

This guide must be read in conjunction with the Maitland City Wide Development Control Plan (DCP) 2011 chapter on Outdoor Dining

Applicants are advised to discuss their proposals with Council prior to submission of an application. General advice is available from the Duty Planner between 8.30am and 12.30pm Monday to Friday. In Heritage Conservation Areas or in proximity to Heritage Items the advice of the Heritage Officer should also be sought.

Outdoor dining can only be considered where it is in direct association with an established refreshment room, tavern or hotel. A refreshment room is defined by Maitland Local Environmental Plan, 2011, as a restaurant, café, tearoom, eating house or the like. It may be undertaken on private or public land.

Development Consent is required for all outdoor dining, it will not generally be time restricted. In addition, where any construction work is proposed, a Construction Certificate and Roads Act Approval and Licence may also be required. Development consent is transferable, when a new proprietor produces documentation that an interest in the land is held and, where required, a valid public liability insurance.

Application for outdoor dining will be publicly advertised and notified, for a period of 14 days, to ensure that the public has an opportunity to comment on each application.

Where conditions, applying to the Development Consent or Approval or Licence, have not been satisfactorily met, the dining area may be removed.

Remember to leave space around the tables and chairs so that your customers can sit down comfortably.

Outdoor dining on private land

A Development Application (DA) and a Construction Certificate application (where relevant) are required. These may be made on the same DA form.

Outdoor dining on public land

Council is streamlining the application process. Only one application form is required for the Development Consent, Roads Act Approval, Licence under the Roads Act and any Construction Certificate, where these are applied for at the same time; this will be made on a Development Application form.

Approval under Section 125 Roads Act 1993 is required, where an outdoor dining area is proposed on a public footpath, mall or other public land. Where a proposal is for the use of part of a "classified road", as defined under the Roads Act 1993 approval is also required from the Roads and Traffic Authority. Council will undertake the relevant consultation.

The Roads Act Approval and associated Licence will be time limited to five (5) years. A further Approval and Licence may be issued following the receipt and reassessment of any application under the Roads Act. The application must be approved prior to the end of the previous Approval and Lease, at least two (2) months should be allowed.

The annual rental on the Licence will be due on the date that the outdoor dining starts to operate.

Assessment of Applications:

An application for development consent and/or Roads Act Approval and Licence is unlikely to be approved where:

- The proposal is located in or adjacent to a residential neighbourhood, which would have adverse effect on residential amenity;
- The use would create an obstruction or hazard to either vehicular, cyclist or pedestrian traffic within the road reserve;
- The site is located in an area of very high pedestrian traffic;
- The proposal does not comply with the DCP or other Council policies;
- The cumulative impact of several outdoor dining areas has an adverse impact on amenity or creates a hazard or obstruction.

Fees and Charges

A fee is payable for making or renewing an application for development consent, and/or an approval/licence. Where a Construction Certificate application is required or the dining relates to a "classified road" further fees may be applicable.

An annual licensing fee for the use of public land will be payable to Council on a "per chair basis", with the first fee to be paid upon commencement of the outdoor dining use, or issue of the licence where the application is renewed. The annual fee will become due on the annual anniversary of commencement of use for dining.

Making an application

The Maitland DCP 2011 and other relevant policies should be read prior to making an application. An application for outdoor dining needs to be made on the correct form (Development Application) with the relevant fees and supporting information (see below). Only one form needs to be submitted for any or all of the following:

- Development Application is required for any outdoor dining proposal
- Construction Certificate is required where fixed structures or building works are proposed
- Roads Act Approval is required where dining is on a footway, mall or other public area
- RTA approval is required where the road is a "classified road".



What documentation is required? Please note that the following numbers apply to hard copies. Your application should also be accompanied by all documentation in electronic form, on a CD or USB stick.

	Development Application	Construction Certificate	Roads Act Approval	RTA Approval
Appropriate application form and relevant fees	Yes	Yes	Yes and annual rental due on operation of dining	Yes, where dining is on footpath of 'a classified road'
A scale site plan	1 copy	No further copies	1 copy	1 copy
Notification Plans (site plans and location plan)	1 copy A4 or A3	No further copies	No further copies	No further copies
A scale location plan of the site showing: the building, any awning, emergency exits, parking, position of food preparation area, toilet facilities (if 20 seats or more) the area proposed to be used specific location of tables and chairs.	1 copy	No further copies	1 copy	1 copy
A colour photograph of the site frontage and area to be used for dining purposes	1 copy of each, if fronting a street, mall or river frontage	N/A	1 copy	1 copy
A colour photograph and written details re dining furniture, accessories and fittings and number of tables and chairs	1 copy of each, if fronting a street, mall or river frontage	N/A	1 copy, if fronting a street, mall or river frontage	1 copy, if fronting a street, mall or river frontage
Structural details of fixtures, fittings and footings are required. Certified by a suitably qualified person. Appropriately stamped by Hunter Water.	1 copy, where fixed structures are proposed	1 copy, where fixed structures are proposed	1 copy, where fixed structures are proposed	1 copy, where fixed structures are proposed
Specifications of structural works	N/A	1 copy	1 copy	1 copy
A detailed statement of environmental effects	1 copy	N/A	1 copy	1 copy
A copy of the current Public Liability Insurance	1 copy	No further copies	1 copy	1 copy
Where the dining area is located on an historic sandstone pavement a schedule of works from a suitably experienced stonemason for repairs will be required.	1 copy	No further copies	1 copy	1 copy

