



Camden Council

Attachments

Ordinary Council Meeting
22 July 2014

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

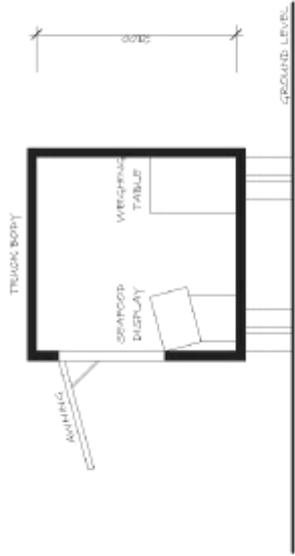
ATTACHMENTS - ORDINARY COUNCIL

ORD01	Sale Of Seafood From A Van At 10 Murray Street, Camden	
	Attachment 1: Site Plan	4
ORD02	Amendment 29 Housekeeping Amendment To Camden LEP 2010	
	Attachment 1: Amendment 29 Draft Planning Proposal Version 1 July 2014.1	5
ORD03	Outdoor Dining Framework	
	Attachment 1: Outdoor Dining Policy.....	29
	Attachment 2: Draft Standard Conditions	43
	Attachment 3: Application Form	49
ORD07	Roads And Maritime Services (Rms) 2014/15 Black Spot Funding	
	Attachment 1: Cut Hill Road and Coates Park Road.....	53
	Attachment 2: Raby Road	54
Diary	Diary	
	Attachment 1: Diary 22/08/2014	55

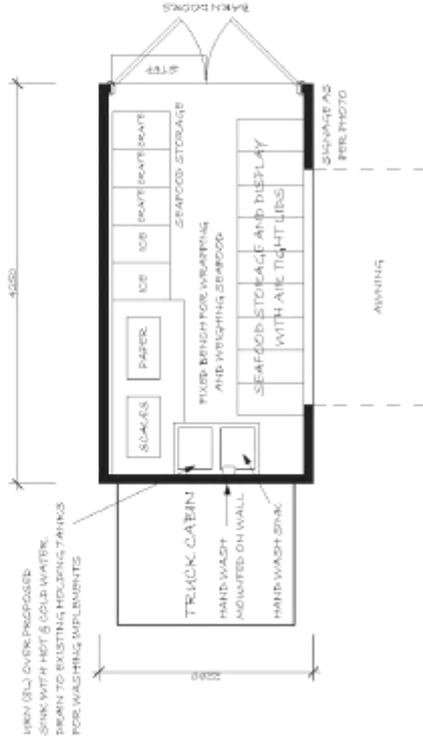


Attachment 1

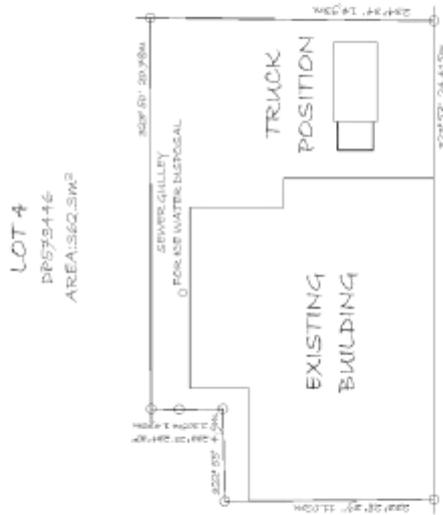
ORD01



CROSS SECTION THROUGH TRUCK
SCALE 1:50



TRUCK FLOOR PLAN
SCALE 1:50



MURRAY STREET

SITE PLAN
SCALE 1:500



VIRTU MOBILE FOOD CAMDEN
MR.T

6-10 MURRY STREET LOT 4 DP573446
46772-459 abode.drafting@optusnet.com.au GRAHAM ISAAC 0422 130 150



CAMDEN COUNCIL PLANNING PROPOSAL

Amendment No. 29 - Housekeeping Amendments to Camden LEP 2010

July 2014

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

Attachment 1

Contents

Background.....	3
Part 1 – Objectives or Intended Outcomes.....	4
Part 2 – Explanation of provisions.....	7
Part 3 – Justification	9
Part 4 – Maps	14
Part 5 – Community Consultation	15
Part 6 – Project Timeline	16
Appendix A – Comparison Maps	17
Appendix B – Applicable section 117 directions.....	21

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

Background

Camden Local Environmental Plan 2010 (Camden LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden LGA. Council staff undertakes regular reviews of the LEP and the associated maps which has identified inaccuracies of a minor nature. This is the fourth 'housekeeping' amendment of the LEP.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to the Department of Planning and Environment (DoPE) for gateway determination.

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

Part 1 – Objectives or Intended Outcomes

The amendments proposed to the Camden LEP 2010 by this Planning Proposal are to correct a number of minor mapping and land use table anomalies to ensure Council's intent in relation to these planning controls are achieved. Accordingly, the following 4 amendments are proposed.

Attachment 1

Amendment No. 29 – Housekeeping Amendment to Camden LEP 2010

Item No	Name of item	Proposal	Map changes
1	Mapping anomalies	This item seeks to make minor amendments to various Camden LEP 2010 maps to correct anomalies which have occurred during the finalisation of the maps prior to their publication.	<u>Land Zoning Maps</u> LZN_011 LZN_016 <u>Height of Buildings Map</u> HOB_013 HOB_016 HOB_017 <u>Lot Size Map</u> LSZ_016 LSZ_017
2	Vehicle sales or Hire premises in B5 zone	The item seeks to amend the land use table for B5 Business Development by adding "vehicle sales or hire premises" to Item 3 – Permitted with Consent.	No amendments to Camden LEP 2010 Maps required.
3	Health consulting rooms in R2 zone	The item seeks to amend the land use table for R2 Low Density Residential by adding 'health consulting rooms' to Item 3 – Permitted with consent.	No amendments to Camden LEP 2010 Maps required.

ORD02

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

4	Heritage item descriptions	This Planning Proposal seeks to amend the property descriptions in Schedule 5 - Environmental Heritage, to correct minor anomalies.	No amendments to Camden LEP 2010 Maps required.
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Amendment No. 29 – Housekeeping Amendment to Camden LEP 2010

Part 2 – Explanation of provisions

Item 1 – Mapping anomalies

This item seeks to make minor amendments to various Camden LEP 2010 maps to correct anomalies which have occurred during the finalisation of the maps prior to their publication. The following table contains a summary of the mapping anomalies within Camden LEP 2010. **Comparison maps indicating current and proposed changes are included within Appendix A.**

	Anomaly	Action	Historical Notes	Map changes
1	Portion of Nepean River (within Camden Local Government Area) in Spring Farm is blank with no zoning reference.	Amend Land Zoning Map to reinstate RU1 Primary Production.	Change made during LEP conversion to the standard instrument.	Land Zoning Map LZN_011
2	Sections of land in Gledswood Hills and Leppington are blank, with no height of buildings reference.	Amend Height of Buildings Map to reinstate J – 9.5m	Change made during the finalisation of Consolidated Amendment No 5 which incorporated the following planning proposals Mater Dei Boundary Anomalies (Amendment No 5), Spring Farm South and West (Amendment No 7), Harrington Grove (Amendment No 8) and Elyard Gardens (Amendment No 11), gazetted on 18 January 2013.	Height of Building Map HOB_016
3	Small triangular portion of land in Gledswood Hills shows incorrect zone and minimum lot size.	Amend Land Zoning Map to reinstate R5 Large Lot Residential and amend Lot Size Map to reinstate minimum lot size of W – 4000sqm.	Change made during the finalisation of Amendment No 3- El Caballo Blanco/Gledswood, gazetted on 22 March 2013.	Land Zoning Map LZN_016 Minimum Lot Size Map LSZ_016

Page 17 of 17

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

4	Portions of land in Mount Annan South zoned E1 National Parks and Natural Reserves and E2 Environmental Conservation currently has a minimum lot size and height of buildings reference. As the lands are identified for non residential development, height of buildings and minimum lot size controls do not apply.	Delete height of buildings and minimum lot size reference to portions of land identified E1 and E2.	Change made during LEP conversion to the standard instrument.	Lot Size Map LSZ_017 Height of Buildings HOB_013 HOB_017
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Table 1: Summary of Mapping anomalies within Camden LEP 2010. (Source: Camden Council, 2014).

Item 2: 'Vehicle sales or Hire premises' in B5 Business Development zone

'Vehicle sales or hire premises' are currently prohibited within the B5 Business Development zone under Camden LEP 2010. 'Vehicle sales or hire premises' is defined in the Dictionary to the Camden LEP 2010 as follows:

"means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there."

