



OUTDOOR DINING AND FOOTPATH TRADING AND A FRAME SIGNS **FACTSHEET**

Hawkesbury City Council is committed to working with business owners and the community to develop the economic viability of the Local Government Area through providing areas on the foot path for outdoor dining, trading spaces and A frame signage. Whilst balancing this with the publics and emergency services need for safe and accessible spaces.

If you are planning to use the footpath for trading products or food or A frame signage, then you will need to complete the relevant application form. Forms are available online at: www.hawkesbury.nsw.gov.au/your-council/all-forms

Council's Outdoor Dining and Footpath Trading Policy applies to the Hawkesbury Local Government Area outside of Windsor Mall and Council's Windsor Mall Policy applies to Windsor Mall only. These guidelines are provided to assist businesses to understand the requirements of the Policies and obtain the appropriate approvals.

Other associated permits that may be required and are separate to the Footpath Trading Permit:

- Permit holders are responsible for obtaining all necessary approvals (planning or food consents/ permits)
- Liquor licenses (if applicable)

OUTDOOR DINING

Outdoor Dining areas should:

- Be located on a suitable surface that is sufficiently level to allow safe use of any furniture
- Be adjacent to the road kerb
- Maintain at minimum unobstructed footpath of 1.8m at all times
- Not interfere with car parking or vehicle movements
- Be placed 0.5m away from any road kerb line
- Be directly located in front of the premises to which the permit relates unless consent has been given from the adjoining shop owner/occupant
- Not be placed within 5m of any road corner.

OUTDOOR FURNITURE

Must be of commercial grade and adequate strength and durability to withstand external weather conditions and outdoor commercial use (domestic style plastic furniture not permitted)

Must be of high aesthetic quality that enhances the existing streetscape

Must be of a single colour and kept clean, hygienic and safe at all times

Shade umbrellas/structures must be securely anchored, however permanent anchoring is not permitted

Chairs must not have their backs to the kerb

Is the responsibility of the proprietor

All furniture must be removed from the public areas outside trading hours

HEATING STRUCTURES

Any proposal to use heating structures within outdoor dining areas will be assessed on merit with consideration given to footpath width, type, number and location of heating structures proposed. Particular attention will be given to the safety of the diners and the public.

All gas heating structures must adhere to Australian Standard 4565 – Radiant Gas Heaters for Outdoor and Non-Residential Indoor Use.

LIGHTING

Any outdoor dining area licensed to operate outside daylight hours must be adequately lit to Council's satisfaction to ensure the safety and amenity of patrons and the general public. Lighting of any outdoor dining area must be:

- in the form of down lights or the like;
- be directed away from the roadway;
- contained to the outdoor dining area only and
- turned off outside the operating hours of the premises.

PLANTER BOXES

Proposals to use planter boxes will be assessed on merit. Planter boxes must:

- be within the permitted area
- maintain an unobstructed footpath of 1.8m at all times
- not obstruct pedestrian flow
- contain plants that are to Council's satisfaction
- be removed from the outdoor dining area and stored elsewhere outside trading hours
- not contain advertising.

LIQUOR LICENCE

Service of Alcohol Restaurants and cafés that have an existing on premises liquor licence may apply to Liquor & Gaming NSW to extend their licence boundary to include the outdoor dining area. Liquor & Gaming NSW will assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary. If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.

FOOTPATH TRADING

Street Trading activities (product displays, signage, flags) must only be located directly in front of the retail premises. Activities and displays must:

- Be located on a suitable and sufficiently level surface
- Be able to be supervised from the premises
- Maintain at minimum unobstructed footpath of 1.8m at all times
- Be consistent with any footpath trading activity at adjoining premises
- Not greater than 1m in depth
- Not be placed within 5m from any road corner
- Not obstruct access to the premises
- Not create litter
- Be removed outside of trading hours.

DISPLAY OF GOODS

- No displaying of liquor, drugs, tobacco, unpackaged food, corrosives, oxidising material, dangerous goods (knives etc), explosives or flammable liquids.
- Packaged food must be kept at least 750mm above ground level
- All goods must be displayed on stands, racks or in containers above ground level, unless goods are designed in a manner to allow placement on the ground.
- White goods must not be displayed on the footpath
- No advertising using application or persons calling to the public can be undertaken in association with a footpath trading permit
- No food may be cooked, processed or prepared for consumption in permitted area.

DISPLAY STANDS

- Display stands must be approved by Council, must be aesthetically pleasing, durable, well finished and secure
- Edges and corners must be finished so not to cause injury to a passer-by

A FRAME SIGNS ON COUNCIL FOOTPATHS

Annual permits must be applied for and the applications should meet the following criteria:

- No signs in residential areas
- Footpaths should be greater than 2.9m
- One sign per business
- Signs are placed directly outside of the business they relate to
- Signs to be placed so as not to obstruct pedestrians or the view of drivers
- Maximum sign area of 1.2m² on each of the two faces
- Public liability insurance of at least \$10 million

FAQ

DO YOU HAVE TO APPLY FOR A PERMIT EVERY YEAR?

The Application for a Permit is a one off application, however there is a requirement for annual renewal and an annual fee. Permits must be renewed every year. Permits are non-transferable (if there is a change in business ownership or location).

CAN YOU MODIFY YOUR APPROVAL?

Yes. To make changes to your approval you need to submit a new application. Depending on the extent and reason for the modification. Fees may apply.

WHAT IS NOT COVERED BY THE POLICY?

Streetscape works, e.g permanent covered and walled structures, and advertising structures not mentioned in the Policy. These need separate approval from Council.

CAN COUNCIL CANCEL THE APPROVAL?

The approval can be cancelled for breaches of Policy and agreed conditions, and to maintain access, public safety and amenity.

APPLYING FOR APPROVAL

Council will use its Policies and relevant legislation to assess all applications for an Approval to use the footpath or public area for outdoor dining or street trading and A-Frame signs. Before making an application, please ensure that your application meets the requirements of the Policy, or if you are applying for a variation to the Policy, that all necessary information is provided to Council.

The Application should be made on the approved form, with all sections completed, including a sketch of the proposed site layout, measurements, and details of items to be placed/displayed, demonstrating compliance with the requirements of the Policy. Please ensure that a description and measurements of all items/fixtures (flags, signs, display stands, tables, chairs etc) to be placed on the footpath are listed on the application form or detailed on an attachment to the Application.

The Application must be submitted with:

- A copy of a Certificate of Currency for a minimum \$10 million in public liability insurance. The Certificate of Currency must list Hawkesbury City Council as an Interested Party.
- Payment of the Application fee or Annual Renewal fee
- Any additional information required to assess your application i.e. details of the design and colour or the outdoor furniture proposed (include photos if possible), details of advertising signage on furniture, written permission from owner of adjoining property if placing outdoor dining tables in front of adjacent premises.

The site sketch is to:

- Clearly identify the shop front
- Provide the distance from the boundary line to the kerb & gutter
- Provide the distance of the boundary line to any awning posts
- Identify areas of the footpath (with dimensions) to be occupied by the activity
- Identify the location of any street furniture, signs, flags or similar.

For more Information Contact Council staff at council@hawkesbury.nsw.gov.au or **02 4560 4444**