

Item 10

Al Fresco City

File No: X034972.014

Summary

The Covid-19 pandemic has had a significant and devastating impact on our communities and our economy. The City of Sydney (the City) responded swiftly when the pandemic first hit, closing community centres, libraries, pools and playgrounds, increasing cleansing and waste regimes and establishing new grants programs to help support our creative community sector and small business.

As a health crisis, the response has been generally well managed in NSW and Australia. However, although workers and visitors are returning to the city, the CBD is quieter than before and this continues to significantly impact businesses. Both NSW Government and the City have recognised the need for a collaborative effort to encourage people back into the city in a safe way. This opportunity was identified and supported at the State Government Summer Summit in mid-September where the 24-Hour Al Fresco City was proposed.

While management of the crisis is continuing, the staged removal of restrictions on social and business activity has commenced. On 29 June 2020, Council endorsed City Recovery Plans recommending a pathway to moving beyond the crisis. The three part plan considers how the City will continue to operate and adapt its services, how it can support businesses and community to recover, and how it will manage its own financial recovery over the next three years. The Community Recovery Plan set out the background to the Covid-19 impacts, community needs expressed through research and consultation, the proposed strategic response including recovery goals, principles and specific areas for action, as well as an approach to tracking and measuring progress.

In March 2020, Council resolved to undertake a range of support measures to assist the community and businesses across the City. The support packages included the waiver of a number of fees, return of deposits for events that were unable to proceed, provision for commercial property rental abatement and flexible parking arrangements, new grants and donation programs, and a commitment to bring forward capital works that would directly support employment.

On 2 October 2020, the City and NSW Government announced a \$20 million joint funding partnership to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, particularly during the summer months. The NSW Government will commit up to \$15 million and the City will provide a further \$5 million towards Al Fresco City initiatives. All initiatives under this program will be presented adhering to applicable Public Health Orders and specific Covid-19 Safety Plans. If at any time NSW Health recommends against proceeding with any aspect of program it will be ceased until such time as advice is received that it is safe to proceed.

This report is dependent on final approval by the NSW Government Treasurer and endorsement by the City of Sydney Council. A deed is currently being finalised to be signed by both parties.

This report outlines the following initiatives and the necessary requirements to achieve them:

- (a) transforming the city into an outdoor summer cultural experience;
- (b) creating a summer of outdoor dining;
- (c) funding projects that enliven public spaces, venues, laneways with music, performance and public art;
- (d) keeping Sydney's cultural institutions open into the evenings, and
- (e) working with Destination NSW to promote this activity to Sydney and interstate visitors.

It is anticipated that these activations will commence in November 2020 and some will continue until October 2021. In order to achieve these activations, move quickly and deliver the AI Fresco City program, both the City and NSW Government have recognised the need to expedite decisions and processes where possible, including changes to relevant regulations and planning controls where necessary.

Recommendation

It is resolved that:

- (A) Council approve a \$20 million joint funding partnership to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, particularly during the summer months, with the NSW Government contributing up to \$15 million and the City contributing up to \$5 million towards Al Fresco City initiatives as outlined in the subject report;
- (B) Council note that the City is working with the NSW Government to facilitate any necessary changes to regulations and planning controls and exemptions to applicable public health orders, and to obtain any necessary approvals to deliver the initiatives set out in the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and enter into any necessary agreements with the NSW Government relating to the funding and implementation of the Al Fresco City program as outlined generally in the subject report and in Confidential Attachment C to the subject report;
- (D) Council note that the City's \$5 million contribution is largely funded by savings as a result of the NSW Government taking over delivery of Sydney New Years' Eve, as well as other operational savings within the City Life budget due to cancellation of events during this time. If savings are not achieved additional budget may be required from General Contingency;

Outdoor Dining

- (E) Council continue support for small business, community and the cultural sector until 31 October 2021 by waiving footway dining fees and security deposits in accordance with the Covid-19 fee waiver category in the Schedule of Fees and Charges;
- (F) Council adopt the temporary City of Sydney Outdoor Dining Guidelines, October 2020, at Attachment A to the subject report, noting that public consultation has not been possible given the circumstances;
- (G) the Chief Executive Officer be requested to urgently develop all necessary criteria and processes to implement the recommendations in the subject report in relation to outdoor dining;

Grants and Sponsorship

- (H) the Chief Executive Officer be requested to urgently prepare and exhibit a revision to the Grants and Sponsorship section of the 2020/21 Operational Plan to incorporate the proposed amended grants program outlined in the subject report;
- (I) Council note the relevant Covid-19 Recovery Grants and Sponsorship Guidelines Summary at Attachment B to the subject report;

Outdoor Summer Cultural Experience

- (J) Council approve an exemption from tender for the provision of technical services and event personnel for the performance stage forming part of the outdoor summer cultural experience program; and
- (K) authority be delegated to the Chief Executive Officer to negotiate, execute and administer these contracts referred to in clause (J), noting the reasons a satisfactory result would not be achieved by inviting tenders are:
 - (i) there is an immediate need to have this program in place for summer, to occur at a time when the weather conditions suit outdoor performances, and provide the urgent and necessary support required by businesses and creatives;
 - (ii) there is insufficient time to undertake the usual competitive tender process and still deliver the program in time for the program to have its desired impact this summer;
 - (iii) there are limited providers in the market capable of providing the required technical services, and experienced event personnel, of the required scope; and
 - (iv) value for money for Council will be achieved by conducting a competitive procurement process, as outlined in Confidential Attachment D to the subject report.

Attachments

- Attachment A.** City of Sydney Outdoor Dining Guidelines - October 2020
- Attachment B.** Covid-19 Recovery Grants and Sponsorship Guidelines Summary
- Attachment C.** Al Fresco City Initiatives and Budget Summary (Confidential)
- Attachment D.** Outdoor Stage Procurements (Confidential)

Background

1. The City's Community Recovery Plan outlines the next steps the City will take until the end of 2021 to shape the future of the City and its communities. It builds on the \$72.5 million support packages released in March 2020. This included:
 - (a) waiving fees for Health and Building compliance activities;
 - (b) reviewing rents in City premises for those tenants who required support on a case-by-case basis;
 - (c) waiving standard contractual terms and return venue booking and banner fees to people who had booked venues and banners and were then unable to proceed with their bookings;
 - (d) waiving footway dining, market permit and filming fees;
 - (e) providing rental support of our Accommodation Grant Program tenants and childcare services by waiving all rent;
 - (f) allowing grant recipients to vary their deliverables under existing grants to enable recipients to retain funds; and
 - (g) bringing forward \$23 million of capital works to support construction activity in the City.
2. Key goals include working together with the NSW government where actions must be coordinated, supporting businesses and organisations to adapt, rebuilding the visitor economy, prioritising the role of the cultural sector and safely managing public spaces to support community life and businesses.
3. It is vital that the City promote a safe, inclusive and welcoming city to ensure a swift road to recovery for the benefit of the community. The most severely impacted sectors of the economy are those with a high concentration in the CBD including hospitality, tourism, retail and creative industries, all of which require an activated and enlivened city to aid recovery.
4. The City will work with businesses participating in this program to expand areas for their customers, providing more space to support physical distancing measures, as well as ensuring pedestrian accessibility and adequate fire safety exits for buildings.
5. On 21 September 2020, Council resolved to continue support for our small business and community and cultural sector until 31 March 2021, including waiving footway dining fees. Following the announcement of the Al Fresco program and given the ongoing and changing nature of Public Health Order restrictions, it is proposed to continue our support for small business by waiving footway dining fees and the requirement to provide security deposits until 31 October 2021. This will enable businesses to effectively engage in and benefit from the program.

