

# Temporary alfresco outdoor dining guidelines

## Contents

Temporary alfresco outdoor dining guidelines.....	1
1. Furniture .....	2
1.1 Objectives.....	2
1.2 Temporary alfresco outdoor dining furniture.....	2
2. Management.....	3
2.1 Objective .....	3
2.2 Controls .....	3
2.3 Length of Approval.....	4
2.4 Public Liability Insurance.....	4
2.5 Hours of operation and noise .....	4
2.6 Tenancy approvals .....	5
2.7 Toilet and sanitary conveniences.....	5
3. Preferred Area Footpath Seating Locations.....	6
3.1 Oxford Street Mall, Bondi Junction.....	6
3.2 Waverley Street Mall, Bondi Junction.....	8
3.3 Campbell Parade between Lamrock Avenue and Beach Road, Bondi Beach .....	9
3.4 Roscoe Street Mall, Bondi Beach .....	14
4. Submission requirements .....	15
5. Standard conditions .....	17

# 1. Furniture

## 1.1 Objectives

### **Temporary alfresco outdoor dining areas must:**

- a. Be safe and protected from vehicles and cyclists
- b. Allow for the footpath to be shared with pedestrians
- c. Be accessible and not compromise accessibility
- d. Not unreasonably impact on neighbourhood amenity
- e. Be attractive and well maintained
- f. Contribute positively to the streetscape

## 1.2 Temporary alfresco outdoor dining furniture

Outdoor footpath should make a positive contribution to the street environment and be of a style that is practical and that integrates into the surrounding area. The objective is to ensure all furniture and accessories are high quality and an appropriate design.

### 1. Temporary alfresco outdoor dining areas may accommodate the following furniture:

- a. Tables
  - b. Chairs
  - c. Barriers or landscape planters (see clause 6 below)
  - d. Outdoor heaters (see clause 7 below)
  - e. Lighting (see clause 8 below)
  - f. Umbrellas (see clause 9 below)
2. Outdoor furniture is to be high quality, clean, undamaged, level, sturdy, safe and visually appealing.
3. Furniture may only be located within the approved alfresco dining area(s).
4. Benches are not to be used for seating as they limit participation for wheelchair users.
5. Comfortable dining must be provided (minimum of 600mm<sup>2</sup> provided per seat and 600mm<sup>2</sup> per table) with adequate clearance for people to move between seating.
6. Physical barriers/divides are not permitted to be more than 900mm high from the ground.
7. Barriers or landscape planters:
- a. The maximum permitted dimensions of a barrier is 900mm high and 1.2m wide.
  - b. The maximum permitted dimensions of a planter is 750mm high, 1.2m wide and 900mm deep.
  - c. No barriers or landscape planters are permitted in Oxford Street Mall or Waverley Street Mall.
  - d. Barriers and landscape planters are not permitted in front of the seating area facing the pedestrian way.
  - e. Third party advertising is not permitted on barriers.
8. Heaters must be tall, free standing, portable radiant gas heaters.
9. Any footpath seating which will be operating outside daylight hours must:

- a. Provide adequate lighting to Council's satisfaction.
  - b. Be temporary and stored away from footpath seating areas outside the approved hours of operation.
  - c. Not cause light to spill in to habitable living areas of adjacent residential buildings.
- 10. Umbrellas must:
  - a. Be commercial grade and suitable for outdoor use (UV resistant, provide rain and hail protection, fire resistant, wind rated and easily maintained) of a square canopy shape with no top hat, have a diameter of between 1.8m and up to 4.0m, have a centre post, be collapsible and be at least 2.2m above ground when open.
  - b. Not have heaters mounted to the underside of the canopy.
  - c. Not be located beneath an awning.
  - d. Umbrella bases must not damage the paving and should be secured to the umbrella.
  - e. Umbrellas are to be securely anchored by the applicant to the satisfaction of Council. The cost of the umbrellas and securing them will be borne by the applicant.
  - f. Be adequately weighted down.
  - g. Be collapsed and/or brought in during windy weather.
  - h. Not extend over the roadway, or where use of the road is part of the Alfresco dining approval, not beyond the installed barriers.
  - i. Umbrellas may overhang a maximum of 300mm outside the approved footpath seating area.

## 2. Management

To ensure that footpath seating and outdoor courtyards contribute positively to the urban environment it is necessary to ensure that the appropriate management issues are considered including noise, hours of operation, health and safety.

### 2.1 Objective

- a. To ensure the operation of footpath seating and outdoor courtyards does not have an adverse impact to the amenity of adjoining and nearby properties and residents.
- b. To ensure that footpath furniture only occupies space within licensed areas.

### 2.2 Controls

- a. Management is responsible for keeping public areas surrounding the approved seating area clear of prams and dogs associated with their customers. Where customers with prams are regular clientele, consider providing a 'pram' table with extra space around it for prams, or collapsible chairs which can easily be removed to give more space for prams within the seating area.
- b. The approved footpath seating area is to be delineated with corner markers in the footpath using Council approved pavement markers.
- c. Seating areas must be kept clean and free of litter during operating hours.
- d. Litter patrol documentation in the form of a cleanup roster must be kept on site at all times.
- e. Seating areas must be clean and free of litter once furniture and accessories are removed from the public realm after hours.

