Permit for an Outdoor Dining or Goods Display Area in a Public Place

North Sydney Council is responsible for managing footpaths within the North Sydney local government area. To ensure pedestrian access and safety is maintained, a permit is required for an outdoor dining or goods display area on the footpath.

This form includes five sections:

- applicant's details and licence agreement
- Indemnity
- insurance details
- application checklist
- permit conditions

Development Consent is also required for all new areas which do not satisfy the exempt development provisions of North Sydney Local Environmental Plan 2013 (refer to clause 3.1 and Schedule 2) or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (refer to clauses 1.15, 1.16. 2.40A and 2.40B). This allows Council to consider environmental issues that may arise from the use of the space. If you are not sure whether development approval exists for your area, contact Council's Planning Advisor on (02) 9936 8100 for advice about the application process.

Application fees are payable on submission of this application. **Please ensure you read the Conditions before applying for a permit.**

To apply for a permit, please complete all sections of this application form and return it with the application fee to Council's Customer Service Centre, 200 Miller Street, North Sydney. A permit will be issued only after the necessary documentation and rental payment arrangements are in place.

The permit will be issued to the business named on this application. If the ownership changes, the new owner needs to apply for a new permit.

FOR COUNCIL USE		Fees do not apply if DA approved
Permit No:	DA __ __ __ __ __ __	
Application Fee:	Payment Method:	Cashier code: 167
Receipt No:	Date:	Total Paid: $
Customer Service Officer		Date:
Comments:		
EPS02		

FEES FOR 2026/2027

APPLICATION FEE:	**$263.00** (GST exempt) payable to North Sydney Council
Rental (GST inclusive):	Payable to Council's appointed Property Manager, Colliers International
$754.00/m^2 per annum: (High)	for specific locations as defined on the North Sydney Council Area Map (NSCAM)
$567.00/m^2 per annum: (Medium)	for specific locations as defined on the NSCAM
$401.00/m^2 per annum -	for areas not specifically defined on the NSCAM

Please note:

- Rental fees are payable to Council's appointed Property Manager (Colliers International, phone 9957 6611)
- Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis
- Fees and charges are reviewed each financial year
- **A bond of $1,000 or 3 months rent (whichever is higher) is payable to Colliers International prior to the application being processed.**
- **All licence fees to be paid quarterly or annually in advance to Colliers International.**

NORTH SYDNEY COUNCIL

Permit for an Outdoor Dining or Goods Display Area in a Public Place

SECTION 2 - APPLICANT'S DETAILS AND LICENCE AGREEMENT

I _____ wish to apply for a permit to:
(name)

☐ undertake outdoor dining

☐ display goods on the footpath

Applicant's Name:

Name of business/Restaurant: ABN (if applicable):

Phone (during business hours): Mobile:

Email:

I have read and understood the application and operation conditions for this permit and agree to comply with these for the duration of the permit.

Signed: Date:

ADDRESS OF PROPERTY WHERE PERMIT WILL APPLY

Number and Street:

Suburb: Postcode:

BUSINESS ADDRESS (if different to above address)

Number and Street:

Suburb: Postcode:

DETAILS OF PERMIT REQUEST
(please give details of type of outdoor dining or goods display proposed)

Type of area (outdoor dining, goods display, other). Specify:

Size of area: Length (in metres): Width (in metres): Total (square metres):

Proposed number of seats: Inside: Outside: Total:

Accurate location sketch and photos (must be attached)

Details of any prior consent to occupy the footpath/premises:

START DATE:

PRIVACY STATEMENT

North Sydney Council is collecting your personal information for the purposes of processing an application or submission. The supply of personal information is entirely voluntary. If you elect not to provide or do not wish to provide your personal information, Council may not be able to process your application or act on or acknowledge your submission. North Sydney Council shall be regarded as the agency that holds your personal information and access to your personal information by interested parties, may be released in line with Council policies. North Sydney Council may publish any personal information included in a submission on a proposal or proposed development. You have a right to access your personal information held by Council. You also have a right to have your personal information corrected or amended by Council. Applications by members of the public to view Council's records which are not in the public arena are subject to the provisions of *Privacy and Personal Information Protection Act 1998, Government Information (Public Access) Act 2009* and North Sydney Council's Privacy Management Plan.