6. The key Al Fresco City initiatives are outlined below and in Confidential Attachment C:

- (a) Transforming the city into an outdoor summer cultural experience: The City and NSW Government will fund a performance stage and the curation of artistic performances during the length of time the stage is in location.

The City is currently working to identify the most suitable appropriate location for the performance stage, taking into consideration public health and physical distancing requirements, and will work to identify the most efficient pathway to ensure compliance with planning legislation. In addition, small outdoor roving and pop-up performances intended to entertain the community at various city locations during the day, will commence in late November 2020 and continue until March 2021.

- (b) Creating a summer of outdoor dining: It is proposed to continue fee waivers associated with outdoor dining until 31 October 2021 to encourage businesses to expand their capacity and trade more safely outside, particularly over the summer months.

A temporary project to reclaim new spaces for outdoor dining will take place in Pitt Street, Barrack Street, Wilmot Street, Tankstream Way, Crown Street and other identified sites, where possible during the period.

The City will explore opportunities for seating for public life in Martin Place, Sydney Square and Customs House, and other sites across the CBD through the Chairs in Squares program. The City will also explore opportunities for temporary street closures, to enable retailers to spill onto streets for the Lunch Club program, providing temporary seating, roving entertainment and encouraging people to sit and eat lunch.

- (c) Funding projects that enliven public spaces, venues, laneways with music, performance and public art: the City would like to relaunch the live music scene in Sydney, supporting performances in venues and in the public domain, reactivating the city over several months. This will be achieved through a new grant program with matched funding from both NSW Government and the City. The CBD Activation Grant will support economic recovery by bringing business and creatives together to activate businesses and public space in the CBD with cultural programming.

In addition, the City will offer a Cultural Sector Innovation Grant program to support cultural organisations and businesses to innovate, adapt and grow, and a Community Services Grant program to respond to ongoing community need including food relief, digital inclusion, social isolation, tenancy support and homelessness services.

The City's laneways will again be enlivened with public art as in previous years. The City will produce a public art program engaging artists to transform up to four laneways in central Sydney over six months. The City will host summer tours of existing artwork in the city centre.

The City has advocated that the NSW Government keep Sydney's major cultural institutions open into the evenings, to provide opportunities for visitors and residents to see exhibitions, programs and events.

- (d) The City is working closely with Destination NSW to plan for an integrated approach to marketing Sydney “beyond the icons” over the next 12 months, which will include promoting Sydney as a domestic destination to Sydneysiders, inviting them to explore the main streets, cultural offering and nightlife.

The City will continue its successful #sydneylocal campaign, working with local online publishers Concrete Playground, Broadsheet and Time Out to promote the tourism, retail and hospitality businesses in the CBD and villages. The City and the State Government will work in partnership with Destination NSW to ensure an integrated approach.

- 7. The City and NSW Government will enter into an agreement. The agreement will include details regarding the key initiatives outlined in this report, together with funding arrangements for the delivery of the initiatives.

Key Implications

Temporary outdoor dining

- 8. The activation of the city and the safe operation of food and drink businesses will be supported by a streamlined approval process for temporary outdoor dining. The streamlined process will be in place until 31 October 2021 to specifically support businesses through Covid-19 recovery. It will encourage business to temporarily take up outdoor dining, extend their existing outdoor dining if there's sufficient space and use any reallocated road space.
- 9. It is proposed to update the City's Outdoor Dining Guidelines to facilitate temporary outdoor dining opportunities up to 31 October 2021. The proposed changes and any approvals will be time limited up to that date, after which businesses will need to go through the standard processes. In order to create opportunities for the summer period and given the urgent need to assist business it's recommended these temporary changes are adopted without exhibition.
- 10. The changes streamline approval processes, broaden the range of businesses that may apply, reduce consultation from 14 days to seven days, provide flexibility on the clear path of travel, make clear that reallocated road space may be used, allow later trading with reduced or no trial periods, and remove the requirement for a security bond for repairs. They reflect similar changes being made by the State government to planning controls and licensing regulations, as well as some recent easing of restrictions to enable more people to be accommodated in outdoor dining areas and some larger outdoor events.
- 11. The process will reduce approval times to between one and five weeks, depending on the proposal and whether public consultation or referral to a NSW Government agency, such as Transport for NSW or NSW Liquor and Gaming, is needed, or whether standard criteria can be met. At the time of writing, the NSW Government is in the process of amending planning rules to allow small bars and pubs to seek an outdoor dining approval without an additional development application, treating them the same as restaurants and cafes.

12. The restrictions at hospitality venues are also being eased to allow one patron for every two square metres in outdoor areas, which was previously one patron per four square metres. Liquor Regulations have also been amended to enable the boundaries of licensed premises to be expanded, without an application fee or consultation with the NSW Police, to take in additional approved outdoor dining area for trading up until 12 midnight.
13. To achieve the reduced approval time-frames it is proposed council adopt temporary changes to the City's Outdoor Dining Guidelines (the Guidelines) as shown at Attachment A with insertions shown as bold italic. The proposed changes to the Guidelines are described below.

Eligible businesses

14. Under the Guidelines, eligible businesses have to be a restaurant, café or other business that serves food and also has seating inside. This helps provide clarity for businesses that may need to meet the definition of a restaurant under the *Roads Act 1993*. It is proposed to temporarily provide greater flexibility by expanding the range of business that can have outdoor dining to other venues that serve food for immediate consumption. Businesses using the footpath will still need to meet the applicable Roads Act definition for a restaurant.

Consultation and notification

15. It is proposed to reduce the consultation period from 14 days to seven days. Currently, applications in Central Sydney are notified for comment if they are greater than 20 square metres in size. Applications outside Central Sydney are notified if they are greater than 10 square metres or the operating hours are outside 7am to 10pm. Neighbours will still be notified and be able to lodge submissions which will be considered by the assessing officer.
16. It is also noted that notification will be based on the size of the application, not the cumulative outdoor dining area. This means that if a Central Sydney business has a 15 square metre area and proposes a 10 square metre temporary outdoor dining area it will not be notified even though the total area if approved is above the 20 square metre threshold. This limits the assessment and any consultation to the additional impact of the temporary outdoor dining area.

