters and screens must be removed from the footpath and stored inside the premises at the cessation of trading or at the time allowed under the permit, whichever is the sooner.
- Council may accept (or require) that some safety screens or planters are fixed in place as a permanent fixture associated with a permit, for safety (or aesthetic) reasons.

### **4.3. Temporary screens or barriers**

- The design height of a temporary screen is to be 900mm. Screens that are located on sloping sites may be "levelled" off by use of an adjustable telescopic foot or similar.
- The length of a screen is to be 1.2 metres maximum. Where two or more screens are joined, they should be joined with a common lift off pedestal foot, not roped or chained together.
- A temporary screen is to be manufactured from stainless steel, powder coated or painted metal with fabric or vinyl insert either bonded or laced to the metal frame. Temporary glass/perspex inserts or plastic frames are not permitted.
- Refer to Schedule 6 for logo criteria.

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Refer to Schedule 5 suitable examples of temporary screens and barriers.

**4.4. Planter boxes**

- Non-permanent planter boxes are to be capable of being moved from the footpath to overnight storage by one person.
- Non-permanent planter boxes are not to be longer than 1.2 metres in length nor more than 0.8 metre in height (excluding plants).
- Planter boxes are to be stable and safe (to avoid being knocked down by people or the wind)
- Plants in planters are to be either hardy pot species or in season flowering varieties (which are changed when not in season).

Refer to Schedule 5 for suitable examples of planters.

Note that permanent fixed planters may only be installed with the consent of Council.

**4.5. Heaters**

- Heaters are to be compliant with the relevant gas association standards or electrical authority requirements. Electric heaters must comply with Australian Standards and the circuit be fitted with earth leakage shut off safety devices.
- Gas heaters must incorporate an integrated gas bottle and must be fitted with a compliant (in service date) gas bottle with a safety shut off valve (in case of tipping over).
- Heaters are to be removable and not to be permanently fixed. They must be removed from the footpath and stored inside the premises when seating and other temporary structures are removed, at the cessation of trading or at the time stipulated on the permit, whichever is the sooner.
- Heaters shall be used in accordance with the manufacturer's instructions and placed clear of all combustible materials and are not to be placed under a fabric umbrella or a fixed canopy unless there is a clear distance of 0.5m (or the manufacturer's specified distance, whichever is the greater) above and to the sides of the heater or within 800mm of any kerb (measured from the edge of the heater canopy reflector).
- Tabletop heaters are not permitted.

**4.6. Tables and chairs**

- Chairs are not to be arranged so that seated patrons have their backs to the kerb unless there is a minimum free space of 1.2 metres between the chair and the kerb for pedestrians or a fixed safety screen located between the chair and the kerb. On busy roads Council may require the installation of a permanent screen or fixed (anchored but removable) safety screen.

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- Tables and chairs are to be removed from the footpath and stored within the premises at the cessation of trading or at the time stipulated in the permit, whichever is the sooner.
- Tables and chairs are to be maintained in a serviceable condition.
- Where Council deems it appropriate integrated bench table(s) and seats may remain in place overnight but are to be fitted with an anchoring device to the building or to the ground (as circumstances dictate and as required by the permit conditions).

**4.7. Umbrellas**

- Moveable umbrellas are to be secured by a stabiliser foot or other restraining device to avoid wind instability. Council may require that an anchoring system be installed.
- Umbrellas are to maintain a minimum distance of 600mm between any of their edges and the kerb. Umbrellas may overhang the edges of outdoor dining areas in other cases (to achieve appropriate weather protection).
- The umbrella fabric shall have a minimum UV rating of 50 and be waterproof (i.e. made with a hydrophobic material or a material treated with a proprietary brand waterproofing/hydrophobic agent).
- Colours used in umbrella fabrics are to be the same for an outlet. If there is an existing predominant local character colour scheme, then this needs to be taken into consideration.
- Umbrellas incorporating logos are to comply with the criteria Schedule 6 Logos.
- Umbrellas may incorporate clear plastic roll down weather screens, where these are permitted, and installed in accordance with the requirements of the umbrella manufacturer. Such screens may only be used during inclement weather.
- Gutters may be installed between adjacent umbrellas to collect rain runoff and provide continuous cover.

**4.8. Retractable canopies**

- Canopies incorporating logos are to comply with the criteria Schedule 6 Logos.
- Roll out/retractable type canopies are to be fitted and operated in accordance with the manufacturer's specifications and be commercial grade.
- Any motorised retractable canopy is to be capable of being manually retracted.
- Any retractable canopy is to be capable of being fully retracted in under 10 minutes (otherwise it would be deemed a permanent structure and require development consent). Council may require a wind assessment to be carried out if it considers that a site is unsuitable for a retractable canopy.
- The canopy fabric shall have a minimum UV rating of 50 and be waterproof (i.e. made with a hydrophobic material or a material treated with a waterproofing/hydrophobic agent).

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- The retraction of canopies during windy conditions is to be carried out in accordance with the manufacturer's recommendations (note that it must have a manual or automatic retraction system although it is essential to also be able to retract manually). Automated retraction control is not to be overridden. Canopies are to be retracted whenever the premises are closed or unattended.
- Anchoring of canopies to pavements or other objects in the footpath is to be avoided. Council may consider an anchoring system at its discretion and may require submission of a written advice and justification by an accredited wind consultant.
- Roll down clear transparent weather screens may be installed at the sides of canopies - not to the front of canopies. Roll down weather screens shall only be used during inclement or windy weather conditions. (see 4.9 below).
- Colours used in canopy fabrics are to be the same for an outlet unless there is an existing local character colour scheme.

**4.9. Clear plastic drop down screens**

- Are to be replaced if torn or damaged.
- Are to be maintained in a clean and clear condition.
- Are to be used only during inclement weather (to avoid rain, cold or wind) around outdoor dining areas.
- are to be rolled or stored in a manner that does not interfere with the public way.

**4.10. Display stands**

- Display stands (i.e. tables, menu boards, racks, shelves, boxes and frames) are to be removed from the footpath and stored inside the premises at the cessation of trading or at the times allowed under the permit, whichever is the sooner.
- Display items are to be fitted with a stabiliser foot or locking wheels/rollers. On sloping sites, a tether may be required.
- Display tables are to incorporate weatherproof fitted covers for covering during short periods of inclement weather. If goods are to be stored beneath, they are to be stored on storage shelves or drawers integrated into the table and not on the ground. If materials are to be stored under the table on shelves the table is to be fitted with a skirt to screen the storage areas.
- Mobile trolley tables are to have at least two wheels to be "locked" to prevent movement. Sturdy metal or timber construction with wheels is needed for ease of movement.

## **5. Maintenance of furniture**

It is not the intention of this policy to identify all maintenance criteria which should apply to the items that are permitted to be located within the permit area. However, applicants and permit holders are reminded that their minimum obligation under the permit is to maintain all items in good order and repair for their safe use by patrons as well as for general public safety and aesthetic reasons.

Visible signs of wear and tear should be checked regularly by the permit holder or staff for the serviceability of the item. Items found to be in need of repair or replacement, are to be removed and stored away from areas of potential use and public view (i.e. not stacked nearby or left within the permit area).

Council may require removal of any item which is non-complying, unserviceable or unsafe.

The following list is a guide to maintenance of items and that involve regular inspections.

- Abnormal cracks or signs of fatigue, especially in chairs;
- Hazardous projections or broken pieces that provide a sharp object;
- Loose joints, cracked or broken welds, loose screws or rivets;
- Broken legs or posts in tables, chairs and market umbrellas that provide instability of the item;
- Torn fabric in screens, canopies and umbrellas;
- Weak, worn or damaged anchoring systems for canopies or umbrellas;
- Delamination of laminated materials;
- Missing, worn or broken chair leg-end protectors;
- Rotted or warped timber (including poor aesthetic appearance);
- Unserviceable brittle plastics, polypropylene items or fittings; and
- Other items as relevant.

Permit holders may also be held responsible for repair of damage to the footway caused by objects used in the footway (this is particularly relevant to bitumen surfaces, where the use of chairs and table legs without chair and table leg protectors may leave marks in the pavement) or where anchoring systems have been installed without prior approval.

The site of the permit area must be maintained in a clean and serviceable condition, with removal of food scraps, spillages and litter especially cigarette butts being the responsibility of the permit holder or licensee. Regular maintenance by weekly washing with a mop and mild detergent is acceptable and is the minimum to avoid build-up of stains and the development of slippery (and hazardous) pavement surfaces. The use of any bleach based or other caustic chemicals on the footpath as a cleaning agent is not permitted. Surplus water from cleaning is to be mopped up and not allowed to flow into the drainage system. Hosing of the pavement is not permitted (and is subject to strict controls enforced by Council and by Sydney Water). Refer to the Operations Management Plan requirements at Schedule 8.



## **6. References and Acknowledgements**

The following documents were reviewed in preparing this Policy.

- The City of Sydney Outdoor Café Policy 2001
- The City of Melbourne Kerbside Café Code 2003
- The City of Melbourne Outdoor Café Design Guide Draft 2007
- Circular Quay Revitalisation Plan 1988
- Public Private Joint Ventures - Case studies of Co-development Projects for the Ministry of Planning, Victoria
- Design Guidelines for Como, South Yarra, Victoria
- Tenant Fitout Manual, The Grand Avenue, Milwaukee, Wisconsin The Rouse Company, Columbia, Maryland, USA

## **SCHEDULE 1 LOCALITY CHARACTER STATEMENTS**

Character Statements are provided for the following localities in terms of their key characteristics and objectives for outdoor dining and goods display.