I have read and understand the Privacy Statement

I have read and understood the application and operation conditions for this permit and agree to comply with these for the duration of the permit.

Signed: ..... Date: .....

SECTION 3 - INDEMNITY

This indemnity form must be completed and signed before a permit can be issued.

Refer to Condition 3, Indemnity and Public Liability Insurance.

Name of business:

Address of business:

(referred to hereafter as the Permit Holder) holds North Sydney Council (referred to hereafter as the Council) and the Roads and Maritime Services NSW (referred to hereafter as the RMS) (strike out RMS if not applicable) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which Council, the RMS (strike RMS out if not applicable) its servants, agents or employees may be held liable in respect of any loss, damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and the use of adjacent public areas used in conjunction with the licensed area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of Council, the RMS (strike out RMS if not applicable) its servants, agents or employees.

Name *(please print)*:

Signed: Date

SECTION 4 - INSURANCE DETAILS

Permits will not be issued unless you have adequate public liability insurance for the area you intend to use. Complete this form, giving details of your public liability insurance. Note that **you are required to arrange for State Road areas and the Roads and Maritime Services NSW (RMS) to be named on your insurance** as joint insured for the respective rights and interests of yourself, the RMS, in respect of your outdoor dining or goods display area on the footpath.

A Certificate of Currency must be provided to Council by the insurance company before a permit is issued.

INSURANCE INFORMATION

I hereby declare that I (name of applicant) _____ as permit holder and the RMS (strike out RMS if not applicable) am insured for legal liability to the public in respect of personal injury and property damage for a limit of indemnity of not less than $10 million, **(or $20 million within State Road areas).**

Name of Insured (include interested parties):

Address of Premises:

Name of Insurance Company:

Public Liability Policy No:

Period of Insurance from: to:

Limit of Indemnity: $

I understand that this insurance shall not be cancelled or lapse without the agreement of North Sydney Council and the RMS (strike RMS out if not applicable) and the policy document shall be endorsed to this effect. This insurance includes the cross-liability clause.

Signed: Date:

SECTION 5 - APPLICATION CHECKLIST

To be used in conjunction with the North Sydney Council policy BE04-PD Outdoor Dining or Goods Display on footpath

Applicant ✓ / ✗ / N/A	Checklist	Council ✓ / ✗ / N/A
☐	**1. APPLICATION FORM FOR A PERMIT** Have all relevant sections of the Application Form been completed?	☐
☐	**2. DEVELOPMENT CONSENT** Has development consent been granted for the use of an outdoor dining or goods display area? **Yes** ☐ If yes: (a) What is the DA Number? _____ (b) Has a copy of a current development consent been provided for the primary use as a shop, restaurant, café, take away food or drink premises or tavern/pub. **No** ☐ If no**:** (a) Has a written statement been provided that the proposal will comply with clause 3.1 and Schedule 2 - Exempt Development to North Sydney Local Environmental Plan 2013 or clauses 1.15, 1.16. 2.40A and 2.40B to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. *(Note: A development application may be concurrently processed if required* ***A Permit Application cannot be accepted by Council if not compliant with above requirements.)***	☐
☐	**3. EXISTING CONDITIONS PLAN** Has an Existing Conditions Plan at scale 1:100 or 1:50 and photographs of the existing conditions been provided in accordance with Schedule 2 of the Policy? Any such plan(s) should be identified by reference to the development consent and the current approved seating or patron capacity of any existing premise that is related to the proposal.	☐
☐	**4. CONCURRENCE** Is concurrence from the Roads & Maritime Services necessary in respect of an <u>outdoor dining area</u> within a State Road reservation? *(Note: Not necessary for the display of goods. Applies to State Road reserves including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street north of Falcon Street)*	☐

Applicant	Checklist	Council
✓ / ✗ / N/A		✓ / ✗ / N/A

5. PERMIT APPLICATION PLAN

(a) Has a Permit Application Plan been provided in accordance with the requirements set out in Schedule 7 of the Policy?

(b) Is the proposed area located in accordance with the Setbacks and Sightlines information contained within Schedule 3 of the Policy?

(c) Are the proposed areas designed in accordance with the Layout Diagrams in Schedule 4 of the Policy?

6. (d) Are any associated advertising or signs in accordance with the requirements set out in Schedule 6 of the Policy?

