



## Outdoor Dining Policy

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#### 1. Scope

- inform and advise businesses of the requirements when applying for outdoor dining wherever feasible and appropriate on publicly owned land throughout the Parramatta LGA.;
- provide a framework for the location and design of furniture and all other embellishments proposed for Outdoor Dining Areas so as to ensure a high standard for each restaurant / café that seeks to include an Outdoor Dining Area as part of its operations;
- further strengthen Council's direction in promoting an active, healthy and vibrant urban environment; and

#### 2. Purpose

- To make it easier and faster to start cafés, restaurants and small bars consistent with the NSW Government' "Easy to Do Business" program
- to promote a high quality visually attractive environment;
- to support local economic development and commercial vitality in the Parramatta LGA;
- to ensure outdoor dining contributes to the improvement (i.e. function and safety) of streetscapes in the Parramatta LGA;
- to ensure that pedestrians and other forms of traffic are not unduly obstructed by outdoor dining;
- to ensure that outdoor dining contributes to the amenity of adjoining or nearby properties;
- to ensure outdoor dining is compatible with other community uses of public space;

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- to ensure that Council clearly communicates its desires and responsibilities for outdoor dining across the Parramatta LGA and that the controls are easily understood and regulated; and
- to provide for performance monitoring to be used as part of the approval renewal process.

## 3. Policy

### 3.1 INTRODUCTION

City of Parramatta Council is committed to enhancing urban life and promoting the continuity development of outdoor dining through an integrated approach to design and location of furniture.

Outdoor Dining makes a significant contribution to the quality of public spaces and urban life. Outdoor dining provides and active street frontage that is alive and ever changing. Australia has good weather and its citizens enjoy an outdoor lifestyle including outdoor dining.

#### 3.1.1 Area to which this Policy applies

This Policy applies to all on publicly owned land in the Parramatta LGA. This Policy prescribes different requirements for Outdoor Dining Areas in the City, Town Centres, Neighborhood Centres and Local Centres.

Those areas are identified in the map at **Attachment 1**.

### 3.2 URBAN DESIGN GUIDELINES AND ASSESSMENT CRITERIA

#### 3.2.1 Requirements Outdoor Dining Plan Submission

An application for an Activity Approval or a Footway Approval or both must include plans that:

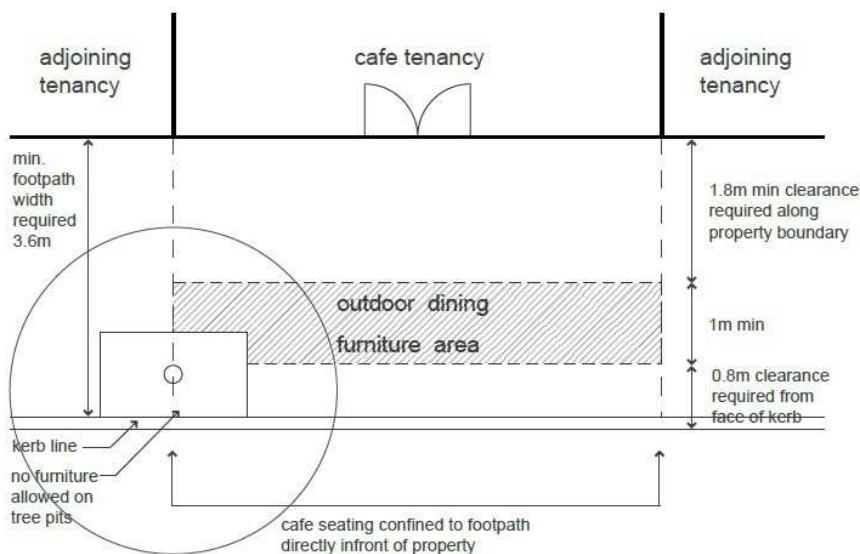
- are to be drawn to scale at minimum scale 1:100;
- include a north point;
- show property boundary and entries;
- show the location of any awning by way of a dottedline;
- show the footpath and all footpath elements within 3 m of the proposed dining area including, kerb ramps, vehicle crossovers, driveways, public seats, bins, street lights and street trees;
- show the location and configuration of the proposed dining area and the

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- proposed layout furniture and other embellishments including barriers, overhead shelter, awnings and the like;
- show any adjoining Outdoor Dining Areas; and
- show all measurements in metric (millimetres).

Below is an example of a plan that satisfies these requirements.



**Diagram**   
Permissible layout for standard footpath



### 3.2.2 Urban Design Guidelines -Temporary Structures for weather protection

No temporary shelter for weather protection may be erected or installed in or about an Outdoor Dining Area without Council's prior written approval.

