



Ashfield Interim Development Assessment Policy 2013

Note: This part of the Policy is under review in order to reflect changes to the "Codes SEPP" and Exempt Development for "outdoor dining" which come into force on 22 February 2014.

Outdoor Dining & Footpath Trading Policy



Title:	Outdoor Dining and Footpath Trading Policy
Summary:	This Policy provides guidelines for the approval of provision of services on Council Footpaths
TRIM Record Number:	14/3794
Date of Issue:	October 2011
Approval:	Council
Version Control:	3
Contact Officer:	Manager Regulatory Services
Relevant References:	
Main Legislative or Regulatory References:	Section 125 of the Roads Act, 1993 Sections 137A, 139A, 139C, 139D and 139E of the Roads Act, 1993 relate to Street trading consents. Sections 127 and 141 of the Roads Act 1993, Section 68 Part E of the Local Government Act 1993 Section 78A of the Environmental Planning and Assessment Act 1979
Applicable Delegation of Authority:	Manager Regulatory Services Community Enforcement Team Leader
Related Ashfield Council Policy:	
Related Ashfield Council Procedure:	Application Form Standard Conditions

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1.0 INTRODUCTION

The use of Council footpaths adjacent to cafés, restaurants and other retail premises provides owners with alternative customer seating and opportunities to display goods which can contribute to an active street life. This policy recognises the needs of business operators, pedestrians and the general public in ensuring all interests are adequately represented so the use of public land has an overall positive benefit.

Council approval is required to establish an outdoor dining area or a footpath trading area and this policy explains where it is permissible and the process in gaining consent.

This policy is made under Section 23 of the Local Government Act 1993.

1.1 Objectives

1. To promote the fair and reasonable use of Council footpaths for outdoor dining and the display of goods.
2. To ensure that such use provides for safe and convenient access by pedestrians and people accessing the area by vehicles.
3. To ensure that such use enhances the visual quality of streetscapes.
4. To set conditions of use.
5. To ensure that the use of footpaths benefits the community as a whole.

1.2 Principles

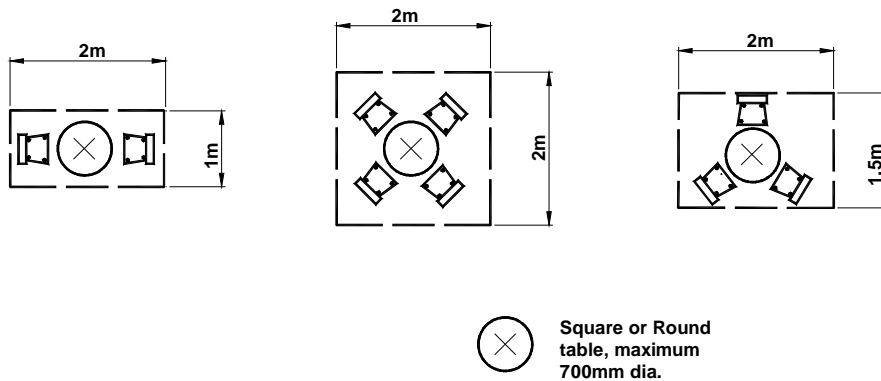
The following principles have been used in forming this policy:

1. A development consent (under the Environmental Planning & Assessment Act, 1979) will be required for use of Council footpaths under this policy, and such development consent will be limited to a period of six years. The NSW Roads and Maritime Services (RMS) must also give their approval for the establishment of an outdoor dining area on a road under the control of the NSW Roads and Maritime Services.

RTA Roads in the Ashfield Council area include: Canterbury Road, Elizabeth Street, Frederick Street, Georges River Road, Liverpool Road, Marion Street, Milton Street, Norton Street, Old Canterbury Road, Parramatta Road, Ramsay Street, Thomas Street, Victoria Street, Wattle Street, Dobroyd Parade / City West Link Road.

2. An applicant will be required to sign a licence agreement and pay the appropriate annual licence fee. The licence agreement will be issued for a period of three years with a right of renewal for a further period of three years to run concurrently with the development consent. The licence is not transferable, however, the issue of a new licence to a new owner or lessee will not be unreasonably withheld but the new licensee must make a separate written application to transfer the license in their name.
3. Outdoor dining must be located on the kerbside of the footpath. Footpath trading can be located either kerbside or against the shopfront. Where against the shopfront, the footpath trading area cannot protrude more than 600mm into the footpath. For both outdoor dining and footpath trading, there must be a clear passage width of 1.8 metres for pedestrian access.[Please see Note 1, page]
4. If a proposed outdoor dining area is located on a Classified Road additional RMS safety requirements must be met. This may include provision of bollards.

5. Outdoor dining/footpath trading areas will not be considered at bus stops, taxi ranks, near pedestrian crossings or other areas where there is heavy pedestrian traffic or vehicular traffic safety concerns. It may also be necessary to limit outdoor dining/footpath trading activities to particular times of the day/evening depending on local circumstances.
6. 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 to the footpath will be permitted, e.g. coverable holes for the anchoring of screen/barrier posts.
7. Where there is kerbside parking adjacent to the proposed site a 600mm wide clear area must be provided adjacent to the kerb to allow motor vehicle doors to open unimpeded. For safety reasons, this clear area must be increased to 1000mm for outdoor dining within a blister or where there is no parking on Classified Roads.
8. The number of tables and chairs which can be placed on a footpath for outdoor dining, will be strictly limited and based upon the area and dimensions of the leased space. No freestanding A-frame style advertisements or 'menu boards' will be allowed in leased areas or other public spaces. The following guidelines will apply:



9. The proposed outdoor dining/footpath trading area must be located adjacent to an existing or proposed restaurant/café/shop premises and the use of the footpath area must be directly related to the operation of that business.

Council may permit the licensed area to extend in front of an adjoining property but only where the owner and occupier of that property agree in writing. Such an agreement is required to be obtained on a yearly basis and presented to Council at the time of payment of the annual licence fee.

10. In certain circumstances, Council may allow an applicant to undertake streetscape works (paving, street tree planting, lighting, footpath widening, etc) but any such works require specific approval by the Council. All such works will need to be undertaken and maintained at the applicant's expense and will be retained in Council ownership.
11. Outdoor dining and footpath trading will not be able to coexist for the same business premises (i.e. where an outdoor dining area or footpath trading licence already exists it will not be possible to introduce outdoor dining or footpath trading in addition to the existing licence).
12. All licensees will be required to carry and maintain public liability insurance to the minimum value of \$20 million.
13. In determining whether or not to approve an application Council will have regard to the cumulative impact of the proposal on the immediate locality, e.g. the number of existing nearby displays/dining areas.

2.0 CONDITIONS OF USE

2.1 Outdoor Dining

2.1.1 Furniture

- Should be strong, durable, weather resistant and designed for commercial outdoor use.
- Design must be in keeping with streetscape.
- To be placed wholly within leased area well clear of pedestrian passageway.
- Chair leg base diameter of 25mm or greater.
- Must not contain any advertising.
- Tables to have maximum diameter/width of 700mm.
- Must fold or stack for storage, and be readily removed and stored within the associated indoor premises.
- Include secure ashtrays for use by smokers.
- Furniture should be of solid construction and with their bases flush to the ground to prevent tripping and to aid persons using a cane.

2.1.2 Bollards (Dining Area Protection)

- Required if outdoor dining area is on a Classified Road where no vehicular parking is available adjacent to the outdoor dining area and must comply with Australian Standard 3845 (refer Figure 2).
- Must be paid for at the applicant's expense prior to installation by the Council.

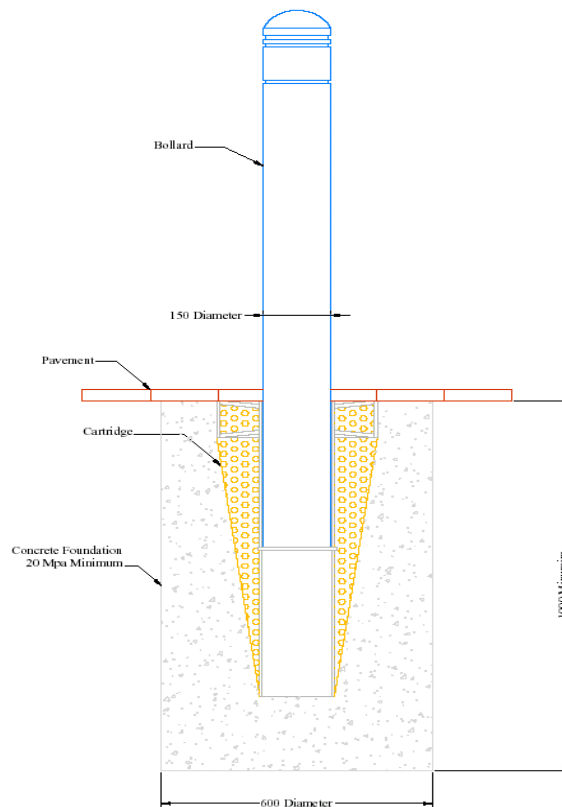


Figure 2

2.1.3 Pedestrian Barriers

- Required if outdoor dining area on non-Classified Road.
- Leased area must be enclosed by appropriate barriers to physically define the space.
- Can be in the form of framed fabric or similar style low height barrier, post and chains and will be of a type or style from a standard range of options provided by the Council.
- Permanent planter boxes will only be considered in privately owned open space or on footpath blisters. Council reserves the right to order removal of planter boxes that are not properly maintained including provision of high quality flowers or vegetation.
- Pedestrian barriers must be positioned at least 1.0 metre behind a safety barrier (bollards) where the dining area is within a blister on a classified road.
- Pedestrian barriers must NOT obscure sight lines between pedestrians and passing vehicles. This is particularly near pedestrian crossings.

