

Outdoor Dining Guidelines

Introduction

Maitland City Council encourages Outdoor Dining Activities because it wishes to:

- a. promote a vibrant local community, and
- b. provide new opportunities for established restaurants, cafés and other food and drink-based businesses to expand by offering outdoor dining to patrons.

Anyone who operates a food or drink-based premises next to a public space (road, footpath, open space, etc.) in the Maitland Local Government Area must apply for an approval from Council before they can offer outdoor dining. This is in line with the Outdoor Dining Policy ('the Policy').

We have developed these Outdoor Dining Guidelines ('these Guidelines') to help simplify completing an Outdoor Dining Application and to make it easier for businesses to offer Outdoor Dining Activities.

These Guidelines provide advice on planning, designing and operating Outdoor Dining Activities and contain useful tips to help you decide whether an Outdoor Dining Area will suit your business.

Application Process

Step 1: Check eligibility

Before applying, make sure your business and proposed outdoor area meet the following:

- You can meet all the requirements of the Policy
- You can meet all the requirements in these Guidelines.

Step 2: Prepare your application

Gather the following information:

- A site plan showing the outdoor dining area, furniture layout, barriers, umbrellas, and access points.
- Details of the furniture, umbrellas, barriers, lighting, heating, and storage you plan to use.
- Evidence of public liability insurance.
- Liquor licence details if you intend to serve alcohol outdoors.
- Any supporting information showing how your outdoor area will meet safety, accessibility, and amenity requirements.

Step 3: Submit your application

- Complete the online outdoor dining permit application form and attach your site plan and supporting documents.
- Sign/tick the declaration confirming your self-assessment and compliance with Council requirements.
- Submit the online application and pay the non-refundable application fee to Council.

The current fees and charges are found in the Maitland City Council Fees and Charges document for the applicable year which is found on our website. All fees are reviewed on an annual basis

Step 4: Council assessment

Council will review your application to ensure it meets all requirements.

Council may consult with local authorities or police if liquor service or street safety is involved.

Step 5: Approval and permit issued

If approved, Council will issue a non-transferable permit detailing conditions, including:

- Approved furniture, umbrellas, barriers, screens, and lighting.
- Hours of operation.
- Waste management and noise requirements.
- Liquor licence boundaries (if applicable).

Step 6: Operating your outdoor dining area

You must:

- Operate your outdoor area according to the permit conditions.
- Maintain furniture, lighting, heaters, and umbrellas in safe, good condition.
- Manage waste, recycling, and noise in line with policy requirements.
- Ensure public safety and customer comfort.
- Display the permit at your business at all times.

Permit duration: Five years from the date of issue, unless cancelled earlier.

Ongoing fees: There are no annual fees once a permit has been issued.

Step 7: Renewal

- At the expiration of the permit, you will need to decide whether you wish to continue to provide outdoor dining to your patrons.
- If you wish to continue to provide outdoor dining to your patrons, you must start the application process again.
- A new permit will not be given where there is unresolved non-compliance with the conditions of a previous permit.
- If you do not wish to continue to provide outdoor dining to your patrons, you must remove all Outdoor Furniture and restore the Outdoor Dining Area to its original condition.

Note: If you sell your business, the new proprietor must apply for a fresh permit if they wish to continue to provide outdoor dining to patrons.

Non-compliance

- Operating without a permit or breaching conditions may result in fines or permit cancellation.
- If you fail to remove furniture and reinstate the area after permit expiry or cancellation, Council may remove it and recover any expenses from you.

Detailed description of requirements

1. Location suitability

Objective: Facilitate the appropriate use of footpaths and public places for the purpose of Outdoor Dining Activities.

Where should I place my Outdoor Furniture – kerbside or wall-side?

When the footpath is wide, there is usually room for Outdoor Furniture to be placed alongside the kerb. If the footpath is narrow, Outdoor Furniture should only be placed against the wall.

Matching your Neighbour's Existing Outdoor Dining Area

If businesses located next to or on either side of your business are already using an Outdoor Dining Area kerbside or wall-side, you must arrange your Outdoor Dining Area to match.

