

Operational Guidelines

Supplement to Council's Policy for Outdoor Commercial Seating (Policy No: MS.10)



TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Purpose.....	1
1.2	Area to which the Policy Applies.....	1
2	URBAN DESIGN GUIDELINES	1
2.1	Suitable Locations (<i>to be read in conjunction with Attachment 1</i>)	1
2.1.1	Council footways and pedestrian plazas	1
2.1.2	Seating Platforms	1
2.2	Unsuitable Locations	2
2.3	Assessment Criteria	2
2.4	Circulation, Safety and Convenience.....	2
2.4.1	In all locations.....	2
2.4.2	Variation to 2.4.1	2
2.4.3	In high pedestrian traffic areas and street intersections	2
2.4.4	At normal footpath locations	2
2.4.5	In front of adjoining premises.....	2
2.5	Existing Streetscape Elements	2
3	FURNITURE GUIDELINES	2
3.1	Layout	2
3.2	Permanent Enclosures	3
3.3	Barriers and Planter Boxes.....	3
3.3.1	Removable barriers	3
3.3.2	Planter boxes.....	3
3.4	Removable Umbrellas and Shade Structures	3
3.5	Furniture.....	3
4	MANAGEMENT OF THE LICENSED AREA	4
4.1	Maintenance and Cleaning	4
4.2	Furniture Storage	4
4.3	Activities Prohibited In the Licensed Area.....	4
4.4	Toilet Requirements	4
4.5	Advertising and Signage	4
4.6	Heating Devices	4
4.7	Lighting	5
4.8	Stormwater Management	5
4.9	Animals	5
5	APPLICATION FOR FOOTWAY LICENCE	5
5.1	Conditions of Approval	5
5.2	Period of Licence	5
6	ATTACHMENT 1	6
6.1	Schematic Diagrams of Seating Areas	6

1 INTRODUCTION

1.1 Purpose

The use of Council footpaths adjacent to cafes, restaurants and the like, provides businesses with additional customer seating and contributes to a colourful and vibrant streetscape.

These guidelines are intended to provide simple procedures and urban design guidelines to facilitate the establishment of outdoor seating wherever feasible and appropriate throughout Marrickville. Council approval is required to set up such an area.

1.2 Area to which the Policy Applies

Policy MS.10 – *Outdoor Commercial Seating* covers all of the Marrickville Council area. It applies to all ground-level outdoor seating areas where food and beverages are served in conjunction with an existing cafe or restaurant, which is subject to a current development consent.

2 URBAN DESIGN GUIDELINES

2.1 Suitable Locations (to be read in conjunction with [Attachment 1](#))

2.1.1 Council footways and pedestrian plazas

Outdoor seating associated with a cafe or restaurant will be considered on all footways in the Council area, after consideration is made for pedestrians and safety.

2.1.2 Seating Platforms

A number of purpose built seating platforms are located on the following streets:

- i) Marrickville Road, Marrickville
- ii) Marrickville Road, Dulwich Hill
- iii) Percival Road, Stanmore
- iv) Audley Street, Petersham

Council administers the allocation of space for seating platforms. An application for seating platform space is processed in the same way as for outdoor seating on footways. This (unlike outdoor seating on footways) does not require written consent of the adjoining owner and/or tenant, should the space required not be directly in front of your cafe or restaurant. However the following should be taken into consideration when applying:

- The space on the platform must be used for seating only.
- Plants, planters, heaters, umbrellas and barriers are included in the licensed area.
- Plants and/or planters should occupy no more than 15% of the licensed area.
- The extremity of the licensed area should be no further than 25 metres from the front door of the business.
- The licensed area must be fully populated with tables and chairs during trading hours.
- The platform must be cleared of all items at the end of trading hours.
- Only separately approved fixed structures and fixed umbrellas may be left on the platform.

Changes to an existing footway licence:

- A licence may be revoked or the licensed area minimised if the management of the platform licensed area does not conform with the above points.
- A new application must be submitted if variations to the platform space are required.
- If there is competing interest for the same space, Council will review all applications with equity to balance competing interests for the space.
- If an existing licence expires or is not renewed, that platform space becomes available to other businesses for inclusion in an application.