2.1.4 Umbrellas

- Must be secured to withstand strong winds.
- Must be wholly located within the leased area and have a minimum ground clearance of 2.2 metres.
- Design to be of market style (ie not beach umbrellas).
- Be manufactured from fire retardant materials if used in conjunction with heating devices.
- Be maintained in a sound and aesthetically acceptable condition to the Council's satisfaction.

2.1.5 Blinds

- Must only be attached to the front edge of canopy/awning (where applicable.)
- Only clear see through material allowed with the exception of a 'solid' section to a depth not more than 1.0 metre below the bottom of the canopy/verandah to provide shading if required.
- Blinds which protrude into the footpath area at right angles from the kerb will not be permitted.
- Must not contain any form of advertising.

2.1.6 Lighting

- Suitable lighting required if restaurant/café to operate after dark.
- Must be contained within the leased area.
- Should not overspill into adjacent areas.

2.1.7 Storage

- All tables, chairs, temporary pedestrian barriers, umbrellas and any other equipment must be stored inside the restaurant/cafe premises when the business is closed.
- All points for fixing/securing pedestrian barriers to the pavement are to be covered with flush mounted caps level with the pavements surface when pedestrian barriers are not in use.

2.1.8 Advertising & Signage

Business names and business identification logos may be placed on pedestrian barriers, screens and umbrellas but not on chairs safety barriers or weather protection blinds, provided:

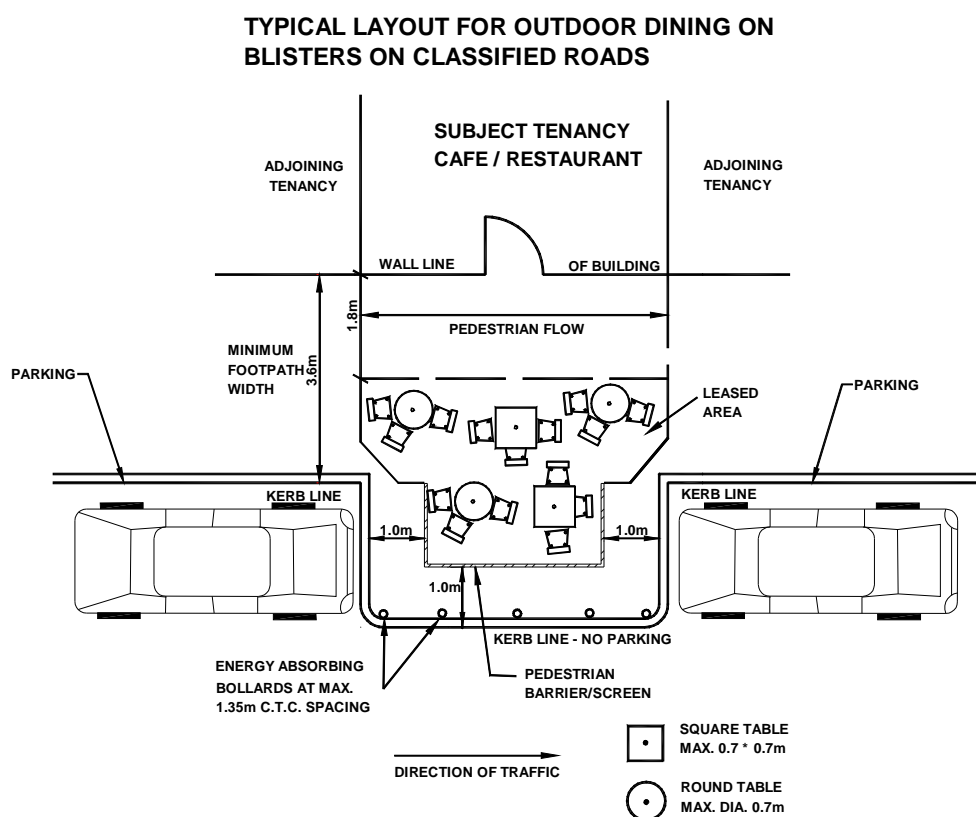
- They only identify the business premises.
- They are of a discreet, minor, integral element of the item on which they are displayed and do not have an excessive impact on the streetscape.
- No 'A frame' or 'Sandwich Board' signs will be permitted.

2.1.9 Heating devices

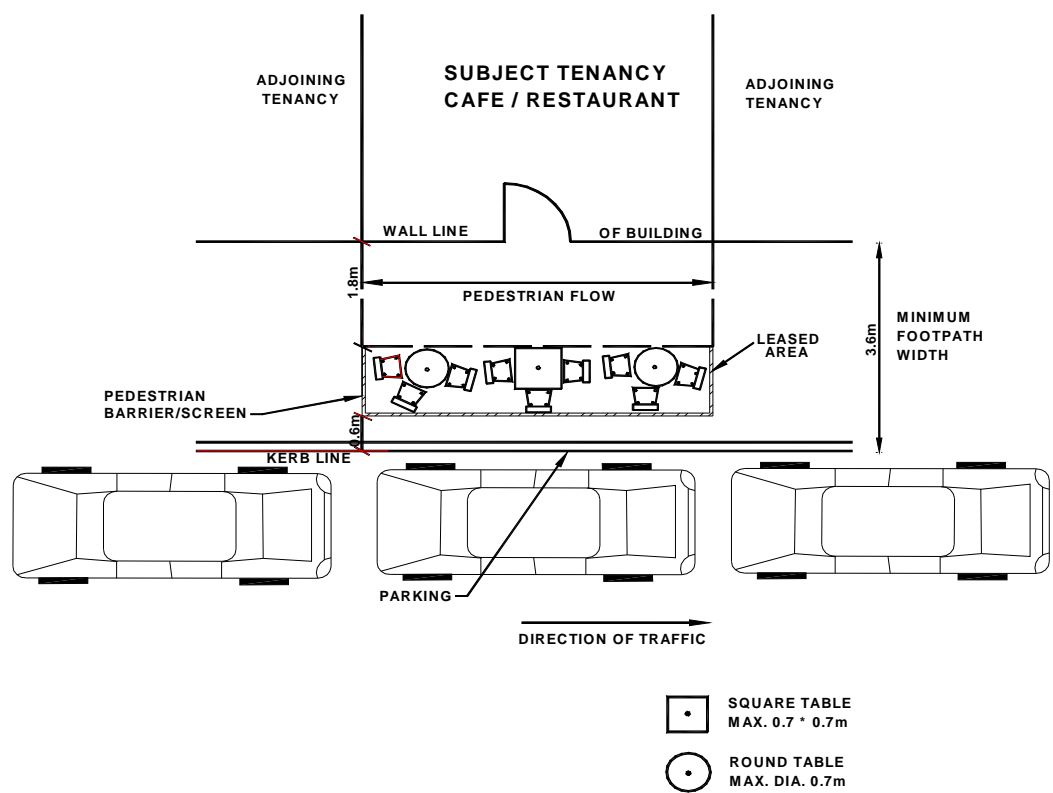
- Details of the type, location, and design must be submitted in the application.
- Must be wholly located within the leased area.
- Must be secured in place and have the ability to automatically turn off in the event that they are overturned.

2.1.10 Maintenance and Cleaning

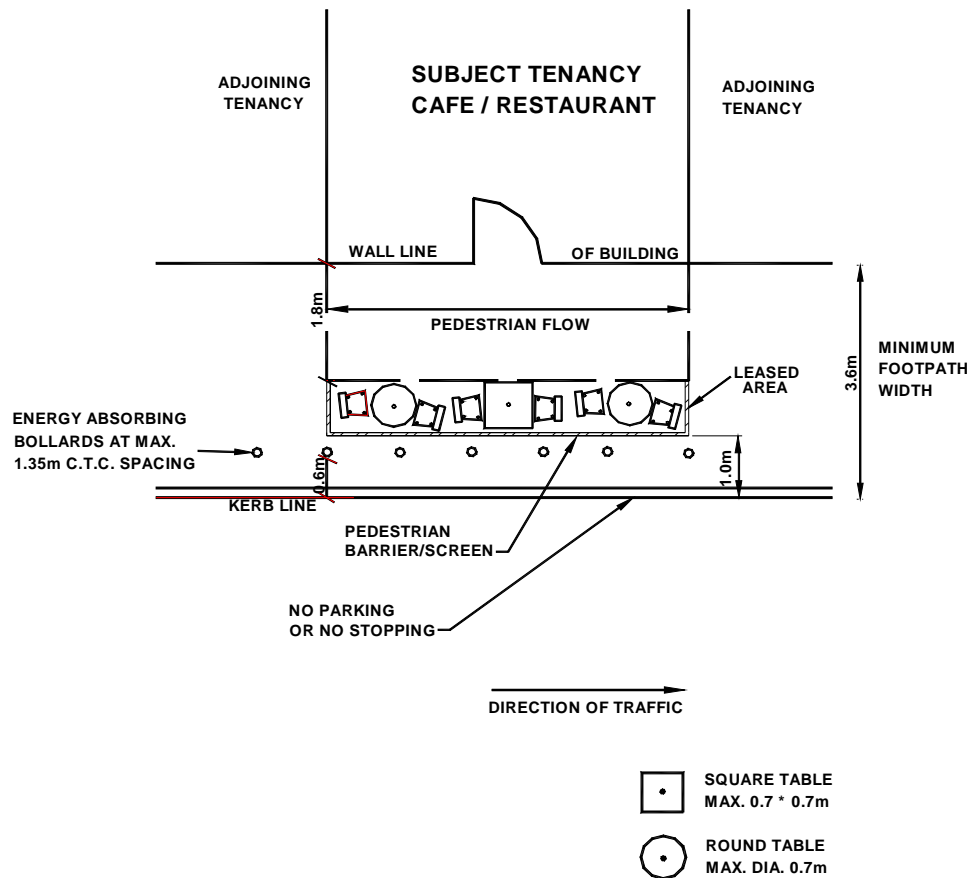
All furniture, bollards, barriers, blinds and screens, must be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. Management is responsible for cleaning the approved outdoor dining area which must present as a clean well maintained image as specified in the conditions of the licence and development consent. This includes the regular cleaning up of liquid spills, maintenance and cleaning of ashtrays and the removal of food scraps and rubbish within and around the leased area, so that the area is not only hygienic, but also not allowed to become a slip hazard. Hosing down of footpath areas is not allowed. Rubbish must not be disposed of in Council's street bins.



