



The issuing of this permit is subject to:

- The Applicant agrees to comply with the General Conditions set out within the Permit;
- The Applicant agrees to comply with any Special Conditions which may be set within the Permit;
- The Applicant will pay the prescribed fees set out in the City of Charles Sturt's Fees and Charges Register;
- The Applicant will provide a copy of all certificates which are required by either the General Conditions or Special Conditions within the Permit;
- The Applicant is only Authorised in respect to the Activity as specified within the Permit.

**General Conditions****Non Transferable**

Permit is non transferable.

**Described Activity**

Permit is valid only for activity described on Permit.

**Dates and Times**

Permit is valid only for times and dates on Permit.

**Permit Inspection**

Permit must be made available for inspection upon request by an authorised officer or a police officer.

**Insurance**

The permit holder agrees to indemnify and to keep indemnified the Council its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the permit.

The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of ten million dollars (\$10,000,000) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.

The permit holder must provide confirmation of insurance to Council. Such a policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.

**The permit becomes immediately invalid if the permit holder ceases to have current public liability insurance as set out above.**

**Failure to Comply**

Failure to comply with any condition of the permit will result in the permit being revoked.

**Valid Area**

The permit is only valid for the area stipulated on the permit.

**Compliance with Other Legislative Requirements**

The permit holder must abide by all other State and Federal legislation. The issue of this permit does not absolve the permit holder or their agents from any other overriding legislation.

**Amendment to Conditions**

The permit conditions may be amended at any time by the issuing authority with or without consultation with the permit holder.

**Directions**

The issuing authority may add or remove directions to the permit in addition to conditions at any time. Failure to comply with a direction will be taken as failing to comply with a condition of the permit.

**Changes to the Activity**

Any changes to the approved activity contained on this permit must be with prior approval from the issuing authority. This may cause conditions to the permit to be altered. If this is the case a new permit will be issued.

**Changes to Circumstances Affecting Validity of Permit**

Any changes to circumstances that would affect the validity of the permit must be notified to the issuing authority within 14 days of the change. For example a change to ownership of a company would require notification.

**Special Conditions**

The outdoor dining area must function as an outdoor dining area, with an equal number of chairs (with supporting tables) for the number of patrons within the area.

Under Section 52 of the Tobacco Products Regulation Act 1997 smoking is banned in all outdoor dining areas, therefore smoking is prohibited in this area.

**Removal of all Furniture in the Outdoor Dining Area**

The tables and chairs are to be removed from the outdoor dining area at the end of business trading each day;

Removable items have to be removed within 24 hours of notification by Council or Service Authorities to allow street cleaning, servicing and maintenance work to occur.

**Approved Furniture/Goods**

Only the furniture/goods listed on the permit has been approved for placement within the outdoor dining area. Any furniture or other goods which are placed without approval will be considered a breach of the conditions and penalties may apply.

**Hours of Operation**

Outdoor Dining must conclude at the time specified within the Liquor License as issued by Consumer and Business Services. In the absence of a Liquor License, Outdoor Dining must conclude 1 hour prior to closing.

The Permit Holder shall at all times ensure that no more than the number of approved persons on their Liquor Licence shall consume food and/or drink within the Permit Area.

**Fixed Furniture**

Fixed furniture, eg tables & chairs, are not permitted under the Outdoor Dining Policy.

**Tables & Chairs**

All furniture must be kept clean, tidy and in good repair at all times.

The use of cheap, stackable full extruded/moulded plastic chairs and tables are not permitted. Stylish, quality outdoor furniture that includes some plastic elements, or is heavy duty plastic is acceptable.

**Cleanliness of Outdoor Dining Area**

The outdoor dining area must be kept clean and free from litter at all times. This includes all approved furniture and equipment.

The permit holder is responsible for ensuring that no waste material is swept or placed in the water table or into Council bins.

**Enclosures**

The outdoor dining area is not permitted to be enclosed with café screens, blinds, awnings or similar structures without written approval from Council.

**Plastic Blinds**

Plastic blinds require separate Development Approval from the Outdoor Dining approval.

**Glass Screens**

Glass screens require separate Development Approval from the Outdoor Dining approval.

**Umbrellas**

Council approval must be received before any umbrellas are installed

**Planter Boxes**

Planter boxes may be used to provide further definition of outdoor dining areas.

**Advertising - A-Frame Signs or Similar**

Not permitted.

**Cash Registers/Dumb Waiters**

The placement of cash registers and/or dumb waiters on the footpath are not permitted.

**Heaters**

Gas or electric heaters may be temporarily located within the approved outdoor dining area however no overhead connections for either gas or electrical heaters will be permitted.

**Stormwater Management**

The Environment Protection Authority's (Water Quality Policy) must be complied with.

**Lighting**

Adequate lighting must be provided where outdoor dining occurs outside daylight hours to ensure safety and amenity for patrons and pedestrians. It is the permit holder's responsibility to provide additional lighting to that already on the street if necessary and to Council requirements.

No freestanding lighting is permitted.

Details of external lighting are to be provided to Council for approval. All lighting must be vandal resistant, glare free and designed to the relevant Australian Standards. All external electrical works are to be undertaken by a licensed electrician.