- f. The proprietor is to ensure that the requirements of the *Food Standard Code* are fully met.
- g. No Smoking is permitted in footpath seating areas.

### 2.3 Length of Approval

Use of the footpath or road space has a maximum approval timeframe until 11.59pm, Monday 18<sup>th</sup> April 2022 for these interim guidelines.

Council may at any time terminate or temporarily suspend the approval under any of the following circumstances:

- a. Safety issues
- b. Accessibility issues
- c. Non-compliance with the temporary alfresco outdoor dining permit and associated conditions
- d. Council requiring the space for other purposes
- e. Unforeseen issues with the use of the temporary alfresco outdoor dining area
- f. Access for maintenance or works to the public domain
- g. Requests from Police, Transport for NSW, Liquor and Gaming, or other external state agencies to cease use of the temporary alfresco outdoor dining area

### 2.4 Public Liability Insurance

11. Public liability insurance up to value of \$20,000,000 must be obtained by the operator/proprietor and remain active whilst the temporary alfresco outdoor dining area is in use. The policy must cover any action that may arise as a result of the use of the footway.

12. The policy shall:

- a. Indemnify Council against any claims
- b. Identify Waverley Council as an 'Interested Party' on the Policy
- c. Specify the materials to be used on the footpath/road space
- d. Clearly state commencement and expiry dates.

If the insurance policy lapses during the permit period, temporary use of the alfresco outdoor dining area must cease immediately.

### 2.5 Hours of operation and noise

- a. Hours of operation must finish at least half an hour before the general operational hours of the establishment as granted by Council in the current Development Consent of the business or no later than 10pm. Whichever time is earlier.
- b. In addition to (a), footpath seating (including renewal of existing footpath seating) or the operation of outdoor courtyards is not to occur outside of the hours in Table 2.
- c. Footpath seating or use of an outdoor courtyard will not be approved if the proposal is of a scale that noise generated will have a significant adverse effect upon nearby residential properties.
- d. Amplified sound emanating from public footpaths or projected onto public footpaths is not permitted.

Zone/Use	Maximum Trading Hours
B3 Commercial Core Zone and B4 Mixed Use Zone	(i) Monday to Saturday: 7.00am to 10.00pm; and (ii) Sunday: 7.00am to 9.30pm.
B1 Neighborhood Centre Zone and R3 Medium Density Residential Zone and R2 Low Density Residential Zone	(i) Monday to Saturday: 7.00am to 9.00pm; and (ii) Sunday: 7.00am to 9.00pm.

## 2.6 Tenancy approvals

1. Temporary alfresco dining applications will be accepted from 1 December 2021 onwards until 28 February 2021.
2. Temporary alfresco dining permits will be applicable until 11.59pm, 18 April 2022. Temporary permits will cease after this date.
3. A permit may be cancelled or amended if:
  - a) The proprietor fails to comply with the permit conditions; and
  - b) There are changed conditions affecting the temporary alfresco outdoor dining area in its particular location, such as increased risk to health and safety.
4. If the business is in arrears, they will be required to clear outstanding payments before a permit is granted.
5. If payment of rent for the temporary alfresco outdoor dining area is not received by Council on the first day of each month an approval is in place, the approval is considered to have lapsed until payment is received. In the interim, an infringement notice may be issued for obstructing the footpath without approval.
6. Tenants are required to keep their approved footpath seating layout plan in clear view so Waverley Council compliance officers can easily check for compliance with the approval at any time. Appropriate locations are in the front window or, if the front facade of the tenancy is fully openable, close to the front of the tenancy.
7. A rental bond is required as determined in the agreement with Council.

## 2.7 Toilet and sanitary conveniences

Businesses will need to declare on their application form whether they provide independent toilets for use of their own patrons, or whether toilet facilities are shared with other occupants/tenancies of the building.

Premises with seating capacity for 20 or more patrons must provide sanitary facilities in accordance with the requirements under the National Construction Code (NCC). Where a tenancy relies on shared toilet facilities, an assessment of all patron numbers (which may be across multiple tenancies) will need to be provided and considered to ensure compliance with the NCC.