THINGS TO CONSIDER	
Physical location of the Outdoor Dining Area	<ul style="list-style-type: none">• The location should provide a comfortable, attractive and relaxing environment for patrons.• the Outdoor Dining Area should match and complement existing activities within the area.• Be aware of the existing condition of the land on which you are seeking approval for Outdoor Dining Activities (e.g. slope, type of surface, state of repair).
Minimum distances required	<ul style="list-style-type: none">• Each Outdoor Dining Area will be subject to unique local conditions and requirements. Refer to Appendix 1 that outlines minimum clearances.
Expansion in front of neighbouring business frontages	<ul style="list-style-type: none">• An Outdoor Dining Operator is permitted to expand into an adjoining business by up to 50% of their space if there is approval from that business and the landowner.• This isn't allowed if you have an on-premises liquor license and are changing your boundaries to serve liquor outdoors. If you are intending to serve liquor outdoors, your Outdoor Dining Area must remain within your business frontage.

Restrictions:

- a. Do not establish your Outdoor Dining Area in a location that interrupts existing activities in the area.
- b. Do not establish outdoor dining on uneven ground/pavement/public space or a poor pavement surface, i.e. gravel or unsealed pavement.
- c. Do not encroach on the minimum setback distances outlined at Appendix 1.

2. Safety

Objective: Ensure an equitable and safe environment is maintained in Outdoor Dining Areas for all users.

THINGS TO CONSIDER

Accessibility	Outdoor Dining Areas should provide accessibility for all public space users, including the young, the elderly and those less able.
Minimise anti-social behaviour	<p>The key to safer places is to:</p> <ol style="list-style-type: none"> improve the quality of the environment minimise the opportunity for crime promote accessible places that encourage a feeling of belonging, safety and community participation, and if trading at night, provide adequate lighting to increase the visibility of the Outdoor Dining Area.
Animals	Animals are permitted in an Outdoor Dining Area but must be on a leash, be suitably always restrained and be on the ground. Prominent signage must be displayed if it is decided that animals are prohibited or restricted.
Emergencies	In the event of an emergency, immediate access to an Outdoor Dining Area may be needed, so consider Outdoor Furniture and fixtures that are easy to remove.
Line of sight	<p>If an Outdoor Dining Area is established next to or near an intersection, clear line of sight for vehicles and pedestrians must be maintained.</p> <p>Refer to Appendix 1 for setbacks and line of site distances.</p>
Outdoor Furniture removal	<p>No Outdoor Furniture is to be left on the footpath outside trading hours.</p> <p>All Outdoor Furniture must be stored inside the business premises outside trading hours.</p>

Restrictions

- You are not permitted to have an Outdoor Dining Area that reduces the ability of the public to access existing street and public furniture.
- You are not permitted to move existing street furniture.
- You are not permitted to allow unrestrained animals in your Outdoor Dining Area.
- Your Outdoor Dining Area must not obstruct the vision of vehicle drivers nor prevent them from having a clear line of sight.

Accessibility

- Over 4 million, or 1 in 5 people in Australia experience disability¹. People with disability, as well as their friends, family and colleagues, constitute a significant group of consumers.
- Consider how people with a disability may enter and manoeuvre around your Outdoor Dining Area. Ensure there is always enough space for someone to sit comfortably at a table in a wheelchair or mobility scooter.

- Uneven pavers can create a trip hazard for those less able. You should contact our Customer Experience Team if you notice an issue on the public footpath that needs to be fixed or repaired.
- Ensure you provide adequate lighting for everyone, including those with vision impairment.
- Consider using large font sizes on menus.
- Following these tips will not only reduce the likelihood of discrimination complaints against your business but it will also increase your access to the market, and benefit the community, through greater economic participation of people with disability.

Tips

- Durable and well-designed Outdoor Furniture makes storage easier.
- Stackable Outdoor Furniture ensures you can easily and neatly store it outside trading hours, as required.
- You must determine accurate setbacks and a clear line of sight (if at an intersection) to determine if you can locate your Outdoor Dining Area outside your business.