Clear path of travel

17. The Guidelines currently set a minimum clear path of travel width of two metres for streets, 1.2 metres for Central Sydney laneways and four metres in shared zones used by vehicles. These widths were set on the basis of the city's typically busy footpaths and exceed the Australian Standards which recommend a minimum clear path of travel of 1.8m which can be decreased to 1.2m in part if there are areas for pedestrian passing. It is proposed to temporarily amend the Guideline to allow a narrower clear path of travel following assessment of the location and merit of the application, provided that the proposal complies with the Australian Standards. This change may create additional outdoor dining opportunities for businesses on streets that are currently not as busy as they previously were.

Location of the outdoor dining area

18. A new provision is inserted to make clear that businesses may provide outdoor dining on road space that the City is able to reallocate from traffic or parking lanes. The provision requires the area to be protected with barriers suitable to the speed limit on the roadway. The provision also allows the business to extend its operations lengthways along the reallocated road space to provide additional outdoor dining opportunities. A business's outdoor dining cannot be in front of another food and drink outlet and the space in front of non-food and drink outlets must be shared with other food and drink businesses. Existing provisions which avoid businesses occupying the footpath directly in front of another business are retained. A provision is also inserted to allow flexibility around the setbacks from classified roads provided appropriate barriers are in place.

Trading hours

19. A new provision is inserted to allow maximum trading hours to be approved with reduced or no trial periods given the temporary outdoor dining approvals will only be in place until 31 October 2021. The Guidelines refer to the City's late night trading controls in Sydney Development Control Plan 2012 (DCP). Under the DCP, maximum trading hours for outdoor dining areas are 1am in 24-hour late-night management precincts, 11pm in City living precincts and 10pm in local centre precincts. Typically, maximum hours are achieved after a series of successful trial periods but start at a base of 10pm in late night management precincts and 8pm in all other areas. Full trial periods may not be possible given these are temporary outdoor dining areas to support Covid-19 recovery. A trial period may still be used in sensitive situations.
20. The City's standard conditions for outdoor dining enable approvals to be revoked or amended if there are issues. Council may also require a plan of management for the outdoor dining area of licensed premises, as requested by NSW Police and NSW Liquor and Gaming. It is also noted that the NSW Government's temporary streamlined licensing process will limit outdoor dining to midnight for extended outdoor dining areas relying approved through that process.

Rental, application and security fees

21. On 21 September 2020, Council waived fees for footway dining until 31 March 2021. It is recommended the waiver is continued to 31 October 2021 to align with the temporary outdoor dining program and make clear that application fees as well as rental fees are waived on the basis of hardship.
22. The Guidelines currently require an operator to lodge a security deposit with the City to pay for any necessary repairs resulting from damage to the footway caused by the operation of an outdoor seating area or unpaid rent when a business ceases to operate. The security is the greater of \$500 or three-month rental. The City will waive this payment for the period as rental fees are waived and the security is rarely drawn upon to cover damage. Existing provisions in the Guidelines require furniture that doesn't damage the footpath and permanent fittings are not permitted. Conditions can be placed on an approval to make businesses aware that Council may seek costs in the unlikely case of significant damage to the footpath.

Temporary implementation

23. The proposed changes will be in force until 31 October 2021 and apply to applications lodged and likely to operate before that date. Approvals will be granted up to 31 October 2021. After that date, it is planned to revert to the usual processes and business will have to apply through those processes to continue any outdoor dining. In order to create opportunities for the summer period and the urgent need to assist business it's recommended these temporary changes are adopted without exhibition.

Grants

24. In order for the Chief Executive Officer to implement the new Grants Programs, increase the existing programs, and reflect the changes to the budget outlined above, an amendment to the Operational Plan is required to be exhibited. It is proposed that Council approve the exhibition of those programs and budget changes and request the Chief Executive Officer undertake that exhibition immediately so that funding can be made available to our businesses, cultural and creative and community sectors as soon as possible.

Outdoor summer cultural experience

25. A key part of the AI Fresco City initiative is the delivery of a program of outdoor cultural events in order to attract people to the city and increase activity and vitality in the CBD. Staff are currently exploring appropriate locations for the establishment of a stage, which is proposed to be curated by the cultural community, in order to deliver a range of cultural and creative performances. These events will be ticketed and either compliant with existing public health orders or, if approved, in accordance with the conditions of an exemption issued by NSW Health. The details of the location and approval process for the stage is currently being worked through by staff and further information will be provided by way of CEO Update as soon as possible.
26. In order to deliver a performance stage that forms part of the outdoor summer cultural experience, key services not currently under contract with the City need to be procured. Technical services, including stages, lighting and audio, suitable for cultural and creative organisations to present performances will be required. Event personnel, including front-of-house/guest services, site and stage managers, will also be required to manage the two-month operational period. Given the need for the program to occur over summer, there is insufficient time to invite tenders. Accordingly, Council's approval for an exemption from tender is sought, noting that value for money will still be achieved by adopting the procurement process outlined in Confidential Attachment D.

Strategic Alignment - Sustainable Sydney 2030

27. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This program is aligned with the following strategic directions and objectives:
- (a) Direction 5 - A Lively and Engaging City Centre - Implementing the AI Fresco City program will safely promote the city centre through initiatives which support the re-activation of the CBD with outdoor dining, bars, late night trading, live music and performances and cultural institutions staying open in the evening.

- (b) Direction 6 - Vibrant Local Communities and Economies - Covid-19 has had a devastating impact on local communities and the economy. The AI Fresco City initiatives will aim to boost the local economy, support businesses and create jobs over the vital summer period.
- (c) Direction 7 - A Cultural and Creative City - The AI Fresco City program will connect creatives and businesses, provide performance opportunities and offer support and work to artists whilst enlivening the city with cultural activations.
- (d) Direction 10 - Implementation through Effective Governance and Partnerships - The City has formed a new and effective partnership with the State Government in order to deliver this program which is in line with the City's Community Recovery Plan goals.

Organisational Impact

- 28. The implementation of the AI Fresco City program will involve key staff from across the City of Sydney. Identified staff will be responsible for leading and managing the specific initiatives, including reporting to the NSW Government. Additional staff essential to ensure delivery will be recruited for the duration of the program. The funding for this is included in the City's \$5 million contribution to this program.

Risks

- 29. The AI Fresco City program has been developed at a time when the health crisis is not yet over, and the status of government restrictions are constantly changing. Activations must therefore be monitored and scaled as required in response to changes in applicable rules and the health situation generally.
- 30. The program is being delivered with very short timeframes and there may need to be modifications and adaptations to delivery as the program is rolled out.

Social / Cultural / Community

- 31. The City recognises the impact of Covid-19 restrictions have hit the cultural sector particularly hard. Cancellation of large-scale performances, events and festivals means many businesses in this ecosystem may not survive. This program puts the creative activity at the heart of re-activating the city, acknowledging that a thriving cultural sector is vital for the city's recovery.

Economic

- 32. The pandemic has had severe impact on the city and economy. The impact is particularly significant in our local area because there is such a high concentration of businesses. The AI Fresco program aims to safely encourage workers and visitors back to the CBD, helping businesses survive in the short-term and creating opportunities for them to thrive in the long-term.