1. North Sydney CBD
2. Civic Neighbourhood
3. St Leonards Town Centre
4. Crows Nest Town Centre
5. Cammeray Village
6. Kirribilli Village
7. Blues Point Village and
8. Milsons Point Town Centre
9. Neutral Bay Town Centre and
10. Cremorne Town Centre
11. Waverton Village
12. Main Street Streetscape Strategies
13. Other: Typical isolated locations

### **1. North Sydney Central Business District**

The North Sydney Centre is a major office precinct principally located between Berry Street, the Warringah Freeway, Blue Street and the Pacific Highway. The Centre also extends to the north of Berry Street between Miller and Walker Streets. This area is dominated by multi-storey office towers and has a street life influenced by the daily commuter patterns of office workers. The large number of workers and the services required to support the intense activity of the North Sydney CBD creates a significant demand for cafés and associated outdoor dining activity particularly during the weekday morning, lunchtime and afternoon tea times. Additionally, several restaurants operate during traditional evening restaurant hours. Most outdoor dining is associated with cafés on private property (e.g. in setback areas, plazas and in colonnades) or street closures because relatively narrow pavements can, at times, be congested with commuters (Figure 5).



**Figure 5 North Sydney CBD. Use of setback and colonnade areas in high pedestrian traffic areas. Some café seating can “spill over” on to footpaths. These encroachments on to the public domain must be approved by the Council**

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In this commercial environment cafés often act as surrogate meeting rooms where professional people are seen carrying out their work and having business meetings (Figure 6). Like their predecessors in Europe, cafés often provide a refreshing extension of the office or home environment and provide a welcome change of venue during a long day. The break in environment or a stimulating walk to meet a friend for a coffee or to chat with business associates may increase productivity by way of enabling a better quality of life.



**Figure 6 Working meetings**  
Workers use cafés for meetings as an alternative to the office

Some cafés make ingenious use of challenging environments with outdoor dining areas adding ambience (Figure 7). Lunch time outdoor dining is in high demand for much of the year as people seek respite from indoors and air-conditioned offices. The legacy of mature plane trees in North Sydney provides excellent outdoor urban environments for outdoor seating provided by views of the green of the leaves overhead and in distant treed vistas. The dappled light enjoyed under the trees softens the harshness of and otherwise hard urban environment. The deciduous plane trees enable people to sit in comfort out of direct winter sun. After hours and weekend use of cafés and restaurants with their vibrant street life and surveillance is increasing with the introduction of new supermarkets in the CBD, particularly around the intersection of Walker St and Mount Street.



**Figure 7 Bacino Bar on Mount Street**

An innovative design opportunity using a small space and enhancing the life of the area.

### **Key characteristics**

- Energy or “buzz” typical of a busy business centre.
- Urban environment of hard materials, often impact upon by vehicular traffic noise and challenging microclimate that can affect outdoor dining.
- Improvised and ingenious café locations and creative shopfront designs that maximise outdoor dining opportunities.
- Variety and uniqueness of cafés due to the intense competition for customers.
- Mainly day-time trading, with café’s often closing before 4pm, with afterhours and weekend activity improving.
- Good use of cafés as business “meeting rooms”.
- Mature plane trees often provide a good natural canopy.





**Figure 8a North Sydney Centre – Public Domain Upgrades**

Since 2016 North Sydney Council has been implementing an extensive Public Domain upgrade program throughout the North Sydney Centre to make the public spaces and streetscape more attractive and inviting for people who live, work or visit the area. Photo above is the “refreshed” Brett Whitley Place – completed in 2016/17

## Objectives

- To encourage outdoor dining that adds atmosphere, street life and amenity in the CBD.
- To encourage location of outdoor dining areas in private spaces such as setback areas and colonnades and in lanes and streets where they do not adversely impede pedestrian movement
- To keep major transport pedestrian thoroughfares, clear during peak travel times (e.g. where pedestrian footpath widths are narrow, outdoor dining areas are only to operate from 10am to 3pm and after 7pm where appropriate) including:
  - Miller Street
  - Walker Street
- To take advantage of available soft shade especially under trees in summertime.
- To take advantage of available sunlight especially in winter
- To encourage the use of canopies, umbrellas and planters to define outdoor dining areas
- To encourage creative opportunities for food and drink premises which enliven underutilised areas and take advantage of good orientation
- To align outdoor dining areas to the building line of the food and drink premises rather than the kerb, to avoid staff having to cross the often-high volume pedestrian traffic streams in order to wait on or clean tables.
- To provide frontages of food and drink premises that fully open on to the street where feasible and pedestrian flows allow.
- To encourage the softening of the harsh urban environment by taking advantage of the dappled light of shade trees and supplementary use of umbrellas, awnings, planter pots and separation screens.
- To provide protection for patrons using screens and barriers to be located adjacent to frontages of food and drink premises, not adjacent to the kerb.

## 2. Civic Neighbourhood

To the north of the North Sydney CBD is the Civic Neighbourhood, which generally comprises a mixture of low to medium rise building stock and typified by educational, professional offices, community facilities and residential. This area is used fairly intensively and despite the large numbers of bus stops that limit opportunities for outdoor dining, there are several significant cafés and restaurants and there are likely to be more in the future. The excellent mature plane trees in this area lends itself to environments which are excellent for outdoor dining. The Civic Neighbourhood contains several conservation areas including:

- McLaren Street;
- Walker/Ridge Streets;
- Holtermann Estate C; and
- Holtermann Estate D.

Any request for outdoor dining within these areas needs to take into account the conservation character of these areas.



Figure 9 Sotto on West on West Street, North Sydney

### Key characteristics

- A social mixed-use area adjacent to the busy North Sydney CBD.
- A large number of quality shade trees.
- Cafés and restaurants often trading after hours due to the significant residential component of the local population.

### Objectives

- To continue to use the following attributes of this area that set it apart from North Sydney CBD.
  - Naturally shaded areas beneath and adjacent to street trees
  - Residential areas with landscaping and generally more relaxed and pleasant environments
  - Architectural conservation areas with one and two storey character building stock



- To encourage the use of canopies, umbrellas and planters to define outdoor dining areas for cafés and restaurants.
- To provide protection for patrons using screens and barriers to be located adjacent to café and restaurant frontages, not adjacent to kerb.



Figure 10 Eighty-Eight Café & Restaurant on West Street

### 3. St Leonards Town Centre

The St Leonards Town Centre is an emerging metropolitan mixed-use precinct supporting vibrant levels of employment floor space with residential development above. The cafés and restaurants generally cater to businesses, however, are becoming increasingly supported after hours from the emerging high-density residential areas in and around the Centre. There are several excellent cafés in the area that demonstrate good and appropriate design such as completely openable shopfronts. There are some smaller cafés in incidental spaces around entry foyers which are also busy. Another niche which is evident in this area is cafés that are above street or road level and utilise space above footpath awnings. The grade separation increases amenity by placing customers in, what feels in many ways like, a separate environment above the noise and traffic especially near the Pacific Highway.

Wider road reserves have enabled Council and property owners to create generously sized outdoor dining areas with landscaping. Outdoor dining opportunities on the south side of major buildings provide excellent shelter and shade in summer. Cafes and restaurants along Chandos Street enjoy good access to sunlight year-round.



**Figure 11 Wide footpaths**  
St Leonards Town Centre provides opportunities to locate street cafés on wide footpaths (greater than 2.5m)



**Figure 12 Street and public space seating**  
Council furniture complementing outdoor café areas and public spaces. Note: the high-quality street furniture Council is now rolling out as part of its newly adopted Public Domain Style Manual.

### Key characteristics

- Emerging mixed-use precinct anchored to a large extent by the St Leonards Railway Station and future Crows Nest Metro Station.
- Good mix of shops and services supported by the high level of pedestrian movements from St Leonards Station and future Crows Nest Metro Station.
- Good variety of cafés within walking distance of all areas
- Street trees are young but will mature to provide street conditions with amenity similar to that in the North Sydney CBD.

### Objectives

- To encourage creative opportunities for restaurants and cafés which enliven streets, laneways, Mitchel Street Plaza and Christie Street Reserve, taking advantage of good orientation and providing welcome respites for local workers, residents and visitors.
- To continue to use the following attributes of this area which promote amenity:
  - Utilise areas which enliven connections between the St Leonards Railway Station, Mitchell Street Plaza and the future Crows Nest Metro Station.
  - Utilise areas provided for outdoor dining away from heavy traffic (consider planter screens to screen locations in side streets)
  - Utilise areas for outdoor dining that also enliven office lobbies and building entries
- Canopies are acceptable and use of umbrellas and planters are encouraged to define café spaces.
- To provide protection for patrons using screens and barriers to be located adjacent to café frontages, not adjacent to kerb.

#### 4. Crow's Nest Town Centre

The Willoughby Road café and restaurant precinct has already achieved an excellent reputation on the lower north shore for the number and variety of eating establishments, that draw patrons from far beyond the locality. Council initiatives have provided for purpose designed outdoor dining areas (Figure 15) creating a contiguous strip of outdoor dining with high levels of amenity. The deep planter boxes with well-established planting surrounding the outdoor seating areas creates a high level of amenity from the heavy traffic conditions utilising Willoughby Road. The consistency without rigid conformity of the umbrella shading treatments contributes to the busy, attractive atmosphere of the streets. The subtle and well resolved wrought iron corner elements incorporate a stylised crow to remind people that they are in Crows Nest (Figure 13). As the precinct is thriving (Figure 15) with the streetscape improvements that have been well thought out and tested over the years, it is recommended for Crows Nest's future prosperity that such improvements be reinforced, extended where possible and not significantly altered. The area has a reputation for afterhours dining (Figure 14). The existing fine-grained scale of the area with its traditional shopfronts and sunlit streets are key determinants of its character and needs to be respected and reinforced.