This item seeks to amend Item 3 of the Camden LEP 2010 land use table to the B5 Business Development zone to allow development for the purposes of a 'vehicle sales or hire premises'. The B5 zone covers areas in Narellan and Smeaton Grange. Vehicle sales or hire premises was a permissible use for both zones in the previous LEP however it was inadvertently omitted from the Camden LEP 2010. The proposed land use is considered appropriate as it supports the objectives of the respective zones.

Note: No amendments to Camden LEP 2010 Maps required.

Item 3: Health consulting rooms in R2 zone

'Health consulting rooms' are currently prohibited within the R2 Low Density Residential zone under Camden LEP 2010. 'Health consulting rooms' is defined in the dictionary to the Camden LEP 2010 as follows:

"Means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time."

This use was described as 'professional consulting rooms' under Camden LEP 46, and was converted to 'health consulting rooms' during the conversion of LEP 46 into the Standard Instrument format. This was a permissible use in the previous LEP however it was inadvertently omitted from the Camden LEP 2010. The proposed land use is considered appropriate given 'medical centres' are permitted in the R2 zone. Further the proposed land use meets the objectives of the R2 zone and will provide a valuable service to low density residential areas in the Camden LGA. As such, this planning proposal seeks to amend the land use table for the R2 zone by adding 'health consulting rooms' to Item 3 – Permitted with consent. This item will ensure the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

Note: No amendments to Camden LEP 2010 Maps required.

No. 4: Heritage item descriptions

A review of local heritage items listed under Schedule 5 of Camden LEP 2010 has identified some minor anomalies. The table below details the proposed changes (highlighted in bold) and the reason for correction. The proposed amendments do not make any changes to the heritage boundary or the heritage significance of the items. This administrative amendment will ensure the local heritage items are correctly identified.

Item No and Name	Address	Reason for correction	Proposed amendment
Item 142 House and curtilage	Lot 1, DP 625278 196 Macarthur Road, Spring Farm	Include correct dwelling name as recommended in Section 1.8 of Gordon Mackay Logan Spring Farm Urban Release Area Heritage Assessment June 2002	Under Item name insert the following: “ Galvin Cottage ” House and curtilage
Item 145 Mural and Wishing Well	Corner Broughton Street and Menangle Road, Camden	Include suburb name and Lot/DP as described	Under suburb name insert: Camden Under property description insert: Lot 2 DP 530480
Item 105 “Yamba”	Lot 10, DP 11038895 181 Camden Valley Way	DP identification incorrect	Amend property description to: Lot 10 DP 1103895

Table 2: Summary of changes to Schedule 5 of Camden LEP 2010. (Source: Camden Council, 2014)

Note: No amendments to Camden LEP 2010 Maps required.

Part 3 – Justification

Section A – Need for the Planning Proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. The planning proposal is a result of a review that was undertaken by Council of the Camden LEP 2010 to identify anomalies requiring correction.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test need be undertaken. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with both the draft sub regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Application of State Environmental Planning Policies

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	Yes	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	Yes
Standard Instrument—Principal Local Environmental Plan	Yes	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	Yes
State Environmental Planning Policy No 1—Development Standards	Yes	The rezoning proposal will not alter the application of this SEPP.	Yes
State Environmental Planning Policy No 14—Coastal Wetlands	n/a	This policy does not apply to Camden LGA	n/a
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a	This policy does not apply to Camden LGA	n/a
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes	n/a- housekeeping amendment only.	Yes

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

State Environmental Planning Policy No 21—Caravan Parks	n/a	This SEPP is relevant to specific development not permitted under this Planning Proposal.	n/a
State Environmental Planning Policy No 26—Littoral Rainforests	n/a		n/a
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a		n/a
State Environmental Planning Policy No 30—Intensive Agriculture	n/a		n/a
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	n/a	This policy does not apply to Camden LGA.	n/a
State Environmental Planning Policy No 33—Hazardous and Offensive Development	n/a		n/a
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a		n/a
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a		n/a
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a		n/a
State Environmental Planning Policy No 47—Moore Park Showground	n/a		n/a
State Environmental Planning Policy No 50—Canal Estate Development	n/a		n/a
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a		n/a
State Environmental Planning Policy No 55—Remediation of Land	n/a		n/a
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a		n/a
State Environmental Planning Policy No 62—Sustainable	n/a		n/a

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

Attachment 1

Aquaculture			
State Environmental Planning Policy No 64—Advertising and Signage	Yes	Any subsequent development applications must be compliant with these provisions.	Yes
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a		n/a
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a	This policy does not apply in Camden LGA.	n/a
State Environmental Planning Policy No 71—Coastal Protection	n/a	This policy does not apply in Camden LGA.	n/a
State Environmental Planning Policy (Affordable Rental Housing) 2009	yes	This SEPP is relevant to particular development categories. The Planning Proposal does not derogate or alter the application of the SEPP to future development	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	yes	Any subsequent development applications must be compliant with these provisions	yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	yes	This Planning Proposal is not inconsistent with the applications of this SEPP.	yes
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	yes	This Planning Proposal is not inconsistent with the applications of this SEPP.	yes
State Environmental Planning Policy (Infrastructure) 2007	yes	This Planning Proposal is not inconsistent with the applications of this SEPP.	yes
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a		n/a
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a		n/a
State Environmental Planning Policy (Major Development) 2005	n/a		n/a
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a		n/a
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a		n/a
State Environmental Planning Policy (Rural Lands) 2008	n/a		n/a

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a		n/a
State Environmental Planning Policy (State and Regional Development) 2011	n/a		n/a
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a		n/a
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	n/a		n/a
State Environmental Planning Policy (Urban Renewal) 2010	n/a		n/a
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a		n/a
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a		n/a
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a		n/a
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a		n/a
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a		n/a
Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a		n/a
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a		n/a
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	n/a		n/a
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a		n/a
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a		n/a
Sydney Regional Environmental Plan No 26—City West	n/a		n/a
Sydney Regional Environmental Plan No 28—Parramatta	n/a		n/a
Sydney Regional Environmental Plan No 30—St Marys	n/a		n/a
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a		n/a

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a		
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7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions as outlined in Appendix B.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic affects?

Not applicable.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Not applicable.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Given the minor nature of the issues listed in this planning proposal it is not deemed necessary to contact state or commonwealth public authorities.

Part 4 – Maps

The following Camden LEP 2010 maps will need to be amended:

Land Zoning Map

LZN_011

LZN_016

Lot Size Map

LSZ_016

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

LSZ_017

Height of Buildings Map

HOB_013

HOB_016

HOB_017

Part 5 – Community Consultation

The matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. Accordingly, it is considered that an exhibition period of two weeks is appropriate for this planning proposal.

Due to the housekeeping nature of this planning proposal, it is considered that consultation with State or Commonwealth public authorities is not required in this inst

Amendment No. 29 – Housekeeping Amendment to Camden LEP 2010

ORD02

Attachment 1

Part 6 – Project Timeline

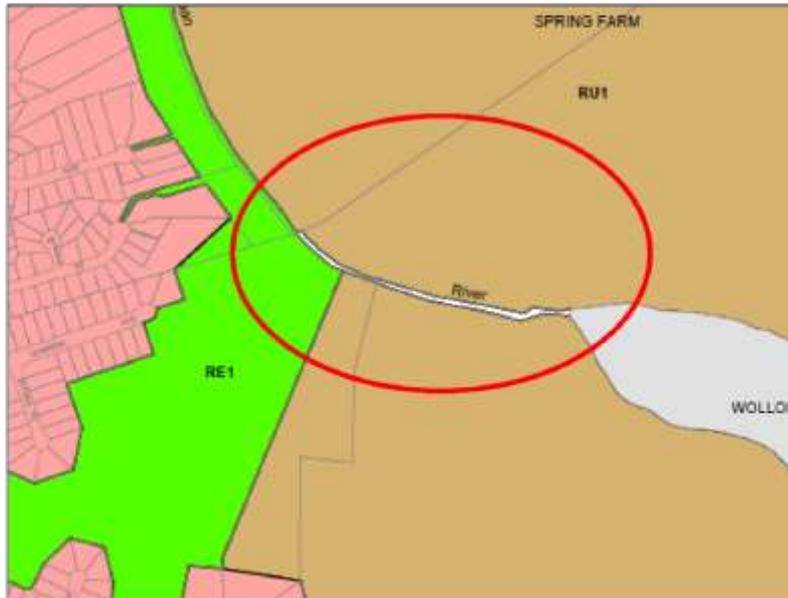
Anticipated commencement date (date of Gateway determination)	August 2014
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A
Commencement and completion dates for public exhibition period	August/September 2014
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	TBA
Timeframe for the consideration of a proposal post exhibition	TBA
Date of submission to the department to finalise the LEP	TBA
Anticipated date RPA will make the plan (if delegated)	TBA
Anticipated date RPA will forward to the department for notification	TBA

