

COMMERCIAL USE OF FOOTPATH CHECKLIST	SF152
	Responsible Officer: SCO
	Issue Date: 04/08/2022
	Next Review Date: August 2026

Business Name:
Address:
Is the Applicant Licensed to Carry out the Proposed Activity:
Location of Outdoor Dining Area:
Site Plan (refer Outdoor Café Authorisation Plan of Outdoor Cafe):
Furniture volume, design, quality and maintenance plan:
Proposed Activity (dining, entertainment etc.):
Days of Operation:
Hours of Operation:
Adequate Operator Management Plan Received (must include operator risk assessment):
Permit Application Received:
Evidence of Adequate Public Liability Insurance (must include written confirmation that cover is extended to include outdoor dining):
Inspected by:
Maximum No of Staff at any given period:
Maximum No of Patrons at any given period (by seating capacity):

Section 1 - DEVELOPMENT REQUIREMENTS

	Y/N		Action Required	By Who (initials) & Due Date
a		Does the establishment of the outdoor dining area constitute a change in land use?	Development application must be submitted to Council & development approval obtained (particularly if located on a footpath)	
b		Does the establishment of the outdoor dining area increase total number of patrons? (Can effect the ability of the septic system to cope, plate washing capability & need for grease traps)	Change in the type of use or intensity of the premises i.e. Straight café to café/restaurant requires approval under both the Planning, Development and Infrastructure Act 2016 & the Public & Environmental Health Act 2011. An update needs to be made to any existing food registration under the Food Act	
c		New outdoor dining areas requiring Development Approval must comply with parking space requirements.	Planning, Development and Infrastructure Act 2016 – usually one car space per three chairs.	
d		Adequate Amenities?	To be determined according to the guidelines provided for under the Building Code of Australia, in particular for employees, patrons & people with disabilities.	
		Are additional blinds, awnings, screens to be erected?	May require Development Approval under the Planning, Development and Infrastructure Act 2016.	

<p>e</p>	<p>Screens – maximum of 1.5m high with 300mm clearance from ground. Screens over 900mm must be transparent.</p> <p>Blinds – must be transparent. Cannot be fixed to underside of canopy. Not appropriate for use with canopies/verandas above 4m high.</p> <p>Attachments to buildings e.g. awnings must not be closer than 450mm, unless in the case of existing structures which may be given special exemption by Council, from the kerb of the roadway & be constructed of non-combustible or fire retardant material & at least 2.5m above the footpath.</p> <p>When rain catchment area is >1.5² suitable drainage is required to prevent water from running across the footpath.</p>	<p>Partial enclosure ONLY permitted – cannot be enclosed on more than two sides. Must not interface with the footpath & access & mobility must be maintained for all pedestrians. Disability Act. Must not interfere with driver sightlines & general road & traffic safety requirements. Road traffic Act. Must be located in accordance with the Safety, Pedestrian & Dining Zone provisions of The Yorke Peninsula Council's Commercial Use of Footpath Policy. Must not be used for general advertising purposes. Must be structurally sound & fixed close to ground level. Maximum horizontal length must not exceed 10m & there must be a gap of 1.5m between each enclosure structure. A maximum of 3 enclosure structure is permitted per each business, per street frontage. Structures >500mm in height be setback a minimum of 3m from any corner of intersecting streets in accordance with Council's policy. Materials used must not generate unreasonable glare for motorists.</p>		
<p>f</p>	<p>Heating & Cooling Units</p>	<p>No freestanding heating/cooling units permitted. Permanent units may be installed upon Council approval ONLY. Minimum height is 2.5m above footpath & comply with all service legislation.</p>		
<p>g</p>	<p>Signage/Advertising</p>	<p>Moveable signs must be in accordance with Council By-Law. Development approval may be required for all other signs. No third party advertising permitted on screens, blinds or planter boxes. Signage should be limited to a total of 3 per premises. Heritage approval may be required.</p>		
<p>Additional Comments:</p>				