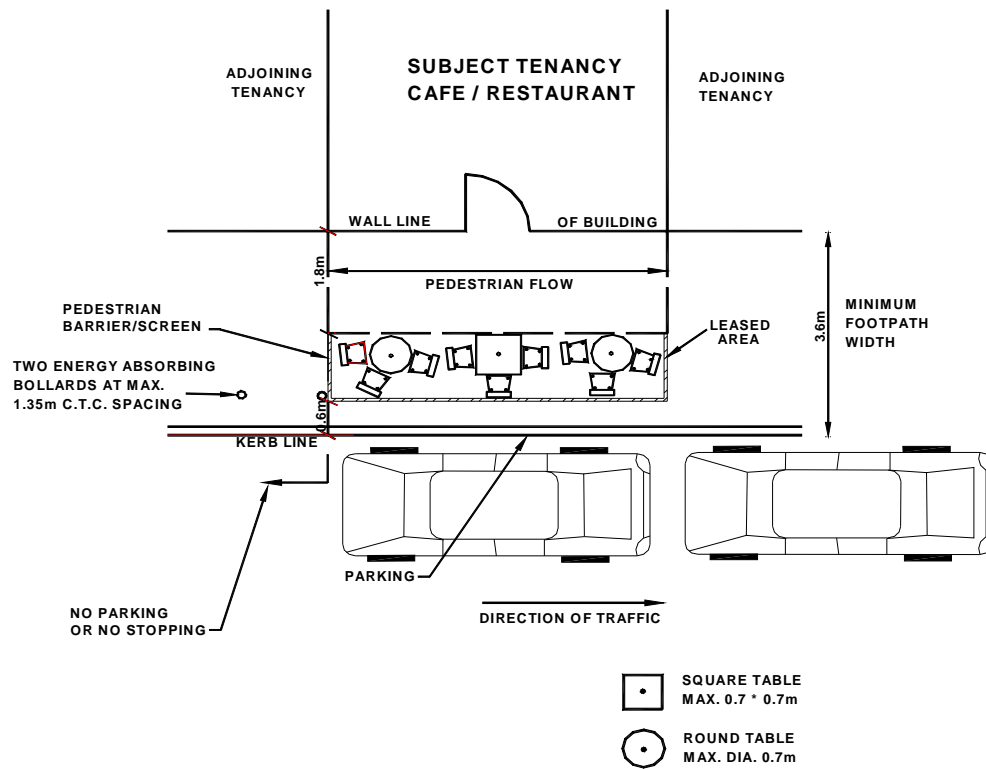
TYPICAL LAYOUT FOR OUTDOOR DINING ON
CLASSIFIED ROADS WITH FULL PARKING
ADJACENT TO THE AREA OF TRADING



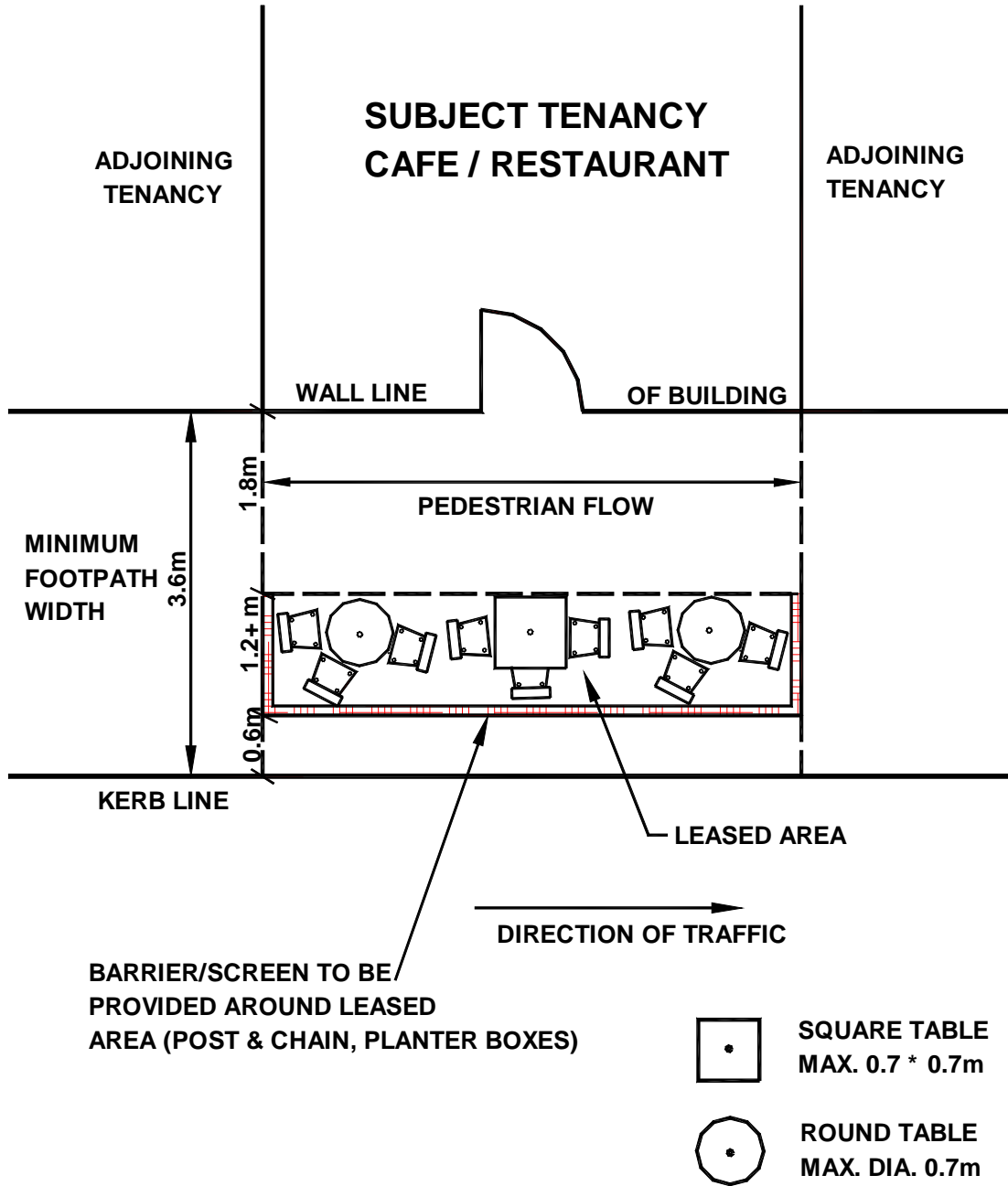
**TYPICAL LAYOUT FOR OUTDOOR DINING ON
CLASSIFIED ROADS WITH NO PARKING
ADJACENT TO THE AREA OF TRADING**



**TYPICAL LAYOUT FOR OUTDOOR DINING ON
CLASSIFIED ROADS WITH PARTIAL PARKING
ADJACENT TO THE AREA OF TRADING**



TYPICAL LAYOUT FOR OUTDOOR DINING ON NON-Classified Roads



2.2 Footpath Trading

2.2.1 Displays

- Must be wholly contained within the approved leased area and be of an appropriate standard, quality and design.
- To only contain goods which meet the criteria outlined in **Table 1** below:

Table 1

Permitted goods	Prohibited goods/displays
General goods for sale – plants, food*, books, magazines, flowers, clothing or other goods which the Council considers appropriate.	Bulky goods (furniture, whitegoods, motor vehicles – cycles and cars, boats) A-frame signs and sign boards Cash registers or similar devices.
<i>* Food must not be displayed or sold other than in accordance with the relevant provisions of the Food Act 1989, the Food (General) Regulation 2004 or any Council Policy.</i>	

- Overall height of goods on display/for sale must not exceed 1.5 metres as measured from the footpath surface.
- Actual goods or structures upon which goods are displayed must have no sharp edges or protrusions.

2.2.2 Pedestrian Barriers

- The use of barriers to define the leased area is optional.
- If proposed, can be in the form of framed fabric or similar style low height barriers, posts, etc. and be of a type or style chosen from a range of options nominated by the Council.

2.2.3 Lighting

- Suitable lighting required if shop/commercial premises are to operate after dark.
- Must be contained within the leased area.
- Should not overspill into adjacent areas.

2.2.4 Storage

- All goods, display structures, temporary pedestrian barriers, and any other equipment must be stored inside the shop/commercial premises when the business is closed.
- All points for fixing/securing pedestrian barriers to the pavement are to be covered with flush mounted caps level with the pavements surface when pedestrian barriers are not in use.