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

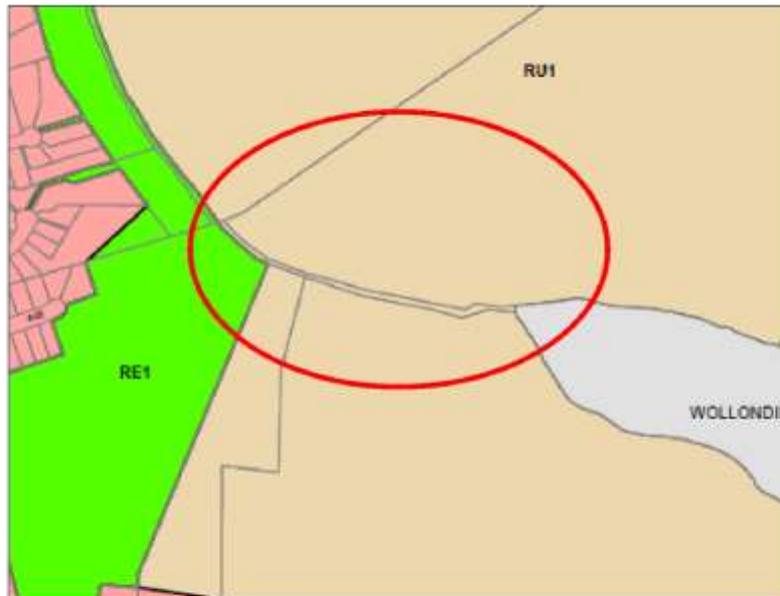
Appendix A – Comparison Maps

1.

Current Land Zoning Map



Proposed Land Zoning Map



ORD02

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

2.

Current Height of Buildings Map



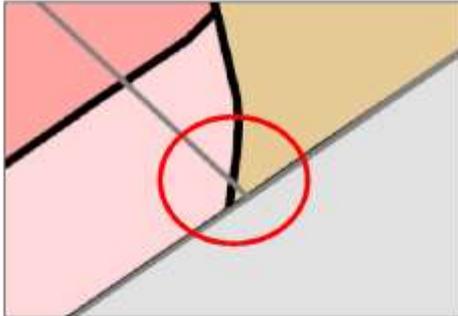
Proposed Height of Buildings Map



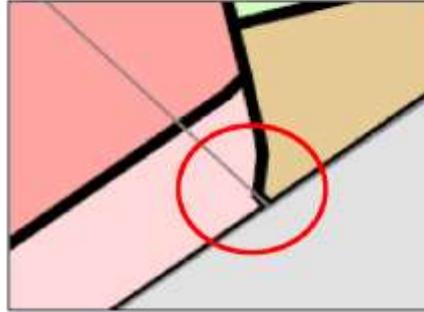
Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

3.

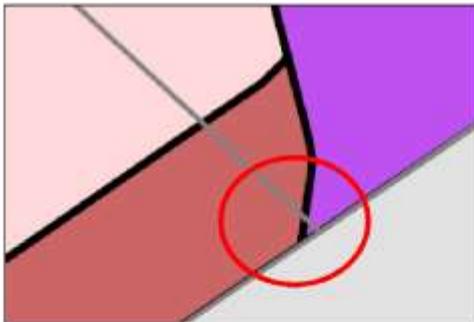
Current Land Zoning Map



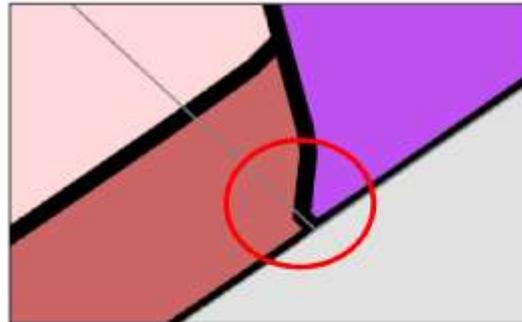
Proposed Land Zoning Map



Current Lot Size Map



Proposed Lot Size Map



ORD02

Attachment 1

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

4.

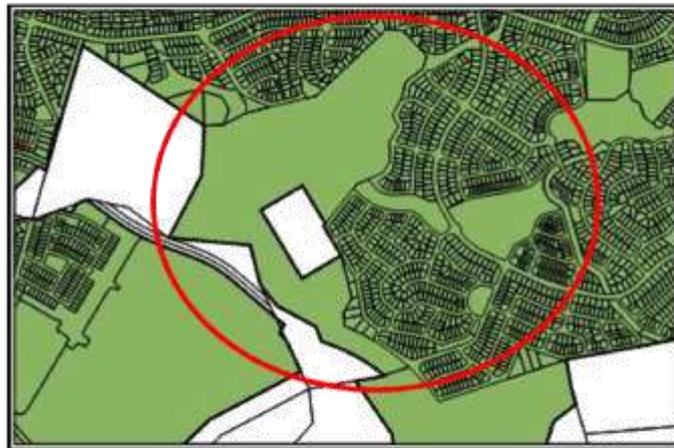
Current Lot Size Map



Proposed Lot Size Map



Current Height of Buildings Map



Proposed Height of Buildings Map



Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

Appendix B – Applicable section 117 directions

Direction	Objective	Response
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the vitality of identified strategic centres. 	<p><u>Item 2. Vehicle sales or hire in B5 Business Development zone</u></p> <p>The land use tables for B5 zone will be amended to allow for 'vehicle sales or hire' with consent. It will facilitate in achieving the objectives of this direction as it will increase the viability of the business zone.</p>
2.1 Environment Protection Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p><u>Item 1. Mapping Anomalies</u></p> <p>One of the amendments includes removing development standards to certain E1 National Parks and Nature Reserves and E2 Environmental Conservation lands. This will ensure this land is protected as subdivision is negated.</p>
2.3 Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p><u>Item 4: Heritage item descriptions</u></p> <p>The intent of the Planning Proposal is to amend the description of certain local heritage items under Schedule 5 of Camden LEP 2010. This amendment will ensure that the LEP is reflecting the correct item descriptions.</p>

Attachment 1

ORD02

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

Direction	Objective	Response
3.1 Residential Zones	<p>The objective of this direction are:</p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands. 	<p><u>Item 3: Health consulting rooms in R2 Low Density zone</u></p> <p>The land use table will be amended to allow for 'health consulting rooms' with consent. The proposed land use will provide a valuable service to low density residential areas in the Camden LGA. Accordingly, this planning proposal is considered to be consistent with this direction.</p>
3.3 Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p><u>Item 3: Health consulting rooms in R2 Low Density zone</u></p> <p>The land use table will be amended to allow for 'health consulting rooms' with consent. Health consulting rooms are considered a home occupation under the Exempt and Complying SEPP. Under the SEPP this use is exempt development. As such, this amendment will ensure Camden LEP is in line with the SEPP.</p>
5.1 Implementation of Regional Strategies	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The planning policy is consistent with the aims and objectives of all relevant regional Strategies.</p>
7.1 Implementation of	<p>The objective of this direction is to give legal effect to the</p>	<p>The proposals are compatible with the Metropolitan Strategy in that it assists with</p>

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

Direction	Objective	Response
the Metropolitan Strategy	vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	residential Greenfield development.

Amendment No. 29 – Housekeeping Amendments to Camden LEP 2010

ORD02

Attachment 1



OUTDOOR DINING POLICY

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ORD03

Attachment 1

Table of Contents

1.	Title.....	3
2.	Definition	3
3.	Objectives of Policy.....	3
4.	Approval Requirements	3
	4.6 Making an Application	4
	4.7 Permanent Structures.....	4
	4.8 Roads and Maritime Services (RMS) Requirements.....	4
	4.9 Liquor Licence	4
5.	Location and Site Guidelines.....	4
	5.1 Associated Premises.....	4
	5.2 Site Requirements.....	5
	5.3 Neighbourhood Amenity.....	5
6.	Placement Guidelines.....	5
	6.1 Delineation of Outdoor Dining Areas.....	5
	6.2 Access and Enclosure Requirements.....	5
	6.3 Consumption of Alcohol.....	8
	6.4 Smoking.....	8
7.	Furniture Guidelines.....	9
	7.1 Outdoor Furniture.....	9
	7.2 Umbrellas and Shade Structures.....	10
	7.3 Heating Devices	10
	7.4 Advertising and Signage.....	10
	7.5 Animals.....	10
8.	Management issues.....	11
	8.1 Approval Conditions	11
	8.2 Insurance Requirements	11
	8.3 Cleanliness and Maintenance	12
	8.4 Toilet Facilities.....	12
	8.5 Non-compliance.....	12

1. Title

1.1. Outdoor Dining Policy

2. Definition

2.1. For the purposes of this policy, an **Outdoor Dining Area** is an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.