Section 2 - LOCATION

		Y/N		Action Required	By Who (initials) & Due Date
a	Is the proposed area required for existing or proposed public use, facilities or infrastructure (i.e. public seating, taxi stand, bus-stop, litter bins, fire hydrants, loading zones etc.)?				
b	Has the relocation of any existing or proposed facilities or infrastructure been requested?				
c	Does the proposed layout include a safety zone, pedestrian zone & permit zone?		As required under the Yorke Peninsula Council's Commercial Use of Footpath Policy (refer Appendix A diagram)		
d	Are all tables & chairs located no closer than 600mm from the alignment of the kerb?		As required under the conditions of the Yorke Peninsula Council's Commercial Use of Footpath Policy. Exceptions may be considered in some extraordinary circumstances.		
e	Is the proposed site suitable for purpose?				
Additional Comments:					

Section 3 - FOOD & ALCOHOL MANAGEMENT

		Y/N		Action Required	By Who (initials) & Due Date
a	Does the layout of the premises & proposed outdoor dining area minimise the opportunity for food contamination? The relationship between the outdoor dining area & the food preparation area needs to be considered in addition to potential exposure to birds, wasps, flies, vermin, dogs & cats		Council must ensure compliance with the Food Standards Code under the Food Act. Meals are to be prepared in the building & not within the outdoor dining area. Tables are not to be pre-set with cutlery, glasses or unprotected foods.		
b	Are the surrounding structures clean (in particular overhead structures)?		Opportunity for contamination must be minimised The Food Act.		
c	Is the outdoor dining area associated with a restaurant, café or other premises approved by Council?		Required under the Public Act & Food Act.		
d	Liquor Licensing Requirements		Further approval may be required by both Council & the Office of Liquor, licensing & Gambling. Development approval must first be obtained prior to Council endorsing any application for a new/extended licensed area. Once evidence of a valid & appropriate Liquor Licence has been provided to Council alcohol may only be served to patrons.		
Additional Comments:					

Section 4 - ACCESS

		Y/N		Action Required	By Who (initials) & Due Date
a	Is the footpath wide enough to sustain tables, chairs & other proposed fixtures & fittings without compromising safe & convenient pedestrian access?		Adequate access for pedestrians, including mobility impaired persons & people with prams must be maintained. Pedestrian volume must also be taken into account when considering the outdoor dining area proposed & determining the width of the pedestrian area required. Council's Commercial Use of Footpath Policy requires a minimum pedestrian access width of 1.5 metres for pedestrian traffic areas. 1100mm access must be allowed on either side of a doorway. Also refer the Disability Act & the Yorke Peninsula Council's Disability Action Plan.		
b	Is the footpath wide enough to sustain tables, chairs & other proposed fixtures & fittings without compromising the safe & convenient movement of vehicles?		Relevant legislation etc. Road Traffic Act etc.		
c	Is the proposed outdoor dining area adjacent to the kerb with pedestrian access adjacent to the building?		Unobstructed movement must be provided along the footpath for all user groups (in particular visually impaired persons who rely on the building alignment as a guide) with a minimum of 450mm provided on each side of each outdoor dining area to allow for pedestrian access to the kerb. (In exceptional circumstances, the Council may exercise discretion where high traffic volume & speed roads are located adjacent to the building on the basis of a risk assessment)		
Additional Comments:					

Section 5 - CONSULTATION

		Y/N		Action Required	By Who (initials) & Due Date
a	Has written consent from adjoining property owners who may be affected by the outdoor dining area been received?		Check Council's public consultation policy & how far do we go with this?		
Additional Comments:					