7. *(Note: Consider the advice in Section 4 of the Policy for additional information and guidance)*

8. OUTDOOR FURNITURE

Have details been provided of any outdoor dining or display furniture which is proposed to be used?

(Note: Specifications or advice from the manufacturer must be provided that confirms the items are "commercial grade" and are suitable for their intended purpose. Outdoor Furniture must be consistent with the examples illustrated within Schedule 5 of the Policy and or existing furniture presently being use in the locality.)

9. STATEMENT OF CONSISTENCY

Has a statement been provided which illustrates how the proposal is consistent with the relevant Character Statement contained within the policy?

(Note: Refer to Schedule 1 of the Policy. The statement should consider how your area can contribute to the existing and planned context and help to achieve the objectives of the Character Statement.)

10. HERITAGE STATEMENT

Is the proposal located in the vicinity of a heritage item or within a heritage conservation area as identified in North Sydney LEP 2013?

If yes, has a Heritage Statement been provided which briefly describes how the proposal addresses any potential heritage issues?

11. OPERATIONS PLAN

Has an Operations Plan been provided in accordance with the requirements set out in Schedule 8 of the Policy?

12. INDEMNITY AND PUBLIC LIABILITY INSURANCE.

Has a Certificate of Currency of Public Liability Insurance been provided?

(Note: Refer to Schedule 9 of the Policy for required insurance and an example Certificate and Section 2 of this Form for the Indemnity Statement.)

13. OWNER'S CONSENT

Has landowner's consent been provided where part or all of the land is not owned by Council?

(Note: Owner's consent may be in the form of a letter from the landowner or completion of the form in Schedule 10 of the Policy with the landowner's signature or company seal.)

Applicant	Checklist	Council
✓ / ✗ / N/A		✓ / ✗ / N/A
☐	**14. FEES** Is the application accompanied by the required Permit fee? *(Note: Not required if development consent has been paid)*	☐

Note:
Should the permit application be supported by Council, an invoice for rental will be issued by Council's appointed managing agent and must be paid prior to the issuing of a permit.

If you have any enquiries regarding the application, please ring Council on telephone 9936 8100.

Enquiries regarding rental payments/invoicing should be directed to Colliers International, Managing Agents on telephone 9957 6611.

SECTION 1 - PERMIT CONDITIONS

1. FEES

The annual rental payment for the allocated area must be made in advance by the applicant before a permit is issued. Alternatively, you may make periodic payments via direct debit by agreement with Council's appointed Property Manager. Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis.

2. LICENCE AGREEMENT

The applicant/permit holder shall sign a licence agreement for the permit area as necessary.

3. INDEMNITY AND PUBLIC LIABILITY INSURANCE

The indemnity statement and public liability sections of the application form must be completed and signed by the applicant before a permit is issued. The Roads & Maritime Services NSW (RMS) in respect of State Roads, must be named on your insurance as joint insured for the respective rights and interests of yourself, Council and where necessary, the RMS, in respect of your outdoor dining or goods display area on the footpath.

(State Road areas including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street, north of Falcon Street.)

4. LICENSED PREMISES

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

5. SMOKING

In accordance with Council's Smoking in Public Places Policy, smoking is prohibited in outdoor dining areas on Council-owned land or under Council's care, control and management where Council has issued a licence for the purpose of outdoor dining.

6. PEDESTRIAN SAFETY

The permit holder must ensure that the outdoor dining or goods display area is maintained and operated safely and that pedestrians have free access to the remaining area of the footpath. A clear passage of at least one metre be maintained at all times in front of exit doorways from adjoining and adjacent premises.

If directed by Council, the permit holder will immediately remove or make safe any outdoor dining or goods display area. If the permit holder does not comply with this direction, Council may remove any outdoor dining or goods display furniture and the permit holder will be required to reimburse Council for any associated costs.

7. ADVERTISING SIGNS

No freestanding (A-frame) advertising signs are allowed within the permit area. Any advertising and or signage must be in accordance with the Outdoor Dining and Goods Display Policy the exempt development provisions for signage under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (refer to clauses 12.15, 1.16 and 2.83-2.107).

8. ANCILLARY EQUIPMENT

The permit holder must obtain Council's consent prior to installation of ancillary equipment such as umbrellas, free-standing barriers and the like.