In assessing any application for a temporary shelter for weather protection Council will have regard to the following criteria:

- the temporary shelter must be high quality and have a uniform appearance;
- the temporary shelter must not dominate the streetscape, or make the footpath appear as a privately owned space;
- the temporary shelter must be consistent in height and appearance;

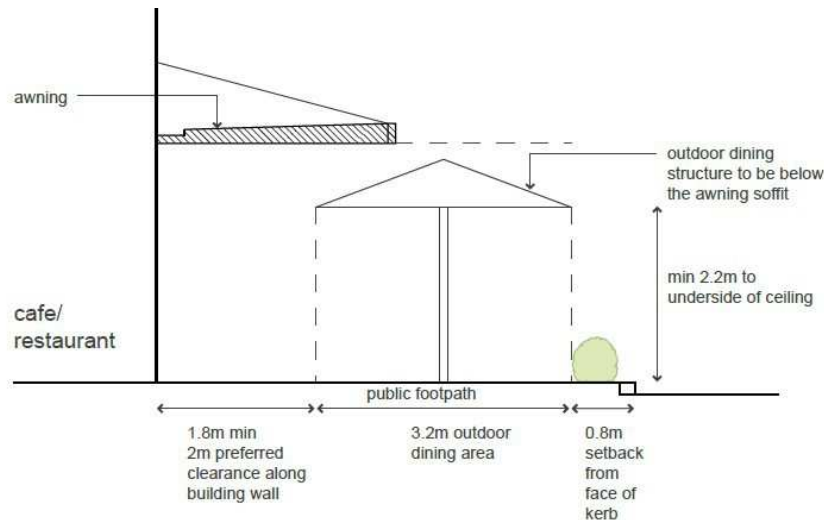
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- the building awning line must remain visually prominent in the street and the ceiling of the temporary shelter must sit under the building awning;
- the structural and shade components of the temporary shelter must be separate elements that can be detached, are self-supporting and may not be fixed to the adjacent building awning or adjacent building, with the only exception being temporary coverings between the shelter and building awning to protect from rain.
- the roof component of the temporary structure must be fabric or semi transparent or both and light shades must be lightweight in appearance;
- the temporary shelter must be not less than 2200mm in height measured from the floor to the underside of the roof component of the temporary structure; and
- support structures for the temporary shelter must be minimal in appearance and be visually recessive (by using dark colours or similar treatments).

Below is an illustration of a temporary structure that satisfies these requirements.



**Diagram**   
Section of permissible layout for widened footpath for example Church Street



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### 3.2.3 Ancillary Urban Design Guidelines

An Outdoor Dining Area should relate to, be sensitive towards and enhance, existing urban character, heritage and street quality and function.

The most important local conditions to be considered in locating outdoor dining are pedestrian and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and amenity in residential areas.

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 such as fixing of umbrellas and markers for dining areas.

Only that part of the public domain in front of the ground floor of a restaurant / café may be used for outdoor dining. Normally, an Outdoor Dining Area does not extend to the area in front of neighbouring properties. However, in areas with a low level of outdoor dining or where street activities are being encouraged or both, Council will give favourable consideration to a request for an Outdoor Dining Area to extend beyond the front of the restaurant / café business seeking approval for an Outdoor Dining Area. This extension will only be from the principal premises along the footpath for up to one premises frontage in either direction beyond the premises to which the relevant Activity Approval or Footway Approval or both relates.

Council will only permit an extension of an Outdoor Dining Area to be situated beyond the front of the restaurant / café business seeking approval for an Outdoor Dining Area if the extension is directly linked to the current Activity Approval or Footway Approval or both and;

