



Council Policy

Footway Dining

Version 4 - 29 October 2021

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Policy - external Footway Dining

Introduction

Purpose

Footway cafe's make a significant contribution to the quality of public places and urban life. They contribute to active vibrant streets with opportunities for economic activity, social interaction and leisure.

Council is responsible for assessment and approval of footway dining activities on any public land (including Public Roads) in the Lake Macquarie City Council Local Government Area that is owned or under the care, control and management of Council.

Scope

This policy applies to footway dining on any public land (including Public Roads) in the Lake Macquarie City Council Local Government Area that is owned or under the care, control and management of Council. It particularly applies to footpath areas adjacent to public roads situated within the town and neighbourhood centres in the City.

Policy statement

Footway dining proposals require approval from Council. The most common location for footway dining is on part of the public footpath outside restaurants, cafes and other food premises, but may also be located on other public land in Council's ownership such as road reserves (land adjacent to carparks etc.), provided that the land is adjacent to a restaurant, cafe or other food premises.

There are a number of safety, accessibility and amenity considerations with respect to footway dining proposals that aim to ensure the comfort of outdoor diners as well as the comfort of the general public accessing areas in and around footway dining areas.

Council has various responsibilities to meet under the following legislation:

- Local Government Act 1993
- Roads Act 1993
- The Companion Animals Amendment (Outdoor Dining Areas) Act 2010
- Liquor Act 2007
- Food Act 2003
- Work Health and Safety Act and Regulations 2011

Principles

Lake Macquarie City Council supports the use of public land for footway dining under the following conditions:

- Unobstructed pedestrian access is provided in all circumstances.
- Footway dining furniture is to be removed from the footpath outside of trading hours.

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Objectives

- To encourage footway dining in areas that are suitable for that purpose.
- To add to the vitality of the streetscape character of centres within the City.
- To provide opportunities for increased economic activity in the City.
- To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to footway dining.
- To ensure that pedestrian and traffic safety and accessibility is not compromised by footway dining activities.
- To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
- To ensure equitable access for all including people with disabilities.
- To ensure that footway dining areas are maintained in a clean, healthy, tidy manner and remain attractive elements of Lake Macquarie City.

Review and Evaluation

Review of the Policy includes:

- Inspections to measure the effectiveness and use of footway for dining purposes.
- Review the number of requests relating to public access and use of the footpath for dining.

WHS Management System Information

Record Keeping Requirements

Records associated with, and generated in compliance with this document include:-

All records will be managed in accordance with **WHS Module 10 - Records**.

Training Requirements

Specific training required to carry out the requirements of this document includes:-

Training requirements will be managed in accordance with **WHS Module 12 – Training**.

Auditing Requirements

Auditing of this process will be managed in accordance with **WHS Module 11 – Auditing**.

Corrective Actions

Corrective actions are to be managed in accordance with **WHS Module 09 – Corrective Actions** whenever it is identified that the requirements of this document and its references are not being met.

Review

This document will be reviewed in accordance with **WHS Module 04 – Document Control** and whenever there is a relevant change to applicable legislation, industry standards, Codes of Practice, the WHS Management System, or the process.

Responsibilities, Authorities & Accountabilities

Responsibility, authority, and accountabilities for all positions within Council are outlined in **WHS Module 01 – WHS Responsibilities** and in the **WHS Responsibilities, Authorities and Accountabilities (RAA) Table** associated with **WHS Module 01**. The RAA table includes responsibility, authority, and accountabilities for employees, managers, supervisors, contractors, visitors, and persons with specialist roles within the organisation.

In addition to **WHS Module 01 – WHS Responsibilities**, the following positions have responsibilities, authorities and accountabilities associated with this document:

Position	Responsibilities, Authorities & Accountabilities

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Controlled Document Information

Authorisation Details

Folder No:	F2014/00332	TRIM Record No:	D09946617
Audience:	External - External applicants for footway dining, Property and Business Development department staff, Asset Management Staff		
Department:	Property & Business Development	Officer:	Business Assistant - Adele Payne
Key focus area(s):	Footway dining on any public land		
Review Timeframe: Max < 4 years	6 months	Next Scheduled Review Date:	29 April 2022
Authorisation:	Adopted by Council - 23 June 2014		
Authorisation - Council Adoption Date:	23 June 2014		

Related Document Information, Standards & References

Related Legislation:	(Legislation Name) Local Government Act 1993 Roads Act 1993 Smoke Free Environment Act 2000 and Regulations Food Act 2003 Liquor Act 2007 Companion Animals Act 1998 Work Health and Safety Act and Regulations 2011 Companion Animals Act (Outdoor Dining) Act 2010	(Relationship/Context)
Related Policies:	(Policy Name) Lake Macquarie City Council Local Approvals Policy – D08496927 Noise Control Policy - D07453884	(Relationship/Context)
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	(Document Name) Footway Dining Procedure D08253549 Lake Macquarie City Council current Fees & Charges Document Risk Assessment - Clerical and Administration Duties Within the Property Department – D07943636	(Relationship/Context)
Standards, COP's & Other References	(Standard, COP or Other References) Access Standard AS1428 Building Code of Australia	(Relationship/Context)

Definitions

Term / Abbreviation	Definition

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Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Property & Business Development Coordinator, Manager Property & Business Development
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Version History

Version No	Date Changed	Modified By	Details and Comments
2	11/5/2016	A Payne	Updated document numbers re related document information. No changes were made to the content of the policy.
3	14/5/2018	A Payne	Updated document numbers in Related Document Information section & WHS Management System Information page added. No changes were made to the content of the policy.
4	11/12/2020	A Payne	Updated document to new template. Deleted obsolete legislation and included new related policy.