2.2 Unsuitable Locations

Outdoor seating is not permitted in potentially hazardous places such as the corners of streets, or unprotected elevated locations. Outdoor seating may be approved at intersections provided appropriate impact-absorbing bollards are provided at the businesses' expense. In elevated locations, e.g. a change of level, outdoor seating is only appropriate in conjunction with a suitable barrier, provided the design of which shall be subject to Council's approval, at the businesses' expense.

2.3 Assessment Criteria

The main considerations in locating outdoor seating are pedestrian circulation, vehicle kerb side parking, safety of patrons and existing streetscape elements. In residential areas, residential amenity is an additional consideration.

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.

2.4 Circulation, Safety and Convenience

2.4.1 *In all locations*

Generally, a clear minimum distance of 1.5 metres (1.5m) adjacent to the seating area for pedestrian circulation exclusive of any obstruction or street fixture e.g. bench, tree, rubbish bin, pole etc should be maintained. Refer to [Attachment 1](#) for examples of this.

2.4.2 *Variation to 2.4.1*

At Council's discretion, an increased circulation distance may be required. Council's decision will be guided by pedestrian volumes, proximity to bus stops and other uses which necessitate greater pedestrian circulation distances.

2.4.3 *In high pedestrian traffic areas and street intersections*

Consideration will be given to pedestrian movement and safety first. This may limit the area that may be approved.

2.4.4 *At normal footpath locations*

The preferred location for outdoor seating is directly outside to the respective indoor premises.

2.4.5 *In front of adjoining premises*

Outdoor seating may be permitted to extend onto the footway outside adjoining premises provided the written consent of the owner and tenant (if on public land, consent of Council) is obtained and is in the public interest.

2.5 Existing Streetscape Elements

The application for outdoor seating must show all the existing features and permanent elements of the streetscape and landscape such as covers, trees, poles, posts, pedestrian lights, bollards etc. Wherever possible, outdoor seating should visually relate to and be physically aligned with the features as shown in the diagrams included in this document.

3 FURNITURE GUIDELINES

3.1 Layout

The layout and orientation of furniture should be chosen according to the extent and shape of the available space. It is the licensee's responsibility to ensure patrons maintain furniture within the boundaries of the approved seating area.

The available depth of outdoor seating area depends on the width of the footpath. However, the minimum practical depth for outdoor seating is 1 metre (1m), which will allow for one (1) table and two (2) chairs parallel to the premises.

3.2 Permanent Enclosures

The installation of permanent enclosures may require development consent from Council before the structure is erected. Council offers a free advice service where you can determine if consent is required. Call 9335 2000 or visit the Citizens' Service Centre at 2-14 Fisher Street, Petersham, for more information.

3.3 Barriers and Planter Boxes

3.3.1 Removable barriers

Barriers which delineate the outdoor seating area are permitted, however, full-height solid screens are not. Proposals for the use of barriers are to be submitted to Council for approval with the application. Barriers may be considered between adjoining cafe areas to separate the areas.

3.3.2 Planter boxes

All plants and planter boxes placed on Council's footways are to be included in the licensed area and should not take up more than 15% of the licensed area. Where they are used to delineate the licensed area, they will be included as part of the licensed space. The planter boxes must be well maintained by the proprietor.

Council reserves the right to order the removal of planter boxes that are not properly maintained, including the consistent provision of approved high quality flowers or vegetation. They must be removed from the public area when the cafe is not operating. Permanent planter boxes will only be considered in privately owned open space or on footpath blisters.

Proposals for the use of plants and/or planter boxes are to be submitted to Council for approval with this application.

3.4 Removable Umbrellas and Shade Structures

Umbrellas are appropriate for providing shade and shelter, however, umbrellas and other shade structures must:

- be positively secured to ensure that they are at all times securely fixed to withstand the effects of wind. Fixtures that penetrate or damage the pavement on Council footpaths will not be permitted;
- be removed or closed in windy conditions and must be removed when the outdoor seating area is not in use;
- not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres (2.2m) above the ground level;
- be manufactured from fire retardant materials if placed adjacent to a heating device;
- be maintained in sound and aesthetically acceptable condition to the Council's satisfaction;
- only have advertising on umbrellas if it complies with the advertising and signage provisions of this guideline (see [Section 4.5](#));
- be in the market style and of muted or neutral colour.

