Outdoor Dining

Guidelines









City of Parramatta encourages Street Activities that contribute to the vibrancy of the Public Domain.

Street Activities need to be regulated in a way that respects the public's use of the space in the Public Domain, supports the functionality of public roads and streets, and is fair to all businesses.

Any Street Activity held in the Public Domain must have an Approval from Council, and comply with Council's policies, procedures and Guidelines.

The Street Activity Policy sets out the types of Street Activities that may take place outdoors in the Public Domain with the Approval of Council. Each of these Activities has an associated set of Guidelines, which include the procedures to apply to the Council for an Approval. Guidelines are to be read in conjunction with the Street Activity Policy.

One such Street Activity is Outdoor Dining.

An Approval for Outdoor Dining allows a business to operate for the purpose of food and drink premises adjacent to a public road in the Public Domain and use part of the public road for the purposes of the food and drink premises.

Businesses are invited to open Outdoor Dining Areas to contribute to a lively street culture.

PURPOSE OF THIS GUIDE

These Guidelines set out the circumstances and conditions under which Council will issue Approvals for Outdoor Dining on a public footway and other similar places in the Public Domain.

The purpose of these Guidelines is to summarise businesses' responsibilities when using the Public Domain, including a public footway, to operate Outdoor Dining. These Guidelines are in place to ensure an Approval Holder will maintain and enhance the character, heritage, ambience and safety of the Public Domain, thereby enriching the community and visitor experience while stimulating economic development.

OBJECTIVES

- Provide businesses with a straight-forward approval process to offer Outdoor Dining on a public road and in the Public Domain;
- Ensure that Outdoor Dining does not unduly obstruct pedestrian traffic or other community uses of the Public Domain, nor cause any clutter on Public Domain;
- Clarify suitable locations for outdoor dining activity;
- Support local economic development and commercial vitality; and
- Create high-quality Public Domain that contributes to the amenity of nearby property.



WHERE DOES THIS GUIDE APPLY?

These Guidelines apply to all businesses operating Food and Drink Premises, wishing to operate Outdoor Dining in association with that purpose, in the City of Parramatta Local Government Area.

Businesses fronting the CBD Parramatta Light Rail (PLR) track where Transport for NSW (TfNSW) has installed outdoor dining structures must comply with 'Eat Street Guidelines' in addition to these Guidelines. The 'Eat Street Guidelines' are provided at the end of this document.

Any Outdoor Dining that is permitted under a Development Consent, including Parramatta Square Outdoor Dining, is subject to the conditions of that Development Consent. In the event of any inconsistency, the Development Consent will prevail.



DEFINITIONS

'Applicant' means the business, company, or person, operating a Food and Drink Premises, applying for an Outdoor Dining Approval, pursuant to the Street Activity Policy, for those premises.

'Approval' means an approval granted by Council under section 125 of the Roads Act 1993; or an approval granted by Council section 68 of the Local Government Act 1993; or, any other valid written agreement entered into with Council for an Outdoor Dining Area.

'Approval Fee' means the fee payable under the conditions of Approval, in accordance with Council's Fees and Charges.

'Approval Holder' means the business, company or person, to which an Approval has been granted.

'CBD' means the Central Business District of City of Parramatta Local Government Area (LGA).

'Council' means the City of Parramatta Council.

'Council's Fees and Charges' means the fees and charges published by Council on its website and reviewed annually.

'Eat Street Businesses' means businesses fronting the Parramatta Light Rail (PLR) track in the CBD where permanent Outdoor Dining structures have been installed by Transport for NSW.

'Eat Street PLR Corridor' means the area of the CBD through which the Parramatta Light Rail track will run in the CBD where permanent outdoor dining structures have been installed by Transport for NSW.

'Food and Drink Premises' means premises that are used for the preparation and retail sale of food and drink for immediate consumption on or off the premises, and includes any of the following: (a) a restaurant or cafe, (b) take away food premises, (c) a pub.

'Outdoor Dining Area' or 'Dining Area' means the area identified in the Approval for the Street Activity of Outdoor Dining.

'Outdoor Dining' means that area used for Food and Drink Premises adjacent to a public road on the Public Footpath or Public Domain, to use part of the Public Footpath or Public Domain for the purposes of the Food and Drink Premises

'PLR' means the Parramatta Light Rail.