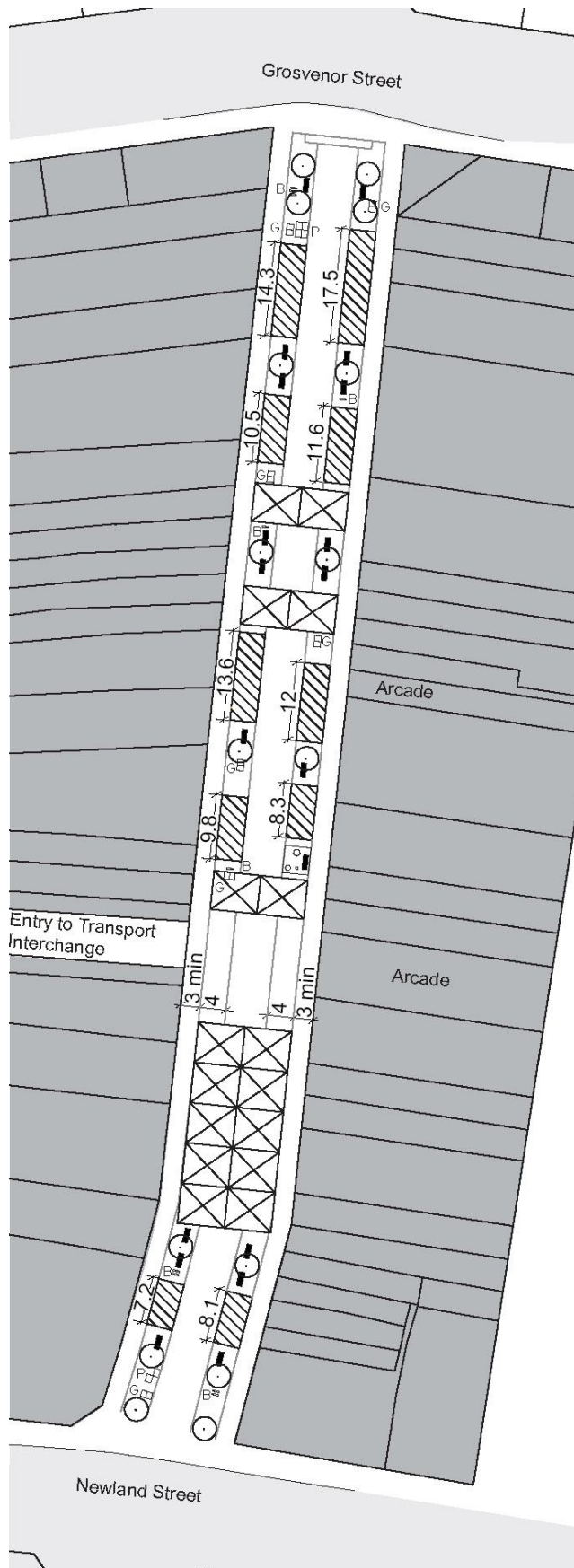
### 3. Preferred Area Footpath Seating Locations

Hospitality businesses may apply for a temporary alfresco outdoor dining permit for any area within the Waverley Local Government Area and will be assessed on a case by case basis against the assessment criteria and temporary alfresco dining guidelines.





Three preferred areas have been outlined to reinvigorate the local communities. Each location has been outlined below.

#### 3.1 Oxford Street Mall, Bondi Junction

- a. Oxford Street Mall outdoor dining is to have a minimum clear unobstructed pedestrian footpath of 3m.
- b. Footpath seating in Oxford Street Mall is required to be located away from the shop fronts to maintain pedestrian movement.
- c. The location of footpath seating is to be in accordance with Map 1.
- d. Footpath seating must provide a minimum clearance of 1.2m away from public facilities; such as bicycle racks, garbage bins, public seating, public telephones, wayfinding signage, landscaping or street trees.
- e. Council discourage the use of barriers and accessories.



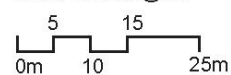
**Map 1.** Oxford Street Mall,  
Bondi Junction

-  Designated  
Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy  
Approx.
-  Shade Structure
- B Bike Racks
- G Garbage Bins
- P Public Telephone

**Note**

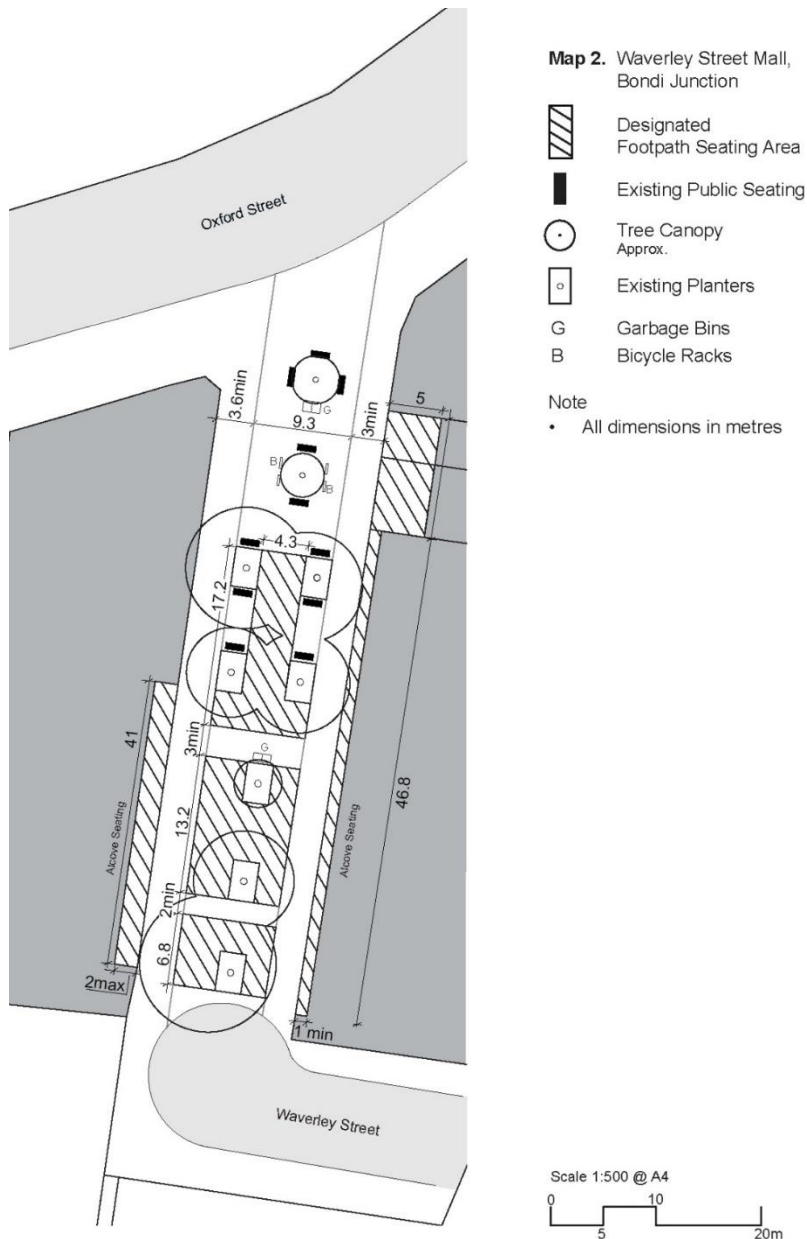
- All dimensions in metres
- Footpath seating must be a minimum of 1.2 metres away from site furniture-bicycle racks, garbage bins, public seating, public telephones