8A. ANCILLARY EQUIPMENT

All temporary furniture and equipment must be removed from the footpath and stored within the premises, at all times outside of the approved operating hours of the premises.

9. MAINTENANCE OF PERMIT AREA

The outdoor dining or goods display area shall not cover or impede access to public or private utility access and drainage pits. Authorities such as Telstra and Sydney Water must be given access to the site if required. The outdoor dining or goods display area shall not obstruct the view of advisory and regulatory signs and traffic controls.

The permit holder shall clean the permit area daily, remove litter, food scraps and so on, and prevent damage to any Council property. If the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder will be required to reimburse Council for any associated costs.

10. PERMIT DISPLAY

The permit, which shall include a locality sketch prepared by Council, must be displayed in the front window of the subject premises at a minimum height of 800mm and a maximum height of 1700mm above ground level. This will allow Council Officers to check the permit without disrupting your normal business.

11. VACATING AND REINSTATEMENT

Should the permit expire or the premises be vacated, the permit holder shall, at their own expense, remove all outdoor dining or goods display furniture and ensure the area is returned to its original condition. **The permit holder shall notify Council in writing, three weeks prior to vacating the premises.**

12. CANCELLATION

Council reserves the right to revoke or not renew the permit if the outdoor dining or goods display area does not conform with the description provided in the application or the outdoor dining or goods display furniture or activities extend beyond the approved permit area or if permit conditions are not complied with. Council also reserves the right to revoke the permit should there be a change of Council policy on this issue.

"Council reserves the right to revoke or suspend any outdoor dining licence if the holder of the licence is in arrears for more than 4 weeks or to the amount greater than the bond paid to Council as part of the licence agreement".

Permits are issued under Clause 125 of the *Roads Act 1993*, Council's Policy for Outdoor Dining or Goods Display in a Public Place and the provisions of the North Sydney Local Environmental Plan 2013 (as amended).

CHILD SAFETY POLICY

Council is a designated Child Safe organisation and as part of this agreement the safety and wellbeing of children and young people needs to be considered. Attached are some key points for consideration:

- Clear Walkways:

Ensure that there are clear and unobstructed walkways for pedestrians, including children. Tables, chairs, and other furnishings should not impede the flow of foot traffic. This prevents accidents and allows for safe passage.

- Secure Furniture:

All tables and chairs should be securely anchored to prevent them from tipping over accidentally. This is particularly important in areas where children might be prone to climbing or playing near the furniture.

- Child-Friendly Furniture Design:

Choose furniture with rounded edges and no sharp protrusions to minimize the risk of injuries in case children accidentally bump into them.

- Spacing and Layout:

Plan the layout of tables and chairs to provide enough space between them. This prevents overcrowding and allows for easy movement of strollers, wheelchairs, and pedestrians, including families with children.

- Proper Seating and Restraints:

If high chairs or booster seats are provided for younger children, ensure that they are in good condition and have appropriate safety restraints to prevent falls.

- Non-Slip Surfaces:

Use non-slip materials for the flooring in the dining area to prevent slipping hazards, especially during wet or rainy conditions.

- Child-Proofing:

Implement child-proof measures where necessary, such as using tablecloths that are not easily pulled or tipped over by children. Also, avoid using small objects or decorations that could be choking hazards.

- Accessibility:

Design the outdoor dining area to be accessible to people with disabilities, including families with children who might be using strollers or mobility devices.

- Visibility:

Ensure that the layout of the outdoor dining area allows parents and caregivers to maintain clear lines of sight to their children while they enjoy their meals.

- Emergency Procedures:

Have clear emergency procedures in place in case of accidents or other emergencies involving children. This includes knowing the location of first aid supplies and how to respond to medical incidents.

- Staff Training:

If there are staff members managing the dining area, ensure they are trained in child safety protocols, including how to address safety concerns involving children.

- Outdoor dining is strictly No Smoking Zones.
- Age-Appropriate Menu and Utensils:

If the dining area serves children's meals, ensure that utensils and menu options are age-appropriate and safe for children to use.

- Education and Awareness:

Provide information to customers about the child-safe features of the outdoor dining area and encourage them to be mindful of the safety of children in the vicinity.

- Regular Inspections and Maintenance:

Conduct regular inspections of the outdoor dining area to identify and address any safety hazards promptly. This includes checking the stability of furniture, the condition of walkways, and the overall safety of the area.