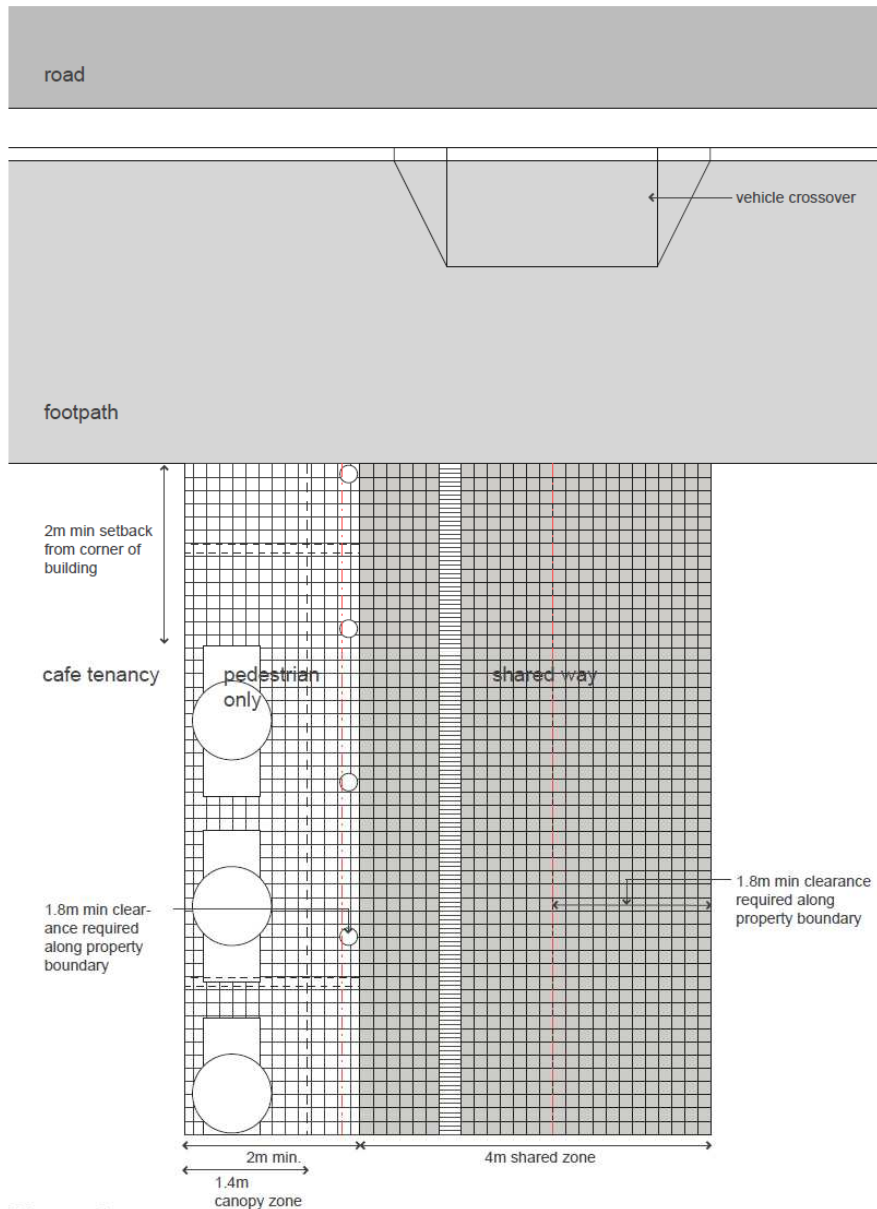
- if the owner of the adjoining premises conducts a business from them, that owner consents to the extension; or
- if the owner of the adjoining premises does not conduct a business from them, the owner of the business conducted from the adjoining premises consents to the extension.

The person who has been granted an Activity Approval or a Footway Approval or both, must discontinue using the extension of an Outdoor Dining Area and (at their cost) remove all structures and other improvements (whether or not moveable) if the owner of the adjoining premises or the owner of the business conducted from the adjoining premises (as the case may be) withdraws consent to the extension for any reason. Below is an illustration of an Outdoor Dining Area that satisfies these requirements.

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**Diagram 3:**  
Outdoor furniture layout in shared way

Scale  
0 0.2 0.5 1.0m

Where Council is the owner of the adjoining premises (e.g. a laneway), only half the space may be used in conjunction with business seeking approval for an Outdoor Dining Area, unless the premises owner on the opposite side of the laneway consented to the use of the entire footpath area.

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### 3.2.4 Access to Council Infrastructure

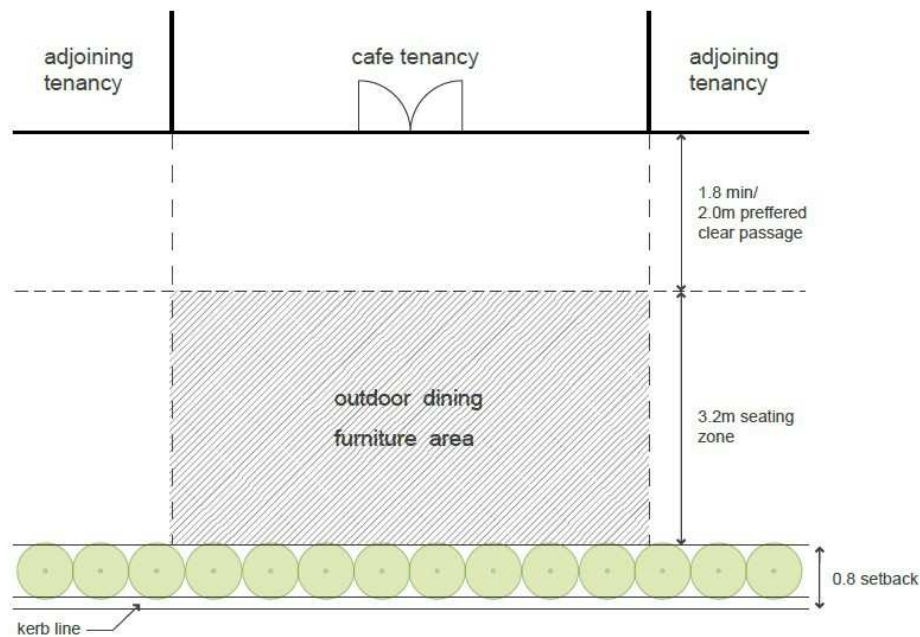
Occasionally Council staff needs to access public infrastructure such footpaths, pits, lighting and other services. Sometimes this need may arise in emergency circumstances. Accordingly, all structures and furnishings in an Outdoor Dining Area must be able to be moved to allow access to public infrastructure.