**Figure 13 Local identity** The crow design in the Crows Nest streetscape furniture reinforces local identity



**Figure 14 After hours** After hours outdoor trading in Crows Nest is vibrant despite winter conditions.





Figure 15 Willoughby Road – outdoor dining – Artists impression of what the refreshed dining bays will look like when they are upgraded in the near future.

### Key Characteristics

- Café and restaurant precinct - a large number of eating establishments provides a strong draw for customers.
- Predominance of consistent landscaping providing an attractive environment has created an identity which is distinctly Crows Nest including the “crow” logo.
- Consistency of Council constructed outdoor dining areas provides a common high standard and some discretion to expand for larger establishments.
- Length and sunlit amenity of Willoughby Road devoted to restaurants, cafés and retail provides an enjoyable and entertaining environment for walking for carrying out tasks or pleasure.
- Enhanced accessibility through the delivery of the future Crows Nest Metro Station and upgrade of Hume Street Park.

### Objectives

- Continue to use the existing urban design framework to expand the existing footpath widening improvements to additional areas due to the proven success of the Crows Nest Town Centre.
- On Willoughby Road, utilise complementary design techniques to existing cafés in order to maintain the overall Crows Nest dining identity in order to create a larger overall attraction to benefit the whole precinct. Examples are:
  - Utilise a harmonious selection of umbrella styles especially with those of neighbours and the street as a whole, that is additional umbrellas should not be a bright colour, odd shape, much smaller, much larger at a very different height etc.
  - To keep dining areas adjacent to the shopfronts so as not to impede pedestrian movement in other parts of the Crows Nest Precinct where pavements are narrower and where there are different conditions.

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- To maintain a consistent outdoor dining and goods display layout (on a block by block basis) with the existing **pattern** of kerb, furniture arrangement and the **siting** of existing outdoor dining areas or goods displays within the streetscape. Irregular patterns of outdoor dining and goods displays are to be avoided.
- Umbrellas are encouraged to provide shelter for patrons and provide a canopy to help define and enclose the outdoor dining areas
- Encourage creative opportunities for food and drink premises in side streets and lanes which enliven underutilised areas, take advantage of good orientation
- To locate goods displays adjacent to shopfronts so that the entrance to the shop is defined and shopfront window displays are clearly visible.
- Consideration to be given to creating enlarged footpath areas where two or more food and drink premises are located adjacent to street corners (similar to existing examples in Willoughby Road).



Figure 16 Upgraded outdoor Dining area in Ernest Place in Crows Nest – utilising Councils new Public Domain palette of materials and finishes



Figure 16 Upgraded outdoor Dining area in Ernest Place in Crows Nest – utilising Councils new Public Domain palette of materials and finishes





**Figure 17a Council initiatives**

Council initiatives such as planter boxes and fencing have provided outdoor dining areas on Alexander Street which successfully separate diners from passing vehicles.



**Figure 17b Council initiatives**

Council initiatives such as decorative lighting in the street trees of Willoughby Road and Ernest Place have complimented the vibrant night-time economy that exists in Crows Nest. These initiatives have been driven by Council, local businesses and the Crows Nest Main Street Committee.



## 5. Cammeray Village Neighbourhood

The Cammeray Retail strip on Miller Street has undergone substantial regeneration and due to its focus as the service section of a busy vibrant community it will undergo more in the future. Shop top housing, a street closure and the café response have formed a good foundation precedent for Cammeray.

Council initiatives have increased amenity on Miller Street by using street tree planting with protected tree guards plus planters and fences to visually delineate, soften the edge of the busy traffic street and provide safety and protection at the pedestrian crossing (Figure 18). However, the narrow footpaths on Miller Street at Cammeray and the high peak hour traffic volumes limit the street life and possible outdoor dining areas.

The display of goods especially fruit and flowers provide welcome colour and life in an otherwise harsh urban environment. While there are no heritage buildings in Cammeray Village Neighbourhood around Miller Street and the areas within which cafés are located, the building stock is a scale conducive to a village atmosphere.



**Figure 17 Use of side streets**

Cammeray side streets provide sheltered environments for street cafés out of the main street traffic flow.



**Figure 18 Protection barriers**

The design of protection barriers for pedestrians on busy Miller Street, Cammeray successfully integrates high quality design and safety.

### Consideration for the future

As traffic levels may increase and the footpath width is fixed retailers and property owners may wish to orient their outdoor dining, towards the rear car park with established trees located to the rear of the shopping strip on the east side of Miller Street. However, care must be taken to continue activating Miller Street. This represents a similar response to that as found in Military Road in the Neutral Bay Town Centre. Such use would need to be carried out with attention to residential areas nearby and after-hours trading noise constraints taken into account in terms of both design and management

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**Key characteristics**

- An old “high” street under transformation due to its inner-city location and proximity to North Sydney CBD Sydney and revitalised residential areas.
- Heavy commuter traffic and important commuter bus stop.
- Narrow footpaths and heavy vehicle traffic create a challenging environment on Miller Street.
- Successful closure of side street for pedestrians.

**Objectives**

- Continue to use the natural and built attributes of this area that set it apart from the North Sydney CBD
  - Utilise protected paving areas in side streets (Figure 17) away from traffic for outdoor dining especially if facing north so that sun penetrates during cooler months and is controlled at other times
  - Utilise the naturally shaded outlook onto the Council car park to the rear, east of Miller Street, subject to residential amenity considerations.
  - All outdoor dining on Miller Street needs to be adjacent to the shopfront and setback from vehicular traffic flows. Protective fencing at the edge of the permit area may also be feasible to ameliorate traffic impacts (Figure 18).
  - Ensure that Miller Street remains activated.

**Figure 19a Goods on Footpath**

Council has a regular enforcement regime that ensures that businesses who wish to put good on the footpath do so in accordance with Councils Policies and Guidelines so that public access is maintained at all times.



## 6. Kirribilli Village

As the Character statement of Development Control Plan 2013 states “the Village Centre is lively with an appropriate number of outdoor cafés and restaurants”. Much of the residential neighbourhood of the area around the Village Centre is small scale and relatively high density. Broughton Street is the main artery into the village, but it is narrow, and its traffic levels and narrowness preclude extensive street use. However, some traders have cleverly managed outdoor dining in quite restrictive circumstances and the street and neighbourhood is the better for their efforts. Note the narrow but efficient bench style seating along the east side of Broughton Street (Figure 21). Typically, in such cases of busy streets more extensive street use can be found for services and cafés in streets perpendicular to the main busy street. Fitzroy Street is an example with its new cafés with outdoor dining which are most successful. Paving where long-term use of food related activities is envisaged needs to be considered for its permeability, non-slip quality and ease of cleaning.

The Kirribilli Village contains many heritage buildings especially on Broughton Street around Pitt Street.

Existing outdoor dining to date has respected the scale and character of the area. Any outdoor dining applied for adjacent to heritage buildings needs to respect the character of the buildings and the area.



**Figure 20 Goods display**  
This display of goods on Broughton Street adds colour and vitality to the streetscape.



**Figure 21 Narrow footpaths**  
Narrow but efficient custom-made bench style seating.

### Key characteristics

- As Broughton Street is a main traffic artery which leads down to spectacular views of Sydney Harbour it is active with cafés and retail despite its narrow footpaths.
- Side streets such as Burton Street offer good opportunities for outdoor café activities due to less traffic and wider footpaths.
- Eye catching umbrellas attract people to side street activity.
- Outdoor dining areas in Burton Street function as outdoor rooms defined by umbrellas, planter boxes, screens and drop-down transparent plastic sides for inclement weather.

- A good mix of activities forms a centre which does have a Village atmosphere.

### Objectives

- Continue to use the attributes of this area which make Kirribilli one of Sydney's most charming harbour side areas
  - To take advantage of naturally shaded areas especially in side streets with wider pavements and less traffic.
- To make the most of tight and difficult areas with views or good accessibility through ingenious and well resolved design (Figure 22).



**Figure 22 Street side – outdoor dining**

This outdoor dining area is designed to give patrons separation from the roadway and well as some privacy between outdoor dining bays with landscaping. Burton Street and Humphrey Place, Kirribilli





**Figure 23 Innovative solutions**  
Making the most of a tight street with good views by providing bench seating adjacent to the shop front so that all diners can appreciate the view.



**Figure 24 Side streets**  
Burton Street cafés successfully provide amenity and large outdoor dining areas away from the main street.

## 7. Blues Point Village

Nestled in the heart of a relatively small-scale residential area which itself is fringed by harbour views. Cafés are concentrated on the eastern side of Blues Point Road, possibly due to the favourable solar aspect and the width of the pavement. The small-scale buildings and street tree planting of honey locusts provide an excellent basic frame in which to create an outdoor dining environment. Picture perfect cafés with dappled light filtering through the trees are further defined by extendable awnings, umbrellas, planters and low screens. These serve to form subtle outdoor rooms where patrons can sit comfortably - “rooms” with no real walls or windows. Many of these cafés are prototypical of what can be achieved by a local café with an outdoor dining area.