Pets

- Providing fresh water and a drinking bowl for pets provides added customer service.
- If you allow animals, remember to monitor their behaviour, especially if children are using your Outdoor Dining Area. Ensure unruly or aggressive animals are not posing a threat to other patrons. Politely ask patrons with such animals to leave.
- Pets are permitted in an Outdoor Dining Area but must be on a leash where possible and appropriate, be suitably always restrained and be on the ground.
- Be aware of the way customers restrain their pets. Some pets, such as dogs, will easily be able to pull a chair down the street if excited.
- Provide signage and practical solutions requiring customers to restrain pets when entering the business premises to use the amenities or order food.

3. Amenity

Objective: Improve the local character, street vitality, amenity and economic viability.

THINGS TO CONSIDER	
Look and feel	<p>Ensure your Outdoor Dining Area is attractive and inviting.</p> <p>Develop a simple, high-quality outcome that suits the function of your business and the design of the street.</p> <p>The layout should be sensitive to and enhance existing character, cultural significance and street quality.</p>
Design principles and local character	If your business is in a heritage precinct, it is essential that you consult with Council to find out the local requirements. All heritage precincts are listed in Maitland's Development Control Plan.

Greener	<ul style="list-style-type: none"> If you have planter boxes in your Outdoor Dining Area, make sure they receive enough sunlight and water. You may wish to consult a specialist when selecting plants for planter boxes. Plants can have a functional effect and small herb gardens suit planter boxes. Flowering plants add colour and ambience.
Branding	<ul style="list-style-type: none"> The shopfront and Outdoor Dining Area should express the character of the business and create the impression that customers are welcome and that you are open for business during trading hours. An Outdoor Dining Area can reflect the internal and external look and feel of your business. Quality Outdoor Furniture adds character and attracts customers.
Outdoor Furniture	<ul style="list-style-type: none"> The style and colour of the tables and chairs are part of the overall visual merchandising and branding of your business. Consider how any Outdoor Furniture complements your business and the look and feel of the overall street.

4. Function

Objective: Ensure the design of the Outdoor Dining Area, Outdoor Furniture, fixtures and day to day requirements reflect the local area.

THINGS TO CONSIDER	
Cleanliness	<ul style="list-style-type: none"> Outdoor Furniture in the Outdoor Dining Area should be maintained in a clean and orderly condition. Regularly clean footpaths.
Seasonal weather	<ul style="list-style-type: none"> Weather is unpredictable and you should consider a management plan for inclement weather, seasonal changes and emergency situations. Accommodate environmental and weather conditions without requiring the addition of infrastructure that encloses the area. <p>You should consider the direction of the sun and exposure to bad weather and provide for your customers shade in summer and protection from rain and wind if possible</p>
Umbrellas	<ul style="list-style-type: none"> Only use umbrellas where existing shelter such as verandas, awnings, canopies and trees are not available. All umbrellas must be properly anchored. Umbrellas must have a minimum width of 1.2 metres. Umbrellas must be durable.