Council will attempt to minimise disturbance and inconvenience if public infrastructure must be accessed. Council will not be liable for any costs, expenses or losses resulting from the public infrastructure being accessed.

### 3.2.5 Circulation, safety and convenience

The preferred location for seating in an Outdoor Dining Area is away from the building edge, that is close to the kerb. This allows for continuous easy movement of pedestrians along the footpath, and browsing in shop windows, entry into shops, and ease of movement for people with vision impairment or other disabilities.

Below is an illustration of an Outdoor Dining Area that satisfies these requirements.



**Diagram 2:**  
Permissible layout for widened footpath  
for example Church Street



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In all locations, a clear distance of at least 1.8m metres must be maintained for the building line to the edge of the Outdoor Dining Area to facilitate pedestrian circulation, exclusive of any obstruction or street fixture e.g. bench, tree, rubbish bin, pole.

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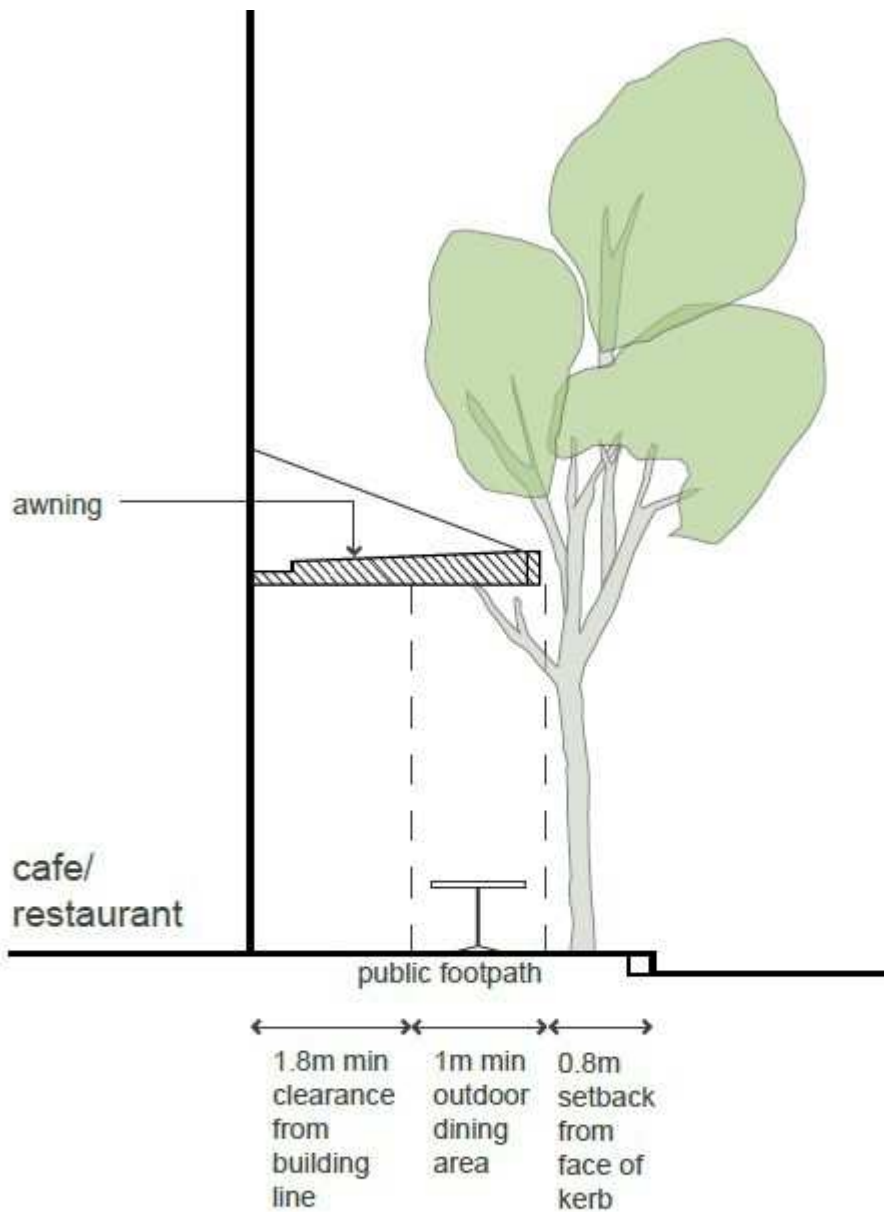
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The diagram below is an illustration of a layout for a standard footpath that satisfied these requirements.