Scale 1:1000 @ A4



### 3.2 Waverley Street Mall, Bondi Junction

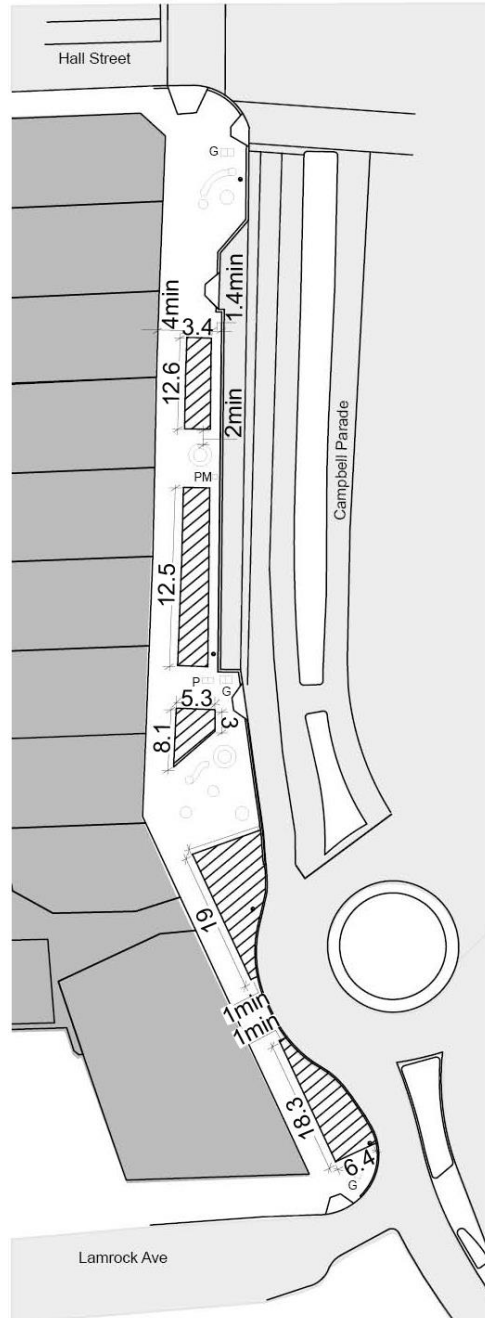
- a. Waverley Street Mall outdoor dining is to have a minimum unobstructed pedestrian footpath of 2.0m, between the café/restaurant footpath seating either abutting the shop front and/or within the designated seating areas or planters.
- b. Footpath seating is permitted against the shop fronts within alcove areas only and also in the designated seating areas located in Map 2.





### 3.3 Campbell Parade between Lamrock Avenue and Beach Road, Bondi Beach

- a. Campbell Parade outdoor dining is to have a minimum 4m clear pedestrian footpath clearance maintained between the shopfront and designated seating areas, extending between Lamrock Avenue and Beach Road (and minimum 2m clearance in all other areas) as indicated on the designated footpath seating maps in Maps 3, 4, 5 and 6.
- b. Footpath seating must be a minimum 2 metres clearance from existing public seating, a minimum of 1.2 metres clearance from parking metres, garbage bins, public telephones, street plantings/landscaping and kerb ramps.
- c. Protective blinds are only permitted to a maximum of three sides of an umbrella. The blinds must not contain metal rods and must be rolled up when not in use.
- d. All umbrellas must be embedded in the footpath paving on Campbell Parade between Lamrock Avenue and Beach Street.



