

# Outdoor Dining Approvals in Port Macquarie-Hastings Council Local Government Area

## Frequently Asked Questions

[PDF Document – Linked to PMHC webpage](#)

### 1. What do I need to apply?

- To be the operator of a café or restaurant with Council Development Application consent to operate.
- A level and easy accessed area on the Council footpath outside your premises which is adequate for the outdoor chairs and tables, umbrellas etc and will still allow uninterrupted pedestrian access. Council Property officers can arrange a site meeting with you to discuss viability and options.
- A sketch plan of the proposed outdoor eating area with measurements.
- A liquor licence for the outdoor area if alcohol is to be served and Approval is issued for the outdoor dining area.
- Public Liability insurance to cover the outdoor dining area if Approval is granted.

### 2. What might prevent my application from being approved?

- The proposed outdoor dining area is not of a sufficient size and prevents clear access for pedestrians and/or is too close to the kerb and motor vehicles parking.
- The proposed outdoor dining area is on an unstable surface, a slope or is generally unsuitable for the placement of tables and chairs.

### 3. How long is the duration of the Approval?

The maximum duration of the Approval is for seven (7) years. Approvals can be renewed.

### 4. How do I renew my Approval?

A new application needs to be submitted to Council. Applications should be submitted three (3) months prior to the expiry of your Approval. A renewal fee applies.

### 5. How much does it cost?

For application, rent and bond fees please refer to Council's current Fees and Charges document on this webpage under "Outdoor Dining on Footpaths" [www.pmhc.nsw.gov.au/Resident-Services/Rates-Payments-Charges/How-much-am-I-charged/Council-fees-charges](http://www.pmhc.nsw.gov.au/Resident-Services/Rates-Payments-Charges/How-much-am-I-charged/Council-fees-charges).

### 6. Can I operate in front of adjoining premises?

Council will consider an application to use an area in front of an adjoining premises. The written consent of both the owner and occupier of the adjoining premises must be submitted with the application.

## **7. What are my responsibilities as an Approval Holder?**

If you are successful in your application, as the holder of an Outdoor Dining Approval you are responsible for the following:

- Ensuring that all approved furniture items in the area are safe for use by all members of the public.
- Holding a current Public Liability insurance policy to the value of \$20 million that covers the outdoor area and which specifically indemnifies Port Macquarie-Hastings Council against any claim for damage or injury.
- Ensuring the outdoor dining area remains clean and tidy and in good repair and that no unauthorised items or litter are in the area at any time.
- Ensuring compliance with noise restrictions, particularly when trading at night.
- Being aware of disability laws. For more information on the disability laws visit [www.humanrights.gov.au](http://www.humanrights.gov.au).

## **8. Can an Outdoor Dining Approval be transferred?**

No. In the event the business is sold, the Approval will be terminated and the new business owner will need to apply. Please ensure that if you are selling your business that the new owner is aware that they need to re-apply for outdoor dining.

## **9. Can the outdoor dining furniture be left out on the footpath when the business is closed?**

All moveable furniture used for outdoor dining approvals is only permitted to be outside in the approved area on the footpath during opening hours.

In some instances Council has approved fixed furniture which remains on the footpath at all times.

## **10. Do I need to re-apply for a new Approval if I want to change my outdoor dining area?**

Yes, a new application is required if you wish to amend the outdoor dining area.