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**Diagram 6:**  
Section of permissible layout for standard footpath



At street intersections, a setback of at least 2 metres from the building corner applies

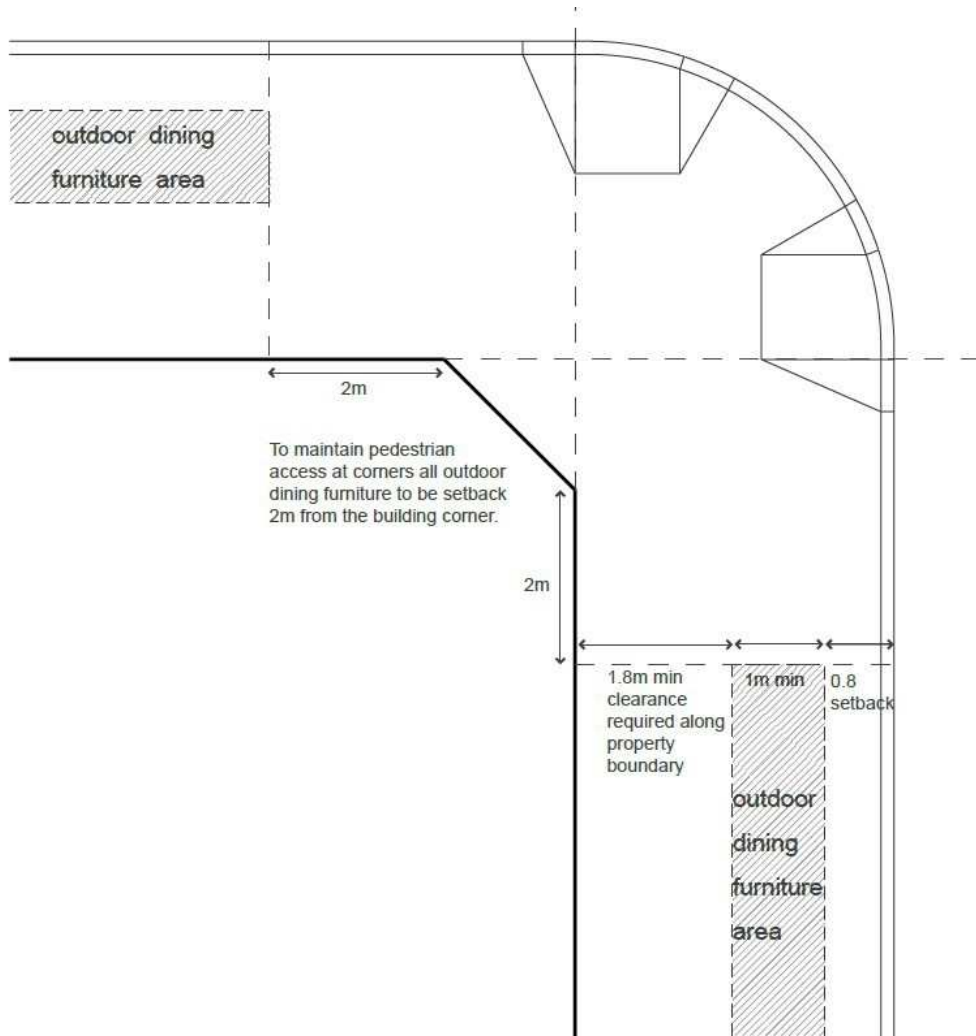
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exclusive of any obstruction or street fixture e.g. bench, tree, rubbish bin, pole or other installation.

The diagram below is an illustration of a layout for a standard footpath that satisfied these requirements.



**Diagram 4:**  
Permissible layout at corners



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All seating in an Outdoor Dining Area located close to the kerb must be at least 0.8 metres from the kerb edge to provide a safety buffer from vehicles.

Seating may not be located next to both the building edge and kerb side. If the restaurant / café is located adjacent to Disabled Parking a clearance of 1.5m from the kerb must be maintained to allow access for wheelchairs.

Seating may not be located in the middle of the footpath. In otherwise favourable locations minor modifications of the nominated clearances may be appropriate with Councils prior written approval.

### 3.2.6 Markers

The boundary of an Outdoor Dining Area must be identified by markers prescribed by Council from time to time to identify the boundary of the Outdoor Dining Area.

The markers that identify the boundary of the Outdoor Dining Area must not be removed or their position altered without Council's prior written approval.

All furniture or umbrellas used in conjunction with the operations conducted form an Outdoor Dining Area must at all times be kept within the boundaries of the Outdoor Dining Area.

## 3.3. FURNITURE GUIDELINES

### 3.3.1 Furniture Layout

The style, layout and orientation of furniture should be chosen according to the extent and shape of the available space. All furniture must satisfy relevant Australian Design Standards.

The depth of space available for outdoor dining depends on the width of the footpath. The minimum practical depth for outdoor dining is 1 metre which allows for 2 chairs per table. The layout and space between settings of tables and chairs must maintain access for disability standards at all times.

The use of mis-matched tables and chairs is not permitted. The furniture must be of the same "family group" to ensure visual unity and enhancement of the surrounds. Whenever possible, outdoor dining areas should visually relate to, and be physically aligned with, existing features and permanent elements of the streetscape and landscape such as trees, pedestrian lights, bollards and similar installations.

No furniture is to be placed outside the boundaries of an Outdoor Dining Area.