	<ul style="list-style-type: none"> • Close or tie down umbrellas during high winds to ensure public safety. •
Heaters	<ul style="list-style-type: none"> • No one wants to sit outside in the cold. Heaters create a warm and inviting atmosphere. • Blankets can also accompany heaters, but remember they need to be washed regularly.
Lighting	<ul style="list-style-type: none"> • Solar lights are long lasting, inexpensive and make a good addition to fixed lighting. • Bright, cold, and toned light is unwelcoming. • Effective lighting creates a more ambient and safe feeling for patrons and adds to the overall amenity of the street environment and commercial centre at night. • Lighting greatly influences mood and can entice customers to linger longer.
Advertising	<ul style="list-style-type: none"> • Names or logos may be displayed on umbrellas and barriers. Advertising is not permitted to be displayed on tables and chairs.
Outdoor Furniture	<ul style="list-style-type: none"> • Outdoor Furniture should be weatherproof and designed for commercial outdoor use. • The number of tables and chairs placed within an Outdoor Dining Area must allow unobstructed access for patrons and staff. • Store all Outdoor Furniture inside your premises outside of trading hours.
Temporary screens or barriers	<ul style="list-style-type: none"> • Unique barrier and screening ideas can add to the overall ambience of the outdoor dining experience for customers. • Appropriate barriers offer patrons a sense of enclosure • The maximum height for a screen or barrier is 1.2 metres. • Canvas screens or barriers should be made of a material that can withstand sun and rain exposure over prolonged periods. • Glass screens or barriers must use laminated glass with a minimum thickness of 10.38 millimetres in accordance with the standard safety requirements. Poles must be 48-millimetre diameter extruded aluminium. • Screens and barriers must be properly secured in the pavement to prevent blowing over in strong winds. • Barriers and screens must be temporary and robust
Storage	<ul style="list-style-type: none"> • Attractive and creative storage can be functional as well as adding to the character of the business. • Outdoor storage can limit how far your staff need to travel to get some items such as extra napkins and salt and pepper. • Creative storage can be used effectively as a visual merchandising tool.

Restrictions

- Sharp edges, glass tables or other Outdoor Furniture with moving parts present a potential hazard to patrons and pedestrians and must not be used.
- Umbrellas are not permitted where a building awning exists at typical ground floor height and covers most of the footpath to within a 1 metre setback from the kerb line.
- Chairs must not be placed with their backs on the road if there are no barriers in place.
- Screens must not exceed the maximum height of 1.2 metres.
- Damaged or faulty heaters must not be used.

5. Legal and Compliance

Objective: Ensure compliance with state legislation so that the management of Outdoor Dining Activities avoids nuisance, endangerment or inconvenience to the public.

THINGS TO CONSIDER	
Noise and nuisance	While you want to ensure your venue has a vibrant ambience, it is important to make sure that noise and music are appropriately managed. You must be aware of all Council (and other) restrictions regarding volume and time.
Rubbish and recycling	<p>Dining venues usually generate a lot of rubbish. You are responsible for collecting and disposing of bottles, food, and paper waste. Not only does cleanliness help with environmental sustainability, but it also contributes to the overall aesthetic of your business, and an inviting environment is always more likely to attract customers.</p> <p>Check which waste management requirements you are required to follow. These can include:</p> <ul style="list-style-type: none">• the separation of rubbish and recycling,• cleanliness of the venue, bar, and kitchen, and• presentation of Outdoor Furniture including screens, umbrellas, tables, and chairs.
Trading hours	<ul style="list-style-type: none">• The operating hours for your outdoor dining will be stated in your permit at 'Schedule B – Permitted Use'.• In most cases, dining must finish by 10.00 pm, unless otherwise approved.
Alcohol service	<ul style="list-style-type: none">• If you plan to serve alcohol in your outdoor dining area, you must have a valid liquor licence and follow NSW Liquor & Gaming requirements.• You can only extend your restaurant or café liquor licence to an outdoor area if:<ol style="list-style-type: none">13.1.1 You have standard trading hours and serve alcohol only with meals.13.1.2 There have been no recent regulatory issues with your licence.

	<p>13.1.3 You allow Council to liaise with Liquor & Gaming NSW and police in relation to your application for Outdoor Dining.</p> <p>13.2 Liquor & Gaming NSW will assess and approve licence boundary changes.</p> <p>13.3 Outdoor areas in Alcohol-Free Zones must be cordoned off.</p>
Insurance	<ul style="list-style-type: none"> You must hold Public Liability Insurance to in the amount of \$20 million (minimum) for each and every claim, with Maitland City Council listed as an interested party.
Compliance	<p>You are responsible for ensuring all legal requirements relevant to your Outdoor Dining Area are met, including:</p> <ul style="list-style-type: none"> the sale and consumption of liquor, smoking, patron behaviour, trading hours, noise, food service, and waste handling and collection.

Restrictions

- The use of any speakers, jukeboxes or other loud audio equipment is restricted to indoor areas.
- Do not engage live entertainment for your Outdoor Dining Area without first seeking approval from Council.