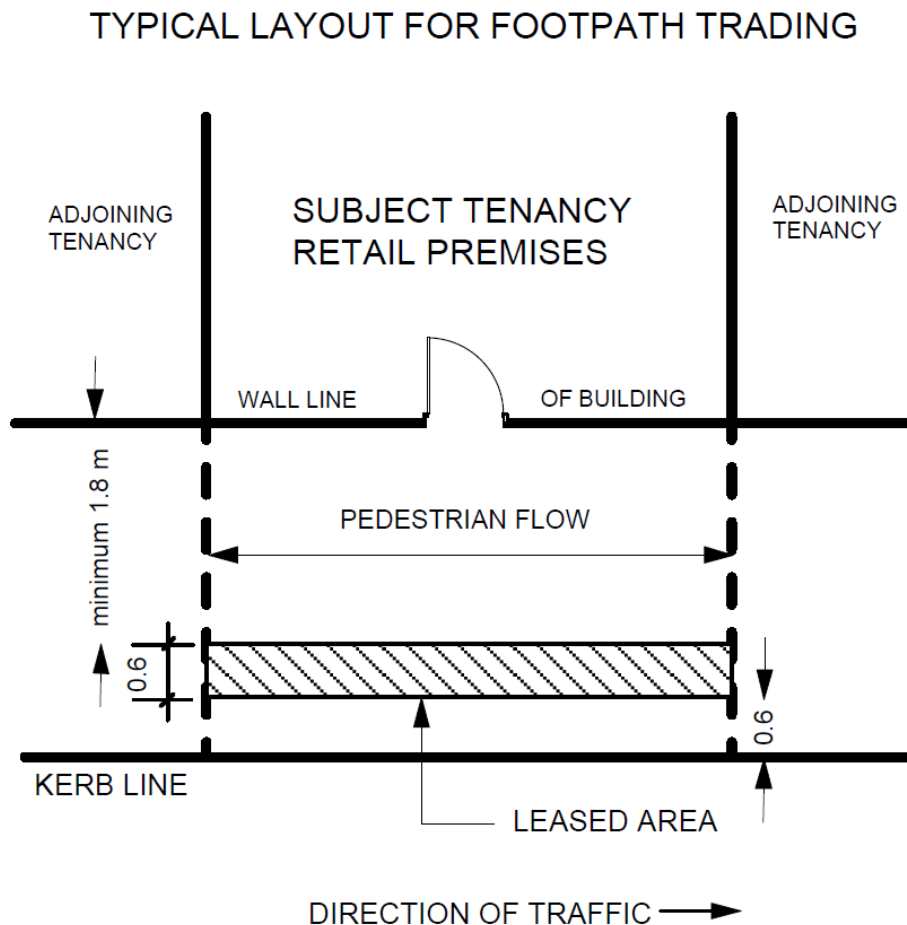
2.2.5 Advertising & Signage

Business names and identification logos may be placed on pedestrian barriers, screens or goods display structures, provided:

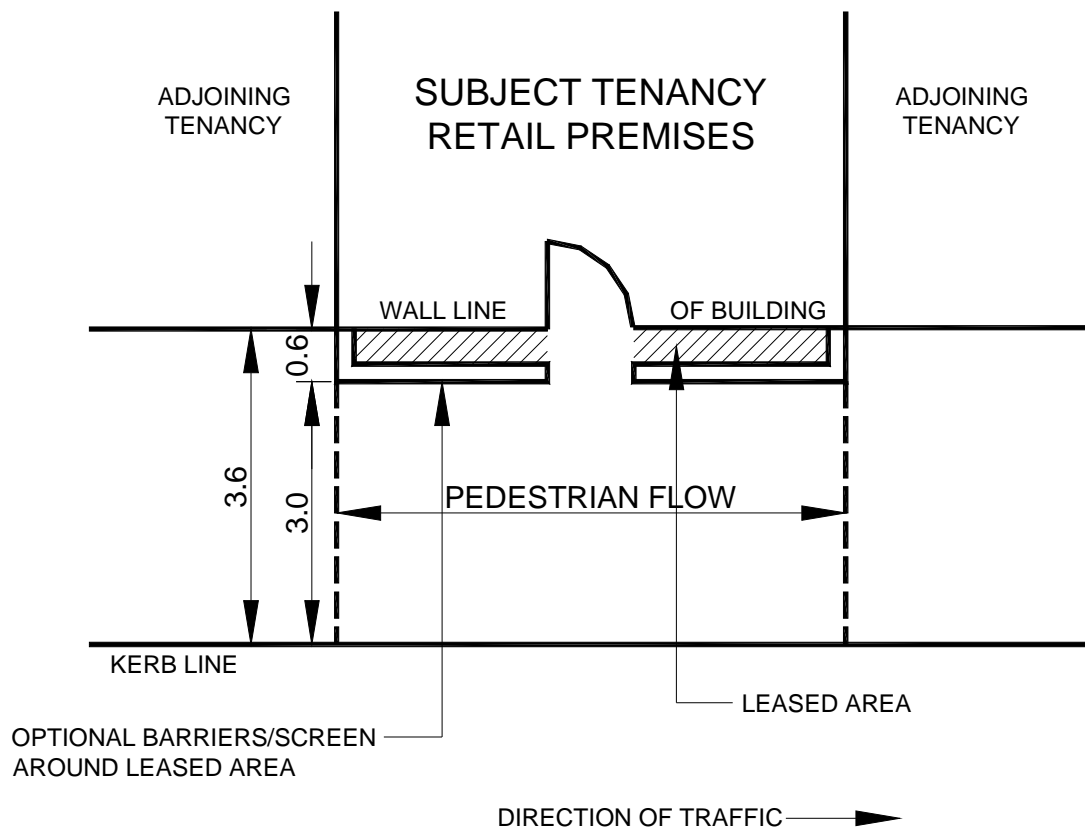
- They only identify the business premises.
- They are of a discreet, minor, integral element of the item on which they are displayed and do not have an excessive impact on the streetscape.

2.2.6 Maintenance and Cleaning

All display structures must be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. Management is responsible for cleaning the approved footpath trading area which must present as a clean well maintained image as specified in the conditions of the licence and development consent. Rubbish must not be disposed of in Council's street bins.



TYPICAL LAYOUT FOR FOOTPATH TRADING



3.0 APPLICATION

In all cases an outdoor dining area or footpath trading area will require the development consent of Council and a licence agreement. These applications will be dealt with concurrently.

Development application forms and licence application forms may be obtained from Council's One Stop Counter during business hours or downloaded from Council's website: www.ashfield.nsw.gov.au

3.1 Approvals required

Outdoor Dining

- Approval under the *Roads Act 1993*. RTA concurrence is required if on a Classified Road;
- Development consent under the *Environmental Planning and Assessment Act 1979*; and
- Approval under the *Local Government Act 1993*.

Footpath Trading

- Development consent under the *Environmental Planning & Assessment Act, 1979*; and
- Approval under the *Local Government Act 1993*.

3.2 Required documents

The applicant needs to provide:

1. Licence application and a request for owners written consent for Council owned land.
2. Completed development application forms with owner's consent.
3. A site plan of the proposed footpath area drawn to scale (preferably 1:50) indicating:
 - dimensions and boundaries of the proposed seating/trading area;
 - area (in m²) of the outdoor dining/footpath trading area;
 - number and location of tables and chairs in the outdoor dining area;
 - the kerb-line of the street;
 - the width of the shop front and entrances;
 - the width of the existing footpath adjacent to the subject premises and its residual width after the encroachment by the proposed outdoor dining/footpath trading area;
 - the proximity of pedestrian or vehicular entrances serving the adjoining buildings;
 - location of side and front boundaries of the abutting property;
 - the location of all public utility structures, power poles, bus stops, trees, street furniture, street litter bins, post office boxes, parking/street signs and other similar structures, adjacent to the site – traffic lights and pedestrian crossings;
 - details of any equipment, fittings and portable embellishments proposed within the outdoor dining/footpath trading area;
 - details of existing and proposed lighting;
 - details of any adjoining outdoor dining/footpath trading use; and
 - details of any parking restrictions applying at the kerb.

- Proposed safety barrier treatment to prevent errant vehicles entering the outdoor dining area.
 - Pedestrian barrier to prevent diners from being within safety barrier dynamic deflection or working width requirements.
4. A statement which includes full details of colour, type and material of proposed furniture/displays.
 5. If the proposal involves establishing an outdoor dining/footpath trading area beyond the immediate frontage of the applicant's café/restaurant/retail premises, written approval must be submitted from the property owner(s) and tenant(s) of other affected properties over which the proposed area will encroach.
 6. Any other details specified in the application or referred to in this policy.
 7. All relevant fees in accordance with Council's Schedule of Fees and Charges.

3.3 Notification and approval

The Council will notify the development application and licence application together in accordance with its Development Control Plan: Public Notification in the Planning Process.

The development application must be approved prior to the granting of the licence. A notification letter will be sent to the applicant which includes relevant conditions attached to both the development application and licence.

3.4 Licence Conditions - Non Compliance and Infringements

If complaints are received regarding a licence, Council will investigate the non-compliance or infringement. Where there is evidence that conditions have been breached, Council will issue either an advisory letter or formal warning to the business owner according to the gravity of the non-compliance. Repeated non compliance with conditions of Consent of the licence may result in the commencement of legal action including the issue of infringements, issue of notices / orders and or termination of licence agreement and court action. (Refer to Appendix A for typical conditions.)

3.5 Licence Term, Renewals and Applicable Fees

The standard licence term is 3 years, and application to renew may be made during the last six months of its term. Renewal is not automatic and will be subject to review regarding satisfactory shared use, Council officer or community reports, penalty points or other factors which may have arisen during the prior term.

Both the licence Application fee and the annual rental fee will be in accordance with Council's standard Schedule of Fees and Charges. Fees must be paid yearly in advance. Renewals will be at the rate as set out in the Schedule for the relevant 12-month period. Note that this schedule is reviewed annually and fees and charges may thus change from year to year.