The collection of about 6 cafés and a few retail shops together create a synergistic energy which makes Blues Point Village a delightful and notable local recreational dining area. It serves as an extension of the private living environment of the home to provide the opportunity for people to meet outdoors and fraternise within the public domain. The Blues Point Village is also within the McMahons Point South Conservation Area. Most of the buildings in the row of cafés on Blues Point Road contribute to the heritage character of the area. Any outdoor dining area applied for within the conservation area needs to respect the character of the area and the contributory buildings.





**Figure 25** Blues Point Road Café and outdoor dining areas has been a popular destination for locals and workers from the North Sydney Centre for decades.



**Figure 26 Footpath**  
The building setback from the footpath on Blues Point Road provides the opportunity for outdoor dining areas.



**Figure 27 Street café ambience**  
Blues Point Road. The kerbside footpath is uninterrupted, the outdoor dining is generally within a setback area that makes the footpath read as a wide space, trees and planter boxes define the edge and awnings and canopy define the space overhead.

**Key characteristics**

- A promenade strip of restaurants/cafés along Blues Point Road with a neighbourhood atmosphere.
- Small scale buildings and landscaping create intimate and friendly conditions.
- The majority of the excellent outdoor dining areas for the Blues Point Cafés are located on private land where the buildings have been set back from the street. This set back is most likely the legacy of what were residential buildings with small front gardens. Further building setbacks should be encouraged to align with the original building setbacks to provide wide pavements to enable further extension of the café and restaurant strip.

**Objectives**

- To continue to use the low rise-built form and scale attributes of this area which promote its convivial, intimate conditions as an alternative local eating place for residents and visitors. Take advantage of:
  - Naturally protected and shaded areas especially using trees
  - Residential architectural scale with landscaping and generally relaxed and pleasant environment.
  - Encourage a sympathetic response to the Conservation Area character buildings and scale
  - Encourage development of wide pavements to enable further extension of the café and restaurant strip where appropriate.
  - Continue to provide a range of canopies and umbrellas to reinforce the relaxed atmosphere and the variety of the streetscape treatments in the building setback areas.



**Figure 28 Variety of awnings, umbrellas and trees**

The variety is characteristic of Blues Point Rd and should be reinforced. The canopies and umbrellas provide overhead shelter from the sun and give a sense of enclosure.



## 8. Milsons Point Town Centre

Alfred Street South is flanked on the western side by predominantly high-density residential towers with retail and offices premises at their lower levels. Considering the scale of the buildings and significant resident population in these towers, the general absence of street cafés (and other services) is notable. This absence is possibly brought about by narrow footpaths, unfavourable wind conditions, the lack of trees and competition from Kirribilli. Despite these poor attributes, the Centre has excellent views of the Sydney Harbour Bridge and parts of the Harbour and high levels of pedestrian movements from the railway station down to the Harbour, Olympic Pool and Luna Park.

There is one State Significant Heritage Item - 56 Alfred Street (Camden Villa) listed. Unfortunately, it is visually screened from the street by development.

On the eastern side of Alfred Street is a park adjacent to the North Shore Railway line and elevated roads approach to the Sydney Harbour Bridge. This recently improved park area enjoys afternoon sun and contrasts markedly with the streetscape on the opposite side of the street. Such an area would prove ideal for a specialty kiosk or other café similar to the café area that exists in Hyde Park located adjacent to or under the Bridge viaduct. Such a café could be incorporated under the bridge approach, thereby minimising its impact on the open space areas of adjacent parklands. Bradfield Park (beneath the Harbour Bridge) would also present a similar opportunity.



**Figure 29 A key Gateway into North Sydney**

Milsons Point is seen as the gateway to North Sydney and some of its most iconic and famous attractions. With access to the area by bus, ferry, rail, car or bicycle, Milsons Point is the first place many people arrive at when they come to North Sydney.



**Figure 30a Opportunities limited by design**  
Narrow footpaths generally limit opportunities for street cafés. Some like the example here are restricted to private incidental spaces that have poor access to sun, vegetation and poor amenity.



**Figure 31 Tall buildings**  
Tall buildings can magnify windy conditions on Alfred Street.

### Key characteristics

- High residential population and tourist visitors could support more outdoor dining opportunities along Alfred Street;
- Patron comfort compromised by unfavourable wind impacts associated with the prevailing built form.
- Underutilised park areas around the Harbour Bridge pylons and western Railway Station entrances.
- Prevailing topography and open areas between Alfred Street and the Harbour Bridge present high-quality views to the Harbour and Sydney City beyond.

### Objectives

- Aim to site café spaces in sunny areas, especially for winter sun.
- Explore possibilities to use either the undercroft of the freeway and rail approaches to the bridge or special pavilion buildings adjacent to its wall for café space and licensed dining areas adjacent.
- Improve the pedestrian environment along the western side of Alfred Street to improve its activation.





**Figure 31a North Sydney Olympic Pool**

North Sydney Olympic Pool is one of the key attractions that bring people to North Sydney.

## 9. Neutral Bay Town Centre

At Neutral Bay, Military Road present a challenging pedestrian environment due to heavy levels of vehicular traffic. A few existing cafés have provided outdoor dining areas along the property line away from the road for safety and comfort, whilst others are located indoors. Side streets perpendicular to the main traffic flow provide good opportunities for outdoor dining. To the north side of Military Road, the Grosvenor Lane Council car park with mature shade trees serves as a focus for higher amenity activities. Cafés mainly have seating on their own property.

To the south side of Military Road on Yeo Street between Wycombe and Rangers Roads, wide pavements and mature street trees provide good conditions for relaxed cafés in a safe setting. There are cafés on Rangers Road near Military Road with outdoor dining areas which are rather exposed to the elements and traffic. Only a few heritages listed buildings are located in the Neutral Bay Town Centre, but the Cremorne Conservation Area is immediately adjacent at the corner of Yeo Street and Wycombe Road. The conservation area can be used as a design reference for future development in the Centre.





**Figure 32 Traffic artery**

Difficult traffic conditions lead to constraints to siting of café seating to ensure separation of patrons from traffic.



**Figure 33 Rear lane example 1**

Bourke St Bakery is a “friendly” café which enjoys a northerly aspect and an outlook. Council undertook a significant upgrade of Young Lane in 2016 including turning the lane into a shared Zone.



**Figure 34 Rear lane example 2**

This café makes good use of an otherwise small space.

**Key Characteristics**

- Amenity of Military Road is impacted on by high vehicular traffic.
- Council's Grosvenor Lane at-grade car park with its mature plane trees is the focus of the Neutral Bay Town Centre. Most retail, commercial, service and cafés are located around or close to the parking under trees.
- The public domain is progressively being upgraded.



Figure 35a Young Lane – Neutral Bay. Council has been working with local businesses and the Neutral Bay Streetscape committee to improve many of the public spaces in Neutral Bay to make them more attractive for outdoor dining. The Young Lane street closure and shared zone – completed in 2017 has been an outstanding success in terms of creating a vibrant outdoor dining area that is well utilised both during the day and night.

**Objectives**

- Continue to use the attributes of this area which make it a busy attraction both for entertainment and convenience shopping.
- Use the parking area as a green outlook and focus on the public domain with café and display activity to provide for better amenity
  - Make the most of natural light and sun especially in the winter
  - Make the most of shade in the summer
  - Make the most of the cosmopolitan atmosphere
  - Maintain pedestrian/human scale
  - Avoid conflict with heavy vehicular traffic especially commuter traffic and delivery vehicles
- Encourage creative opportunities for cafés which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.
- Encourage a sympathetic response to the Conservation Area's character buildings and use them for inspiration in order to create more interesting building stock with higher amenity in the future.
- Use umbrellas to join spaces between tree canopies to enhance shade protection during summer months and inclement weather.
- Council is currently undertaking a significant upgrade of the Public Domain in the Military Road corridor from Neutral Bay to Cremorne which will be completed in 2021/22.





Figure 36b **Young Lane – Neutral Bay.** Encouraging local businesses to maintain and “beautify” the local streetscape amenity with landscaping, public art and furniture contributes to the unique local character of an area. The Young Lane street closure and upgrade – completed in 2017 has been an outstanding success in terms of collaboration with local businesses to help Council maintain the area and contribute to its vibrancy with furniture and public art.

## 10. Cremorne Town Centre

The footpaths alongside Military Road provide a challenging environment for café’s and goods display areas due to very high levels of through traffic. In Cremorne the best opportunities for outdoor dining have been provided by street closures and on the streets and lanes to the rear of Military Road. Cremorne Plaza, an old street closure is very successful as it is fully pedestrianised, and the public domain is devoted to an excellent example of landscaping including mature shade trees (Plane Trees). Within this highly favourable environment several cafés providing complementary services thrive. Further to the east, Spofforth Street is closed to the north of Military Road and provides a good opportunity for outdoor dining. The area is well defined by 3 storey buildings of some character and a well thought through landscape plan provides an excellent opportunity for outdoor dining areas.

By contrast, close by on Parraween Street where the footpaths are narrow and a great deal of servicing occurs, there are a few small cafés that work well. The cafés are well patronised and as the street does not carry much vehicular traffic the close kerbside seating is comfortable for people. People seem to like to perch on the informal seating which creates a “time out” atmosphere good for de-stressing or relaxing. These types of cafés appeal to customers and should be encouraged elsewhere.

The Cremorne Orpheum Picture Theatre is an important attraction in the midst of the cafés and restaurants mentioned on the north side of Military Road. The cinema complex generates a great deal of visitation and works synergistically with the cafés and restaurants. Convenience shopping is mostly on the south side of Military Road. The Cremorne Orpheum is the only heritage building



in the Cremorne Town Centre. Outdoor dining in or around the building needs to respond to its character and style.



