

# Footway Dining Application Form (If development consent previously granted)

Made under Section 125 of the Roads Act 1993

APPLICATION/REFERENCE NUMBER:

DATE:

## ABOUT THIS FORM

Use this form to obtain approval under the Roads Act 1993 to use part of a public footway for outdoor dining if you have already received development consent for the footway dining area under the Environmental Planning and Assessment Act 1979.

**Note: The footway dining area and hours of operation in this application must be the same as those approved under the development consent. If you wish to change the area and/or hours you must modify your development consent prior to lodging this application.**

If your application is for footway dining on a classified road, it will be subject to the concurrence of the Roads and Maritime Services (RMS).

If you are issued with a footway dining approval, you must then enter into an Agreement with Council prior to commencement of business operations on the footway.

**Prior to the Agreement being entered into, you will be required to obtain a report from a professional structural engineer that confirms that any awning attached to the associated food and drink premises is currently structurally adequate and fit-for-purpose.**

## APPLICANT DETAILS

The Roads Act requires approvals for footway dining to be given to the person who conducts the restaurant. Consequently, the applicant must be the person (not the business) who operates the restaurant.

Title: ☐ Mr ☐ Mrs ☐ Ms ☐ Other: .....

Applicant's Name: .....

Postal Address: .....

Suburb: ..... Post Code: .....

Phone No(s): ..... Mobile: .....

## LOCATION OF FOOD AND DRINK PREMISES OPERATED BY THE APPLICANT

Unit/Street No: ..... Street: .....

Suburb: ..... Post Code: .....

Lot / DP/SP No(s): ..... Strata/Deposited Plan Number(s): .....

Owner's Name (or Company): .....

## GET IN CONTACT

Randwick City Council  
30 Frances Street  
Randwick NSW 2031  
ABN: 77 362 844 121

Phone 1300 722 542  
[council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)  
[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

## REASON FOR SUBMITTING APPLICATION

- ☐ New application ☐ Renewal (no changes are proposed)
- ☐ Amended application (Note: All amendments must have already been approved through a Section 4.55 application) ☐ Change of operator

## DETAILS OF EXISTING APPROVAL FOR FOOTWAY DINING AREA

Development Application No: \_\_\_\_\_

Section 4.55 modification No (if applicable): \_\_\_\_\_

Brief description of approval: \_\_\_\_\_

Approved hours of operation for footway dining area: \_\_\_\_\_

What toilet facilities are available? \_\_\_\_\_

Have you registered your food premises (and received your food premises licence number)? ☐ Yes ☐ No

If yes, please provide your licence number FOOD/ \_\_\_\_\_ / \_\_\_\_\_

If no, you must complete Council's [Registration of Food premises form](#) and submit with this application.

Do you have a liquor licence (or are you intending to operate as a licensed premise)? ☐ Yes ☐ No

If yes, please specify which type of liquor licence \_\_\_\_\_

Is your existing approval for a pub or small bar? ☐ Yes ☐ No

## DETAILS OF PROPOSED FOOTWAY DINING AREA AND SUBMISSION REQUIREMENTS

1. What hours of operation are you seeking for the footway dining area? \_\_\_\_\_

2. Are the hours the same as those in the development consent? ☐ Yes ☐ No  
If no, you must modify your development consent prior to lodging this application

3. Have you completed the checklist for footway dining? ☐ Yes ☐ No  
This application will not be accepted without the checklist for footway dining

4. Have you submitted .pdf files of plans at a scale of 1:50, 1:100 or 1:200? ☐ Yes ☐ No

5. Do the plans clearly illustrate:

- Width of shop frontage and location of openings? ☐ Yes ☐ No
- Width of footpath and location of any features such as trees, public utilities, parking restrictions, bins, traffic lights, crossings, etc? ☐ Yes ☐ No
- The proposed location and dimensions of the footway dining area?  
All dimensions must be shown so the total area can be calculated. ☐ Yes ☐ No
- The number and dimensions of tables and chairs?  
A minimum 200mm must be provided between tables and chairs to provide adequate room for patrons to use the seating. ☐ Yes ☐ No
- Details of proposed furniture and other articles?  
Plans, pictures, fabric samples and dimensions should be provided for all items such as tables, chairs, umbrellas, barriers, heaters, posts, shading devices, etc ☐ Yes ☐ No
- Any existing awning attached to the premises adjoining the footway dining area? If yes, please see additional requirement under compliance checklist below. ☐ Yes ☐ No

6. Are the plans consistent with those approved in the development consent? ☐ Yes ☐ No  
If no, you must modify your development consent prior to lodging this application

7. Has a USB been provided with ALL forms, plans and documents saved as separate .pdf files (limited to 3MB per file)? ☐ Yes ☐ No  
Each plan and document must be individually labelled (Document type - property address).

## OWNER'S CONSENT

As the footway dining area is on public land, you will need to contact Council to obtain owner's consent from a delegated officer

Delegated Officer Signature: ..... Date: .....

Name: ..... Position: .....

## CONFLICT OF INTEREST

Are you an employee of Council or do you have an affiliation with a Council Officer or Councillor by way of family, close personal friendship or business interest? ☐ Yes ☐ No

If yes, please provide details .....