Failure to renew within one month after the due date will result in licence suspension. After a further two months the licence will lapse irretrievably and any further footpath use will require a new Application process.

3.6 Licence Conditions – Display Notice

A detailed "Display Notice" shall be supplied by Council upon approval of the licence agreement. A sample of the A4 size template for a Display Notice is provided at Appendix B.

It is a mandatory condition of Licence that this Display Notice be permanently displayed on the inside of the front window of the subject business, in a location visible to both the community and Ashfield Council Rangers. Failure to display this "Display Notice" will be deemed a major breach and may result in termination of the Licence.

3.7 Termination of Licence Agreement

Council reserves the right to cancel the Licence, at any time, if the licensee fails to comply with any condition of the Licence Agreement or policy, or where Council's General Manager considers that an unacceptable public risk or inconvenience exists, or the area is required for any other purpose by Council.

Where there is clear major breach of conditions, either in one event or over time, the licence will be cancelled forthwith, without appeal.

In all cases, notice of cancellation shall be given in writing to the licensee and will take effect immediately. The licensee will not be entitled to refund of any rental payments in respect of the unexpired portion of the Licence Agreement, and no damages or compensation will be paid in regard to loss of business, etc.

3.8 Period of Development Consent and Licence

The period of development consent will be for a maximum of six years. The licence will be issued for a period of three years with a right of renewal for a further three years subject to review of the operation of the licensed activities.

3.9 Public liability and indemnity insurance

Council will require the licensee to take out public liability and indemnity insurance to the value of \$20 million for the duration of the licence period. Written proof of this insurance cover must be provided to Council on an annual basis.

3.10 Section 94 Contributions

The use of footpaths for outdoor dining and footpath trading will not attract Section 94 Contributions nor will the 'additional floor area' be included in floor space ratio calculations or attract additional car parking requirements.

3.11 Workers Compensation Insurance

WorkCover and Occupational Health and Safety Act, 2000 require that employers maintain a safe working environment for their employees and the general public. The Business owner must therefore supply a copy of their **Workers Compensation** insurance for the number of staff they employ.

Note 1

Council Resolution 106/13

The trafficable pedestrian area width on the western side of Lackey Street Summer Hill has been reduced from 2.8 to 1.8 metres with the exception of 1-11 Charlotte Street.

Footpath dining by businesses already trading in Smith Street, Summer Hill should be allowed to continue on the kerbside where a trafficable path of 1.5 metres can be maintained pending advice from the appointed consultant.

MAPS

Ashfield LGA Maps Showing Business Use Zones (BUZ)

- 1 Ashfield Town Centre
- 2 Ashfield Town Centre East
- 3 Ashfield Town Centre North
- 4 Ashfield Town Centre West
- 5 Ashfield West
- 6 Croydon Town Centre
- 7 Croydon South - East side
- 8 Croydon South - West side
- 9 Haberfield Town Centre - North
- 10 Haberfield Town Centre - South
- 11 Summer Hill Town Centre - North
- 12 Summer Hill Town Centre - South

LEGEND



Maximum 600mm wide trading area providing a 1.8m wide clear pedestrian path is maintained outside this zone, except where maps indicate a 2.8 metre wide clear pedestrian path is required.



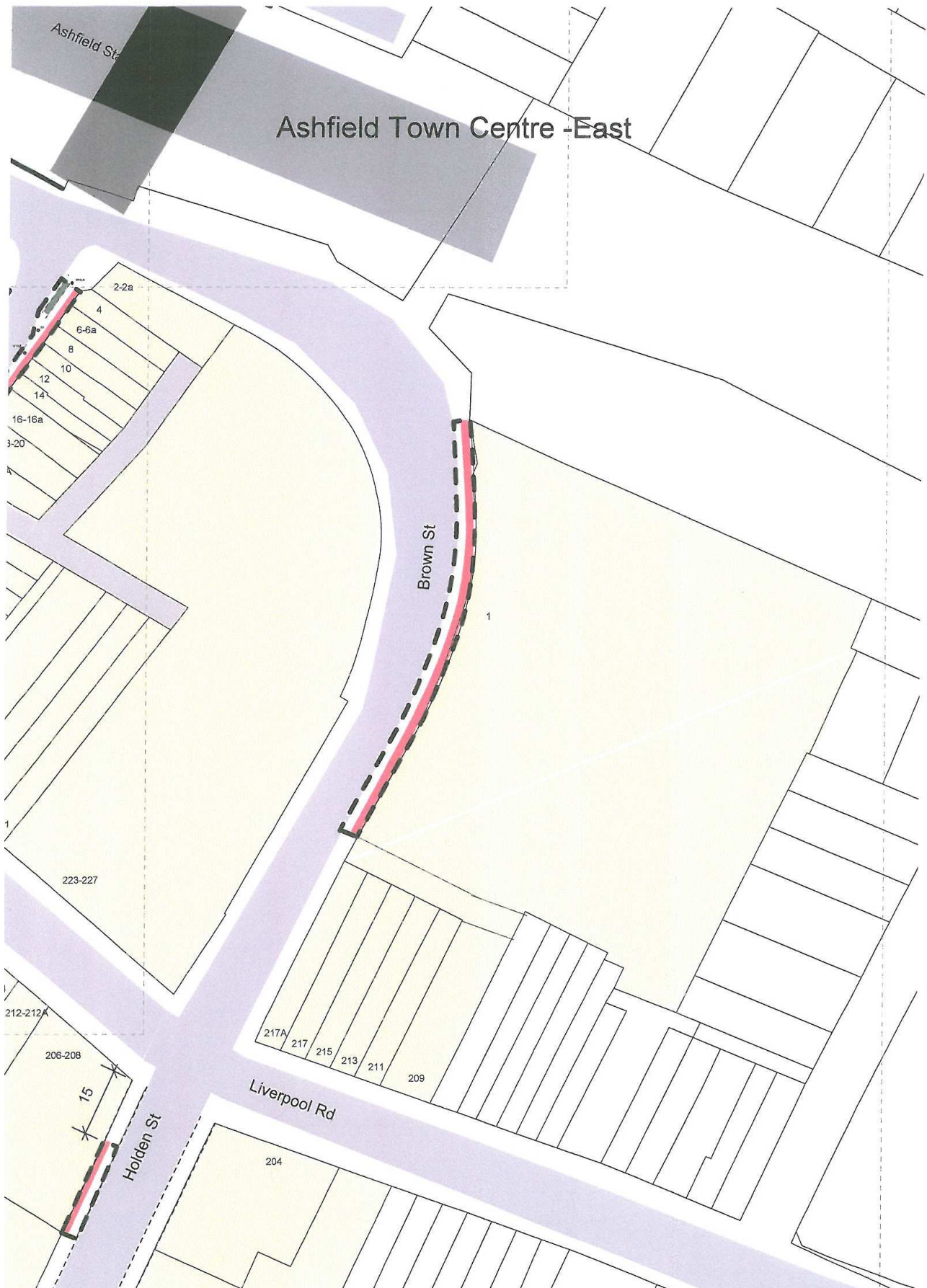
Dining area, providing within the zone a 1.8m wide pedestrian path is maintained, except where notes on the drawing a 2.8m wide clear pedestrian path is required to be maintained.



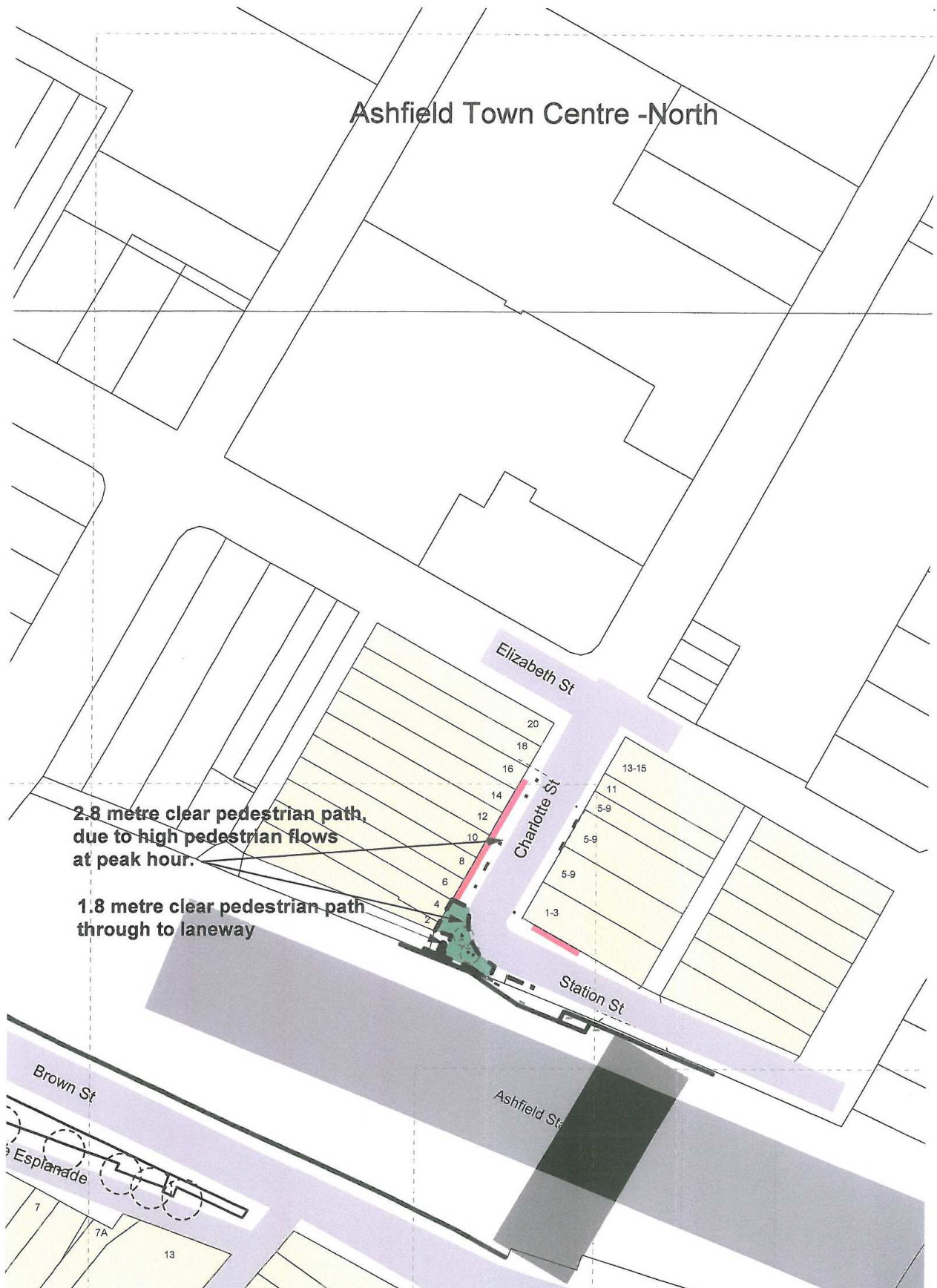
Dotted line indicates boundary of areas which may be used for footpath dining or trading subject to the requirements of this policy.



