

Application for footway usage (outdoor dining)

Under Section 125 and 126 of the *Roads Act 1993*

About this form

1. You can use this form to apply to use Public Land for the service of food and drinks to seated patrons in relation to a restaurant, cafe or licensed premises.
2. Food and drink must be prepared in an appropriately approved / licensed premises immediately adjacent to the public land to which this application relates.
3. The premises must have Development Consent to operate as a food premises and / or a licence under the *Liquor Act 2007* (if applicable) prior to an approval for use of public land being granted.
4. **This is a public document and will be made available on the Barangaroo website.**
5. **Application fees are payable** on submission of this application. Please refer to Authority's Schedule of Fees & Charges.
6. Rental fees are applicable and public liability insurance is required (see notes in Part 8).

How to complete this form

1. Ensure that all fields have been filled out correctly.
2. Please note that fields on this form marked with an * are mandatory and must be completed before submitting the application.
3. Please refer to the notes in Part 8 and the Outdoor Cafe Policy for guidance when completing this form.
4. Once completed you can submit this form by mail or in person. Please refer to the Lodgement. Details section in Part 7 for further information.

Part 1: Site Details

1. Name of the Premises (which will use the public land for seating of patrons)

2. Street Address (include Street Number, Street and Suburb)

Part 2: Applicant Details

Title

Given Name/s*

Family Name*

Organisation/Company Name (if applicable)

Address*

Note: Before this application can be lodged at least one of the modes of contact below must be supplied.

Home Number

Business Number

Mobile Number

Fax Number

Email Address

Note: It is important that we are able to contact you if we need more information. Please give as much detail as possible. The Authority will deal only with the nominated applicant in the event of any query or communication regarding this application.

Office Use Only

Application Number

Application Fee

Receipt Number

Application Key Indicator

File Create Date/ Time

Checked by CSO

Date

Checked by Planner (print name)

Date

Time

Part 3: Application Details

Please note, in order to enable assessment of this application you must:

- attach an accurate site plan of the proposed seating area including furniture/ structure placement;
- attach photos of the proposed seating area that show clearly the proposed site relative to buildings and other existing features on the footpath (i.e.: trees, bus stops);
- attach photos / diagrams of the proposed furniture /structures
- if beyond 10pm, you will be required to submit a Plan of Management and an acoustic report (see notes in Part 8).

1. Is there a current Development Application (DA)/ Consent to operate a food/ licensed premises at this address?

No You must have development consent to operate as a food / licensed premises.

Yes Please provide details of the approved or pending development application.

DA Number

Date Determined (if available)

If development consent is required, an application for footway usage (outdoor dining) will not be accepted without a development application or an approved DA.

2. Currently Development Consent is required to use public land in specific geographical areas of the City. Please refer to the City of Sydney website www.cityofsydney.nsw.gov.au/footwayapprovals or contact City staff to investigate whether you need to submit a DA. If a DA is required, please provide information about the Development Consent below.

DA Number

Date Determined (if available)

3. Proposed number of chairs and table to be placed on the public land

Chairs

Tables

4. Total Public Land area to be used, in square metres

5. Proposed Hours of Operation

6. Type of furniture to be placed on public land:

Chairs Couches Dining tables Coffee tables Other please specify below:

Description of other furniture

7. Associated structure to be placed on public land:

Barriers Plants Heaters Umbrellas Menu Board Other please specify below:

Description of other associated structure

8. Please state the number of toilet facilities available at the premises in the table below.

Type	Male	Female	Accessible/ Disable
Hand Basin			
Toilet/ WC			
Urinals		n/a	n/a

Part 4: Previous approval for footway usage (outdoor dining)

Please give details of any prior approval to use public land for outdoor dining on this site.

Approval Number

From (date)

To (date)

No of square metres

Associated Structures

Comment

Part 5: Privacy and Protection Information Notice

Purpose of Collection: For an assessment of an application to use public land for restaurant purposes.

Intended recipients: Authority officers are authorised contractors of the City of Sydney and member of the public.

Supply: The information you supply in this application will enable your application to be assessed by the Authority. If the information is not provided, your application may not be accepted.

Access/Correction: Authority staff or Government Information (Public Access) Act requests.

Storage: Authority's Document Management Systems and Archives.

Part 6: Checklist and application declaration

Please ensure the checklist has been completed and the following supporting documentation is attached to this application.

A Development Consent - adjoining food / licensed premises

Is there a DA for the existing premises? No Yes Please provide DA number below

B Development Consent - use of public land

Is a DA required for the use of public land? No Yes Please provide DA number below

Will liquor be served after 10 pm? No Yes

If 'yes' is a Plan of Management attached? No Yes

C Documentation - please ensure the following are included with your application

Photos of the proposed area, indicating any trees, bus stops, etc

Photos / diagrams of proposed furniture / structures

Site plan indicating the proposed area and seating / furniture layout

I declare that the information provided on this form is accurate, complete and correct.

I declare that I have attached all supporting documentation indicated above.

I understand that this is an application, and approval of this application is not guaranteed.

Applicant Name* Applicant Signature* Date*

Part 7: Lodgement details

You can lodge the completed application by:

MAIL: Barangaroo Delivery Authority, Level 21, 201 Kent Street, Sydney NSW 2000

IN PERSON: CBD: Level 21, 201 Kent Street, Sydney NSW 2000

For further information regarding your application please contact us by:

TELEPHONE: (02) 9255 1700 or visit our **WEBSITE:** www.barangaroo.nsw.gov.au

Part 8: Notes for completing the application

All footway usage applications must be presented in digital and hard copy/ printed format. All digital information should be contained within one CD. Digital file requirements must be virus free and the document must be supplied as a PDF file no larger than 1 MB in size and optimised for publishing to the Web

For additional information on the process and requirements, please see the Barangaroo website www.barangaroo.nsw.gov.au

What now?