Financial Implications

33. The AI Fresco City program will be delivered using the \$20 million partnership funding from both the City and NSW Government in 2020/21 (Please see Confidential Attachment C). \$15 million will be incoming funds from NSW Government and \$5 million will be funded by savings in the City Life division including savings from Sydney New Year's Eve 2020 and other events that were not possible due to the pandemic. Should these savings prove insufficient, the balance would need to be funded from General Contingency.
34. Extending the waiver of outdoor dining fees for the remainder of the 2020/21 will cost an estimated \$329,000. The total over two financial years 2020/21 and 2021/22 is estimated to cost approximately \$1,956,000.

Relevant Legislation

35. The Local Government Amendment (Governance and Planning) Act 2016 was assented to on 30 August 2016. The aim of the Integrated Planning and Reporting framework is to improve integration of various statutory planning and reporting processes undertaken by councils as required by the Local Government Act 1993, the Office of Local Government's guidelines and the Environmental Planning and Assessment Act 1979.
36. Sections 402 to 406 of the Local Government Act 1993 outline the requirements that a council must undertake when preparing a community strategic plan, underlying delivery plan and strategies with respect to the council's activities.
37. Section 356 of the Local Government Act 1993 describes how councils may financially assist others.
38. Section 610E of the Local Government Act 1993 enables councils to waive or reduce fees and charges where it has determined that a category of cases in which waivers or reductions are appropriate. Public exhibition of a category related to the Covid-19 pandemic is not required under the new cl 413J of the Local Government (General) Regulation 2005.
39. Section 55 of the Local Government Act 1993 sets out the circumstances in which Council may grant an exemption from the requirement to follow the legislated tender processes.
40. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
41. Attachments C and D to the subject report contain confidential commercial information which, if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
42. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

43. Council is required to place proposed new documents related to the Integrated Planning and Reporting legislation on public exhibition for 28 days. The Local Government Act 1993 requires that the draft budget, and revenue policy for rates, annual charges and fees, be incorporated within that exhibition and consultation process.
44. The Al Fresco program has an anticipated duration from 27 October 2020 to 31 October 2021. By 31 December 2020, the grants programs and call for laneway artists will have opened, marketing campaign commenced, and stage infrastructure orders will be placed. By 28 February 2021, stage activation will have commenced, grants will be awarded, and laneway art installed. By June 30 2021, laneway art will be finalised, procurement of Alfresco dining will be complete and grants activations will commence. The project will be complete by 31 October 2021.

EMMA RIGNEY

Director City Life

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Attachment A

**City of Sydney Outdoor Dining Guidelines
October 2020**



Sydney2030/Green/Global/Connected

CITY OF SYDNEY  

Outdoor Dining Guidelines

2020

city of villages

Outdoor Dining Guidelines

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01

Introduction

A business cannot solely rely on outdoor seating on a public footway

Who can have outdoor dining?

The City supports local restaurants and cafes by allowing seating for outdoor dining to supplement indoor seating.

To be eligible, you have to:

- be a restaurant, café or other business that serves food; and
- also has seating inside.

A business cannot solely rely on outdoor seating on a public footway.

If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, council may permit outdoor dining for a restaurant, café, business or other venue if it serves food for immediate consumption.

Where these guidelines apply

These guidelines apply to all applications for outdoor dining on the footway and similar public spaces in the City of Sydney Local Government Area, except for:

- the Rocks,
- Circular Quay;
- Barangaroo; and
- Darling Harbour.

For applications in those areas, please contact Property NSW.

How to use these guidelines

These guidelines:

- are to be read along with Council's Outdoor Dining Policy;
- provide information for the public and for applicants seeking to use the footway for outdoor dining under the *Roads Act 1993* for footways; or the *Local Government Act 1993* for other public spaces; and
- provide guidance for Council in determining applications for use of the footway and other public spaces for outdoor dining.

There are eight parts to these guidelines:

- 1 Introduction** outlines general information for outdoor dining applications.
- 2 Outdoor dining approvals** has information on the approvals that are needed.
- 3 Footway access** sets out requirements to leave enough room for pedestrians on the footway.
- 4 The outdoor dining area** provides information on suitable locations and sizes of outdoor areas.
- 5 Outdoor dining furniture** has design requirements for furniture and other structures to be used in conjunction with the outdoor dining; and on measures to protect the amenity of neighbourhoods.
- 6 Neighbourhood amenity** details the matters that will be considered in deciding if outdoor dining is appropriate for neighbourhoods.
- 7 Responsibilities for the operator** details Council's expectations for operators using public spaces for outdoor dining.
- 8 Special areas for outdoor dining** gives more detailed guidance for nominated precincts.



Key terms

Term	Meaning
Clear path of travel	<p>The area of the footway maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as:</p> <p><i>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment that would prevent it from being safely negotiated by people with disability.</i></p>
Exempt development	<p>Development that does not need development consent under the <i>Environmental Planning and Assessment Act 1979</i>, but which may still need some other approval. At the time of adoption, the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway dining exempt development if it is:</p> <ul style="list-style-type: none"> a) not associated with a pub or a small bar, and b) carried out in accordance with an approval granted under section 125 of the <i>Roads Act 1993</i>, including in accordance with any hours of operation to which the approval is subject, and c) carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>.
Outdoor dining	Dining on the public footway, associated with an approved restaurant. Also sometimes referred to as footway dining or footway restaurant.
Public footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
Restaurant	Defined in the <i>Roads Act 1993</i> . At the time of adoption, the Act defines a restaurant as premises in which food is regularly supplied on sale to the public for consumption on the premises. It includes cafes, pubs and take away food and drink premises where food is also regularly served for consumption at indoor seating on the premises.

02

Outdoor dining approvals

Council will encourage and support well managed use of the footway. The City's footways are public land and an approval to use this land for outdoor dining is a requirement.

What approvals are required?

All outdoor dining requires an approval to use public land. At the City of Sydney, this is called a Footway Approval (Outdoor Dining).

Most outdoor dining will not need development consent. It will be 'exempt development' (see Key Terms) and will only need a footway approval from Council.

Outdoor dining that is not exempt development will also need development consent from Council.

If you are not sure which approvals you need, please talk to Council either at one of our Neighbourhood Service Centres, or by calling 9265 9333.

Special precincts for outdoor dining

Some places have additional considerations when applying for outdoor dining. Applications for outdoor dining in a nominated special precinct are to be consistent with the detailed guidance in Section 8 of these guidelines. The following are nominated as special precincts:

- Martin Place – from George Street to Pitt Street (the Cenotaph block); and
- Llanekelly Place, Potts Point.

Change of operator

The legislation requires approvals for outdoor dining to be given to the operator of the business, and not to the business or the property.

This means, that when the operator of a business with approval for outdoor dining changes, the approval is no longer valid.

A new operator will need to get a new approval for outdoor dining.

Compliance with outdoor dining approval

Operators must display the approval notice for an outdoor dining area in a prominent position, and make it available to authorised Council officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.

Authorised Council officers may order the removal of any items on the footway that are not part of the outdoor dining approval, or otherwise permitted under another approval or policy of Council.