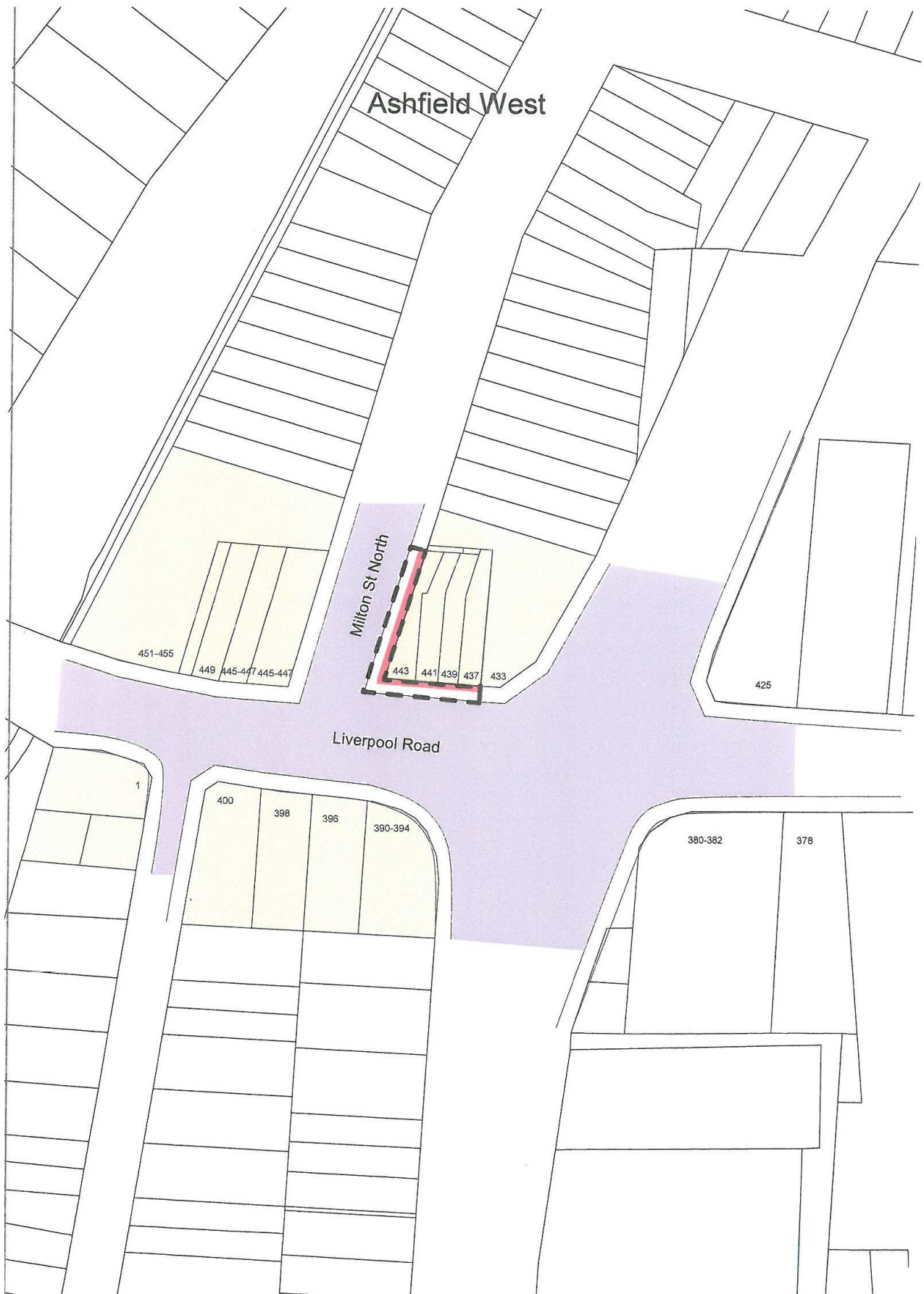
Fixture area subject to negotiation with Council on design layout and fixtures acceptable to Council.