If your application is approved, you will be contacted by the Authority. This approval will not be effective until you pay the first months rental fee and security deposit and demonstrate evidence of public liability insurance.

Part 8: Notes for completing the application (continued)

Rental fees

Rental fees are to be paid monthly in advance on the first day of the month. All payments must be paid to the Authority may in writing direct from time to time. Payment is to be made by direct debit. Rental fees can be found on the Barangaroo website www.barangaroo.nsw.gov.au.

The Authority may review the rental fees having regard to the policy adopted by the Authority at that time in connection with fees and charges applicable to arrangements of this kind described in the Approval. The revised fees will take effect on and from 1 July in the relevant year. If the rental fees remain unpaid for 14 days after their due date then the Approval holder must pay to Authority interest on those monies at the annual rate charged from time to time by the Authority's Bank on overdraft accommodation in excess of \$1,000,000.00 determined at and calculated from the due date for payment of those monies to the date of actual payment. The Authority may recover those monies and/ or that interest with all costs incurred in such recovery as if the same were rental fees in arrears.

Indemnity and Public Liability Insurance

Approvals will require adequate (minimum \$10 million) public liability insurance for the area you intend to use.

Please note that you are required to arrange for the 'Authority' to be named on your insurance as joint insured for the respective rights and interests of yourself and the Authority in respect of your outdoor seating / structures displayed on public land. The insurance must also include a "cross-liability" clause. Proof of insurance must be demonstrated prior to the approval being effective.

Licensed Premises

The applicant is responsible for seeking a liquor licence from the relevant authorities if alcohol is to be served in the approval area. The Authority may oppose such an application in certain circumstances.

Conditions of approval

Any approval will be subject to conditions. Failure to comply with these conditions may lead to the imposition of penalties, and ultimately to the termination of your footway usage approval.

Pedestrian Safety

Seating and associated structures are to be in accordance with the Outdoor Cafe Policy. This includes the following critical dimensions specified in clause 2.3 and illustrated in Figure 4:

- a) A minimum of 2 metres must be maintained adjacent to the seating area for pedestrian circulation; and
- b) Where seating areas are situated adjacent to the road, seats must be a minimum of 80 cm away from the kerb edge. Any increase or decrease in minimum clearances required will be assessed according to the individual circumstances.

Part 2

Please note that the approval will be given to the person named in this application. If the ownership changes, the approval will need to be terminated for the named applicant and a transfer of ownership form will need to be completed.

Part 3

- Q1. You must have development consent to operate as a food/licensed premises. Please provide details of the approved or pending development application.
- Q2. Currently, a DA is required for specific geographical areas of the city. Please refer to the Barangaroo website or contact staff to investigate whether you need to submit a DA.
- Q3-7. Please refer to the Outdoor Cafe Policy for guidance.
- Q6-7. Please note that you need to discuss any future changes to the style and number of furniture and structures with the Authority as the approval will relate to those listed on this application form please contact the Authority to discuss any proposed changes to determine if a new application will be required.
- Q8. Please refer to the Building Code of Australia (BCA)

Part 8: Notes for completing the application (continued)

Supporting information for Part 2

- You must include photos / diagrams of the proposed furniture / structures
- You must provide photos of the proposed seating area, taking photos from several angles and capturing fixed structures such as trees, bus stops, street furniture, parking meters etc.
- You must provide a site plan. This is a drawing of the proposed seating area including furniture / structure placement (see attached example).

Please refer to the Outdoor Cafe Policy for further detail on the site plan. Your site plan must:

- be on A4 size paper at an appropriate scale e.g.: 1:100, 1:150, 1:200 etc.
- show the width of the building, the location of the building lines, the location of the kerb;
- show the location of any entrances, doors, street furniture, i.e. benches, bins, power poles, light poles, trees, street signs etc.
- show dimensions, such as: the width of the footpath to the building line, the length of the building frontage, the clearances of the seating layout to the kerb;
- indicate the side boundaries, the address and name of the neighbouring businesses and subject premises, indicate (diagrammatically) the position and the name of the nearest side streets;
- accurately show the position of the seating area, include the dimensions of this area and show the proposed position of the tables and chairs, umbrellas, heaters, screens etc.
- show, at the bottom of the plan the total area of the outdoor seating and total number of tables, chairs, umbrellas, heaters etc.
- show, if the seating area fronts the neighbouring property, dimensions accurately locating this seating in relation to the neighbouring property.
- if you plan to have seating fronting the neighbouring premises, you need to obtain approval for seating adjacent to the neighbouring premises. You must provide a letter from both the owner and occupier of those neighbouring premises stating that they give their permission for the outdoor seating to be placed in front of their property.

Part 4

If you have previously received footway usage approval for outdoor dining at the proposed site, please insert the approval number, dates of the approval, and the previous number of seats and structures approved.

For premises with hours beyond 10 pm

Plans of management are required if you intend to serve alcohol on public land after 10 pm. It is the responsibility of the licensee to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods. Plans of Management are to be a separate attachment to the application to use public land for food and drink service purposes. The Plan of Management should include information about the management of a premises (locality, security, measures used, capacity, noise, hours of operation etc.). The Plan of Management should also describe the methods used by the premises to manage their business, e.g. crowd control, noise control and waste management.

Further details can be found by referring to the City of Sydney Late Night Trading Premises Development Control Plan.