

Outdoor Dining and Footpath Merchandise Policy

This policy aims to support a vibrant streetscape that is safe and welcoming, attracting tourists and locals to visit, enjoy and return. The appropriate placement and regulation of outdoor dining furniture and display of footpath merchandise that ensures safe and equitable access to the footpath can be achieved whilst supporting local businesses.

Principles

- Contributing to a vibrant and welcoming street environment while supporting local economic development.
- Maintaining the pedestrian thoroughfare as the primary purpose of the footpath and promoting accessibility by maintaining a consistent and predictable clear path of travel for all users.
- Ensuring street furniture, display stands, racks or containers are of a suitable standard and visually pleasing, contributing to the creation of an appealing streetscape
- Fostering neighbourhood amenity through minimising additional noise, visual and other adverse impacts.
- Encouraging the use of sustainable materials and eco-friendly management practices.
- Minimising public liability risk through the issue of approvals considered against the Outdoor Dining and Footpath Merchandise Guide.
- Monitoring compliance with approvals and undertaking enforcement action when appropriate.
- Charging a fee for the use of the footpath as set out in Council's Fee and Charges.

Approvals

In order for a premises to have outdoor dining or merchandise displays on the footpath, NSW Government legislation sets out that the following approvals are required:

- All outdoor dining on the footpath requires approval under the Roads Act 1993.
- All footpath merchandise displays on the footpath requires approval under the Local Government Act 1993.
- Outdoor dining on community lands such as a park or reserve, or Crown Land for which Council manages, requires approval under the Local Government Act 1993

Any new operator will be required to apply for a transfer of the Approval.

If you are not sure which approvals you need, please talk to Council at one of our customer service centres, or call customer services on 1300 434 434.

Scope and application

This policy applies to all employees, agents, officers, councillors and committee members of Northern Beaches Council. This policy is executed through the Outdoor Dining and Footpath Merchandise Guide.

References and related documents

Laws and Standards	Roads Act 1993
	Local government Act 1993
	Environmental Planning & Assessment Act 2017 (as amended)
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008
	Building Code of Australia Crown Lands Act
	Food Act 2003
	Australia New Zealand Food Standards Code
Policies, procedures and guidelines	Outdoor Dining and Footpath Merchandise Guide

Definitions

Clear path of travel	The area of the footpath maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in wayfinding and navigation.
Outdoor dining	Dining on the public footpath which is associated with an approved restaurant, cafe or similar.
Footpath merchandise	The display of goods on the public footpath associated with an adjacent business premises.
Public footpath	The part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).
Street furniture	Removable tables and chairs or other approved furniture owned by restaurants, cafes or similar for use in the outdoor dining area.
Display stands, racks and containers	Removable items owned by the business premises used in the footpath merchandise display area.

Responsible Officer
Executive Manager Property

Review Date
March 2023

Revision History

Revision	Date	Status	TRIM Ref
1		First draft Outdoor Dining and Footpath Merchandise policy	2018/692377
2	28/5/19	Adopted by Council with effect from 1 July 2019	2018/692377