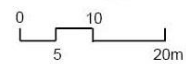
**Map 3.** Lamrock Avenue to Hall Street, Campbell Parade, Bondi Beach

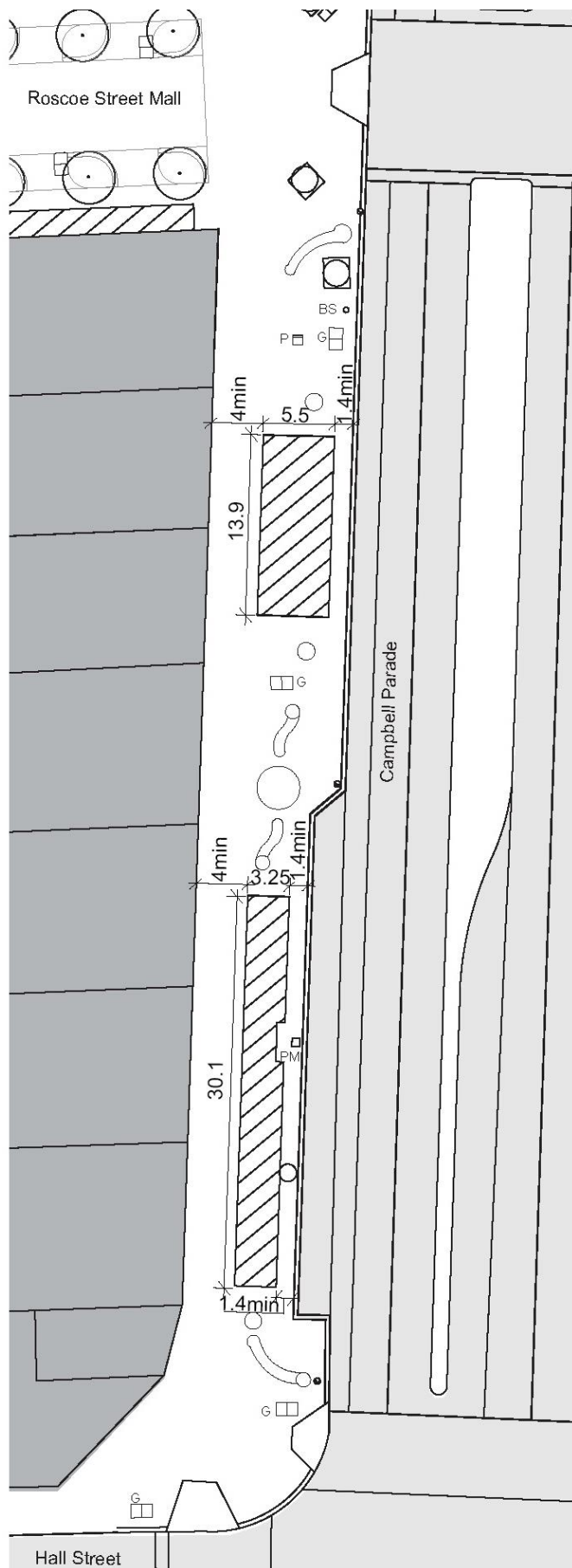
-  Designated Footpath Seating Area
-  Existing Public Seating
- G** Garbage Bins
- P** Public Telephone
- PM** Parking Meter

**Notes**

- All dimensions in metres
- Footpath seating must be:
  - minimum 2 metres from existing public seating
  - minimum 4 metres from kerb ramps
  - minimum 1.2 metres from parking metres
  - minimum 1.2 metres from garbage bins and public telephones