3. Objectives of Policy

3.1. The objectives of the policy are:

- 3.1.1. To facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Camden's business zones.
- 3.1.2. To permit use of public space for private gain where the use is shown to be in the public interest.
- 3.1.3. To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.
- 3.1.4. To set a high standard for accessibility and public safety for all including people with disabilities within and around outdoor dining activities.
- 3.1.5. To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
- 3.1.6. To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.

4. Approval Requirements

- 4.1. Council approval must be obtained for an outdoor dining area.
- 4.2. This policy applies to all outdoor dining applications on land which is controlled by Council under the *Roads Act 1993* (roads and footpaths) within the Camden Local Government Area.
- 4.3. The *Food Act 2003* also applies in relation to the operation of outdoor dining areas as food premises. The *Liquor Act 2007* applies if there is a proposal for the service of alcohol. Provision of other legislation, including the *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia) are also relevant.
- 4.4. Outdoor dining areas should comply with the guidelines contained in this Policy. Council, however, will assess applications for alternative arrangements where the applicant can demonstrate that, on the merits of the individual case, the alternative arrangement will better achieve the objectives of this Policy.
- 4.5. In assessing these applications, Council will take into account:

- 4.5.1. Pedestrian circulation, continuous accessible path of travel (including for people with a mobility or visual impairment) and vehicular circulation;
- 4.5.2. The existing civic character, heritage, street qualities and function;
- 4.5.3. Available area for outdoor dining, including width of footpath and public spaces;
- 4.5.4. Proximity to associated approved food business and access points to nearby businesses;
- 4.5.5. Siting and design of any existing outdoor dining in the locality;
- 4.5.6. The interests and concerns of groups already using the street; and
- 4.5.7. Proximity to residential areas.

4.6 Making an Application

- 4.6.1 Applicants for an outdoor dining area must submit an Outdoor Dining Application Form, which is available from Council's Customer Service Centre and Council's website www.camden.nsw.gov.au.
- 4.6.2 Prior to lodging an application, applicants are advised to contact Council to ensure that necessary plans, details, fees and insurance certificates are satisfactory for submission to Council.

4.7 Permanent Structures

- 4.7.1 The erection of permanent structures and awnings in outdoor dining areas will not be approved unless in the context of an integrated streetscape design prepared by Council.

4.8 Roads and Maritime Services (RMS) Requirements

- 4.8.1 Applications for an outdoor dining area on a classified road or adjacent to traffic control signals will require concurrence/approval from the RMS.

4.9 Liquor Licence

- 4.9.1 A Liquor Licence needs to be obtained prior to the consumption of alcohol within an outdoor dining area from the Office of Liquor, Gaming and Racing. Any application for a Liquor Licence is also subject to any applicable Alcohol Free Zones within the Camden Local Government Area.

5. Location and Site Guidelines

5.1 Associated Premises

- 5.1.1 An outdoor dining area application will only be considered where:
 - a) It is associated with an adjacent approved food business; and
 - b) The applicant is the owner or proprietor of that food business.
- 5.1.2 Hours of operation for the outdoor dining area shall be in accordance with the hours of operation for the adjacent associated food premises.

5.2 Site Requirements

- 5.2.1 An outdoor dining area is only appropriate where:
- The public space is wide enough to accommodate the outdoor dining area while still maintaining a clear pathway for all pedestrians including those using mobility aids;
 - The ground surface of the outdoor dining area is suitably constructed, sealed and sufficiently level to accommodate the outdoor dining furniture; and
 - The area may be used safely by and without inconvenience to pedestrians, diners or vehicular traffic.

5.3 Neighbourhood Amenity

- 5.3.1 The location and operation of outdoor dining areas must take into consideration the amenity of neighbours and other users of the public space.
- 5.3.2 The use of the area shall not give rise to any nuisance to adjoining properties or offensive noise as defined in the *Protection of the Environment Operations Act 1997*. Amplified music is not allowed to be played within the outdoor dining area.
- 5.3.3 No entertainment shall be permitted within the outdoor dining area without the consent of Camden Council.

6. Placement Guidelines

6.1 Delineation of Outdoor Dining Areas

- 6.1.1 An outdoor dining area is to be clearly marked and operated within the approved area (as determined by Council).
- 6.1.2 The boundary markers of the outdoor dining area shall be installed and maintained by Council after approval is granted.
- 6.1.3 The markers that identify the boundary of the outdoor dining area must not be removed or their position altered without Council's prior written approval.
- 6.1.4 An outdoor dining area may be permitted to extend outside adjoining premises provided the written consent of the owner and tenant/proprietor is obtained and approval is gained from Council.
- 6.1.5 The person who has been granted approval must discontinue using the extension of an outdoor dining area (at their own cost) and remove all furniture and other improvements if the owner or the tenant/proprietor of the adjoining premises withdraws consent to the extension for any reason.
- 6.1.6 Outdoor dining areas must be visible from the adjacent approved food business.

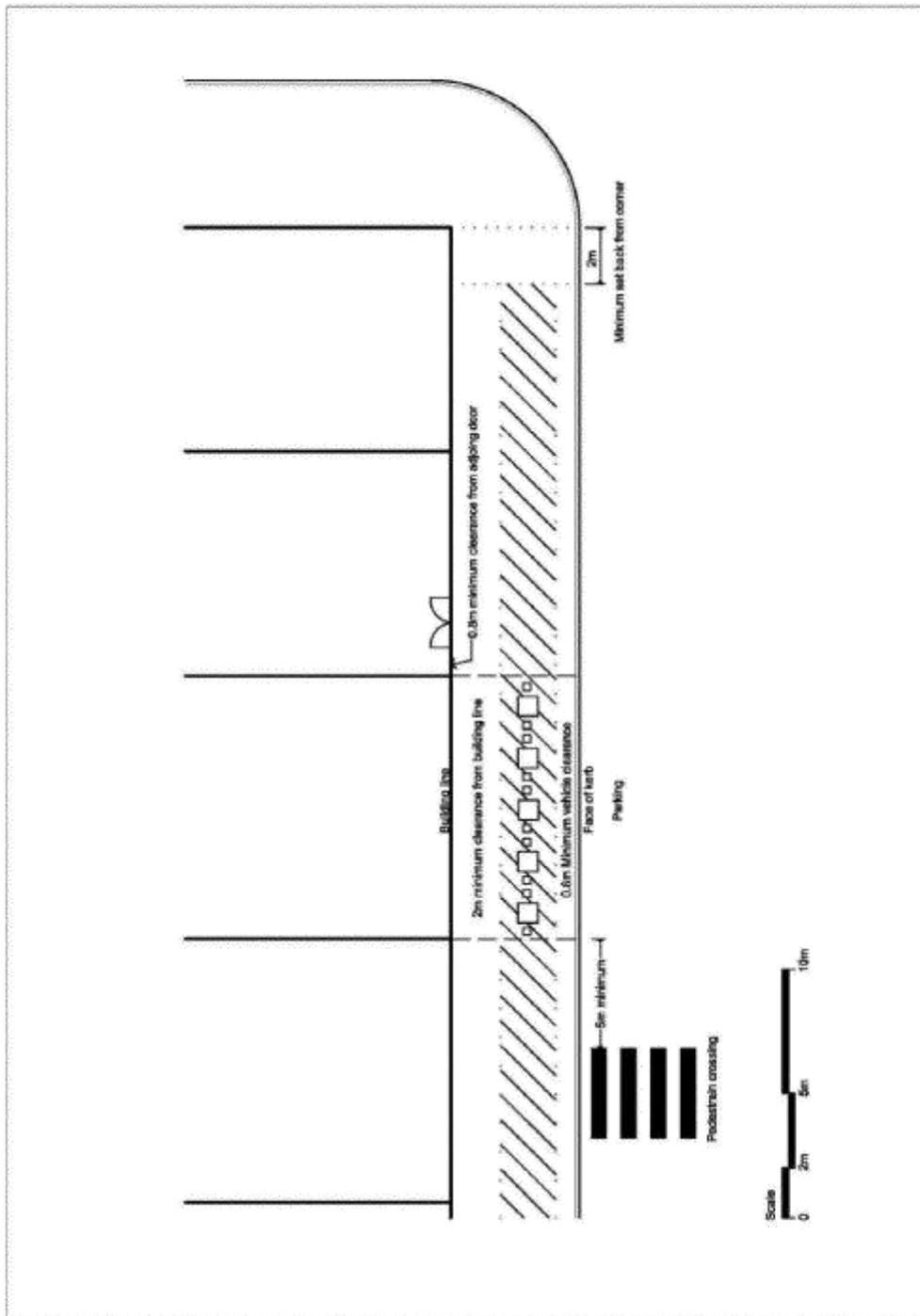
6.2 Access and Enclosure Requirements

- 6.2.1 An outdoor dining area should:
- provide an unobstructed pedestrian path of travel of at least 2 metres wide, generally adjacent to the building alignment, along the footway to ensure a continuous path of travel for those using the footpath;