Note: Beach umbrellas are not permitted.

3.5 Furniture

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

The furniture should be strong, durable, waterproof, weather resistant and 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. Particular care should be taken with any sharp

edges and hinges or other moving parts to ensure that they do not present a potential hazard to their users.

It is the responsibility of the applicant to ensure that furniture complies with Australian Standards and is both safe and fit for its purpose.

All furniture items, including umbrellas, will be subject to Council's approval, details of which must form part of any application.

4 MANAGEMENT OF THE LICENSED AREA

4.1 Maintenance and Cleaning

All furniture must at all times be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. The licensee is responsible for cleaning the approved seating area, which must present a clean, well maintained image as specified in the conditions of the licence. Rubbish must not be disposed of in Council's street bins.

4.2 Furniture Storage

Outdoor furniture must be removed and stored away from all public areas outside the hours of business operation or when not in use due to bad weather etc. Furniture must be readily removable and is to be stored within the associated indoor premises.

4.3 Activities Prohibited In the Licensed Area

- Smoking
- Provision of ashtrays
- Cooking
- Amplified music
- Live entertainment

4.4 Toilet Requirements

Toilet facilities are to be made available to patrons in accordance with the requirements of Part F2 of the Building Code of Australia.

4.5 Advertising and Signage

The name of the cafe, a business name, or logo may be placed on outdoor umbrellas, sandwich boards or pedestal menu boards, and on other items of furniture provided they only:

- identify the cafe or advertise products which are a core part of the cafe's business and are supplied by the cafe to the public;
- involve only one product or business name being advertised in each cafe;
- are in the nature of a corporate logo or identification signage;
- are of a minor and integral element of the furniture design and do not have an excessive impact on the area of the cafe or the streetscape.

Pedestal Menu Boards, A-Frame (where permitted by the applicable policy) or Sandwich Boards may be permitted within the approved seating area, provided there is no obstruction to pedestrians.

Details of all signage and advertising must be submitted for approval as part of the application.

4.6 Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed from public land and appropriately stored when not in use.

4.7 **Lighting**

Any outdoor seating approved to operate outside daylight hours must have adequate lighting to Council's satisfaction, to ensure the safety and amenity of patrons and the general public. In many cases, Council has provided under-awning lighting. This may or may not be adequate for outdoor dining purposes and it is the responsibility of the proprietor to provide additional lighting where required.

4.8 **Stormwater Management**

The cleaning of outdoor licensed areas, including platforms, must be undertaken so that no waste water or washdown is likely to enter the stormwater system.

4.9 **Animals**

Animals under the control of the owner and are not making a nuisance or being fed within the outdoor dining area, are permitted at the discretion of the outdoor dining permit holder.

5 **APPLICATION FOR FOOTWAY LICENCE**

Development consent for a restaurant, café, hotel or small bar use must be in place prior to consideration of the Outdoor Seating Licence Application.

5.1 **Conditions of Approval**

The applicant must comply with the conditions set out in the licence and the development consent. Non-compliance may result in the licence being revoked or commencement of enforcement action in relation to the development approval.

5.2 **Period of Licence**

The term of the footway licence, unless otherwise specified, will be for a maximum period of three (3) years with the option to renew. It should be noted that in areas where there is pedestrian congestion, or high volumes, or uncertainty about future pedestrian volumes, a shorter period may be specified and a trial period may be required.

A licence to use a footway or public space may be varied or revoked at any time. In this regard it should be noted that pedestrian movement patterns are continuously monitored and may lead to variation or revocation of a licence at any time, should Council consider it to be in the public interest to do so. In these circumstances reasonable notice shall be given and a reasonable period of time will be provided before the removal of the licence becomes effective.