Scale 1:750 @ A4





**Map 4.** Hall Street to  
Roscoe Street ,  
Campbell Parade,  
Bondi Beach

 Designated  
Footpath Seating Area

 Existing Public Seating

G Garbage Bins

P Public Telephone

PM Parking Meter

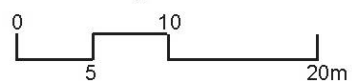
BS Bus Stop

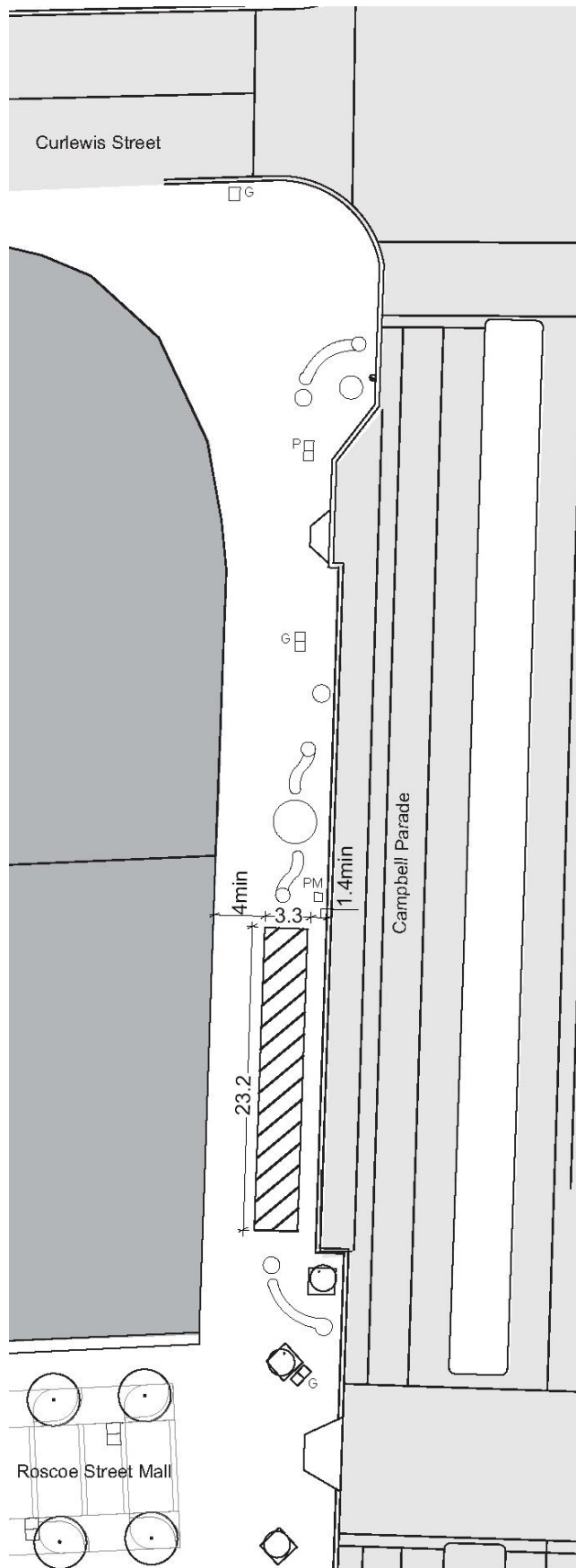
 Tree Canopy  
Approx.

#### Notes

- All dimensions in metres
- Footpath seating must be:
  - minimum 2 metres from existing public seating
  - minimum 1.2 metres from parking metres
  - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4





**Map 5.** Roscoe Street to  
Curlewis Street,  
Campbell Parade,  
Bondi Beach

 Designated  
Footpath Seating Area

 Existing Public Seating

G Garbage Bins

P Public Telephone

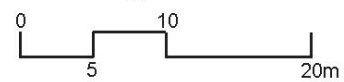
PM Parking Meter

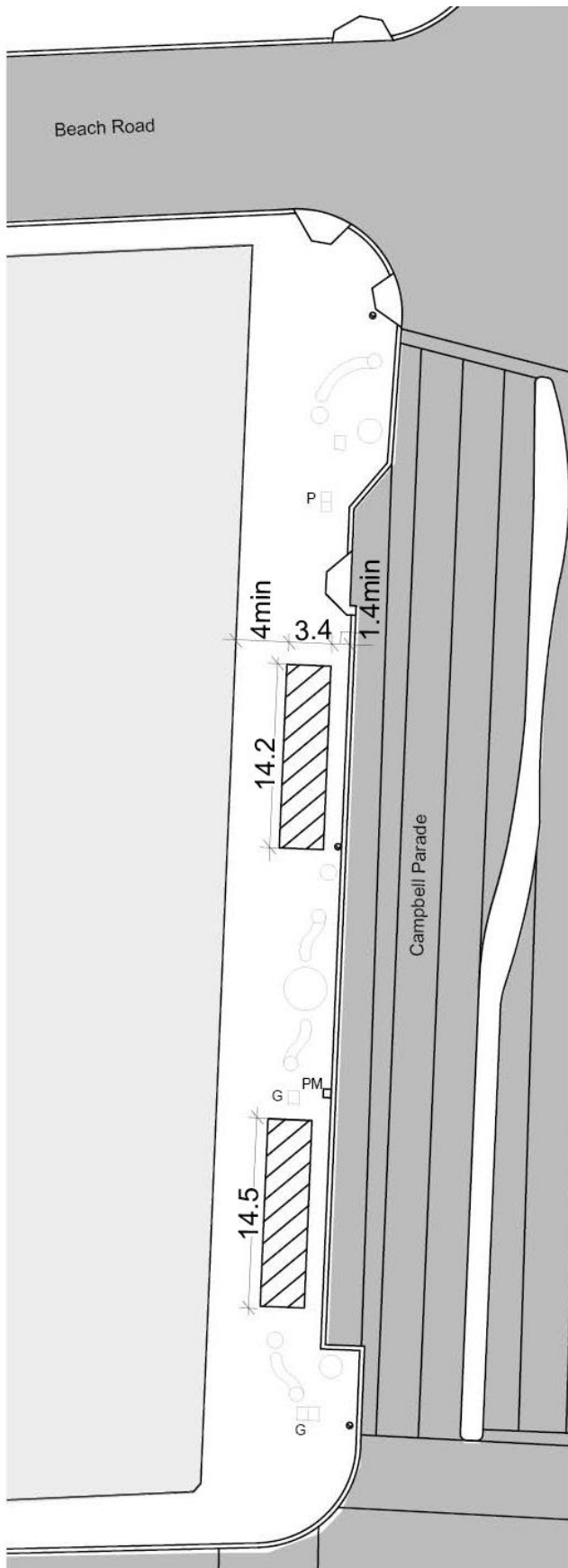
 Tree Canopy  
Approx.