**No Right of Renewal**

The permit holder has no right of renewal for this permit.

**Breach of Permit Conditions**

Any breach of the permit conditions may result in the permit being revoked. No payments for the permit will be refunded.

**Designated Area**

All approved furniture must be positioned within the approved boundaries of the outdoor dining area which may be defined by markers in the pavement.

It is the responsibility of the permit holder to ensure patrons do not move the furniture to outside the approved outdoor dining area as this constitutes a breach of the permit conditions.

**Henley Square Precinct**

Council may limit the number and locations of outdoor dining areas in the Square should they create undesirable outcomes through crowding and restricted pedestrian flow. Therefore the following conditions apply to Henley Square:

Council reserves the right to install public seating and tables within the overall licensed area. Where public seating and tables have been placed within the licensed area, the permit holder may move the public seating and tables within the licensed area but it must remain within the area at all times.

The permit holder may place their furniture anywhere within the overall licensed area on the provision that the furniture does not occupy more than the approved area stipulated above.

The Permit Holder is responsible for the cleanliness of the pavement in the Permit Area and the footpath between the business frontage and the Permit Area during normal trading hours. If the paving is not maintained in a clean and stain free state, then the paving may be replaced or cleaned at the Permit Holders cost.

**Table 1: Dining Zone and Bollard Set Backs**

On-street configuration	Clear zone from kerb to dining zone where bollards are not required	Distance from kerb to bollard where bollards are required
No parking lane	600mm	300mm plus 900mm clear zone from bollard to dining zone, and an additional 600mm if EAB's are required.
Parallel parking lane	600mm	600mm plus 900mm clear zone from bollard to dining zone, and an additional 600mm if EAB's are required.
Angle parking lane	900mm without wheel stops or 600mm with wheel stops	900mm without wheel stops or 600mm with wheel stops plus 900mm clear zone from bollard to dining zone, and an additional 600mm if EAB's are required.
Adjacent parallel loading zone with side-loading (e.g. hydraulic arm for refuse collection)	1500mm	1500mm plus 900mm clear zone from bollard to dining zone, and an additional 600mm if EAB's are required.
Adjacent bus stop, taxi rank or parallel loading zone without side-loading	900mm	900mm plus 900mm clear zone from bollard to dining zone, and an additional 600mm if EAB's are required.

*'Kerbside Barrier Setback'* is the distance between the back of the kerb and the impact face of the EAB's.

*'Dining Area Clearance'* is the distance between the impact face of the EAB's and the dining area where outdoor dining furniture may be placed and diners are seated. This is to allow for bollard collapse.

*'Low Speed Environment'* means that the speed limit is 40km/hr or less, or the 85% speed of vehicles during peak dining times is 40km/hr or less.

### Spacing of Bollards

Bollards are to be spaced to provide adequate protection to diners. 1200mm spacing between bollards is considered suitable; however this requirement is location and project specific.

### Footpath Widths

Footpath widths shall be a minimum of 1500mm, however, where high trip generators are present (e.g. shops, entertainment venue, school, major activity or recreation centre) the minimum footpath width shall be 1800mm.

### Other Setbacks

Side Setbacks between Adjacent Businesses: To achieve a minimum setback of 900mm between adjacent outdoor dining areas, a minimum setback from side boundaries of 450mm is required. This setback should be applied wherever a proposed outdoor dining area is adjacent an eatery that could, in the future, apply for an outdoor dining permit.

Access Gaps within Outdoor Dining Areas: Where an outdoor dining area exceeds 12m in length, a 900mm space is required, close to the centre of the outdoor dining area.

Setbacks from Existing Infrastructure: A setback of 1m is required from infrastructure items such as seats, bins, fire hydrants, telephone boxes or post boxes. These items are carefully located for the benefit of the public and will not normally be removed to accommodate outdoor dining. Opportunities for future street furniture siting will also be protected. If there are trees within the dining area, outdoor dining furniture is limited to sealed surfaces.

Setbacks from Public Transport Stops: Outdoor dining is not permitted within 20 metres of the bus stop post on the approach side and 10 metres on the departure side. Consideration should be given to protecting patrons from exhaust fumes from buses, particularly on the approach side of the stop.

Setbacks to Access of Underground Infrastructure: Underground infrastructure includes service openings to sewerage and electricity lines, and must not be obstructed by permanent structures such as fixed ground awnings and umbrellas, or glass screens. Permanent outdoor dining items should be set back from such infrastructure by at least 1m to allow safe access and maintenance. Removable tables and chairs may be placed over such items.

Setbacks to a Construction Zone: on an adjoining building site, roadway or footpath during the period of the project: a minimum setback of 3m should be provided to protect patrons from possible nuisance and dangers. The Council reserves the right to suspend the Outdoor Dining Permit to ensure public safety during major construction projects. No compensation will be payable for such suspensions.

Setback from Corners: Outdoor dining areas are prohibited within 10 metres of the corner (measured from the kerb-line of the side road), unless EABs are provided. If EABs are provided, outdoor dining is prohibited from the triangle made by extending the building alignments to the kerb, and from a location where a kerb ramp is likely to be required.