Ashfield Town Centre -North







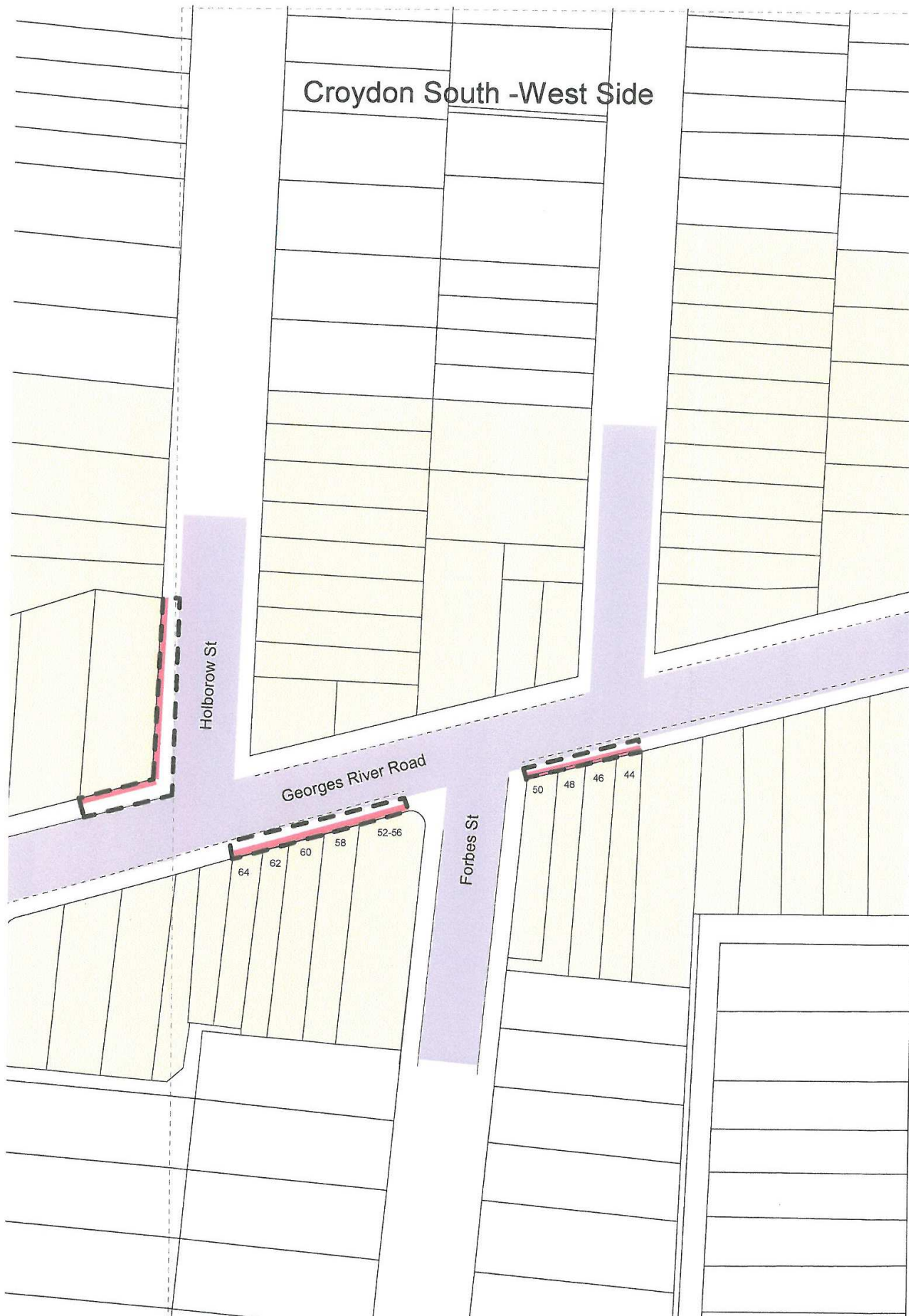
Croydon Town Centre



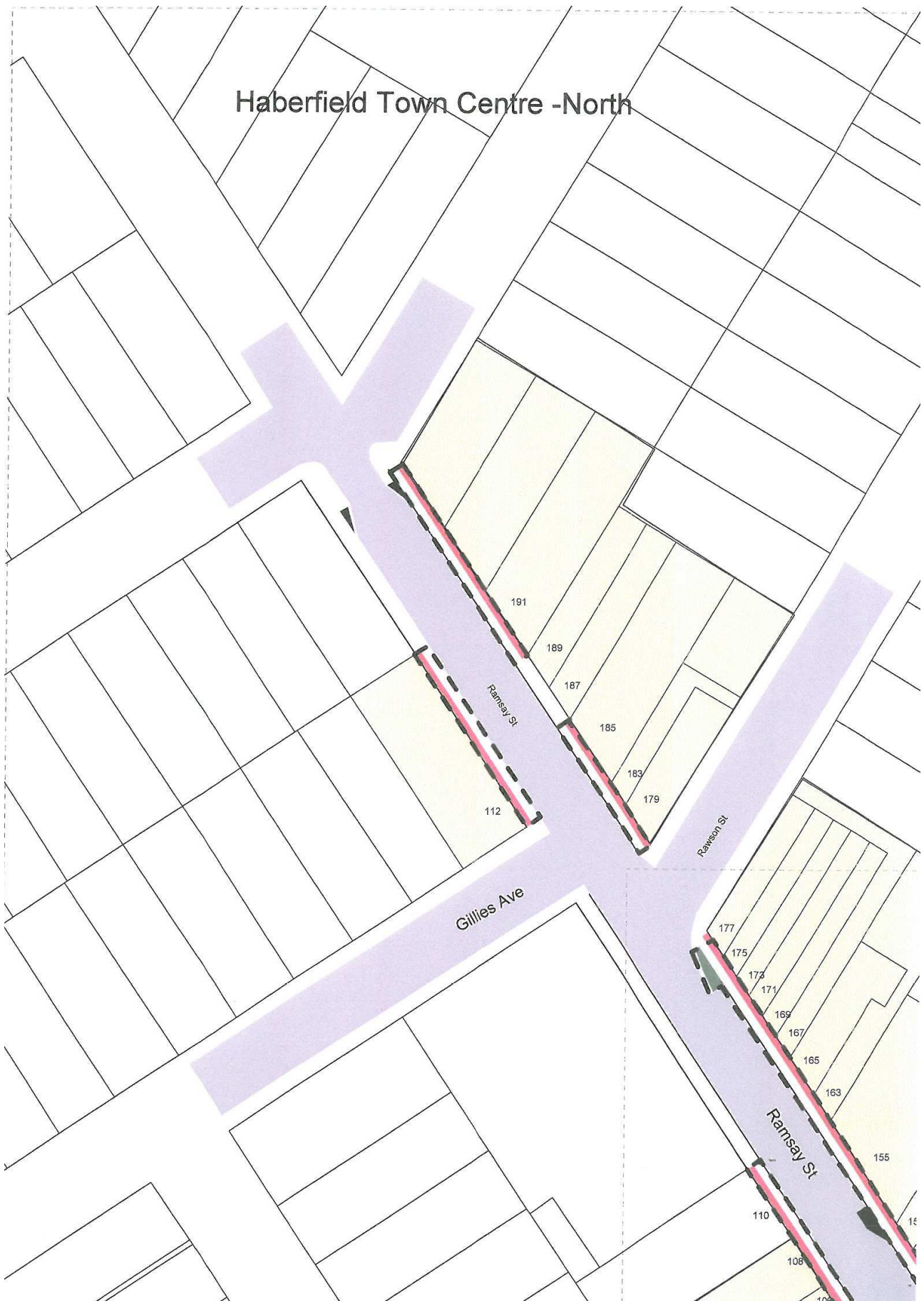
zone to access railways area
dotted

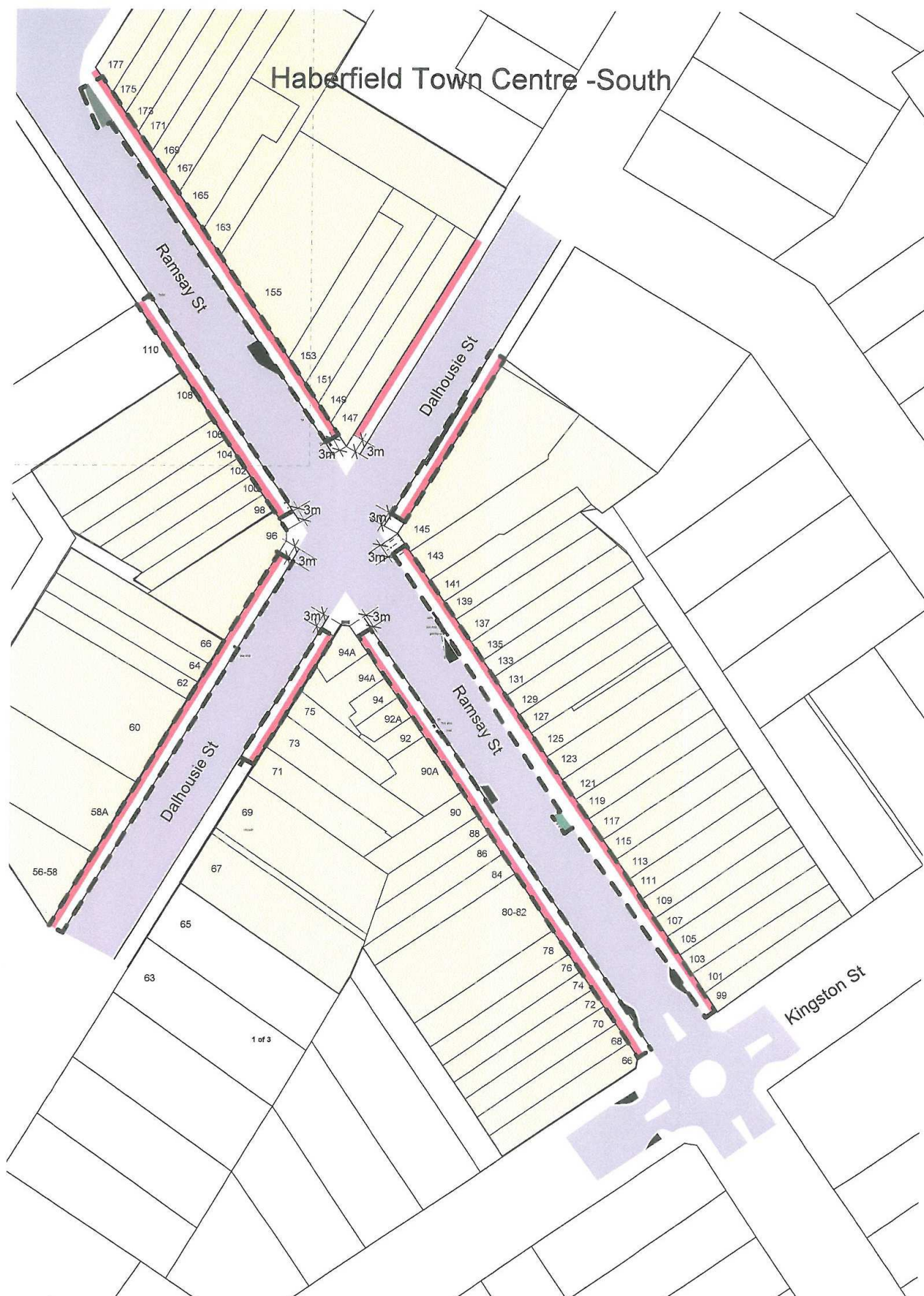
maintain a 1.8 m wide
clear pedestrian pathway
as shown dotted