6 ATTACHMENT 1

6.1 Schematic Diagrams of Seating Areas

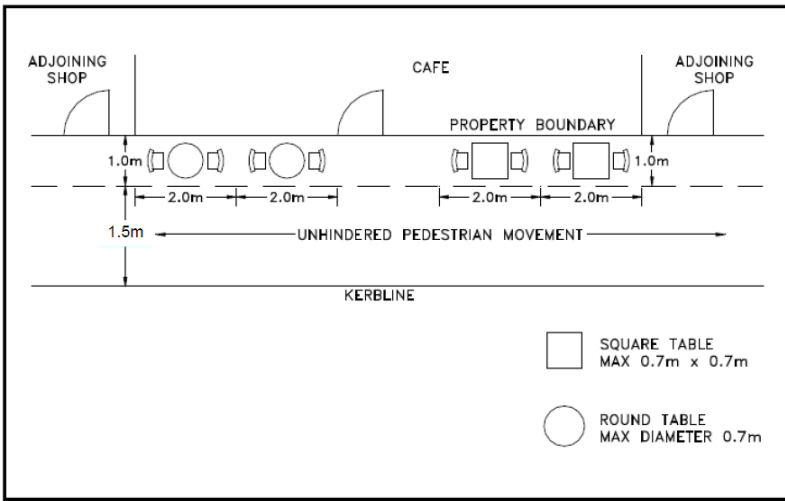


Figure 1

Footpath seating adjacent to the respective indoor premises:

- alignment and minimum clearance for pedestrian traffic.
- nominal dimensions for furniture layout with 2 chairs per table.

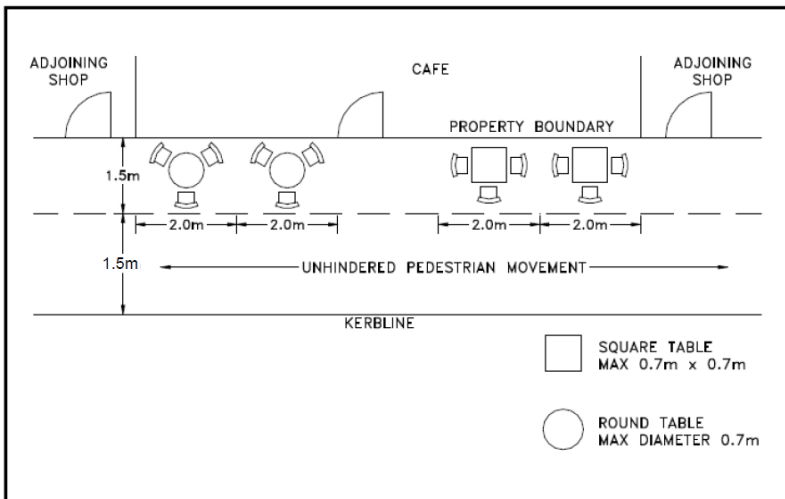


Figure 2

Footpath seating adjacent to the respective indoor premises (square table only) or freestanding (square or round table):

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

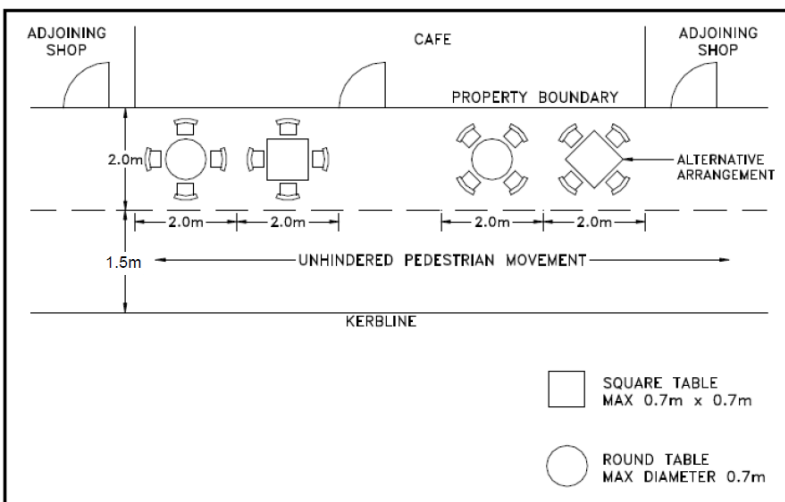


Figure 3

Footpath seating adjacent to the respective indoor premises or freestanding:

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