#### Notes

- All dimensions in metres
- Footpath seating must be:
  - minimum 2 metres from existing public seating
  - minimum 1.2 metres from parking metres
  - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4





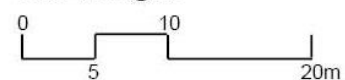
**Map 6.** Curlew Street to Beach Road, Campbell Parade, Bondi Beach

-  Designated Footpath Seating Area
-  Existing Public Seating
- G Garbage Bins
- P Public Telephone
- PM Parking Meter

**Notes**

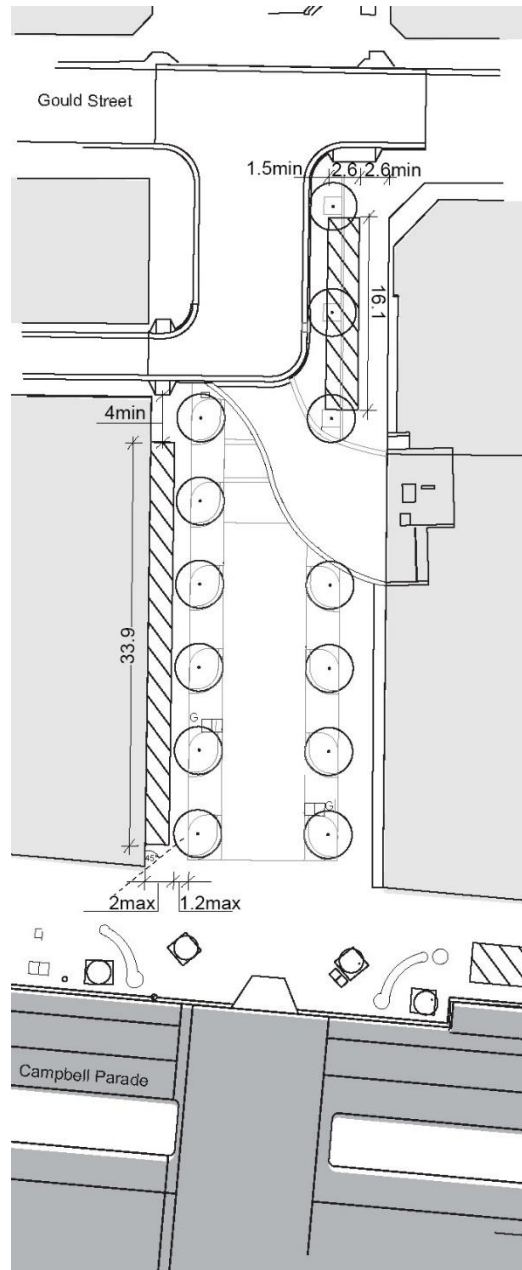
- All dimensions in metres
- Footpath seating must be:
  - minimum 2 metres from existing public seating
  - minimum 1.2 metres from parking metres
  - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4



### 3.4 Roscoe Street Mall, Bondi Beach

- (a) Roscoe Street Mall outdoor dining is to have a pedestrian footpath minimum clearance of 1.2 metres from existing public seating at the Campbell Parade end and 2.5 metres at the Gould Street end as indicated on the designated footpath seating map in Map 7.
- (b) Footpath seating must be a minimum of 4 metres from kerb ramps, minimum of 1.2 metres from garbage bins.



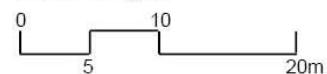
**Map 7.** Roscoe Street Mall, Bondi Beach



**Notes**

- All dimensions in metres
- Footpath seating must be:
  - minimum 1.2 metres from existing public seating
  - minimum 1.2 metres from garbage bins
  - minimum 4 metres from kerb ramps

Scale 1:500 @ A4



## 4. Submission requirements

It must be determined if the footpath adjacent the food and drink premises is eligible for alfresco dining. Further to this, consideration must be given to the safety, useability and appropriateness of the space for alfresco dining.

Below is a list of the details Council requires for an application:

### **General details**

The alfresco dining application must be completed and include:

- Applicant details
- Businesses details
- The existing development consent number for the use of the premises
- The proposed hours of operation (must align with current Development Consent conditions and no later than 10pm) for the temporary alfresco outdoor dining area
- The total area (square meters) of the footpath and/or road space to be used for outdoor dining
- Liquor licence details, and Temporary Change of Boundaries Form (refer to 'Liquor Licence Details heading below)
- Site plan, drawn to scale (refer to 'Site plan' heading below)
- Seating plan, drawn to scale (refer to 'Seating plan' heading below)
- Details of sanitary facilities, including number of basins, toilets and urinals split between unisex, male and female. Their location and clarification of use is also required, that is, are the toilets used wholly by the subject premises, or shared with other tenancies.

### **Liquor Licence details**

If the subject premises has a liquor licence and would like to supply, serve or consume liquor in the proposed outdoor dining area, this must be made clear on the application form. The licence type must be identified in the documentation provided, including the physically defined area for service of liquor.

If deemed acceptable, Liquor and Gaming will issue their approval subsequent to any alfresco dining licence approved by Council.