Revoking, suspending, or amending an outdoor dining approval

Applicants should be aware that Council can revoke, suspend or amend an approval for outdoor dining if:

- the conditions of the approval are breached;
- the use of the footway area for outdoor dining is causing public safety or public access to be compromised;
- the footway area is needed for public works;
- the footway area is needed for a special event; or
- the footway area is needed to manage an increase in pedestrians.

Where Council needs to revoke, suspend, or amend an approval for outdoor dining the approval holder will be given notice of Council's intention and will be given an opportunity to make representations to Council.

Period of approvals between 30 October 2020 and 31 October 2021

Council has adopted temporary amendments to these guidelines to support businesses with Covid-19 recovery.

Council may limit the period of the approval to 31 October 2021 if an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021 and the approval is based on the temporary amendments.

Consultation and notification of outdoor dining applications

Public consultation on some outdoor dining applications can help identify problems that could arise during operation.

Provisions

- 2.1. Outdoor dining applications will be notified for public consultation:
 - in Central Sydney (as shown at **Figure 1**), where the proposed area is more than 20 square metres;
 - outside of Central Sydney, where the proposed area is more than 10 square metres; or where proposed operating hours are prior to 7am, or after 10pm;
 - unless the application meets the criteria in 2.2 below.
- 2.2. Outdoor dining applications will not be notified where:
 - there is an existing Footway Approval;
 - the application is to allow for change of operator of the Footway Approval; and
 - there are no proposed changes to the terms of the Footway Approval, including operating hours, and outdoor dining area.
- 2.3. Notification will be made through a notice on the premises, on the Council's website, and via letter or digital service:
 - for a period of 14 days **or 7 days if the application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021**; and
 - within a 25 metre radius of the proposal.

Application requirements

Submitting the correct documents with the outdoor dining application will support an efficient application assessment.

- 2.4. The following documents are required
 - a completed application form (available from Council's website);

- a request to Council for owner's consent for the use of Council-owned land;
- a description of the proposed outdoor dining, including size and location of the proposed outdoor dining area and hours of operation;
- colour images of the site and the surrounding context;
- images, or a manufacturer's brochure, showing any furniture, umbrellas, heaters and the like;
- a plan of the outdoor dining area (see below);
- an emergency contact number.

Outdoor dining area plan

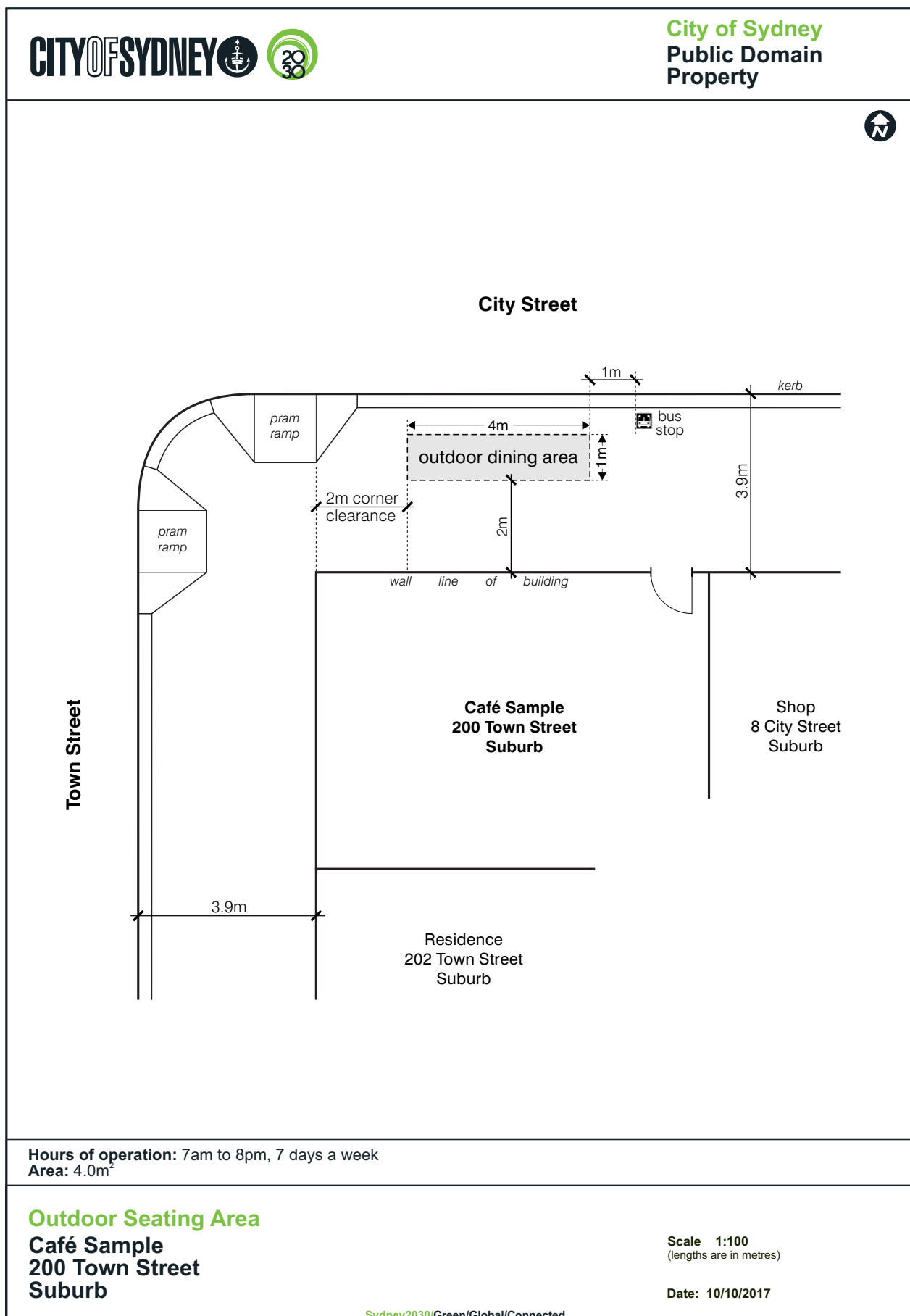
An outdoor dining plan is to be easily understood and allow Council officers to assess the outdoor dining application efficiently and effectively. A sample plan is shown at **Figure 2**.

- 2.5. An outdoor dining area plan should be to scale and with clearly marked dimensions, showing:
 - the width of the pavement and the proposed outdoor dining area;
 - the location of the outdoor seating area on the footway, along with the associated premises, and neighbouring premises;
 - layout of the outdoor dining area, including its width, and also umbrellas, heaters and the like;
 - clearances around the outdoor seating area from trees, the kerb, street furniture, street signs and the like;
 - location of all existing street fixtures, including benches, trees, poles, bike parking rings, bins, heritage plaques and inscriptions and the like;
 - location of transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any); and
 - the location of all doorways and service openings.

Figure 1 – Central Sydney



Figure 2 – a basic outdoor dining plan



03

Footway access

The primary function of a public footway is to provide access to pedestrians and other users travelling along the street.

In some places, the footpath may be too narrow or too busy to support a business use and also provide the clear path of travel required by these guidelines.