### 3.3.2 Furniture Style

Outdoor furniture should make a positive contribution to the street environment. A

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furniture style that is practical and elegant and integrates well with the surrounding cityscape is encouraged.

The furniture must fold or stack for storage, and be readily removed and stored within the adjacent restaurant / café premises. This requirement is to be waived where the business owner accepts a condition that cleaning of the outdoor dining area shall be the responsibility of the business owner.

Council's prior written approval must be obtained for all furniture to be placed in an Outdoor Dining Area. In assessing any application for furniture to be placed in an Outdoor Dining Area Council will have regard to the following criteria:

- in the urban environment. Design – Furniture must be well designed and creative;
- Structure - The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement. Public safety and comfort must be considered. Sharp edges, and hinges or other moving parts must not present a potential hazard to patrons or pedestrians.
- Materials and colours - Tables, chairs, benches and umbrellas may be powder coated or polished aluminium, brushed or stainless steel, natural or painted timber or canvas. Suitable colours are natural, camel, terra cotta, Brunswick green or black. Dark colours are recommended and surfaces such as table tops must be non-reflective. White table surfaces, chair, seats and backs are discouraged due to the tendency for rapid deterioration and discolouring.

### 3.3.3 Enclosures to protect against inclement weather

Outdoor dining should enrich the pedestrian experience and public life. It is therefore important that they present an open, inviting image and are easily accessible by the public.

To protect against inclement weather an Outdoor Dining Area may be enclosed with structures (that may include umbrellas) constructed using materials that are:

- clear and transparent and colourless; and
- of a contemporary design using high quality products.

The structures must not fully enclose the Outdoor Dining Area. Enclosure of 3 (plus the roof) is permitted.

An enclosure of an Outdoor Dining Area for protection against inclement weather must be:

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- kept in good condition; and
- raised or removed during fineweather.

An enclosure must be collapsed or removed when weather conditions beyond the capacity of the structure are encountered.

### 3.3.4 Planter boxes

Planter boxes may not be included in an Outdoor Dining Area without Council's prior written consent.

The location of any planter boxes must be shown on all plans submitted to Council when seeking an Activity Approval or a Footway Approval or both.

A special condition applies where planter boxes may only be placed on the kerb side of the dining area and not between adjoining dining areas or between dining areas and pedestrian areas.

Planter boxes must:

- not exceed 1800mm in length of 1800mm and total height, including the plants;
- not exceed 1200mm in height (including plants contained in them);
- not display any advertising;
- be removed from the Outdoor Dining Area when the business to which the relevant Outdoor Dining Area relates is not operating.

### 3.3.5 Wind-breaks

Wind-breaks may not be included in an Outdoor Dining Area without Council's prior written consent.

The location of any wind-breaks must be shown on all plans submitted to Council when seeking an Activity Approval or a Footway Approval or both.

Windbreaks must:

- not display any advertising;
- be located on the boundary of the Outdoor Dining Area that aligns with the kerb;
- be removed from the Outdoor Dining Area when the business to which the relevant Outdoor Dining Area relates is not operating.

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### 3.3.6 Umbrellas

Umbrella boxes may not be included in an Outdoor Dining Area without Council's prior written consent.

The location of any umbrellas must be shown on all plans submitted to Council when seeking an Activity Approval or a Footway Approval or both.

Umbrellas must:

- be secured to ensure that they are at all times securely fixed to withstand the effects of wind
- be removed or closed in extremely windy conditions and must be removed when the Outdoor Dining Area is not in use unless they have been permanently fixed;
- not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres above the ground level when open;
- be constructed of fire retardant material;
- be more than 400 mm from the kerb line; and
- not display any advertising other than incidental advertising such as the brand of products sold or supplied from the premises that utilises the relevant Outdoor Dining Area.;

An umbrella must be collapsed or removed when weather conditions beyond the capacity of the structure are encountered.

### 3.3.7 Heating Devices

The use of heating devices in an Outdoor Dining Area must be undertaken in a manner that is consistent with best practice in risk management.

Heating devices may not be included in an Outdoor Dining Area with Council's prior written consent.

The location of any heating devices (including details of type and design) must be shown on all plans submitted to Council when seeking an Activity Approval or a Footway

Approval or both. The plans must also show the location of fire safety equipment.

Any heating devices must:

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- comply with the laws and requirements relating to them (including, without limitation, AS 4565–2004 Radiant Gas Heaters);
- cease operation automatically if overturned to prevent injury to patrons and property;
- access to the gas mains and use of electrical extension cords are not permitted.

### 3.3.8 Lighting

An Outdoor Dining Area that operates outside daylight hours must provide adequate lighting to ensure the safety and amenity of patrons and the general public.

## 3.4 USE CONTROLS

### 3.4.1 Advertising and signage

Below are general specifications for advertising and signage. Each application will be assessed to ensure a high standard of graphic design that is complementary to the restaurant / café and streetscape.