**Figure 37 Street closure**  
This street closure is pedestrian and street café friendly.



**Figure 38 Small street café**  
A small street café in Parraween Street takes advantage of low pedestrian flows with little or no impact.



**Figure 37 Cremorne Plaza – Parraween Street**  
Cremorne Plaza and the surrounding streets have been a popular destination for locals and visitors to the area who wish to experience local alfresco dining before seeing a movie at the nearby Hayden Orpheum or going to the local shops.





**Figure 39a Public domain landscaping**  
The landscaping in Cremorne Plaza provides amenity for diners away from the traffic artery of Military Road.



**Figure 40 Cremorne Plaza**  
Exceptional quality of the public domain.

### Key characteristics

- As Military Road experiences heavy traffic, café activity tends to be within the side streets or away from the main street;
- Cremorne Plaza and Langley Place landscaped areas provide welcome respites, offering relaxed outdoor dining environments under well-established trees; and
- Innovative outdoor cafés add activity to back streets.
- Council is currently undertaking a significant upgrade of the Public Domain in the Military Road corridor from Neutral Bay to Cremorne which will be completed in 2021/22.

### Objectives

- To continue to use the attributes of this area which make it an attraction for entertainment (Cremorne Orpheum Picture Theatre and restaurants) and convenience shopping
  - Make the most of natural light and winter sun, with shade in the summer
  - Enhance the cosmopolitan atmosphere with innovative furniture and designs/layout of café's in available public spaces
  - Provide protection from heavy vehicular traffic;
- Encourage creative opportunities for cafés which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers; and
- Continue to follow the urban design framework used at Cremorne Plaza which has made it so successful over the years.



## 11. Waverton Village Centre

The Waverton Village Centre comprises about 8 retail businesses on Balls Head Road around the Waverton Rail Station which is, a generator (of visitation) in retail terms. There are several eating and food supply businesses but the main outdoor dining in a public area is in front of the Botanica Garden Café.

There is a vista of Sydney Harbour at the end of Balls Head Road. The Waverton Village Centre is within the Bay Road Conservation Area. Any outdoor dining applied for within the conservation area needs to respect the character of the area through appropriate street furniture selection.

### Key characteristics

- A secluded collection of retail activity around a railway station in a purely residential area.
- An island of very old cabbage tree palms and a distant view of the water of Sydney Harbour
- The Botanica Garden Café on the main street provides a break in the residential streetscape with its shopfront and outdoor dining.



Figure 39 Waverton Station and Shopping Village

### Objectives

- Continue to use the attributes of this area which make it special and provide services to the local community.
  - To take advantage of the natural amenity of the location e.g. quiet, green, distant view of the water
  - Residential area with landscaping and generally more relaxed and pleasant environments.
- Encourage creative opportunities for cafés which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.

## **12. Other isolated locations**

Locations which are not included in the above areas are best addressed by reviewing section 2 of this schedule, North Sydney Civic Neighbourhood which deals with isolated café and restaurant locations. Section 11, Waverton Village Centre is also relevant as it deals with a remote location and isolated cafés.

The objectives of any café and restaurant proposals in isolated areas of North Sydney are as follows:

### **Objectives**

- Use the attributes of the area which make it special and provide services to the local community.
  - To take advantage of the natural amenity of the location e.g. quiet, green, distant view of the water or a park
  - Residential areas with landscaping and generally more relaxed and pleasant environments.
- To encourage the use of canopies, umbrellas and planters to define outdoor dining areas for cafés.
- To provide protection for patrons using screens and barriers
- To minimise potential impact to any neighbouring residential development.

Encourage creative opportunities for cafés which enliven underutilised areas, take advantage of good orientation and provide welcome respites for local residents and workers.

## **13. Mainstreet Streetscape Strategies**

Where a main street streetscape strategy has been adopted by the Council that includes design objectives and details for the public domain, the provisions of that strategy shall take precedence over the provisions of this policy, where the provisions of this policy are inconsistent with the adopted strategy.

Identified main street streetscape strategy areas are currently within (but are not limited to) the following localities:

- Cammeray
- North Sydney Central Business District
- Crow's Nest
- Kirribilli
- Neutral Bay
- St Leonards
- Waverton
- Wollstonecraft

Council should be consulted prior to embarking on any design work for outdoor dining or goods display area relating to main street areas within these localities.

**SCHEDULE 2 EXISTING CONDITIONS PLAN REQUIREMENTS**

The Plan of Existing Site Conditions needs to show (but is not limited to):

- The front wall of the premises to which the outdoor dining or goods display area belongs;
- The windows of the front wall and how they open out;
- Front entrance doors and the way in which they open;
- The extent of any verandah or canopy/awning overhang;
- Location of street trees within 10m of the outdoor dining or goods display area. Show the extent of tree canopy over the proposed outdoor dining or goods display area with an estimate of the canopy line;
- The boundary line between the adjacent properties;
- The extension of the boundary line between the adjacent properties to the kerb at an angle perpendicular to the kerb alignment;
- Exit doors and stairways;
- Adjacent building entrances and stairways within 2 metres of the property boundary;
- Intersections with streets or lanes within 20 metres;
- The location of outdoor dining or goods display areas within 20 metres of the site; and
- Changes in grade or levels (Note: that the drainage cross fall from the property boundary to the kerb is not required to be shown).

The following street infrastructure within 10 metres of the proposed area are to be included on the plan of Existing Site Conditions:

- trees and tree plots/grates;
- public street furniture (seating, rubbish bins, bicycle hoops, bollards);
- parking fixtures (signs and meters);
- above ground utilities (phone boxes, bus stop and shelters, fire hydrants, light/telegraph poles, telecommunication switch boxes and Australia Post boxes);
- Postal access for buildings and tenancies;
- directional signs; and
- distance and direction to any residential buildings within 50 metres (if any).

Any other features which may affect the layout or performance of an outdoor dining or goods display area should also be shown.

**Photographs of Existing Site Conditions**

Photographs of existing site conditions need to accompany the Plan of Existing Site Conditions showing:

- Façade of the building to which the proposed outdoor dining or goods display area relates.
- Side view (along the street) of the area where outdoor dining or goods display area is proposed.
- Distant views of both of the above views to show the context of the proposed outdoor dining or goods display area including adjacent buildings and neighbouring conditions (e.g. photographs of street frontages taken looking along the frontages).

**Photograph specifications:** Minimum 2.1 mega pixels (preferable 3.1 mega pixels). Hard copies at minimum A5 size for each photograph and a CD of the same images are to be supplied with the Permit Application.

### **SCHEDULE 3    SETBACK AND SIGHTLINES CRITERIA**

Setbacks from objects in the public domain are required for safety and amenity to ensure that outdoor dining or goods display areas add to the benefit of the community and do not detract or inconvenience the use of the area. Minimum setbacks from obstacles, boundaries and kerbs are required in order to ensure fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have a mobility impairment.

By looking at the Existing Conditions and applying the setback and clearance distances, the area which is available for outdoor dining or goods display can be defined. Therefore, the application must address at least the following issues in order to define the available area:

1. Pedestrian way clearance
2. Clearance from objects
3. Other clearances including street intersection sightlines, kerb setbacks, and other outdoor dining and goods display area separation.
4. Construction zones

#### **Pedestrian way clearance**

The minimum clearance allowed for pedestrian movements varies for safety reasons and with the concerns of other users.

In areas with heavy pedestrian traffic and heavy vehicular traffic (such as roads affected by clearway restrictions) for safety reasons the minimum footpath clearance is 2m (Table 1) which allows two children's strollers/ prams or two mobility aids to pass.

Roads and Maritime Services designated roads and busy roads affected by clearway restrictions generally require 2m minimum setback from the kerb. These roads include:

- Pacific Highway
- Falcon Street and Military Road
- Miller Street
- Approaches to entrances of railway and metro stations

For quieter areas where both pedestrian and vehicular traffic is lower, 1.5m clearance for pedestrians is needed - this allows passing by sequencing or waiting until the other person/stroller has passed. This type of queuing is well understood by people and is commonly used by pedestrians, cyclists and vehicular movements. The minimum distance of 1.5m can be reduced subject to assessment of pedestrian or vehicular traffic or mitigating circumstances identified by the assessing Council officer (refer to Table 1).



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<b>Table 1 Clearance for pedestrians.</b>						
<b>Where A is a kerb and B is an object not listed in Table 2</b>						
	<b>High Traffic Risk*</b>		<b>Medium Traffic Risk<sup>#</sup></b>		<b>Low Traffic risk<sup>+</sup></b>	
	A	B	A	B	A	B
High Pedestrian Traffic	3.0	2.5	2.5	2.0	2.5	2.0
Medium pedestrian traffic	2.5	2.0	2.0	1.5	2.0	1.5
Low pedestrian risk	2.0	1.5	1.5	1.0	1.2	1.0

**\* High traffic risk**

- *high volume*
- *high speed*
- *travel lane adjacent to kerb*
- *requires vehicle protection to separate outdoor dining from traffic lane if outdoor dining is adjacent to kerb*

**# Medium traffic risk**

- *medium volume*
- *medium speed*
- *parking adjacent to kerb*
- *requires fence to separate outdoor dining from traffic if outdoor dining is adjacent to kerb*

**+ Low traffic risk**

- *low volume*
- *low speed*
- *parking adjacent to kerb*
- *requires minor planters to separate outdoor dining from traffic*

The clearances are those considered desirable. Council shall assess each situation on its merits. However, Table 2 shall be regarded as the absolute minimum clearance in all circumstances.