In these circumstances, the footway is not suitable for outdoor dining. Council will maintain a map, available through Council's website, of busy streets which are not suitable for outdoor dining.

Clear path of travel

Council will ensure that the public footway continues to provide safe, dignified and equitable access to pedestrians and other users travelling along the street. To achieve this, the Council will ensure a minimum clear path of travel is maintained to a suitable width before any business uses are considered.

Provisions

- 3.1. A clear path of travel is to be maintained on all public footways before other uses are considered.
- 3.2. The minimum width of the clear path of travel needs to be:
 - 2 metres for streets;
 - 1.2 metres for Central Sydney laneways, as shown in **Figure 3**; and
 - 4 metres in shared zones used by vehicles.
- 3.3. In areas of high pedestrian volume or where closeness to traffic might pose a safety risk, Council may:
 - require a greater clear path than shown in 3.2; or
 - not allow outdoor dining, where the street has been identified as not suitable.

3.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce the width of the clear path of travel provided there is a consistent and predictable clear path of travel for all users and the Australian Standards are met.

the clear path of travel is to be consistent and predictable for each street block

- 3.4. Council can require a clearance of less than 2m where:
 - it can be shown that pedestrian safety will not be compromised; and
 - where activity such as outdoor dining is desirable.
- 3.5. The location of the clear path of travel is to be consistent and predictable for each street block.
 - A consistent clear path is located on the same part of the footway for the length of the block.
 - A predictable clear path is one where the location can be anticipated by users based on either local knowledge of the street or environmental cues.

Figures 4 to 6 demonstrate a consistent and predictable clear path of travel.

Figure 3 – Central Sydney laneways

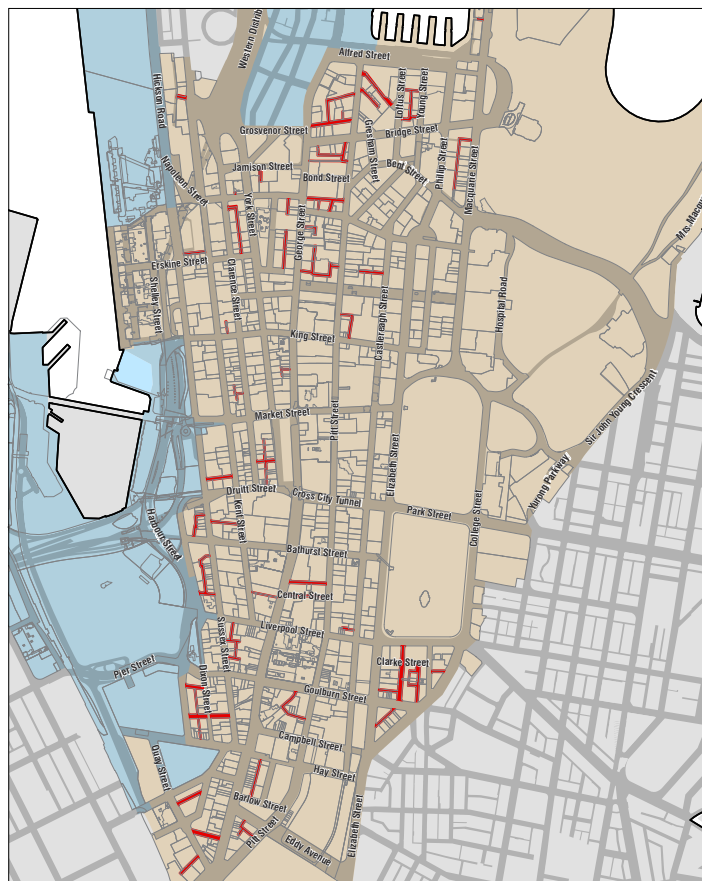


Figure 4 – this clear path of travel is in a consistent location on the block and is predictable for pedestrians. This figure also shows the special clearances are required when dining is at the kerbside.

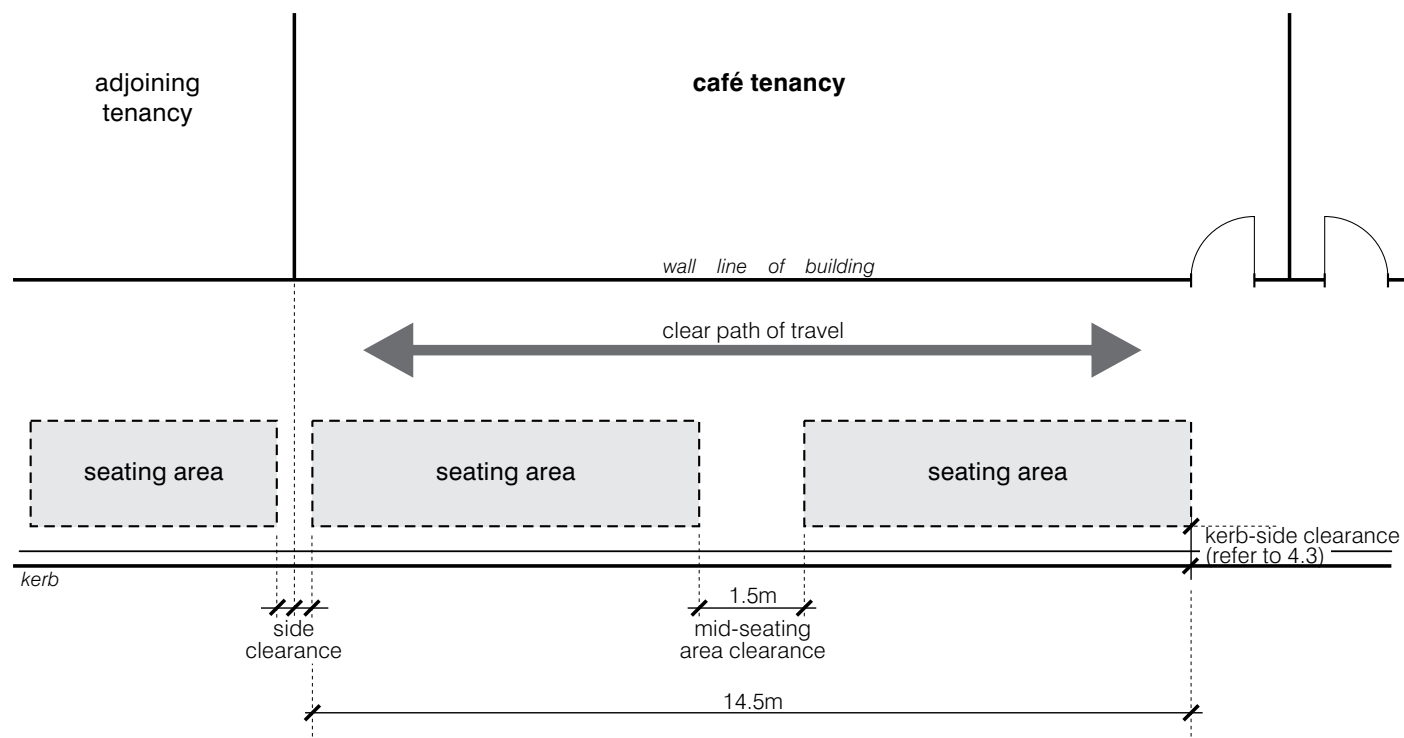


Figure 5 – this clear path of travel is in a consistent location on the block, and is predictable for pedestrians.

