

APPLICATION FOR FOOTPATH SEATING

Made under Section 125 of the *Roads Act 1993*

This application relates to the use (and renewal) of outdoor dining on the public footway adjacent to an approved restaurant or cafe.



WAVERLEY
COUNCIL

Refer to [Waverley Development Control Plan 2022 – Part D2 – Outdoor Dining](#) for guidance.

APPLICANT DETAILS (it is important that we are able to contact you if more information is needed)	
<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other _____	
Family name (or company): _____	
Given names (or ACN/ABN): _____	
Contact person (if a company): _____	
Postal address: _____	Postcode _____
Phone number: _____	
E-mail: _____	
Are you the operator of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If not, please provide the operator's full name: _____	
Operator's address _____	Postcode _____
Operator's phone number: _____	E-mail: _____

BUSINESS AND PROPERTY DETAILS (this will help us correctly identify the subject property)			
Name of the premises: _____			
Shop number (or tenancy number): _____	Unit / Street number: _____		
Street name: _____	Suburb: _____ Lot and DP/SP: _____		
What type of business do you operate at the premises? (select all that apply)			
<input type="checkbox"/> Cafe	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Take away <i>please specify</i>	<input type="checkbox"/> Other <i>please specify</i>
<input type="checkbox"/> Small bar	<input type="checkbox"/> Pub	_____	_____
What type of products do you sell? _____			

CURRENT CONSENT (outdoor dining can only be granted where there is a valid consent for the premises)
DA / CDC reference number to which the premises has consent to operate: _____
Refer to Council's DA Tracker for lodged and determined applications.

DETAILS OF THE PROPOSAL (please outline the details of your proposal)

Does this application seek: new outdoor dining renewal of existing outdoor dining approval

Please outline the existing and proposed hours of operation for the outdoor dining area:

	Existing hours	Proposed hours
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Total number of existing indoor seats at the premises: _____

Please note that if indoor and outdoor seats exceed 20 seats combined, toilet facilities are required to be provided.

Number of outdoor tables: _____ Number of outdoor seats: _____

Please note minimum dimensions of 600mm x 600mm per seat and 600mm x 600mm per table is required.

Total number of toilets: _____ Male toilets: _____ Female toilets: _____ Accessible toilets: _____

Are the toilets provided: for private use of your customers only shared facilities

Square metres to be occupied for outdoor dining: _____

Footpath clearance between kerb and seating zone: _____

Please note a minimum distance of 2.5m is to be maintained for clear unobstructed pedestrian thoroughfare. See [Waverley DCP 2022 Part D2, Section 2.1](#) on pages 229-230 for more information.

LIQUOR LICENCE

Does the premises have or intend to have a liquor licence? Yes No

If yes, what is your liquor licence number? _____

What type of liquor licence? *Please provide a copy of the liquor licence with this application.*

- General bar hotel licence
- Hotel licence
- Club licence
- Small Bar licence
- On premises licence
- On premise with primary service authority

DECLARATION

- I apply for consent to provide outdoor dining as described in the application.
- I declare that the information given is true and correct.
- I understand that if the information given is incomplete that the application may be delayed, rejected or further information requested.
- I acknowledge that the outdoor dining rent calculation will be based on the area of footpath occupied.
- I acknowledge that the outdoor dining bond required is equivalent to three (3) months' rent.
- By signing this application, I agree to the above terms and conditions.

Signature of applicant: _____ Date _____

PRIVACY POLICY

The information requested in this form is required under the *Roads Act 1993* and will be used in connection with the requirements of the legislation. The information will be available to Councillors, Council Officers and members of the public as required by the Act. Please advise Council if any information you have provided changes, is incorrect or if you required your address or the plans to be withheld for personal or family safety. The documentation submitted with this application including the application form may be publicly available for inspection on the Council's website and in other ways that the Council considers appropriate.