#### Permitted

- to place advertisement / signage on outdoor umbrellas. The name of the restaurant/ café may be displayed on every alternate panel
- to place advertising / signage on windbreaks covering up to 30% of the total surface
- to identify the restaurant / café or advertise products which are a core part of the business and are supplied by the restaurant / café to its patrons
- have only one product, logo or business name being advertised
- is of a minor and integral element of the furniture design and does not have an excessive impact on the area of the café or the streetscape
- the attachment of a menu board to the building

#### Not permitted

- to place the name of the restaurant / café, coffee brand, or logo on other items of furniture
- the coverage of more than 30% of any surface area with the name of the restaurant / café or logo
- the use of pedestal 'menu boards', 'A frames', sandwich boards and amplified

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'spruikers'. If menu boards are used, they must be small enough to be easily transportable so they can be carried to and from outdoor dining area as required

- to illuminate advertising using neon lighting or similar lighting.

Details of all signage and advertising, including attached menu boards, must be submitted for approval as part of the application.

### 3.4.2 Smoking prohibition

Smoking in public places (including any Outdoor Dining Area) is to be controlled in the manner described in the Smoking in Public Places Policy endorsed by Council from time to time.

### 3.4.3 Accessories

Accessories such as loudspeaker equipment, dumb waiters or cash registers are not permitted in an Outdoor Dining Area. For the avoidance of doubt, standard speakers are permitted.

### 3.4.4 Service

Table service is encouraged. It is mandatory where alcohol is served. The use of disposable tableware in outdoor dining is not permitted.

### 3.4.5 Storage

All furnishings for an Outdoor Dining Area must be stored away from the public area and off public land outside the hours of operation to allow for activities such as street cleaning. This requirement is to be waived where the business owner accepts a condition that responsibility for cleaning of the outdoor dining area rests with the business owner.

### 3.4.6 Animals

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

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

### 3.4.7 Access to facilities

Where a significant increase in number of patrons will be accommodated in the outdoor area it may be necessary to upgrade the existing facilities.

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The introduction of outdoor dining will increase the overall customer seating capacity of the premises.

The business owner must assess the ability of the existing premises to accommodate the additional patron load. This will require appraisal to determine that adequate space and capacity exists in the food preparation and storage areas, general waste storage and disposal facilities, sewer trade waste and toilet facilities to meet the increased needs of additional patrons and staff.

Australian Standard AS 4674- 2004 and Food Safety Standard 3.2.3 (adopted under the Food Act) and Council's Food Safety Codes provide guidance on the provision of space for food preparation and associated activities. The health and amenity provisions of the Building Code of Australia provide information on the required number of toilet facilities for the premises.

The outdoor dining areas should also be restricted in size and configuration to ensure populations are adequate to meet BCA requirements for egress and other fire safety concerns. There should be a management plan for areas that have a population in excess of 50 people that includes seating layout and paths of travel to allow for safe egress and circulation spaces. These areas should be delineated.

### 3.4.8 Associated works

In some cases, the applicant may wish to undertake streetscape works to accommodate an outdoor cafe. Such works may include footpath widening, paving, street tree planting, pedestrian lighting, etc.

Any such works require specific approval by the Council and any costs associated with these improvements will be borne entirely by the applicant.

### 3.4.9 Waste management

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

Appropriate environmental management is an important issue for Parramatta City Council and the community. Waste management is the responsibility of all stakeholders including Outdoor Dining operators. This includes the containment and proper disposal of waste away from the Outdoor Dining Area.

All waste must be stored in an appropriate container and operator's must accept and demonstrate responsibility for the disposal of all waste as well as the cleanliness of the area immediately adjacent to their premises.

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To ensure the outdoor dining area is maintained in a clean and hygienic state at all times and to reduce the impact of waste upon the environment, the following requirements will apply:

- Operators must maintain the cleanliness of the outdoor dining area, i.e. ensure that tables and chairs are kept clean and that litter is removed from in and around the outdoor dining area and disposed of properly.
- Outdoor dining debris, litter or waste must not be swept into stormwater drains, gutters or garden beds.
- All litter must be swept, collected and disposed of in an approved litter receptacle.
- Where single use items such as drink coasters and napkins are to be used they should be compostable.

### 3.4.10 Maintenance

All furniture must at all times be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. The restaurant / cafe is responsible for cleaning the approved seating area. It must present a clean, well maintained image as specified in the conditions of the approval and development consent.

All requirements of the food safety standards adopted under NSW legislation are to be fully met.

Outdoor dining furniture and fittings must be maintained at a high standard of presentation for all outdoor dining by ensuring that furniture, screens and planters are clean, in good order and well presented.

The cleanliness of the public place must be maintained throughout the trading period through the rapid removal of leftover food and refuse and tree debris such as leaves and pollen.