- b) generally be located adjacent to the road kerb, to allow for continuous easy movement of pedestrians along the footpath, browsing in shop windows, entry into shops and ease of movement for people with vision impairment or other disabilities;
- c) in general, maintain a minimum clear width of one (1) metre, exclusive of any obstruction or street fixtures (e.g. bench, bollard, barrier, tree, rubbish bin, pole, etc.) to provide access for pedestrians and persons using a mobility aid. In special circumstances (e.g. high volume pedestrian or traffic areas, such as near busy intersections) greater widths may be required;
- d) at street intersections provide a setback of at least two (2) metres from the building corner, exclusive of any obstruction or street fixture (e.g. bench, tree, rubbish bin, pole etc.).
- e) where vehicles are permitted to park against the kerb, be at least 0.8 metres from the kerb edge for safety considerations and to enable passengers to alight from and access parked vehicles;
- f) there must be a minimum 0.8m setback from any adjoining premises door opening;
- g) no furniture, at any time may be placed outside the outdoor dining area (including while seats are being used);
- h) the layout and space of tables and chairs must provide access and comply with safety standards at all times;
- i) provide a lightweight barrier (temporary, metal framed fabric style or comparable) suitably enclosing the approved outdoor dining area. Such barrier shall be a minimum of 0.6 metres and a maximum of 1.2 metres high and complementary in colour to the outdoor furniture and the surrounding area. The boundary furniture should have no sharp edges and any protruding feet must be contained wholly within the marked outdoor dining area. Safety rails and bollards etc. will be permitted where required for safety reasons.
- j) not impede access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like;
- k) conform to the RMS's requirements where relevant;
- l) not be located adjacent to bus stops, taxi zones, designated disabled parking spaces, construction zones and the like;
- m) not be located within five (5) metres of any pedestrian crossing access point;
- n) not be located on both sides of the pedestrian access path unless the location has been purpose built to accommodate placement of furniture or there is sufficient footpath width; and
- o) all items must be kept clear of all required fire exits of the premises or of adjoining premises.

6.2.2 Outdoor dining areas may be approved against the shop front where due to pedestrian crossings/site problems they cannot be against the kerb and in otherwise favourable locations minor modifications of the nominated clearances may be appropriate subject to Council's approval.

Plan of Preferred Site Layout



6.2.3 Planter boxes may not be included in an outdoor dining area without Council's prior written consent. The location of any planter boxes must be shown on all plans submitted to Council. Planter boxes may only be placed on the kerb side of the dining area and not between adjoining dining areas or between dining areas and pedestrian areas. In addition planter boxes must:

- a) not exceed 1.2 metres in length, 0.6 metres in width and 1.2 metres in height, including the plants;
- b) be located within the approved area at all times;
- c) not display any advertising;
- d) be planted and maintained to the satisfaction of council; and
- e) be removed from the outdoor dining area and stored outside trading hours

6.2.4 Where applicants propose the use of a form of enclosure for outdoor dining areas, such as roll-up blinds and the like, the enclosures are:

- a) to be removed from the outdoor dining area and stored outside trading hours;
- b) not to be permanently rolled down (in the case of blinds), i.e. can be rolled up and down for use only in inclement conditions;
- c) to be used around no more than two (2) sides of the outdoor dining area. In the case of a row of outdoor dining areas, should only be used on the perimeter of the entire row of outdoor dining areas so as not to work against the amenity of outdoor dining;
- d) not cause any obstruction to the minimum path clearance required for public access (including access for the disabled);
- e) not to encroach on the roadway or be able to be blown onto the kerb edge/roadway area or pedestrian area;
- f) not to be located near any heating devices so as to cause a potential fire hazard;
- g) to be securely fitted and installed to ensure that they withstand the effects of wind and further they be removed or closed in extremely windy conditions and must be removed when the outdoor seating is not in use;
- h) fixtures that penetrate or damage the pavement on Council's footpaths will not be permitted;
- i) not undermine the strength of the structure on which they are to be fitted; and
- j) not to be used for the display of advertising.

6.3 Consumption of Alcohol

6.3.1. The use of an outdoor dining area for the consumption of alcohol will be assessed on a case by case basis. The applicant will need to apply for the relevant liquor licence from the Office of Liquor, Gaming and Racing.

6.3.2 The consumption of alcohol will not be permitted within an area identified as an alcohol free zone under the provisions of the *Local Government Act 1993*.

6.3.3 If approved, alcohol shall not be served without a meal service.

6.4 Smoking

6.4.1 The *Smoke Free Environment Act 2000* bans smoking in commercial outdoor dining areas from 6 July 2015 being

- a) a seated dining area; or

- b) within 4 metres of a seated dining area on premises that are licensed premises under the *Liquor Act 2007* or the premises of a restaurant as defined in that Act.

6.4.2 A "seated dining area" is:

- an area which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed. The seating must have been provided by the occupier of the premises where the food is purchased or by the operator of the business from which the food is purchased;
- an area is only a seated dining area when food is being consumed there or is available to be purchased and consumed there;
- an area is not a seated dining area if the area is designated as not being for the consumption of food by the display within the area of signs complying with the Regulations;
- the occupier of an area designated as not being for the consumption of food must take reasonable steps to ensure that the consumption of food does not occur in the area.

7. Furniture Guidelines

7.1 Outdoor Furniture

- 7.1.1 Outdoor furniture must be safe, comfortable, of sturdy construction, hygienic and designed for outdoor use. Surface tops should be non-reflective and be of a design which inhibits the collection of food particles.
- 7.1.2 The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape.
- 7.1.3 A single style and colour scheme must be selected for tables, chairs, umbrellas and edge furniture to provide consistency and identity.
- 7.1.4 Outdoor furniture, including but not limited to tables, chairs, planter boxes and barriers must, at all times, be properly placed and confined within the outdoor dining area and shall not impact upon the safety of other users.
- 7.1.5 Items placed in the outdoor dining area must not cause damage to the existing footway or other public infrastructure. The outdoor dining operator is responsible for any damage caused to third parties.
- 7.1.6 It is the responsibility of the food business operator and employees to ensure that patrons do not move furniture from within the boundaries of the outdoor dining area.
- 7.1.7 No outdoor furniture is to be permanently fastened to the footway.
- 7.1.8 All items must be removed from the outdoor dining area upon completion of trading each day and stored within the adjacent approved food business.
- 7.1.9 Outdoor dining areas on footways and public spaces to which vehicular traffic has access must be protected by approved barriers.
- 7.1.10 No outdoor furniture or other items, other than that approved by Council, is permitted within the outdoor dining area.

7.2 Umbrellas and Shade Structures

- 7.2.1 Umbrellas and shade structures must be anchored to ensure that they are secured to withstand the effects of wind. Fixtures that penetrate or damage Council's pavement will not be permitted.
- 7.2.2 The device used to anchor the umbrella must not present a trip hazard.
- 7.2.3 Umbrellas must not encroach on, or interfere with pedestrian or vehicular movement.
- 7.2.4 Umbrellas and shade structures must be at least 2.2 metres above the ground level at the lowest point and be contained wholly within the outdoor dining area.
- 7.2.5 Umbrellas and shade structures must be manufactured from fire retardant material if adjacent to a heating device.
- 7.2.6 Umbrellas must be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.
- 7.2.7 Umbrellas must be maintained in sound and aesthetically acceptable condition to the Council's satisfaction.
- 7.2.8 Umbrellas and shade structures must not contain general advertising but may include business premises identification and advertising associated with the adjacent approved food premises (e.g. coffee brand).

7.3 Heating Devices

- 7.3.1 Free standing heaters located within outdoor dining areas must comply with Australian Standard AS 1596 (Storage and Handling) and must be certified by the Australian Gas Association.
- 7.3.2 Heating devices must be contained wholly within the outdoor dining area.
- 7.3.3 Heating devices must be positioned and secured to ensure that they will not cause any injury. Outdoor dining operators are responsible for any damage caused.
- 7.3.4 Access to the gas mains and use of electrical extension cords are not permitted.

7.4 Advertising and Signage

- 7.4.1 The name of the associated food business or logo may be placed on outdoor umbrellas only and no other items of furniture (unless the written consent of Council has been obtained) and only if it:
 - a) Identifies the café or advertises products which are a core part of the food business and are supplied by the business to the public;
 - b) Involves only one product or business name being advertised;
 - c) Is in the nature of a corporate logo or identification; and
 - d) Is of a minor and integral element of the furniture design and does not have an excessive impact on the outdoor dining area or the streetscape.