Section 6 - SAFETY

		Y/N		Action Required	By Who (initials) & Due Date
a	<p>Are Safety Barriers (i.e. planter boxes, to be installed?</p> <p>Consider traffic volume – suitably designed protection for drivers & pedestrians.</p> <p>Trees in the vicinity – allergens, seedy & nutty trees, bees, wasps etc.</p> <p>Work, Health & Safety legislative requirements/ SafeWork SA Requirements must be considered in all areas.</p>		<p>Under the Yorke Peninsula Council's Commercial Use of Footpaths Guidelines it is Council's preferred option to delineate the dining area from the street & provide a visual cue for drivers based on a risk assessment. Planter boxes are to be placed parallel to the kerb and must be a minimum distance of 400mm from the kerb alignment. Driver sight lines must be maintained. Where Council approve dining near an intersection planter boxes must be installed. (In exceptional circumstances, the Council may exercise discretion on the basis of a risk assessment). Consultation with Manager, Building and Compliance is required regarding risk management & may need to be referred to the Mutual Liability Scheme.</p>		
b	Will the proposed outdoor dining area impact on traffic safety & vehicle sightlines?		As required under guidelines of the Yorke Peninsula Council's Commercial Use of Footpath Policy approval for an outdoor dining area may only be granted if the area is cognisant of the adjacent road conditions. If the area is located near an intersection or in a position perpendicular to the line of the kerb, the outdoor dining area must be set back from the corner as a minimum to the existing building alignments.		
c	Lighting		Where approval has been given for dining outside daylight hours, adequate lighting for use must be provided. Freestanding,		

c		flashing lights etc. are not permitted.		
d	Visual &/or tactile indicators	Does the area require visual &/or tactile indicators as provided for under AS1428.4 for those with visual or mobile disabilities?		
e	Have hazards been identified & managed appropriately?			
Additional Comments:				

Section 7 - DESIGN

		Y/N	Action Required	By Who (initials) & Due Date
a	Are the layout, furniture & accessories in keeping with the key character elements of the precinct & visually appealing?		Outdoor furniture must not be temporarily or permanently fixed to the ground unless written approval is first obtained by Council. In some cases development approval may be required.	
b	Is the area/building heritage listed?		The proposed area & any signage must meet the Heritage requirements under the Planning Development & Infrastructure Act 2016 and the SA Planning and Design Code	
c	Furniture should be of standard dimensions & not overcrowd the area		The guidelines Yorke Peninsula Council's Commercial use of footpath Policy requires: 2 person table & chairs 1m x 2m 3 person table & chairs 1.5 x 2m 4 person table & chairs 2m x 2m Bench seat 600mm per person.	
d	Planter Boxes		Must be rectangular with maximum width 500mm & length 1200mm with no sharp edges. Must be filled with soil at all times. Must be constructed of durable material & designed so as not to discharge water overflow onto footpath	
e	Umbrellas		Permitted where there is no veranda or other canopy structure or such structure is above 4m in height. Must have minimum clearance of 2m above footpath. Details of compulsory anchoring system must be provided. Only one advertisement permitted.	
Additional Comments:				

Section 8 - NUISANCE VALUE

Action Required

By Who (initials) & Due Date

a	Amplified music	Y/N	Amplification &/or live music is not permitted.		
b	Animals		Not permitted in dining area.		
c	Litter Management – how will rubbish be disposed of?		Local Government Act. The number & type of litter bins required will be determined by the Council.		
d	Will any odour or fumes be generated by the proposed use		Local Nuisance and Litter Control Act.		

Additional Comments:

RISK ASSESSMENT

Description/Controls/Comments:		Risk Rating					Hierarchy of Control	tick	
			Likelihood	Consequence					
				Major	Severe	Minor	Negligible	Eliminate	
			Very Likely	High	High	High	Medium	Substitute	
			Likely	High	High	Medium	Low	Engineering	
			Unlikely	High	Medium	Low	Low	Administrative	
			Highly Unlikely	Medium	Low	Low	Low	PPE	
		Consequence		Major	Significant/permanent damage to property/persons				
		Consequence		Severe	Moderate damage. No long-term irreversible damage. Number of injuries/hospitalisation				
		Consequence		Minor	Minor loss damage. Small number injuries/first aid.				
Comments			Likelihood		Very Likely	Almost certain to occur.			
			Likelihood		Likely	Likely to occur.			
			Likelihood		Unlikely	Not likely it will happen - rare.			
			Likelihood		Highly Unlikely	Hasn't happened before but conceivably possible.			

RISK/HAZARD EVALUATION

Will the proposed control introduce a new risk? No Yes Return to Risk Assessment & Re-evaluate

Is the control effective? Yes No Return to Risk Assessment & Re-evaluate