#### **Repair and maintenance of outdoor dining furniture**

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

**Windbreaker/Screen broken** - Repair within 24 hours **Windbreak/Screen missing** -

Replace within 7 days **Windbreak/Screen torn** - Remove and repair within 7days **Graffiti**

**on windbreaker/screens** - Clean within 48 hours

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**Graffiti on canvas** - Remove and clean screens or replace within 7 days

**Components of windbreaker/screens missing or broken**- Replace within 7 days

**Furniture in disrepair** - Remove or replace within 7 days

**Screens, awnings, umbrellas & drop downs in unclean condition** - Clean within 24 hours

**Umbrellas, drop downs & screens do not meet Outdoor Dining Policy Requirements**  
Install with Council approved Umbrellas, drop downs & screens within 8 weeks

**Planter boxes damaged** - Remove and replace within 7 days

**Plants wilted** – Remove and replace within 7 days

**Advertising not meeting Council's Outdoor Dining Policy requirements** - Remove within 24 hours

**Umbrella damaged or canvas torn** - Remove and replace within 7 days

### 3.4.11 Insurance

The proprietor must maintain a minimum of \$20 million Public Liability policy or any other amount as Council may stipulate from time to time for the use of the footpath/ roadway or public space.

Evidence of that policy must accompany the proprietor's application.

Council is to be named as an additional insured party under the policy for their respective rights and interests.

Council may also from time to time request a Certificate of Currency of the policy from the proprietor.

### 3.4.12 Fees and Charges

Relevant fees are outlined in Council's Fees and Charges Schedule.

These fees and charges are reviewed on an annual basis. The fee structure has regard to current market rates for equivalent indoor spaces.

### 3.4.13 Billing Schedule

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Outdoor Dining Areas attract an annual fee payable in advance and invoiced from the 1<sup>st</sup> of July each year. No refunds are permitted.

### 3.4.14 Security Deposit Bond

Upon receipt of the Outdoor Dining Approval the applicant will be required to pay a security deposit bond equivalent to three (3) months of the total annual approval fee.

This will be held by Council in trust for the duration of the approval holders' occupation of the footway and returned when Council is notified in writing by approval holder that the holder wishes to stop the use of the approved area as long as there are no outstanding monies to Council and the approved area is left in good condition.

### 3.4.15 Monitoring of Performance (compliance with outdoor dining policy)

This Policy is designed to provide for the seamless conduct of outdoor dining operations in the PARRAMATTA LGA. Adherence to this policy is necessary for this to occur.

Accordingly, the conduct of outdoor dining establishments will be monitored and a record of the contravention of each operator will be maintained.

Should the number of contraventions or breaches exceed two (2) per annum a renewal application from that approved operator will not be accepted for a period of 3 months and the operator will be required to cease outdoor dining operations for 3 months.

Depending of the circumstances of the breach fines may also be issued by Council.

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## 4. Procedure

Outdoor dining requires Development Consent in some areas in addition to an Outdoor Dining Permit

Application forms and advice can be obtained from:

**City of Parramatta Council**  
**Attention: Asset Strategy & Property**  
**Management**  
**126 Church Street Parramatta NSW 2150**

or refer to link below

### **outdoor application**

Or alternatively telephone **(02) 9806 5117** or visit Council's website on [www.cityofparramatta.nsw.gov.au](http://www.cityofparramatta.nsw.gov.au).

Please note that where it is intended to serve alcohol a separate licence under the Liquor Act is required. Further information can be obtained from the Liquor Administration Board.

Council reserves the right to approve applications for limited periods.

Written applications for an Outdoor Cafe Approval are to be addressed to the Property Asset Management Officer Outdoor Dining City of Parramatta Council.

## 5. Definitions

In this Policy, unless the context otherwise requires:

**Activity Approval** means an approval issued under section 68 of the Local Government Act, 1993 (NSW).

**City** means that part of the Parramatta LGA identified in red in the plan contained in clause 2.3.

**Council** means Parramatta City Council.

**Footway Approval** means an approval issued under section 125 of the Roads Act, 1993 (NSW).

**Furniture** includes tables, chairs, bench seating, televisions, stereo, systems with standard (not loud) speakers, air condition systems, heating systems provided they are

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not connected to gas mains, CCTV security cameras and lighting.

**Local Centre** means that part of the Parramatta LGA identified in brown in the plan contained in clause 2.3.

**Neighbourhood Centre** means that part of the Parramatta LGA identified in teal in the plan contained in clause 2.3.

### **Associated documents**

This policy supersedes the Outdoor Dining Policy (December 2005).

## **6. Relationship to other plans and legislation**

This policy should be read in conjunction with all relevant laws, planning instruments and Council policies including (without limitation):

- Local Government Act 1993 (NSW);
- Work Health and Safety Act 2011 (NSW);
- Food Act 2003 (NSW);
- Parramatta City Centre Local Environmental Plan 2007;
- Parramatta Local Environmental Plan 2011;
- Parramatta Development Control Plan (DCP) 2011;
- Parramatta City Centre Development Control Plan (DCP) 2007; and
- Smoking in Public Places Policy (endorsed by Council from time to time)

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