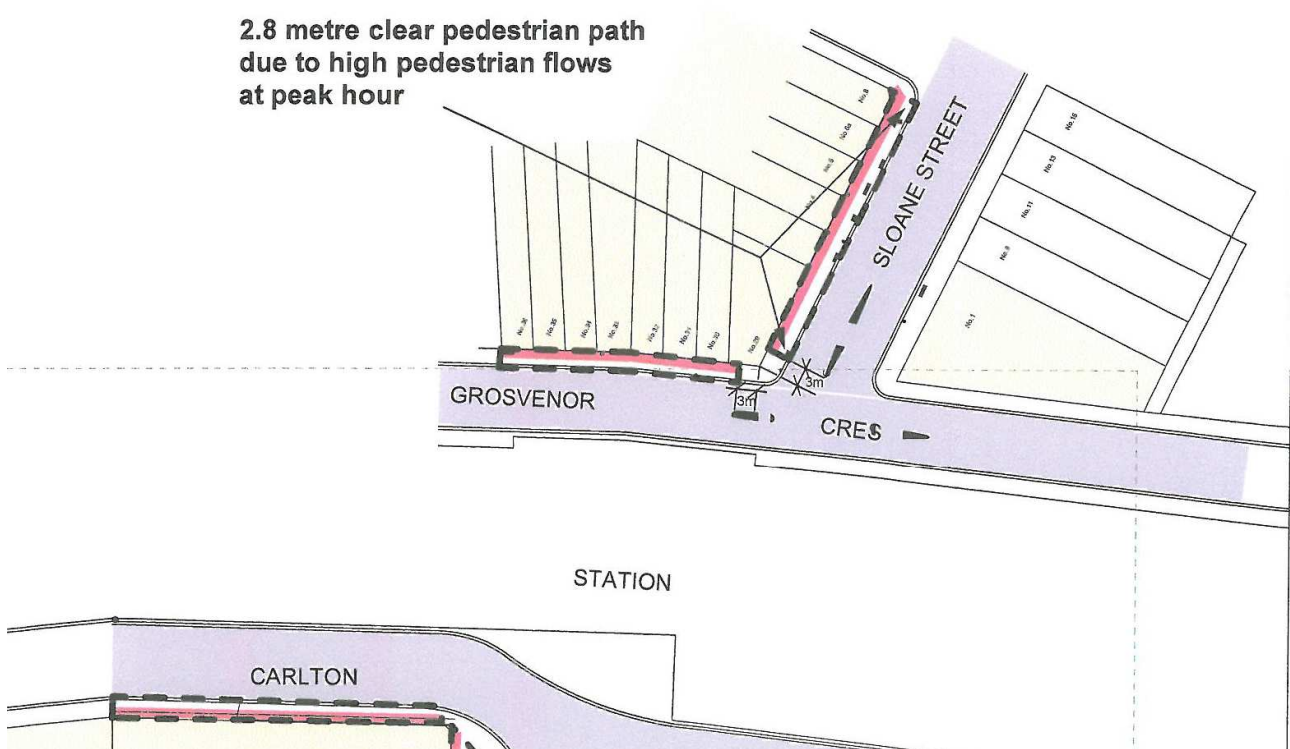


Haberfield Town Centre -North





Summer Hill Town Centre -North







Ashfield Council

Application for Outdoor Dining & Footpath Trading Licence

Introduction	This form is required to protect the personal information of individuals and to ascertain the reason for the request. This application is for Approval under Sections 125 & 126 of the Roads Act 1993 & Section 68 of the Local Government Act 1993.			
Fees	Application Processing Fee \$94.11 CODE: 543 Bollard Fee: Actual Cost. CODE: 543 Annual Footpath Use (\$158.68 per m2) CODE: 543 *** Note: Pro rata licence fees to match development consent expiry date. *** *** Fees are valid until 30 June 2014 unless changed prior by Resolution of Council. ***			
Description of Outdoor Dining and Footpath Trading	Usage Times: M-F:..... SAT:..... SUN:..... Number of Tables:..... Number of Chairs:..... Total Area for Outdoor/Footpath trading..... Development Consent No:..... Expiry Date:..... Number heating Devices & Locations..... Sale of Alcohol YES <input type="checkbox"/> or NO <input type="checkbox"/> PLEASE ATTACH A COPY OF \$20 MILLION PUBLIC LIABILITY INSURANCE			
Applicants Details	Proprietors Name: Postal Address: Phone: Mobile: Business Name: Business Address: Business Phone:			
Collection	<input type="checkbox"/> Call for Collection <input type="checkbox"/> Please Post			
Signature	I have read Council's Outdoor Dining & Footpath Trading Policy and agree to comply with the conditions of this policy and Development Consent Conditions. The above details are true and correct. Signature: Date:			
OFFICE USE Cashier Code	Application Processing fee	\$ 94.11	Date	Receipt Number
	Annual Footpath Use	\$		Council Officer
	TOTAL	\$		
PERMIT APPROVAL	Information provided has been checked and is recommended for permit approval Team Leader Environment Health: Date:..... Recommendation for approval Manager of Regulatory Services..... Date:.....			

Privacy Notification: The personal information you have supplied on this form assists Council Officers in determining your application. The supply of information is voluntary. If you do not provide all details requested, Council may be unable to process your application. The details you provide are stored at Council Offices and are not made publicly available. For more information about your privacy please contact Ashfield Council on 9716 1800.

260 Liverpool Road Ashfield NSW 2131
PO Box 1145 Ashfield NSW 1800

DX 21221 Ashfield
ABN 11211068961

Tel (02) 9716 1800
Fax (02) 9716 1911

Last Amended 31/1/14
info@ashfield.nsw.gov.au
www.ashfield.nsw.gov.au

SKETCH OF LEASED AREA AS SHOWN ON DEVELOPMENT CONSENT

(Sketch of leased area, drawn to scale, with measurements showing the dining area, number of tables & chairs, distances to the kerb & buildings, etc)

Conditions for Outdoor Dining Licence

1. This Licence and Display Notice is for the use of the footpath adjacent to _____ for the purpose of **Outdoor Dining**. The terms and conditions contained herein are to be the conditions of the licence. The term of this licence may be extended annually at Council's discretion.
2. This Licence and Display Notice permits the Licensee to place a suitable number of approved tables, chairs and ancillary structures (such as umbrellas and other weather protection devices) in the leased section of the footpath.
3. This Licence and Display Notice (showing the agreed use, hours of operation and a plan of the approved furniture layout within the leased area) must be displayed in the front window of the business to which the Licence and Display Notice refers. Failure to exhibit the Licence and Display Notice may result in the cancellation of this licence.
4. Only approved tables, chairs, and ancillary structures are to be used, and these must not be placed outside the leased area under any circumstances. No third party advertising, logos or displays are permitted as part of the approved use of the footpath. This includes on any signs, barriers, awnings and ancillary structures.
5. The outdoor furniture and ancillary structures must not pose any potential safety hazard to the public, patrons, or employees, especially with regards to sharp edges or moving parts. The outdoor furniture and ancillary structures must be firmly secured to avoid the risk of moving or falling over in adverse weather conditions or other circumstances and must be removed in high wind conditions.
6. The unobstructed vertical clearance for ancillary structures must be a minimum of 2.2 metres above footpath level. All ancillary structures must be of lightweight construction, suitably weighted or secured and be easily and quickly removable during adverse weather conditions.
7. To minimise the likelihood of collisions between the shop's staff and passing pedestrians, it is the responsibility of the Licensee to inform and train the shop's staff to give priority to passing pedestrians when traversing between the leased footpath area and the shop.
8. The Licensee shall ensure that all outdoor furniture and ancillary structures are removed from the footpath and stored within the shop outside of its approved trading hours.
9. The Licensee is responsible for keeping all outdoor furniture and ancillary structures clean and in good condition. An appropriate level of table service shall be provided. Such service shall include the prompt removal of dirty dishes and cutlery to ensure that the area is maintained in a clean, tidy and hygienic state. Paper, foam or plastic dishes, cutlery and/or serviettes are not permitted to be used.
10. The footpath between the leased area and the shop must be kept clean at all times. Any spilt food, liquid or other material likely to cause injury must be removed immediately. The Licensee is responsible for the cleaning of the leased area of the footpath and for the appropriate disposal of all litter and waste from this area. Public rubbish bins are not permitted to be used for this litter and waste.
11. Food must not be displayed or offered for sale within the footpath thoroughfare area. (i.e. the area between the leased area and the shop).
12. The selling and consumption of alcoholic or intoxicating liquor is only permitted in the footpath area if the Licensee has obtained an appropriate Liquor Licence and/or approval from Council.
13. No business or financial transactions shall be carried out on the footpath outside of the leased area. All such activities shall be carried out wholly within the leased area or inside the shop.
14. No part of the footpath, including the leased area, is to be used for the storage of any unapproved items.
15. The Licensee is responsible for providing and maintaining access on the footpath in accordance with AS 1428 - "Design for Access and Mobility" to accommodate people with disabilities.
16. Smoking is not permitted in any area covered or substantially enclosed as per the NSW Smoke-Free Environment Act 2000. A designated smoking area associated with footpath dining must have at least 3 sides open. Suitably covered ashtrays that cannot be emptied by the wind, or cause annoyance or inconvenience to the general public or impact on the environment, shall be provided where smoking is permitted.
17. Any specific non-standard conditions listed below.

Note: Non-compliance with any of the above conditions may result in the cancellation of this licence.

Conditions for Footpath Trading Licence

1. This approval is for the use of the footpath adjacent to _____ for the purpose of **Footpath Trading**. The terms and conditions contained herein are to be the conditions of the licence. The term of approval may be extended annually at Council's discretion.
2. This Licence and Display Notice permits the Licensee to place a suitable number of racks, stands and weather protection structures to display approved goods in the leased section of the footpath.
3. This Licence and Display Notice (showing the agreed use, goods to be displayed, hours of operation and a plan of the display layout within the leased area) must be displayed in the front window of the business to which the Licence and Display Notice refers. Failure to exhibit the Licence and Display Notice may result in the cancellation of this licence.
4. Approved display racks, stands and weather protection structures must not be placed outside the leased section of the footpath under any circumstances.
5. The unobstructed vertical clearance for ancillary structures must be a minimum of 2.2 metres above footpath level. All ancillary structures must be of lightweight construction, suitably weighted or secured and be easily and quickly removable during adverse weather conditions.
6. The approved racks, stands and weather protection structures must not pose any potential safety hazard to the public, patrons or employees, especially with regards to sharp edges or moving parts. The displayed goods must be firmly secured to avoid risk of moving or falling over in adverse weather conditions or other circumstances and must be removed in high wind conditions.
7. The approved racks, stands and weather protection structures must be stackable, foldable or easily dismantled so that they can be removed and stored within the shop outside business hours.
8. Fruit and vegetables are not to be displayed on the footpath in foam or cardboard boxes.
9. The Licensee is responsible for keeping all approved racks, stands and weather protection structures clean and in good condition.
10. The thoroughfare area between the shop and the leased section of the footpath must be kept clean at all times. Any spilt food, liquid or other material likely to cause injury must be removed immediately by the Licensee. The Licensee is responsible for sweeping the leased section of the footpath and for the appropriate disposal of any litter and waste from this area. The use of public rubbish bins to dispose of this waste is not permitted.
11. No business or financial transactions shall be carried out on the footpath outside of the leased area. All such activities are to be carried out wholly within the leased area or inside the shop.
12. No part of the footpath, including the leased area, is to be used for the storage of any unapproved items.
13. The Licensee is responsible for providing and maintaining access on the footpath in accordance with AS 1428 - "Design for Access and Mobility" to accommodate people with disabilities.
14. No advertising signs, including display information boards, are permitted on the footpath area without Council's consent.
15. Any specific non-standard conditions listed below.

Note: Non-compliance with any of the above conditions may result in the cancellation of this licence.