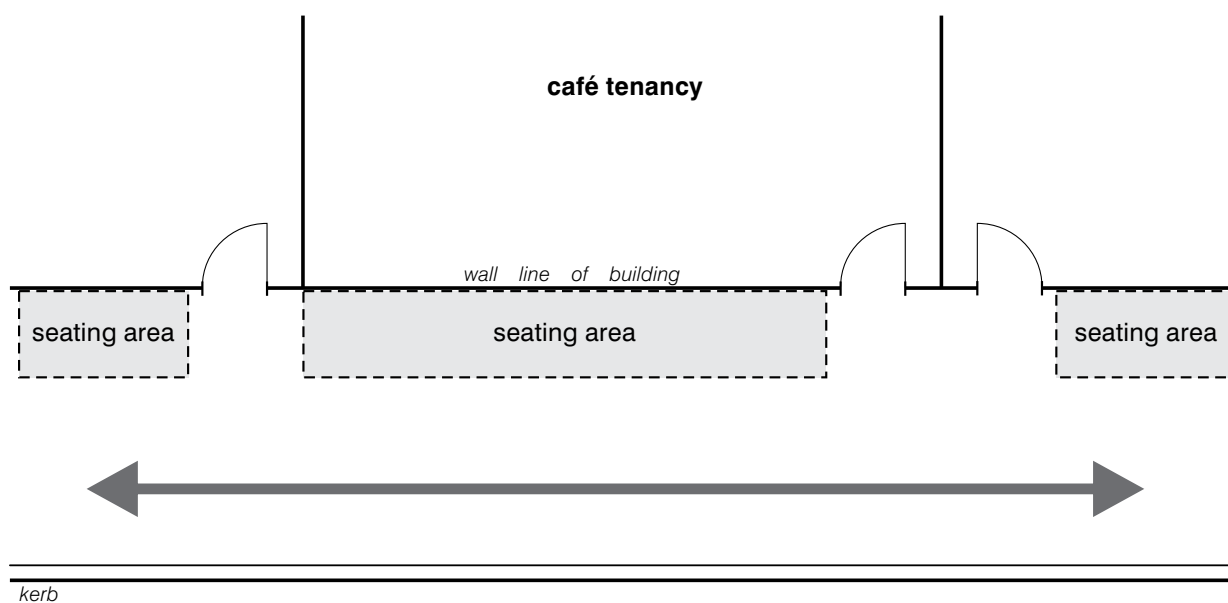
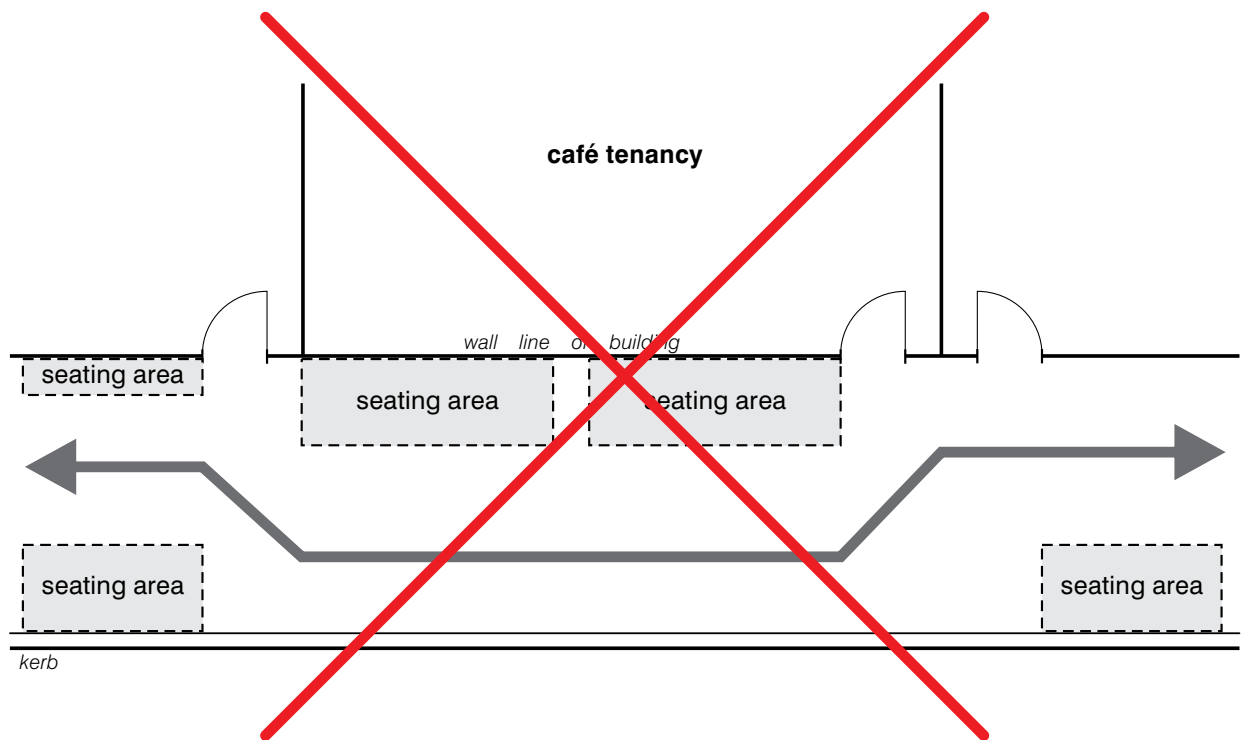


Figure 6 – this clear path is not in a consistent location on the block, and is not predictable for pedestrians.



04

The outdoor dining area

Outdoor dining areas are to provide a safe and enjoyable dining experience for customers, while keeping footways safe and accessible for all pedestrians.

In considering the size and location of an outdoor dining area, the first consideration will be the safe, dignified and equitable movement of pedestrians.

The location and size of an outdoor dining area will depend on:

- the location of adjacent outdoor dining areas;
- the space required for outdoor dining furniture and the circulation of customers;
- nearby infrastructure such as bus stops, trees and rubbish bins; and
- the amount of pedestrian and vehicle traffic at the location.

Size and location of the outdoor dining area

Provisions

When applying for outdoor dining, applicants are to:

- 4.1. Allow enough room for furniture and customers, by keeping a minimum width of 0.8m for the outdoor dining area.
- 4.2. Maintain safety and circulation on public footways, by keeping outdoor dining areas clear of trees, bus stops, and service items such as parking meters, fire hydrants, drains and the like. The minimum clearances needed, shown at **Figure 7** are :
 - **1 metre** from a public transport stop, public transport access point, bus zone or taxi stand;
 - **1 metre** from any service object including fire hydrant, utility pit, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like;
 - **1 metre** from any landscaped area;

- **0.8 metres** from any street tree pit or grate – measured from the outside of the pit or grate.
- **2 metres** from the corner alignment of the building at street intersections
- sufficient clearance to give safe, dignified and equitable access to buildings; and
- not obstructing or impeding access to fire escapes and emergency exits.