## NOTICE UNDER SECTION 10 OF THE PRIVACY & PERSONAL INFORMATION PROTECTION ACT 1998

*The information collected on this application form (and in any document submitted with the application) is for the purpose of assessing and determining your application under the provisions of the Roads Act 1993 and Local Government Act 1993. The intended recipients of the information include any parties involved in the assessment or with an interest in the application. If the requested information is not provided, the Council may be unable to process your application.*

*Randwick City Council ('Council') is the name of the agency that is collecting and holding the personal information. Please advise Council if the information you have provided either changes or is incorrect or if you require your address to be withheld for personal or family safety.*

## DECLARATION

- I apply for a footway dining approval as described in this application.
- I declare that all the information given is true and correct, and electronic plans and documents submitted on electronic storage medium are an exact reproduction of the original source documents submitted with the application.
- I understand that if incomplete, the application may be delayed or rejected, and that more information may be requested to process my application.
- I give permission for Randwick City Council ('Council') to copy the application, plans, and any other supporting material, for any purpose associated with the exercise of its functions under the Roads Act 1993 and Local Government Act 1993, and for the purpose of complying with its obligations under the Government Information (Public Access) Act 2009.
- I warrant that if I am not entitled to copyright in respect of any submitted document, I have obtained permission from the copyright owner for Council to use the documents lodged with this application in accordance with the above paragraph.
- I indemnify the Council against all claims and actions in respect of a breach of copyright arising from the Council copying, issuing copies, reproducing or publishing any documents lodged with this application.

Signature: .....

Name: ..... Date: .....

# Checklist for footway dining

APPLICATION/REFERENCE NUMBER:

DATE:

## ABOUT THIS CHECKLIST

If you answer no to any of these questions, please provide additional information to support your application in a statement attached to this form.

	Applicant Use		Office Use		
	Yes	No	Yes	No	N/A
<b>Location and Layout</b>					
1. Is the proposed footway dining area located in a business zone (B1 or B2)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the proposed footway dining area associated with an approved food & drink premises on the adjoining property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Is the proposed footway dining area located directly in front of the associated food and drink premises only? <i>Note: It must not extend to the area in front of neighbouring properties</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is clear access to neighbouring properties maintained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Is clear access to any bus stop maintained? <i>Note: the footway dining area must not be located on a section of footpath that fronts/adjoins a bus zone</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the location and width of the footway dining area consistent with other footway dining areas in the street? <i>Note: If there are no other footway dining areas in the street, the dining area should occupy the area behind the kerb with the area adjoining the restaurant reserved for pedestrian circulation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Are the following minimum unobstructed widths (clear zones) maintained for pedestrians using the footpath:					
• 2.5m for locations adjacent to classified roads or in B2 zones?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 2.5m when the footpath is more than 4 metres wide?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 2.0m at other times?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Note: Public utilities, street furniture and any other existing or proposed obstructions must be taken into account when calculating the unobstructed pedestrian route</i>					
8. Are the following minimum setbacks from the kerb maintained:					
• 0.9m adjacent to loading zones?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 1.5m adjacent to pedestrian crossings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 1.2m adjacent to angle parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 0.6m at other locations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are the following minimum setbacks also provided:					

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[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

• 3.0m from disabled parking spaces?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 1.0m from all fire hydrants, rubbish bins, seats, telephones, bicycle stands, bus shelters, taxi ranks and parking meters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• 0.5m from all other public utilities/street furniture including bollards, tree pits, street lights and traffic and electricity poles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Fittings and furniture</b>					
10. Is a minimum clear space of 200mm provided between tables and chairs? <i>Note: This requirement is imposed to provide adequate room for patrons to use the seating without encroaching beyond the boundaries of the footway dining area</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Do all fittings and furniture fit into the footpath dining area? <i>Note: Plans must clearly show compliance with this requirement</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Are all fittings and furniture:					
• Safe, sturdy (but not bulky), waterproof and weather resistant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Portable and easily removed from the footpath at the close of business each day?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Designed to not damage the footpath or other public infrastructure or pose a trip/fall hazard or inconvenience to the public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Will all furniture and fittings be removed from the footway outside of the footway dining trading hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Is there an existing awning attached to the premises adjoining the footway dining area? If yes, was the awning constructed before 1990 and has a statement (prepared by a qualified structural engineer) certifying awning's structural adequacy been submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## DECLARATION BY APPLICANT

I declare that all the information given is true and correct

Signature: .....

Name: ..... Date: .....

## HOW TO LODGE THIS APPLICATION

**BY MAIL** with a cheque attached:

Post: Randwick City Council  
30 Frances Street  
Randwick NSW 2031

**OVER THE COUNTER** (by courier or personal delivery) with payment made via cash, cheque, credit card or EFTPOS

Customer Service Centre  
30 Frances Street, Randwick  
Open 8:30am – 5:00pm, Mon-Fri

## OFFICE USE ONLY

(This section is to be completed by the Duty Officer)

Is additional information required prior to lodgement?

☐ Yes ☐ No

If yes, please specify

Other comments:

Duty Officer:

(Please print name)

Signature:

Date:

## FEES

Application fees are in accordance with Council's Fees and Charges Policy. Fees may be paid by cash, cheque, MasterCard, Visa, American Express & EFTPOS. Make cheques payable to Randwick City Council.

FEE TYPE	FEE
Roads Act application for footway dining (July 2023 to June 2024)	\$510.00
Information management fee (July 2023 to June 2024)	\$58.00
<b>TOTAL</b>	<b>\$568.00</b>

## OFFICE USE ONLY

Customer Service Officer:

Date:

Fee: \$

Receipt No:

Date:

## PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE

The purpose of collection of this information is to enable Council to process your request. We will not be able to process your request if you do not provide the information. This form will be stored electronically in Council's electronic document management system. Access to this information is restricted to Randwick City Council officers. Members of the public will not be provided with access to the personal details contained on this form. View our [Privacy Statement](#) for more information.