### **Site plan**

Critical to a valid application is a site plan, drawn to scale with the required level of detail for Council officers to make an assessment on the eligibility of footpaths for alfresco dining areas.

A scaled site plan drawn to a professional standard must be submitted with the outdoor dining application. A site plan shows the entire building (including other shops where applicable), including all indoor and outdoor areas of the subject premises (akin to a birds eye view plan)

The following key information **MUST** be shown on all plans:

- Scale, Name of premises, address (including shop number, where applicable) and date.

- A base plan identifying building footprints and the kerb that clearly shows the location of the tenancy in the building.
- An accurate annotation of the width of the footpath, clearly showing the distance from the shopfront to the kerb and clearance maintained for pedestrians.
- Shaded area identifying the proposed outdoor dining area
- Identification of all objects, obstructions, and furniture on the street.
- Identify the entrance and all windows to the subject premises. It must be demonstrated that the outdoor dining area can be seen and effectively managed from within the premises
- Clear indication that an obstruction free path of travel is maintained along the footpath for pedestrians.

During the assessment process, Council may request amendments to the proposed alfresco dining area.

### **Seating plan**

A scaled Seating plan drawn to a professional standard must be submitted with the outdoor dining application. A seating plan shows the entire area of the subject premises, including all indoor and outdoor areas (a close up plan of only the subject premises).

The following key information **MUST** be shown on all plans:

- Scale, Name of premises, address (including shop number, where applicable) and date.
- A base plan of the tenancy, including location of kitchen, service zones, toilets (including number) and all internal and outdoor seating. Comfortable dining must be demonstrated, ensuring each table and each seat provides a minimum of 600m<sup>2</sup> with adequate clearance to maintain movement between.
- An accurate annotation of the width of the footpath, clearly showing the distance from the shopfront to the kerb and clearance maintained for pedestrians.
- Shaded area identifying the proposed outdoor dining area
- Identification of all objects, obstructions, and furniture on the street.
- Identify the entrance and all windows to the subject premises. It must be demonstrated that the outdoor dining area can be seen and effectively managed from within the premises
- Clear indication that an obstruction free path of travel is maintained along the footpath for pedestrians.

During the assessment process, Council may request amendments to the proposed alfresco dining area.



## 5. Standard conditions

The following is list of standard conditions that will be applied to alfresco dining permits. These may be edited to suit a particular situation, and additional discretionary conditions may also be included to address particular issues.

### **Outdoor dining licence inclusions**

An outdoor dining licence will include:

- Date of issue
- Name and address of businesses
- Alfresco dining permit number
- Square meters of space allocated on the footpath for alfresco dining
- Site plan with outdoor dining area indicated
- Alfresco dining permit commencement and expiry date
- A list of conditions

### **General conditions for all outdoor dining**

- Public Liability Insurance

The applicant must maintain and bear the cost for a Public Liability Insurance policy for the amount of \$20 million. The policy must cover any action that may arise as a result of the use of the alfresco dining areas. The policy shall indemnify Council against any claim and Waverley Council must be recognised on the Policy as an 'Interested Party'. The Insurance Policy must clearly show commencement and expiry dates.

- Alfresco dining permit on display at all times

The applicant must display a copy of their alfresco dining permit at the front of their premises. It must be viewable to any member of the public, Council officers and other relevant authorities at any time.

- Arrears

A business must clear any outstanding payments prior to a permit being approved.

- Hours of operation

Maximum hours of operation for approved outdoor dining areas are between 7am and 10pm, 7 days per week. Hour of operation further restricted than this under the premise's development consent prevail otherwise.

- Storage of furnishings

All outdoor dining furnishings are to be brought in before the closing time identified in the hours of operation condition above.

- Sale and consumption of alcohol

Alcohol may only be sold/served in accordance with the premises liquor licence.

- Alfresco dining area is to be kept clean and tidy.

It is the permit holder's responsibility to keep the outdoor dining area clean and tidy at all times. This includes the regular removal of rubbish, debris, discarded items, spills, vermin, vandalism, and graffiti.

- Outdoor furnishings

Outdoor furniture is to be high quality, well maintained and built for purpose. All furniture should be visually attractive and clean. Chairs, tables, umbrellas, and barriers should be sturdy, level, and safe.

- Umbrellas

Umbrellas are to have a minimum clearance of 2.2m above ground. They must be adequately weighted down and are to be collapsed and brought in during windy weather. The safety of umbrellas is the sole responsibility of the alfresco dining permit holder.

- Amenity

It is the alfresco dining permit holder's responsibility to ensure that sound levels coming from patrons in your outdoor dining area are reasonable and do not impact on the amenity of nearby residences.

- No smoking

Smoking is prohibited in all outdoor dining areas.

- Revocation or suspension of alfresco dining permit

Council may at any time revoke or suspend an alfresco dining permit by giving seven days written notice. If Council identify a health or safety issue, the permit can be suspended or revoked immediately.

- Public health orders

Operation of the alfresco dining area must be in accordance with any federal and NSW Government public health orders.

- Permits

Temporary permits will cease 18 April 2022.