'Policy' means Street Activity Policy.

'Public Domain' includes roads, streets, footpaths, laneways, malls, squares, plazas, parks, reserves and car parks owned operated, or managed by the City of Parramatta Council.

'Public Footpath' means that part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.



HOW TO APPLY

These Guidelines apply to all businesses operating Food and Drink Premises, wishing to operate Outdoor Dining in association with that purpose, in the City of Parramatta Local Government Area.

Businesses fronting the CBD Parramatta Light Rail (PLR) track where Transport for NSW (TfNSW) has installed outdoor dining structures must comply with 'Eat Street Guidelines' in addition to these Guidelines. The 'Eat Street Guidelines' are provided at the end of this document.

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SECURITY & FEES

The Approval Fee is specified in Council's Fees and Charges, subject to change and available on Council's website. No refunds are permitted.

The Approval Holder will be required to pay a security deposit acceptable to Council (e.g. bond, bank guarantee) for the equivalent of three (3) months of the annual Approval Fee or, on a pro rata basis if the Approval is less than twelve (12) months. The Outdoor Dining security deposit will be held by Council for the duration of the Approval Holder's occupation of the public road or Public Domain. The security deposit will be returned to the Approval Holder upon satisfactory completion of the Approval Holder's obligations under the Approval.

INSURANCE

The Approval Holder must maintain a minimum of \$20 million Public Liability insurance policy. City of Parramatta Council must be named as an additional third party insured under the policy for its respective rights and interests. The policy must be kept valid for the duration of the Approval. Council will require a certificate of currency to verify the current insurance.





Council's decision to issue an Approval for Outdoor Dining will be based on the five guiding principles set out in the Policy and particularised in these Guidelines. Council will refer to the principles in its decision-making process, to ensure each application conforms to the Policy and is assessed fairly and consistently. The Approval Holder must continue to meet these principles for the duration of the Approval or will risk incurring fines or revocation (cancellation) of the Approval.

1. APPROPRIATE LOCATION

- 1.1. Council seeks outdoor dining in locations that will contribute to economic vitality, cultural benefit, and social cohesion.
- 1.2. The Dining Area should be consistent with neighbouring businesses' dining areas, with preference for dining areas to be next to the kerb and not along the building line. This allows the building line to be used for orientation by people with visual impairment.
- 1.3. An Approval for Outdoor Dining may be granted for areas in front of neighbouring businesses if consent from those businesses is supplied by the Applicant.
- 1.4 The Outdoor Dining Area must not obstruct any pedestrian, traffic or Light Rail signals and must support traffic safety. Outdoor dining elements must not interfere with the vision of drivers or tram operators entering and leaving the area.
- 1.5. Outdoor Dining is not encouraged on any road with a speed limit greater than 40km/ hour.
- 1.6. Businesses may be required to submit a road safety risk assessment by a certified road safety auditor to ensure the safety of patrons using the Outdoor Dining Area.



Examples of permissible outdoor dining furniture — portable, of good design and in good repair



Synthetic wicker chair



Slimline black chair



Stool

Examples of permissible outdoor dining barriers - portable, of good design and in good repair.





2. ACCESSIBLE LAYOUT

- 2.1. The proposed Outdoor Dining Area must allow unimpeded pedestrian movement and consider the convenience and safety of the public and patrons, adjoining properties, other uses of the public domain and existing street fixtures.
- 2.2. The Outdoor Dining Area must comply with the Disabilities Discrimination Act, 1992 (Cth) in accommodating all patrons.
- 2.3. Permanent fixtures are prohibited. A permanent fixture is one that is not removed during non-trading hours or cannot be removed immediately for emergency purposes (e.g. installed television units, A/C units, speakers, etc.). Special approval is required from Council to install fixtures that are not immediately removable.

- 2.4. The Outdoor Dining Area must comply with the minimum clearances illustrated in Diagrams 1 to 3.
- 2.5. Any article or element associated with the Outdoor Dining must remain within the perimeter of the approved Outdoor Dining Area during trade and must not be placed on tree pits nor interfere with other street fixtures.
- 2.6. Delineation markers will be installed on the footpath to assist Approval Holders in complying with the boundary of their approved Outdoor Dining Area.