7.5 Animals

- 7.5.1 Animals are permitted within the outdoor dining area under the *Companion Animals Act 1998*. All requirements of the *Companion Animals Act 1998* must be met including:
 - a) The dog must be under effective control by way of chain, cord or leash;

- b) The person does not feed the dog or permit the dog to be fed; and
 - c) The dog is kept on the ground.
- 7.5.2 The operator of the premises reserves the right to refuse animals within the approved area.

8. Management issues

8.1 Approval Conditions

- 8.1.1 Council will charge a fee for the use of the footpath as an outdoor dining area. Application fees and annual rental fees are as set out in Council's Fees and Charges Schedule.
- 8.1.2 It is the responsibility of the outdoor dining operator to meet all the conditions of approval.
- 8.1.3 All requirements of the food safety standards adopted under NSW legislation are to be fully met.
- 8.1.4 The outdoor dining operator shall take all reasonable precautions to ensure the good conduct of employees and patrons of the outdoor dining area.
- 8.1.5 An approval may be granted for a period up to 7 years and shall conclude at the end of the approval period.
- 8.1.6 Expiration of the approval will require lodgement of a new application.
- 8.1.7 Council will not be responsible for any costs, expenses or losses if public infrastructure needs to be accessed.
- 8.1.8 Council may revoke an approval or amend the approved area due to footway layout being altered (e.g. road works or streetscaping works).
- 8.1.9 An approval lapses if the adjacent approved food business ceases to trade.
- 8.1.10 Approvals are transferable, provided Council is notified and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.
- 8.1.11 Despite any provisions of this Policy, Council may amend any approval to meet legislative requirements or altered circumstances at specific sites at any time.

8.2 Insurance Requirements

- 8.2.1 The applicant/operator for an outdoor dining approval is to indemnify Council against any action taken against it by persons suffering any loss or injury as a result of the existence or operation of the outdoor dining area.
- 8.2.2 Public risk insurance must be taken out and maintained by the approval holder of the food business to the minimum value of \$20 million or any other amount as Council may stipulate from time to time (for each accident or event) with Council noted on such policy as an interested party.
- 8.2.3 The approval holder is required to lodge a copy of the policy with Council prior to the placement of furniture within the approved outdoor dining area.
- 8.2.4 A Certificate of Currency is required to be furnished annually or on renewal of the insurance and with each outdoor dining renewal application.

8.3 Cleanliness and Maintenance

- 8.3.1 The outdoor dining area, furniture, facilities and the pavement must be maintained in a clean and tidy condition at all times, free from food scraps, refuse and disfigurement etc.
- 8.3.2 Food must not be cooked or prepared in the outdoor dining area.
- 8.3.3 No equipment ancillary to food service eg cutlery, condiments etc are to be stored within the outdoor dining area.
- 8.3.4 The approval holder must also maintain the adjacent areas and keep them free of any waste generated by the activity within the approved area.
- 8.3.5 The approval holder must have suitable arrangements for a commercial waste collection service for waste to be disposed of (not to street bins).
- 8.3.6 The approval holder is to bear the cost of all pavement repairs which have been caused by the outdoor dining activities. Such damage will be repaired by Council at the approval holder's cost.

8.4 Toilet Facilities

- 8.4.1 Inclusion of outdoor seating increases the number of seats to a cafe or restaurant and as such may require an increase in the provision of toilet facilities. Approval holders must ensure that toilet facilities are made available to patrons (inside and outside) in accordance with the requirements of the National Construction Code Series (Building Code of Australia).

8.5 Non-compliance

- 8.5.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.
- 8.5.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.
- 8.5.3 Authorised officers may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.
- 8.5.4 The business owner, operator and persons employed by the business owner or operator must comply with any direction/order given by a Council authorised officer with respect to the outdoor dining area.
- 8.5.5 Authorised officers of Council are empowered to issue a direction/order (verbally or in writing), revoke an approval, and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).
- 8.5.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an authorised officer of Council or for a failure to comply with any condition of approval or Policy.
- 8.5.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should authorised officers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will

be provided before the notice becomes effective. Generally, a reasonable period of notice will be 5 working days. This period of notice may however be shortened if the particular circumstances warrant the urgency. The provision of notice will not apply where in the opinion of the authorised officer; there is an imminent threat to the health and safety of the community.

- 8.5.8 If in the opinion of an authorised officer, there is an imminent threat to the health and safety of the community (eg. pedestrian and vehicular traffic hazards, wind blown items etc), the business owner, operator or employee must take immediate action to any direction/order issued by an authorised officer of Council. Should the business owner, operator or employee fail to take immediate action, an authorised officer may remove all furniture and take all necessary action required to eliminate the health and safety threat in respect of the outdoor dining area at the approval holder's expense.
- 8.5.9 Any approval issued under this Policy is subject to any relevant legislative requirements including but not limited to the *Food Act 2003*, *Liquor Act 2007*, *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia).

DRAFT

ORD03

Attachment 1

RELEVANT LEGISLATION:

Roads Act 1993
Environmental Planning and Assessment Act 1979
Local Government Act 1993
Food Act 2003
Liquor Act 2007
Companion Animals Act 1998
Work Health & Safety Act 2011
Smoke Free Environment Act 2000
Impounding Act 1993
 National Construction Code Series (Building Code of Australia)

RELATED POLICIES AND PROCEDURES:

RELEVANT CAMDEN 2040 KEY DIRECTION AND OBJECTIVE:

Strong Local Leadership; 6.2 It is well governed.

RESPONSIBLE OFFICER:

Director Customer and Corporate Services

APPROVALS

ELG, Council

NEXT REVIEW DATE:

Month and Year

RECORD KEEPING NOTES:

CONFIDENTIALITY/PRIVACY REQUIREMENTS: Available to the Public

DRAFT STANDARD CONDITIONS

Example of standard conditions attached to outdoor dining approvals under the Roads Act 1993.

CONDITIONS OF APPROVAL

Approval to use Footway for Outdoor Dining

Section 125 Roads Act 1993

That pursuant to section 125 of the *Roads Act 1993* approval be granted to (INSERT NAME), proprietor of (INSERT NAME OF FOOD PREMISES) to use (INSERT AREA) m2 in front of (INSERT STREET NAME, SUBURB) for outdoor dining for a period of (INSERT TERM) years, commencing on (INSERT DATE), subject to the following conditions of approval and the provisions of Council's Outdoor Dining Policy.

1. Term

1.1 The approval is granted to (INSERT NAME) trading as (INSERT BUSINESS NAME) "the approval holder" for a term of (INSERT FROM 1 TO 7) years commencing on the (INSERT DATE) and ceasing on the (INSERT DATE) unless: -

- (a) Council cancels or suspend the approval; or
- (b) The approval holder cancels it; or
- (c) The approval holder ceases to operate the adjacent food business; or
- (d) The approval holder becomes bankrupt or dies.

2. Payments

2.1 The rental payable for the period from (INSERT DATE) shall be \$(INSERT PER ANNUM AMOUNT) (GST inclusive) per annum payable in advance to the Council or as it may direct for the first year, with ongoing fees reviewed as per Council's annual fees and charges.

3. Approval

- 3.1 This approval relates to the land delineated in the attached plan.
- 3.2 The land or any part thereof shall not be used for any purpose other than as an outdoor dining area in accordance with these conditions.
- 3.3 On commencement of the term, the approved area is to be physically delineated by markers prescribed by Council. Any markers will be installed by Council in the footpath at the applicant's expense (included in the application fee).
- 3.4 Installation of or replacement of outdoor furniture must be in accordance with the provisions of Council's Outdoor Dining Policy.
- 3.5 The approval holder shall ensure that at no time do the tables or chairs encroach upon any part of the footpath that does not form part of the approved site area.

4. Right of Inspection

- 4.1 The Council through its authorised agents or officers may enter and view the state of repair of the land and such fixtures as may be installed thereon at any reasonable time.
- 4.2 Council authorised officers may issue a verbal notice to relocate any furniture that is not contained wholly within the approved outdoor dining area.

5. Display of Approval

- 5.1 A copy of the Outdoor Dining approval issued by Council must be available for inspection by Council at any time.

6. Renewal of Approval

- 6.1 The approval holder must give Council written notice of an intention to renew the approval three (3) months before the expiration of this approval.
- 6.2 If no notice of intention to renew is received by Council prior to the expiry date of the approval, the approval will be deemed to have lapsed and no longer valid.

7. Non-compliance

- 7.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.
- 7.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.
- 7.3 Authorised officers may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.
- 7.4 The business owner, operator and persons employed by the business owner or operator must comply with any direction/order given by a Council authorised officer with respect to the outdoor dining area.
- 7.5 Authorised officers of Council are empowered to issue a direction/order (verbally or in writing), revoke an approval, and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).
- 7.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an authorised officer of Council or for a failure to comply with any condition of approval or policy.
- 7.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should authorised officers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will be provided before the notice becomes effective. Generally, a reasonable period of notice will be 5 working days. This period of notice may however be shortened if the particular circumstances warrant the urgency.