Tips

- Have you considered using biodegradable products for items such as cups or napkins? This could be beneficial for both the environment and your business.
- It's likely that you will be regularly disposing of glass bottles. You are required to separate glass bottles for recycling when discarding waste.
- Check the bathrooms multiple times per day to ensure they are consistently clean and rubbish free for patrons.

Importance of Compliance

To ensure a safe and attractive Outdoor Dining Area, you must comply with all the requirements set out in the Policy, these Guidelines and your Outdoor Dining Permit, as well as any liquor licence or other relevant laws. Compliance checks will be carried out in accordance with Council's compliance policies, the current versions of which are available on Council's website.

Enforcement, by Council

If any issues are found, Council may (where appropriate):

- Issue an infringement notice.

2. Request changes.
3. Issue a fine
4. Suspend or cancel the permit.

Using an Outdoor Dining Area without an Outdoor Dining Permit

Using an Outdoor Dining Area without an Outdoor Dining Permit, or not in accordance with an Outdoor Dining Permit, is an offence and may result in Council issuing an infringement notice or cancelling of the Outdoor Dining Permit.

Failure to Remove and Reinstate

When an Outdoor Dining Permit is cancelled or expires, you must:

- a. remove all Outdoor Furniture or other property from the Outdoor Dining Area, and
- b. reinstate the Outdoor Dining Area to its original condition.

In the event that you do not do (a) or (b) or both Council will issue a notice in writing requesting you to do so. If you do not comply with the notice within 28 days of its date of issue, Council may remove and dispose of the Outdoor Furniture or other such property and reinstate the footpath at its discretion. Any expenses incurred by Council in taking this action may be recovered from you as a debt due to Council.

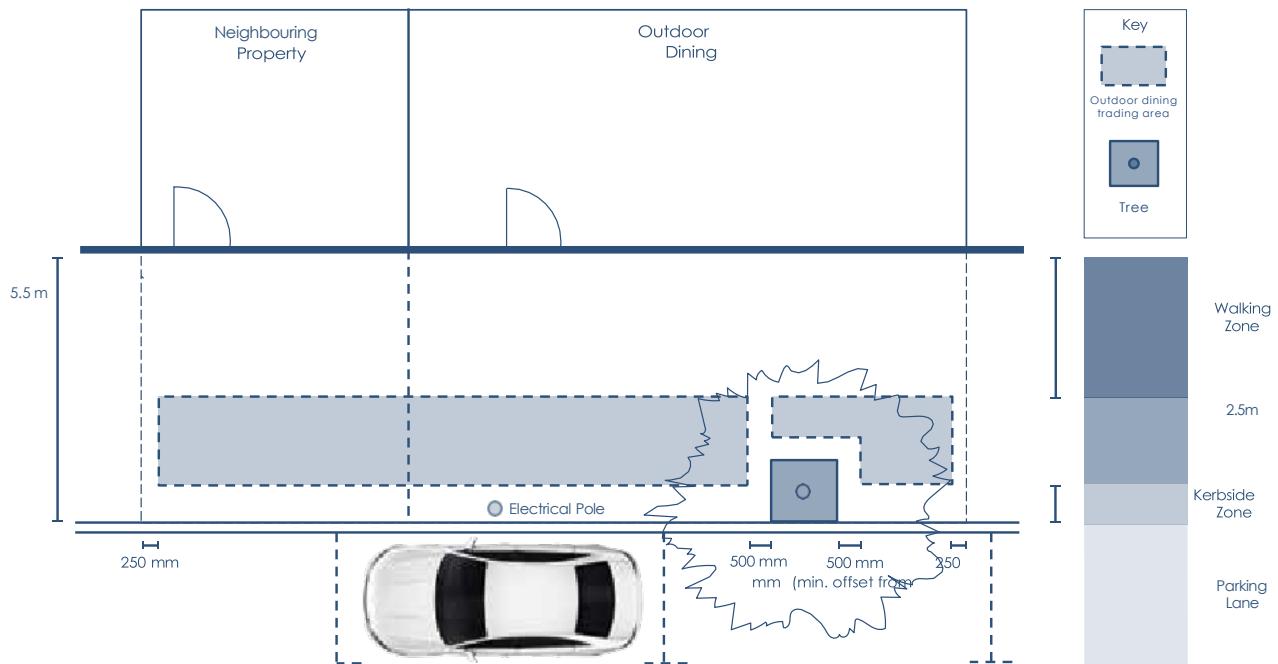
For help or more information:

Maitland City Council
263 High Street, Maitland NSW 2320
02 4934 9700
maitland.nsw.gov.au
ask@maitland.nsw.gov.au

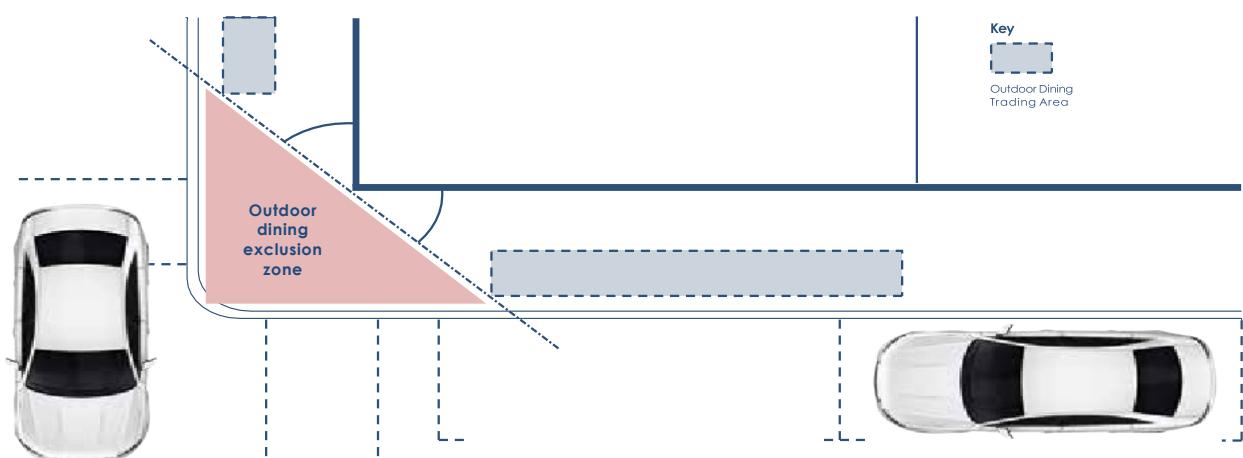
Appendix 1

Appropriate location determination

Permissible outdoor dining clearances



Maintaining line of sight at intersections



Restrictions:

- Do not establish your outdoor dining area in a location that interrupts existing activities in the area.
- Do not establish outdoor dining on uneven ground/pavement/public space or a poor pavement surface, i.e. gravel or unsealed pavement.

MINIMUM PEDESTRIAN CLEARANCES FROM OUTDOOR DINING	
Footpath width (m)	Pedestrian clearance (m)
< 3.5	1.8
- 4.5	2.0
> 4.5	2.5

MINIMUM DISTANCE FROM FACE OF KERB TO OUTDOOR DINING	
Parking restrictions	Minimum setback for kerb (m)
Parallel parking conditions	0.8
Loading zones	0.9
No stopping	1.0
90°, 60°, 45° angle parking	1.2
Disabled parking	
Taxi stops	2.4
Bus stops	

CLEARANCES FROM ESSENTIAL SERVICES	
Object	Minimum clearance (m)
Substations	
Fire exit doors	1.0

Switchboards
Hose reel cupboards
Fire equipment stores
Boosters
Fire hydrants/fire plugs

CLEARANCE FROM EXISTING STREET INFRASTRUCTURE	
Object	Minimum clearance (m)
Fire hydrants	
Exit doors	
Litter bins	
Public seats	
Pay phones	
Bicycle hoops	
Parking metres	
Bus stop shelters	
Tree plots	
Bollards	
Poles	
Other similar objects	

Example site plan