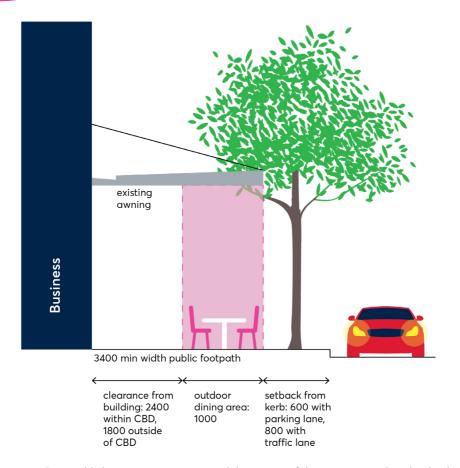


Diagram 1: Permissible layout - minimum required dimensions of dining area, travel, and setback from vehicles in millimetres (mm).

Minimum clearance from building line (clear path of travel)	
Within CBD	2400 mm
Outside of CBD	1800 mm

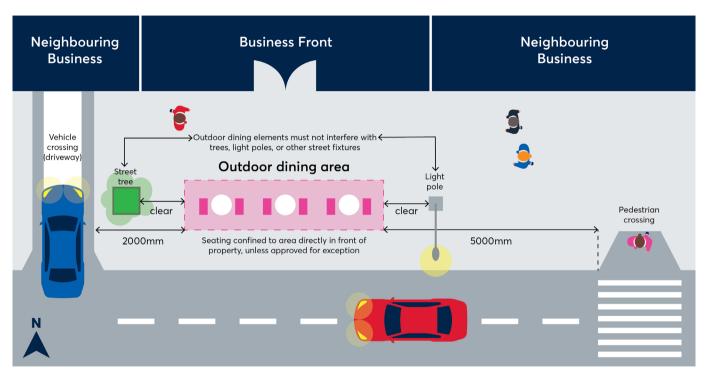


Diagram 2: Permissible layout - minimum required distances from crossings in millimetres (mm).

NOTE: DIAGRAM IS NOT APPLICABLE TO 'EAT STREET' BUSINESSES (as defined on page one of these Guidelines).

SEE 'EAT STREET GUIDELINES' AT THE END OF THIS DOCUMENT.

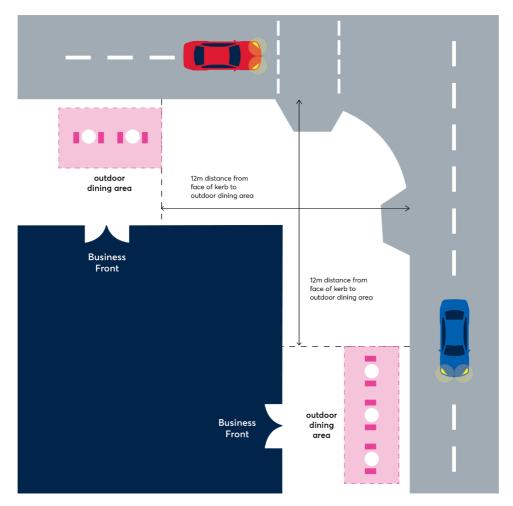


Diagram 3: Permissible layout – minimum required distances at road intersections in metres (m).



3. HIGH-QUALITY AMENITY

- 3.1. Council supports Outdoor Dining that encourages community patronage, is creative or distinct, adds to the life of the place and offers a connection to our rich cultural surroundings.
- 3.2. Outdoor Dining Areas must remain attractive and clean. Furniture and other elements of the Outdoor Dining Area must:
 - be removed from the Public Domain during non-trading hours to facilitate Public Domain cleansing;
 - be clearly indicated in the Outdoor
 Dining Application and remain within
 the approved perimeter of your Outdoor
 Dining Area during trading;
 - be sturdy and in good repair (have no defects or sharp edges);
 - be of high-quality design, making a positive contribution to the area's character; and comply with the specific requirements listed below.

3.3. Tables and chairs:

- may be powder coated or polished aluminium, brushed or stainless steel, natural or painted timber or canvas;
- dark colours are recommended and surfaces must be non-reflective;
- white features are discouraged due to the tendency for rapid deterioration and discolouring.

- 3.4. Weather protection structures must be*:
 - · not less than 2200mm in height;
 - · not fixed to adjacent building or awning;
 - connected by inserts to reduce run-off;
 and
 - umbrellas must be no larger than 3000 x 3000mm.