- 7.8 The provision of notice will not apply where in the opinion of the authorised officer there is an imminent threat to the health and safety of the community.
- 7.9 If in the opinion of an authorised officer there is an imminent threat to the health and safety of the community (eg. pedestrian and vehicular traffic hazards, wind blown items etc), the business owner, operator or employee must take immediate action to any direction/order issued by an authorised officer of Council.
- 7.10 Should the business owner, operator or employee fail to take immediate action, an authorised officer may remove all furniture and take all necessary action required to eliminate the health and safety threat in respect of the outdoor dining area at the approval holder's expense.
- 7.11 Any impounded items are subject to release and holding fees in accordance with Council's annual fees and charges.

8. Cancellation of the Approval

- 8.1 Council may cancel this approval if any of the following occur:
- (a) the approval holder does not meet the requirements of this approval or the outdoor dining policy; or
 - (b) the approval holder gave Council information in the application for this approval that was untrue or incomplete or misleading; or
 - (c) an approval has been revoked by an authorised officer of Council; or
 - (d) the approval holder receives notice of Council's decision that Council still requires compliance with any of the requirements in the warning notice, and the approval holder does not meet those requirements; or
 - (e) the approval holder hinders or prevents Council from carrying out any inspection or check; or
 - (f) the approval holder does not pay any of the fees on time; or
 - (g) the approval holder fails to hold adequate insurance as required by Clause 11.
- 8.2 If Council decides to cancel this approval, Council will notify the approval holder.
- 8.3 When the approval holder receives a notice under 8.2, the approval holder must cease use of the site immediately, remove all furniture from the site, make good all damage done to the footpath by the reason of occupation of the footpath and restore the footpath to the condition it was in prior to commencement of the approval, including repaving the footpath or otherwise restoring the surface of the footpath to such condition.
- 8.4 If the approval holder does not cease to use the site or does not remove the furniture and restore the site when required, Council's authorised officers may remove it (at the approval holder's expense). Council may also take legal action against the approval holder.
- 8.5 Council is not liable to the approval holder for any compensation if the approval is suspended or cancelled.

9. Approval Holder's Right to End the Approval

- 9.1 The approval holder must notify Council in writing at least thirty (30) days before the approval holder wants to end the approval. The approval then ends after thirty (30) days, or on any later date requested by the approval holder.
- 9.2 When the approval ends, the approval holder must cease to use the site, remove all furniture from the site, make good all damage done to the footpath by reason of occupation of the footpath and restore the footpath to the condition it was in prior to commencement of the approval, including repaving the footpath or otherwise restoring the surface of the footpath to such condition.
- 9.3 If the approval holder does not cease to use the site or does not remove the furniture and restore the site, when the approval ends, Council's authorised officers may do so (at the approval holder's expense). Council may also take legal action against the approval holder.

10. Indemnity

- 10.1 The approval holder shall indemnify the Council against all or any claims in respect of the occupation or use of the land pursuant to the grant of approval.

11. Insurance

- 11.1 The approval holder shall effect and keep effected a public risk policy of insurance with an insurance company approved by the Council against any demand, claim or action in respect of injury, loss or damage to any person or property howsoever sustained arising out of the occupation or use of the land (by the approval holder and/or persons claiming under it) at any time during the term of the approval in such amount as the Council may from time to time require which amount shall not be less than **twenty million dollars**, noting Camden Council as an interested party.
- 11.2 A failure by the approval holder to keep the insurance policy and provide a certificate of currency annually will entitle Council to cancel this approval.
- 11.3 The approval holder must:-
- (a) give Council, not later than the commencement date and within 14 days before each anniversary of that date, evidence of maintenance of the policy; and
 - (b) not terminate a policy without giving Council at least 14 days previous notice; and
 - (c) give Council a copy of each notice given to the approval holder by the insurer.

12. Notices

- 12.1 Notices given under this approval:
- (a) must be in writing;
 - (b) must be delivered personally or by post to the approval holder's address stated in this approval; and
 - (c) are taken to have been received when delivered personally or 2 working days after the date of posting.

13. Resolving Disputes

- 13.1 Council will try to resolve any dispute by discussing it with the approval holder in the first instance.

14. Assignment of Approval

- 14.1 This approval is personal to the approval holder. Should the approval holder sell or assign its interests in the adjacent food business this approval may be assigned provided all fee and charge payments are up to date; Council is immediately notified of the purchaser/assignee; and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.
- 14.2 In the event that the conditions outlined in 14.1 are not immediately met the purchaser/assignee shall have no claim or guarantee that the part of the footpath the subject of the approval may be used for the purpose of outdoor dining. Any prospective purchase/assignee then will be required to make separate application to Council for approval to use the part of the footway the subject of the previous approval.

15. Miscellaneous

- 15.1 The approval holder must comply with any policy relating to outdoor dining as adopted by Council from time to time.
- 15.2 The approval holder shall maintain and renew from time to time all licences, permits and registrations required for the carrying on of the business of outdoor dining on the land and shall observe, perform and fulfil all the requirements of any statutes, regulations or by-laws in so far as they may apply to the land or to the business conducted thereon.
- 15.3 The approval holder will comply with the provisions of the *Roads Act 1993*, *Food Act 2003*, *Liquor Act 2007*, *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia) or any regulations made thereunder and the approval holder shall indemnify and keep indemnified the Council against the failure on the part of the approval holder and/or persons under its control to comply with this condition.
- 15.4 This approval does not confer on the approval holder an exclusive right to possession of the land and the land may be used as a pedestrian access way by members of the public.
- 15.5 The *Retail Leases Act 1994* does not apply to an approval under this policy.

ORD03

Plan of Approved Outdoor Dining Area
(INSERT PLAN OF APPROVED AREA)

Attachment 2

ORD03

Attachment 3

PART 2: DETAILS OF FOOTPATH AND PROPOSED SEATING	
Please indicate the type of application below:	
New Application <input type="checkbox"/> Renewal <input type="checkbox"/> Change of Ownership <input type="checkbox"/>	
Describe the proposed outdoor dining	Length of outdoor dining area Width of outdoor dining area Proposed number of patrons in outdoor dining area Area m2 Furniture Proposed Associated Structures Proposed: Barriers <input type="checkbox"/> Planter Boxes <input type="checkbox"/> Heaters <input type="checkbox"/> Umbrellas <input type="checkbox"/> No..... No..... No..... No..... Please provide details of other structures if applicable. Do you intend on using the footpath space of adjoining premises? If so, please provide written consent from the owner and tenant of the adjoining premises as part of this application. Do you intend to serve alcohol within the outdoor dining area, if approved? Yes/No Details of current Development Application/Consent to operate a food/licensed premises at this address Development Approval Number: Complying Development Certificate Number: Date Determined (if available)
Attachments to be included when submitting an application	1. Colour photographs of the site, its context and proposed area, including any trees, rubbish bins, pedestrian crossings, bus stops etc. 2. A plan showing: <ul style="list-style-type: none"> • the location of the proposed outdoor seating area and the adjoining premises; • location of all doorways and service openings and of any other outdoor dining areas in the vicinity; and • the identification of pedestrian access ways. 3. Copy of the Public Liability Insurance Policy to the amount of \$20million and noting Camden Council as an interested party.

Your declaration	<p>I apply for consent to operate outdoor dining in a portion of the public domain. I declare that all the information given is true and correct. I also understand that if incomplete, the application may be delayed or rejected.</p> <p>Signature..... Date</p>
Privacy Provisions	
<p>The information you provided for your application will be recorded by Camden Council, 37 John Street Camden NSW 2570, and used for the purposes of assessing your proposal. The information is intended for use by the Council as the consent authority and any other relevant government agency who may be required to assess the proposal. Details of the application and any subsequent decision will also be kept in a register by the Council that can be viewed by the public at any time. If this information is not provided your application may not be accepted, not processed or rejected for lack of information. Please contact Council if the information you have provided is incorrect or changes.</p>	
HOW TO LODGE YOUR APPLICATION	

Address the application to:

The General Manager
Camden Council

and send it to us by any of the following methods:

Fax: 02 4654 7829

Mail: PO Box 183
Camden NSW 2570

Courier: 37 John Street
Camden NSW 2570

How to Contact Us:

Phone: 02 4654 7777
Fax: 02 4654 7829
Email: mail@camden.nsw.gov.au

Website

www.camden.nsw.gov.au

We are open for business from 8.30am to 5.00pm
Monday to Friday.