**Clearance from objects**

Table 2 provides the minimum clearance required to specific objects of street infrastructure (refer to Table 1 for general requirements where object is not listed). Note that the Council may consider the ability to relocate certain items at the proponent's cost.

<b>Table 2 Clearance from existing street infrastructure</b>	
<b>Object</b>	<b>Min Clearance from object</b>
<b>General</b> <ul style="list-style-type: none"> <li>– trees and tree plots</li> <li>– front of public seating</li> <li>– rubbish bins</li> <li>– bicycle hoops</li> <li>– parking signs</li> <li>– parking meters</li> <li>– phone boxes</li> <li>– bus stop shelters</li> </ul>	900mm

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<b>Essential Services</b> <ul style="list-style-type: none"> <li>– fire hydrants</li> <li>– hose reel cupboards</li> <li>– fire exit doors</li> <li>– fire equipment stores</li> <li>– substations</li> <li>– switchboards</li> <li>– communication pole</li> <li>– hose reel cupboard</li> </ul>	
<b>Other infrastructure in the public domain:</b> <ul style="list-style-type: none"> <li>– Bollards</li> <li>– Way finding signs</li> <li>– Back of public seating</li> </ul>	500mm

**Other required clearances**

Table 3 describes clearances from street intersections, water's edge setback and clearances between outdoor dining areas of different cafés.

The sightlines which need to be observed for traffic and pedestrian safety are shown in Diagrams 1 and 2.

<b>Table 3 Other clearances</b>	
<b>Other Clearances</b>	<b>Minimum clearance</b>
At Street intersections, from the building corner (note sightline angle of 45° is to be observed)	45° sightline angle (see diagrams 1 and 2)
Where seating is shared with a road (no kerb or street closure)	4 metres
Water's edge to provide uninterrupted access to the harbour	2 metres
Clearances between adjoining outdoor cafés with no separation screen	250mm

**Construction Zones**

Construction Zones are essential to maintain buildings, services, roads and footpaths. A 3m setback is required within a construction zone from existing outdoor dining and goods display permit areas to protect patrons from possible danger, nuisance and noise. Note: that construction zones are generally a temporary feature and may be granted by the Council at any time, at its discretion.

Schedule 3 Setback and sightlines criteria

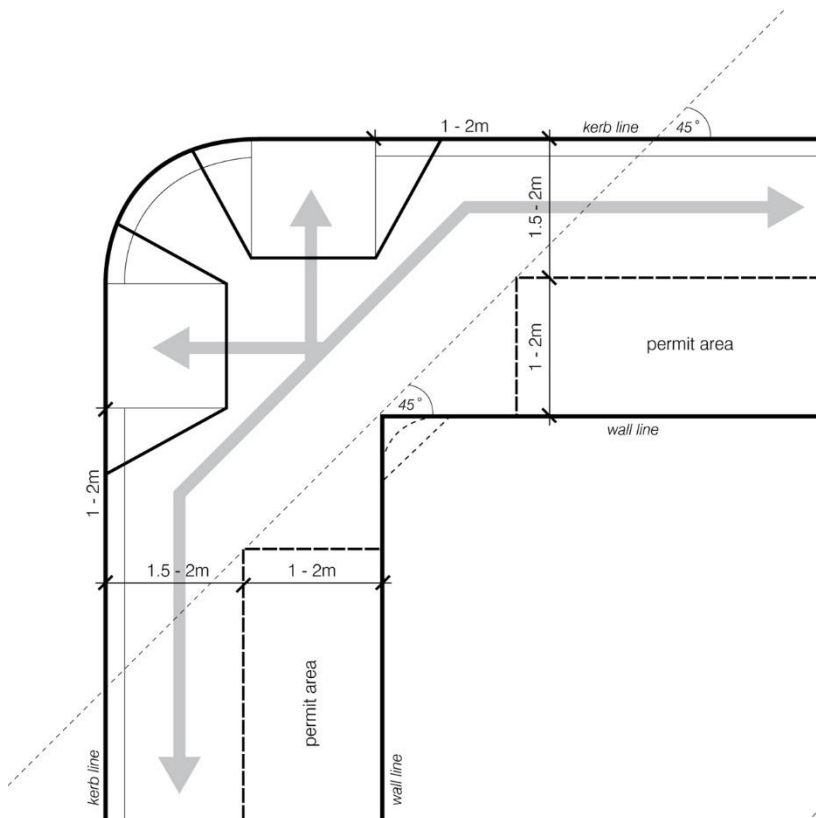


Diagram 1

Corner Sight Lines

Corner cafe safety sight lines for tables adjacent premises.

- alignment, nominal dimensions and minimum clearance for pedestrian traffic
- generally for classified arterial roads with high vehicle traffic volumes and moderate to high pedestrian traffic

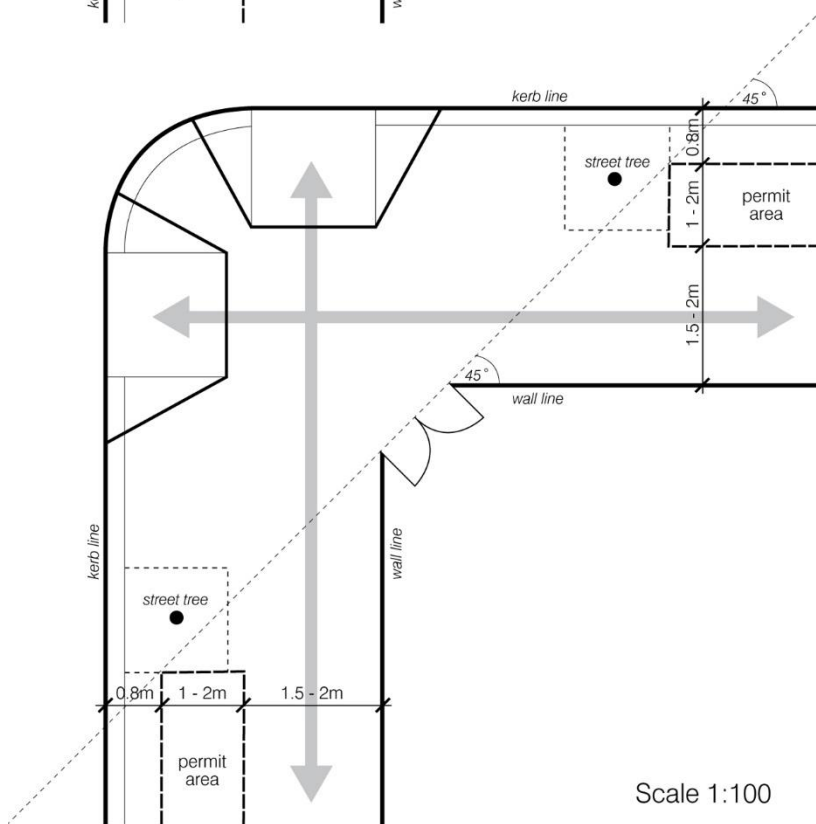


Diagram 2

Corner Sight Lines

Corner cafe safety sight lines for tables near the kerb.

- alignment, nominal dimensions and minimum clearance for pedestrian traffic. Dependent on pedestrian traffic

Scale 1:100

## **SCHEDULE 4 LAYOUT CRITERIA**

Layout diagrams for outdoor dining area alternatives are included in this document to indicate the types of seating layout arrangements and spacing desired by Council to ensure safety and convenience for users of the public domain.

### **Permit area alignment:**

#### **Adjacent to Shopfronts**

Generally, for standard width footpaths (i.e. up to 3.6-metre-wide) it is preferable to have outdoor dining areas adjacent to the street wall of the adjacent food and drink premises in order to:

- avoid the interruption to passing pedestrian traffic by table-waiting staff;
- separate people seated in outdoor dining areas from parked cars/moving vehicles/exhaust fumes for safety and amenity;
- more strongly connect the outdoor dining area with the food and drink premises.

Refer to Diagrams 3, 4 and 5 of this Schedule for layouts of outdoor dining by the café wall.

#### **Adjacent to street kerb**

There are several areas in North Sydney where pedestrian movement is by the premises' street wall and the outdoor dining area is adjacent to the kerb. These are mostly generated by special situations which have resulted in a special response by the North Sydney Council by widening the footpath. These include the following:

- Willoughby Road, Crows Nest - where specially designed outdoor dining areas are on widened footpaths, there are deep solid planters between the carriage way and the outdoor dining area, there is a narrowing of the carriageway to reduce and slow traffic and there is often a significant change in level along the slope of the street between the outdoor dining area and the carriageway for protection from traffic.
- At St Leonards - Council has designated and specially designed outdoor dining areas on widened footpaths of Atchison Street.

Refer to Diagrams 6, 7 and 8 of this Schedule for layouts of outdoor dining areas located away from the premises' street wall.

**Other special circumstances** that dictate similar responses may be encountered elsewhere. Where such special circumstances apply each case will be determined on its merits.

Similarly, separating goods display areas from a shopfront with a thoroughfare is generally to be avoided.

Special layouts and specifically designed furniture are permissible in situations where these are warranted, for example integrated table seating for narrow sloping pavements (such as at Kirribilli - see the example photograph in Schedule 1 for the Kirribilli Locality Character Statement). If specifically designed furniture is to be proposed full details and specifications are to be submitted or an example provided of a similar item that has already been actually fabricated and used in similar circumstances (testimonials from a public authority may also be provided) to aid assessment. Safety and stability are essential qualities.