CHECKLIST OF DOCUMENTS TO BE SUBMITTED WITH THE APPLICATION (the application will not be accepted unless all relevant information is submitted)

Site plans and details:

- A location plan showing the property in relation to the street and the nearest cross street.
- A detailed and dimensioned plan to scale (1:50 or 1:100) See plans in [Waverley DCP 2022 Part D2, Annexure D2-1](#) on page 246 as an example. The plan must show:
 - proposed outdoor dining layout, including the number of tables and chairs.
 - the existing number of tables and chairs inside the restaurant/café.
 - any accessories including umbrellas, barriers and heaters.
 - proposed area to be used for outdoor dining, including dimensions from edge of the area to kerb line, shop front, doorway openings and other fixtures *e.g. bus stop, pedestrian crossing, street furniture, bench, litter bins etc.*
 - total area to be occupied in square metres.
 - a minimum allowance of 600mm x 600mm for every seat and 600mm x 600mm for every table.
 - washing up facilities, location and number of toilets, including any shared facilities in the building.

Furniture Details:

- A photo or brochure of the outdoor dining furniture proposed to be used, including any accessories such as umbrellas, barriers and heaters. See examples in [Waverley DCP 2022 Part D2, Annexure D3-2](#) page 247.

Plan of management (if applicable):

- Required for all premises with liquor licenses only.

Liquor Licence:

- A copy of the liquor licence is to be provided (if applicable).

HOW TO SUBMIT

- All documents including the application form, plans and photos must be submitted as PDF file attachments and emailed. Files are to be no larger than 5MB each.
- File naming conventions apply to all electronic documents, including application forms and plans. Please follow the format as it appears below, capturing the relevant property address for your application:
 - *Application form – 55 Spring Street BONDI JUNCTION – premises name*
 - *Outdoor dining plan – 55 Spring Street BONDI JUNCTION – premises name*
 - *Photos of furniture – 55 Spring Street BONDI JUNCTION – premises name*
- Applications are to be submitted via email to planningcounter@waverley.nsw.gov.au

FEES

Application fees and rental fees are payable in accordance with Council's Fees and Charges Policy, which are provided below.

Once your application has been received, you will be contacted to pay the Application Fee. It is requested that the fee be paid within 48 hours of receiving the invoice. We cannot start the assessment process until the fees are paid.

Fees can be paid either in person at the Customer Service Centre at 55 Spring Street BONDI JUNCTION or by calling the Call Centre on 9083 8000 (Monday to Friday 8:30am-5.00pm). Methods of payment include Cash (exact amount as no change is available), Debit Card, Credit Card (surcharge applies), or Personal & Bank Cheques (please make cheques payable to Waverley Council).

Footpath Fees & Charges FY 24/25



Category	Unit	24/25 Fee \$	GST	Pricing Policy
Footway Restaurants (Section 125 Roads Act 1993)				
Application fee	per application	\$ 461.00	Exempt	B
Notification and Advertising fees	per application	\$ 309.00	Exempt	B
FY 24/25 Fees payable on footpath application		\$ 770.00		
Provision of footpath markers	per application	\$ 230.50	Exempt	B
Footpath Seating				
Bond Fee for footpath seating permit (refundable)	per approval	Equivalent to 3 months footpath seating fees	Exempt	G
Location A: Oxford Street Mall, Bondi Junction	per m2 annually	\$ 847.00	Exempt	D
Location B: Waverley Street Mall, Bondi Junction	per m2 annually	\$ 720.00	Exempt	D
Location C: Campbell Pde (between Lamrock Ave & Beach Rd including Roscoe St Mall (DCP))	per m2 annually	\$ 1,025.00	Exempt	D
Location D: Bronte Road, Bronte Beach per m2	per m2 annually	\$ 806.00	Exempt	D
Location E: Hall Street and Campbell Parade (outside areas) per m2	per m2 annually	\$ 720.00	Exempt	D
Location F: Other areas	per m2 annually	\$ 582.00	Exempt	D

Surcharges				
Outdoor dining under Council umbrella	per m2 annually	5.0% per m2 for Location A - F	Exempt	E
Parklets	per m2 annually	20% per m2 for Location A - F	Exempt	E