Fees:

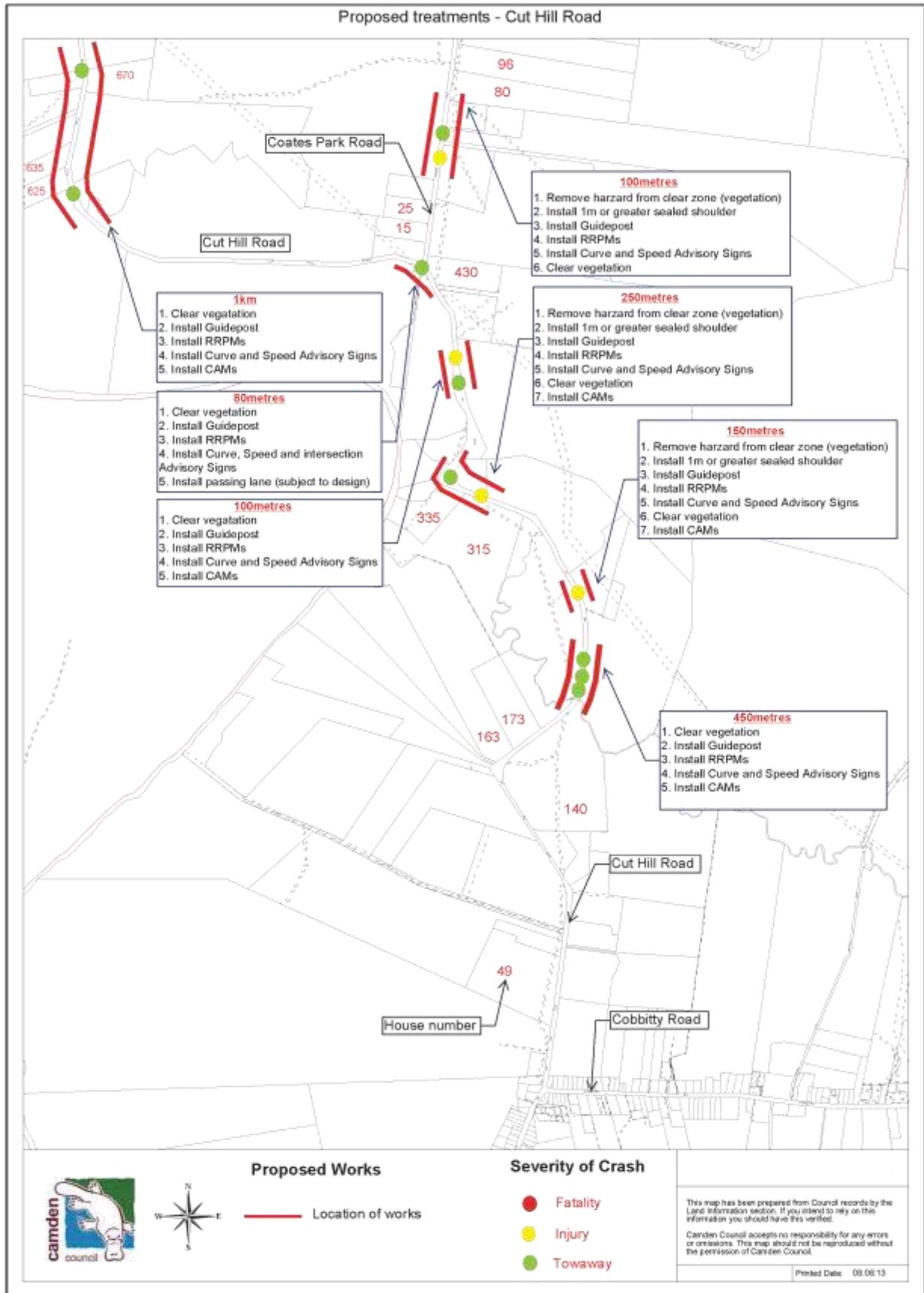
The application and annual rental fees are set out
in Council's Schedule of Fees and Charges.

ORD03

Attachment 3

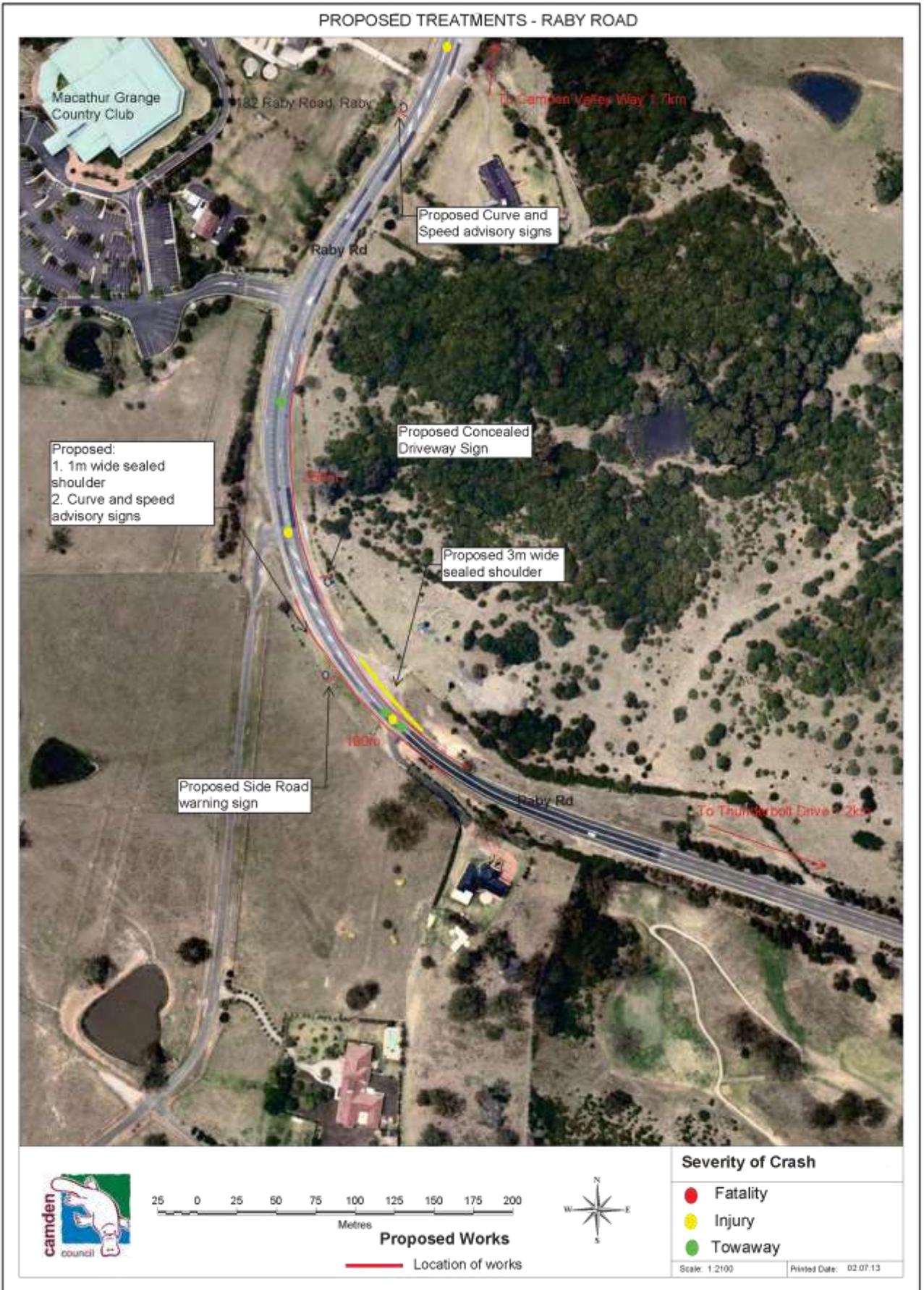
ORD03

Attachment 3



ORD07

Attachment 2





Diary

July – August 2014

Diary

COUNCIL MEETINGS & WORKSHOPS	OTHER COUNCIL EVENTS	EXTERNAL EVENTS
<p>Tuesday 22 July Council Meeting immediately followed by:</p> <ul style="list-style-type: none"> - Planning Proposal to rezone riparian lands within Turner Road and Oran Park Precincts (Kylie Powell) - Oran Park Administration Building Update (Patrick Mulqueeney) - Development Applications (Jeremy Swan) 	<p>National Tree Day Sunday 27 July at 9.00am Ron Dine Reserve, Camden South</p>	<p>South Western Sydney Academy of Sport Graduation and Awards Dinner Friday 1 August 2014 at 6.30pm The Cube, Campbelltown</p>
<p>Tuesday 12 August Council Meeting immediately followed by:</p> <ul style="list-style-type: none"> - Signs & Banners Policy (Geoff Green) – <i>To be confirmed</i> - <i>Cornish Voluntary Planning Agreement (Kylie Powell) – TBC</i> - Investment Policy (Paul Rofe) 		
<p>Tuesday 26 August Council Meeting</p>		

Attachment 1