Outdoor Dining and Goods Display on Footpaths Guidelines

Schedule 4 Layout criteria

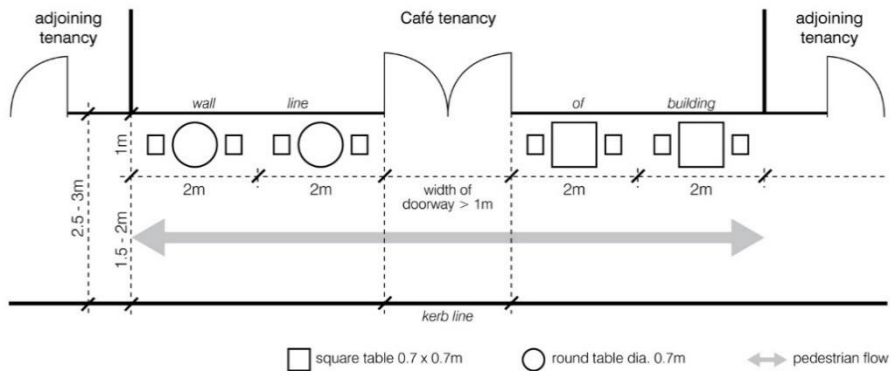


Diagram 3

2 person tables adjacent premises.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table
- preferred pedestrian way 1.5 - 2m but variable in low vehicle traffic / light pedestrian traffic to 0.9m

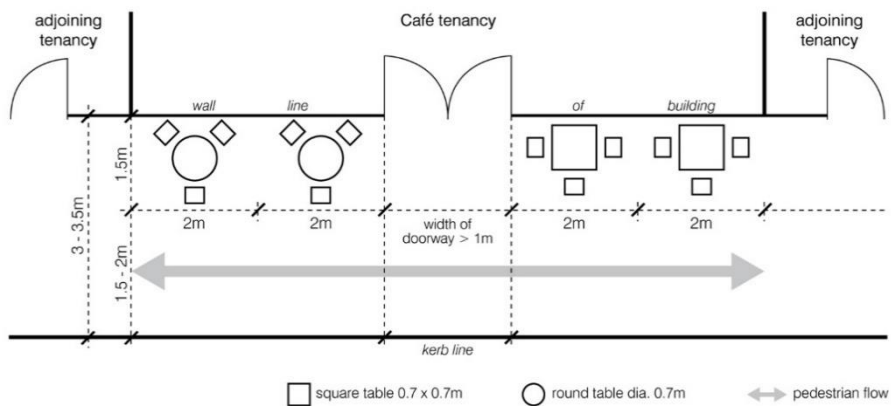


Diagram 4

3 person tables adjacent premises - 3+ person table.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

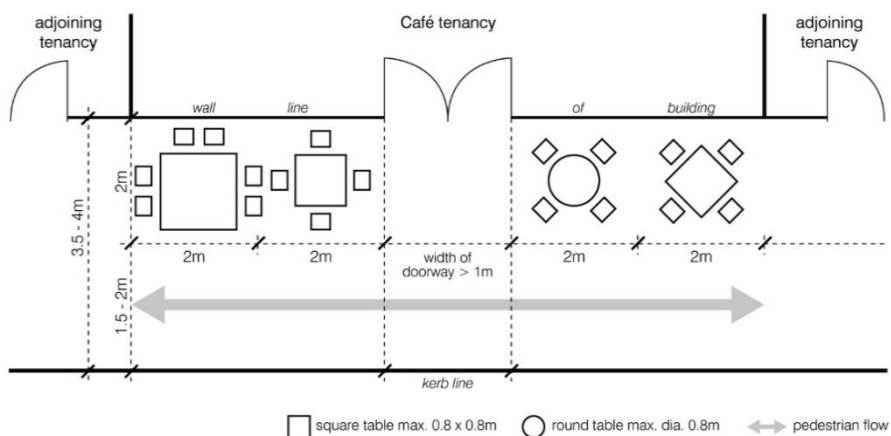


Diagram 5

4 person tables adjacent premises.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Schedule 4 Layout criteria

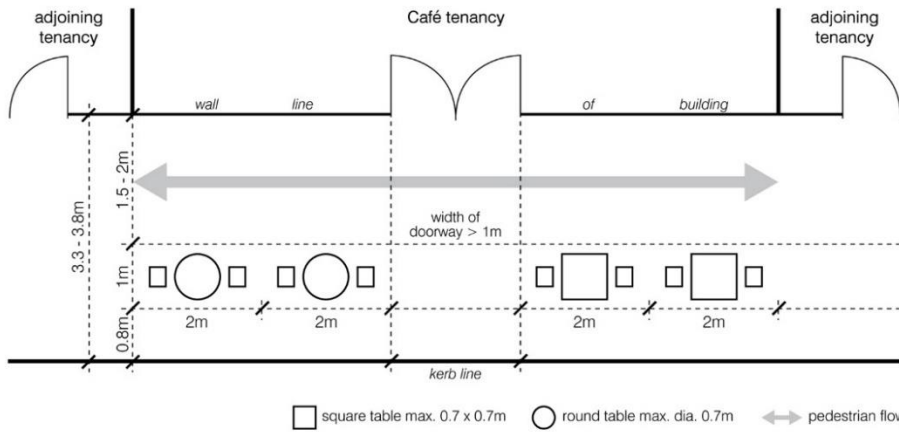


Diagram 6

2 person tables near kerb.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table
- if there is a zebra crossing within 20m of the cafe then the area opposite the cafe door can be used for seating

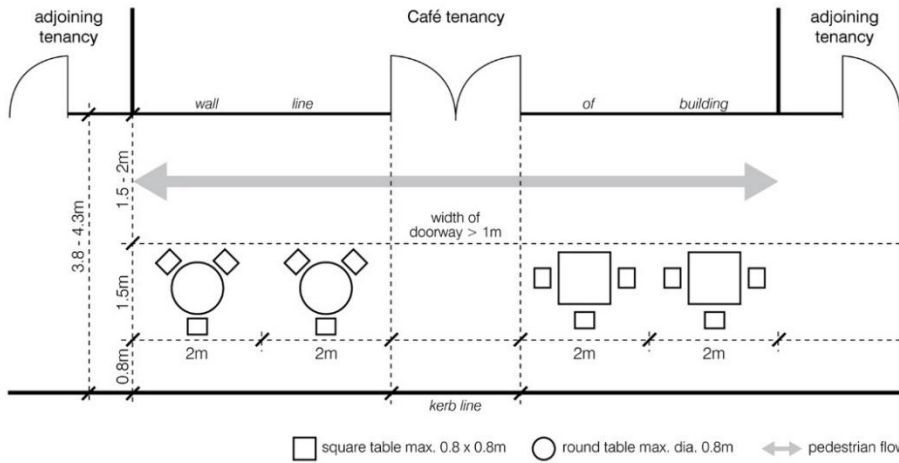


Diagram 7

3 person tables near kerb.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

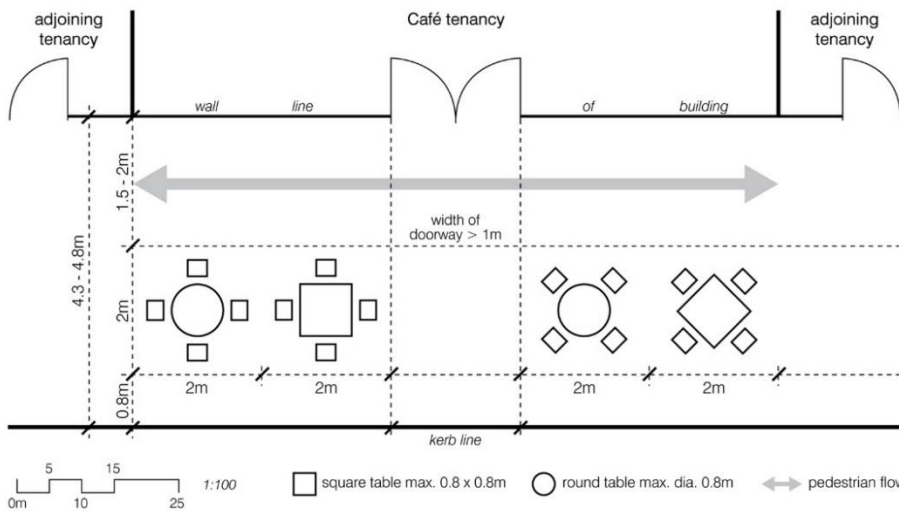


Diagram 8

4 person tables near kerb.

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table
- if there is a zebra crossing within 20m of the cafe then the area opposite the cafe door can be used for seating

## SCHEDULE 5 FURNITURE EXAMPLES

The following sheets provide a range of furniture examples suitable for this Policy in terms of design quality and commercial standard for the high wear and tear of outdoor use by the public.