3.5. Blinds:

- may only be lowered/deployed in inclement weather, defined as persistent wind, rain and/or cold conditions that prevent patrons from using the dining area; and
- must be left fully open when not in use, when the Approval Holder is instructed by Council officers to do so, and during nontrading hours.
- 3.6. 'Café' (pedestrian) barriers:
 - must be a consistent height between 750 and 900mm;
 - must not have a gap greater than 65mm from the footpath; and
 - are required for areas subject to a liquor licence but are otherwise optional.

3.7. Planter boxes:

- must not exceed 1800mm in length and 900mm in height (including plants); and
- · cannot display advertising.

- 3.8. Promotional branding and menu boards must:
 - be of high-standard graphic design and have minor impact on public amenity;
 - have only one product, logo or business name being advertised; and
 - not cover more than 30% of any surface area with name, product or logo.
- 3.9. Businesses wishing to offer live music within their Outdoor Dining Area can apply using the Street Entertainment Application Form found on Council's Street Activity Policy webpage.

*For pedestrian safety, Eat Street Businesses will generally not be permitted to install additional outdoor dining coverage.





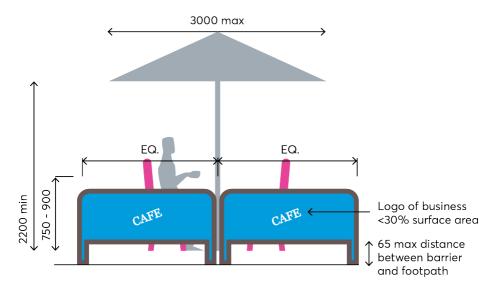


Diagram 4: Permissible dimensions of 'café barriers' and height of outdoor dining cover in millimetres (mm).

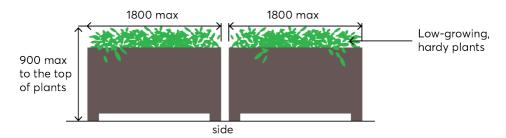


Diagram 5: Permissible dimensions of planter boxes and plants in millimetres (mm).





4. SAFETY

- 4.1. Approval Holders are responsible for minimising risk, including in relation to traffic.
- 4.2. In the event of any incidents or injury, the details of the incident including time, place, witnesses, injuries, causes and action taken must be recorded, preferably supported by photographic evidence, and submitted to Council
- 4.3. Heating and lighting devices must be specially approved by Council and would need to meet the following standards along with all relevant safety regulations:
 - cease operation automatically if overturned:
 - be removed from the Public Domain and appropriately stored when not in use; and
 - not require access to gas mains or have cords presenting trip hazards.

5.MANAGEMENT

- 5.1. Applicants for Outdoor Dining must be able to demonstrate sound management practices such as reliability and professionalism.
- 5.2. Table service is encouraged, and mandatory where alcohol is served.
- 5.3. Appropriate licences must be held by the Approval Holder when alcohol is to be served.
- 5.4. All waste must be cleared from the Outdoor Dining Area by the Approval Holder and cannot be swept into public property such as gutters, drains, and garden beds.
- 5.5. The Approval Holder is responsible for the correct storage and disposal of the business' waste and recycling. Public bins may not be used for commercial waste.
- 5.6. The use of disposable/single-use tableware for sit-in dining is not permitted.



EAT STREET GUIDELINES

In addition to all guidelines above, Eat Street Businesses must comply with the following:

- Allow Council to undertake regular maintenance and cleansing of the following permanent Public Domain amenities installed by TfNSW in addition to typical public domain cleansing:
 - Outdoor Dining coverage structures including umbrellas and blinds
 - · planter boxes
 - electrical installations including lighting and heating.
- 2. Council may approve additional temporary overhead lighting that does not require conduits to the business premises (e.g. solar fairy lights). In the event Council grants an Approval for additional temporary overhead lighting to the Outdoor Dining Area, the Approval Holder is responsible for the lighting and must remove it prior to Council's deep cleansing of structures.

MORE INFORMATION

For more information about outdoor dining in the Parramatta LGA visit cityofparramatta.nsw.gov.au/street-activity call Council's Contact Centre on 1300 617 058 and request to speak with the Outdoor Dining and Assistant Leasing Officer.

CITY OF PARRAMATTA STREET ACTIVITY POLICY

cityofparramatta.nsw.gov.au