### Furniture Projects



- Commercial quality furniture
- Durable



- High grade UV resistant
- Water Drainage hole in chair seat



- Suitable for outdoor use
- Easily maintained



- UV resistant chairs
- Durable finishes



- Easily cleaned
- Stackable chairs



- Suitable for usage
- Commercial quality

Note: All timber to be recycled and/or plantation timber

**Outdoor Dining and Goods Display on Footpaths Guidelines**

**Tables**



- Suitable for outdoor use
- Durable



- Sturdy
- Stable



- Flip top
- Easily stored



- Stackable
- Commercial grade



- 1 Compact Laminate  
 2 Solid Jarrah Slat  
 3 Solid Timber  
 4 Teak with Al. Edge



- UV resistant
- Stackable



- Folding table - commercial quality
- Easily stored



- 5 Pre Fabricated Resin - Silver  
 6 Pre Fabricated Resin - Timber  
 7 Stainless Steel Ring Spun  
 8 Teak with Al. Edge



- Timber slatted top suitable for outdoor use

Note: All timber to be recycled and/or plantation timber



## Outdoor Dining and Goods Display on Footpaths Guidelines

## Chairs



- Easily cleaned & maintained
- Commercial Quality



- Wicker UV resistant with wire reinforcement
- Non - porous wicker



- Folding chairs to be safe & sturdy
- Easily stored



- Feet 'Glides' for floor protection & anti slip



- Drainage hole in rear of seat
- High grade UV resistant



- Stackable
- Polypropylene with glass fibre for strength



- Hardwood sealed plantation timber slats suitable for outdoor conditions
- Aluminium frame with all joints fully welded for strength



- Anodised aluminium
- All componentry suitable for outdoor use
- Commercial Grade / No Sub-standard imitations



- Hardwood suitable for outdoor use
- Suitable in light winds

Note: All timber to be recycled and/or plantation timber

## Stools



- Stainless steel frame
- Jarrah slatted top



- Stackable
- Polypropylene with glass fibre added for strength



- Easily cleaned & maintained
- High grade UV resistant



- Interlinking design
- Recyclable & UV resistant material



- Resilient Polyethylene
- Stable Design



- Recycled timber
- Commercial quality construction

Note: All timber to be recycled and/or plantation timber

**Outdoor Dining and Goods Display on Footpaths Guidelines**

**Planters**



- Individual Pots - able to move & store



**Umbrellas**



- Fade resistant covers
- High strength frames



- Excellent water resistance
- Mould & mildew resistant



- Commercial quality

Note: All timber to be recycled and/or plantation timber.

## Outdoor Dining and Goods Display on Footpaths Guidelines

### Heaters



- Heavy duty cast iron
- Wind resistant weighted base



- Wheels for easy mobility
- Safety shut off



- Commercial quality

### Barriers



- Attractive site screening
- Clear wind / weather barrier



- Stable
- Discrete Graphics



- Laced on vinyl barriers
- No sharp edges

Note: All timber to be recycled and/or plantation timber



## **SCHEDULE 6 LOGOS**

Identification and promotional logos can add colour and vitality to the streetscape and are encouraged in a controlled manner.

Logos can only be placed on outdoor umbrellas, canopies, screens and menu pedestal boards and are subject to the following criteria:

- Only identify the business or products that are a core part of the business's activities and are supplied by the business to the public;
- Only one product and one business identification name for each food and drink premises or business;
- A minor and integral element of the furniture design and does not have an excessive visual impact on the streetscape;
- Only displayed on every alternate screen panel screen or umbrella at a maximum; and
- Covers less than 33% of the surface area of the screen panel.

The following identifies some unacceptable use of logos:

- Logos on outdoor furniture are not to be illuminated by neon or another spot lighting.
- Advertising is not permitted on any item within the outdoor dining or goods display area unless development consent has first been obtained;
- Private business advertising is not permitted on any Council street furniture and public infrastructure; and
- Where roll down blinds or screens are permitted no logo is allowed on transparent or roll down weather proofing blinds.

### **Submission details**

Graphic artwork or an accurate photo of a logo or business name proposed is to be submitted with the application and illustrations showing the position and how the logo is to be applied.

**SCHEDULE 7 PERMIT PLAN REQUIREMENTS**

The Permit Plan illustrates the proposal and provides the set-out details of the application. It should be prepared at a scale 1:100 or 1:50 and be based upon the details provided from:

- the plan of existing conditions (Schedule 2)
- the area defined using the setback criteria (Schedule 3)
- the selected outdoor furniture (examples in Schedule 5)

The Permit Plan is to include a scale drawing(s) that shows:

- The plan of existing conditions as base information
- All setbacks marked
- The layout of tables and chairs to scale and alternative layouts
- Location and specification of outdoor heaters
- Location and specification of outdoor lighting
- Location of goods display furniture
- Outdoor location of the menu(s)
- Location of planter boxes drawn to scale
- Specification of planter box(es) and plant species
- Location of screens drawn to scale
- Location of umbrellas and awnings drawn to scale
- Logo details (business identification logo or see the Logo criteria in Schedule 6)

## **SCHEDULE 8 OPERATIONS PLAN REQUIREMENTS**

An **Operations Plan** addressing the following items is required to be submitted with an application:

- **Trading hours** - Proposed trading hours are to be specified and must not exceed the approved operating hours to any development consent issued for the associated business. Trading hours outside those approved may only be altered with development consent of Council.
- **Furniture storage** - The area where outdoor furniture is to be stored is to be shown on a plan of the interior of the business or storage area. This includes, stackable chairs, tables, menu boards, gas heaters and the like as well as display tables etc.
- **Staffing levels** - The number of staff available during the nominated hours to manage the outdoor area is to be specified. Include any casual staff available who will be waiting on or managing the outdoor dining areas during nominated busy periods.
- **Toilet facilities** - The applicant must specify access to existing or proposed toilet facilities that may reasonably be available for use. Each case will be considered against the minimum requirements specified in the *Building Code of Australia*.
- **Cleaning program** - One of the most critical aspects of using the public domain for the outdoor dining or goods display is the management procedures that will keep the area as clean as it would be if the areas were not there. The outdoor pavement is to be kept free and clean of all food or container spillages at all times. The pavement needs to be washed down on a weekly basis. Lack of adequate maintenance may cause a permit to be revoked.
- **Waste disposal** - Increased waste generated by the proposed outdoor dining or goods display area is to be estimated. All waste is required to be placed directly to 220 litre sulo bins unless the business uses a dedicated skip. Waste disposal using plastic bags is prohibited. Significant increases in capacity of a food and drink premises may require additional bin capacity or extra garbage pickups. Each case will be considered on their merits.
- **Non-Smoking** - All outdoor dining areas on Council-owned land are non-smoking and food and drink premises can be fined if their customers do not comply with the ban. For more information refer to Council's *Smoking in Public Places Policy* available from Council's website.
- **Pigeon and other pest management** - Some areas experience a pigeon problem. Clearing tables immediately people leave will avoid pigeons from feeding on table scraps. Prompt cleaning of spillages and clearing of tables will avoid encouragement of other vermin. The avoidance of situations that attract such pests are an obligation of the permit holder in order maintain acceptable standards of public hygiene and to comply with the health regulations.

**SCHEDULE 9 INDEMNITY AND PUBLIC LIABILITY INSURANCE**

Evidence of public liability insurance for \$10 Million, (or \$20 Million within State Road Areas) is required with the Permit Application. Suitable documentation is to be provided in accordance with the conditions of the grant of a Permit in the form of an acceptable Certificate of Currency for Public Liability Insurance as well as an indemnity form completed at the time of lodgement of a Permit Application.

**EXAMPLE****EXZ insurance brokers****Certificate of Currency**

Jo Bloggs  
Architect  
**YYY111**  
Draw4U Pty Ltd

**Date: 13/03/08**  
**Ref No:**

**Insured:** **Enzo's Coffee Lounge Pty Ltd**  
**T/as Enzo's Coffee Lounge**

We act as insurance brokers for the above client and at their request confirm the existence and currency of the following insurance subject to the limitations, exclusions, definitions and conditions of the insurance policy wording:

**Class:** Ludlow Entry Plus  
**Policy No:** ABC-1234-5678  
**Period:** 01/02/08 – 01/02/09  
**Covering:** Public and Products Liability  
Including Cross Liability  
**Sum Insured:** **\$20,000,000**  
**Situation:** At and from shop 2 and Storage Area  
123 Café Crescent  
NORTH SYDNEY NSW 2060

**Interested Parties:** Roads and Maritime Services

**Insurer:** Ludlow General Insurance **Per Cent**  
100.0000

**Note:** This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This confirmation does not amend, extend or alter the coverage afforded by the policy/policies. Should the abovementioned contract of insurance be cancelled, assigned or changed during the above policy period in such manner as to affect this document, no obligation to inform the holder of this document is accepted by XYZ Insurance Brokers.

XYZ Insurance Brokers  
22 Yippee Road, Ensworth NSW



**SCHEDULE 10 LANDOWNER'S CONSENT**

Where the proposal is to provide outdoor dining or display of goods in front of a neighbouring business or property, written consent of the owner and/or the occupier of the adjoining premises is required to be submitted with the Permit Application Form.

## **SCHEDULE 11 EXEMPT DEVELOPMENT**

Where proposals are partly or fully on private land then development consent is required unless the proposed use satisfies the “exempt development” criteria for outdoor dining under the Codes SEPP or the criteria for goods display under NSLEP 2013. Regardless of whether development consent is required or not, proposals for outdoor dining or goods display that are partly or fully on a public road (including a footpath) a Permit under this Policy is needed.

### ***Exempt Development Provisions***

#### **Outdoor Dining**

A proposal for outdoor dining may be “exempt development” provided it satisfies all the requirements outlined in clauses 1.15, 1.16, 1.16A and subdivision 20A to Division 1 to Part 2 of the Codes SEPP.

A copy of the Codes SEPP can be found at the following link:

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572>

#### **Goods Display**

A proposal for the display of goods may be “exempt development” provided it satisfies the requirements outlined in clauses 3.1 and 3.2 and Schedule 2 of NSLEP 2013.

A copy of NSLEP 2013 can be found at the following link:

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/411>