- 4.3. Applicants cannot apply for outdoor dining approval for an area that is not immediately outside their tenancy (for example, outside of a neighbouring premise).

4.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, space reclaimed by Council from the roadway area may be used for outdoor dining if the area is protected by vehicle-proof barriers appropriate to the speed of traffic. The outdoor dining area on the reallocated roadway may extend beyond the alignment of the business tenancy provided:

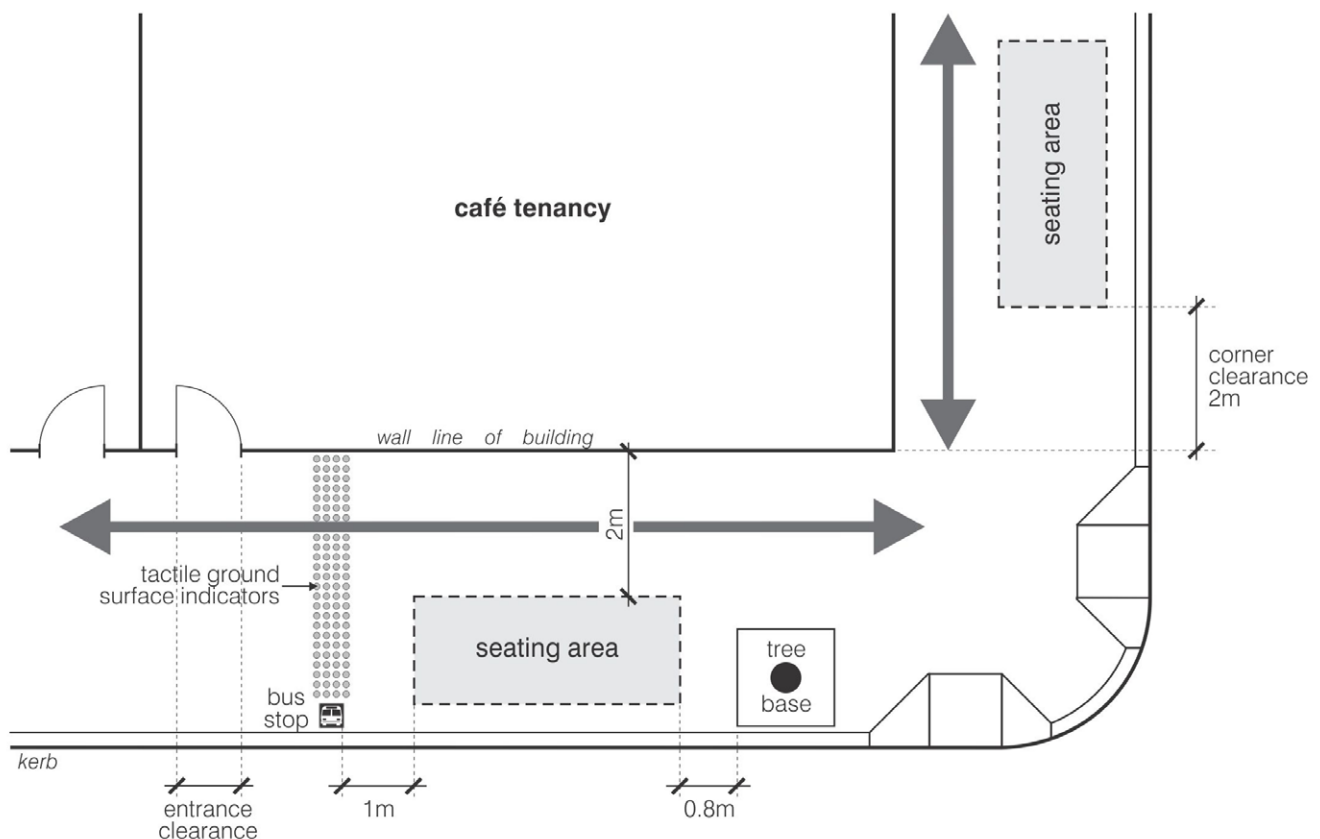
- **it is to be continuous except for mid-area clearances under clause 4.6,**
- **it is not in front of another food and drink outlet, and**
- **the space in front of a non-food and drink outlet is equally shared with any other food and drink outlet that adjoins the non-food and drink outlet.**

Toilet facilities

Provisions

- 4.4. The application should demonstrate that acceptable toilet facilities are available in the premises to which the outdoor dining approval relates.

Figure 7 – clearances required around the outdoor dining area



Special clearances for outdoor dining at the kerb

When applying for outdoor dining towards the kerbside of the footway, it is important to consider the safety of patrons from traffic, and to allow room for access to cars parked along the kerb.

Provisions

- 4.5. Applicants should leave the following clearances from the kerb:
- **2 metres** when next to a RMS classified road, or traffic moving at 20km/hour or more;
 - **1.5 metres** when next to an accessible parking spot;
 - **0.9 metres** when next to a loading zone;
 - **0.6 metres** when next to normal parking conditions, or next to traffic moving at 20km/hour or less.

4.5.A *If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce the clearances from the kerb or carriageway on a classified road provided the area is protected by vehicle-proof barriers suitable to the traffic speed of the road.*

- 4.6. Applicants should leave the following clearances around their outdoor dining areas:
- **0.25 metres side clearance** at the side boundary of the footway area immediately in front of your building. This is to create a gap between adjacent outdoor dining areas.
 - **1.5 metre mid-area clearance** to for seating areas longer than 12 metres, to allow access to the street.

05

Outdoor dining furniture

Outdoor dining areas are to make a positive contribution to the character of the City's streets and public spaces. They are to appear as temporary uses of the public domain, not as permanent fixtures.

An outdoor dining set-up can contain a variety of items – tables, chairs, umbrellas and heaters. Care needs to be taken that streets do not become cluttered and obstructed through the placement of furniture and other items.

Streets that are physically and visually cluttered make business identification and general wayfinding more difficult and detract from the street attractions. Signage, branding and advertising can all add to visual clutter and take away from the positive characteristics of the street.

The choice of furniture, including tables, chairs, and umbrellas are to reflect and build on the existing character of the local area.

Barriers around outdoor dining areas give the appearance that the public space has been privatised, and become an obstacle to access and movement and generally not supported. As much as possible, outdoor dining areas are to remain open and inviting.

Furniture and other items

Provisions

- 5.1. Any furniture or other items that form part of the outdoor dining set-up should be described in the application for outdoor dining and approved by Council.
- 5.2. All furniture and other items:
 - are to be located within the approved outdoor dining area;
 - should not have permanent fixings; and
 - should be removed and stored safely outside of outdoor trading hours.

- 5.3. Council encourages the design and range of furniture for outdoor seating areas to:
 - demonstrate diversity and innovation;
 - reflect the character of the buildings and permanent elements of an area;
 - have an open appearance; and
 - minimise clutter.
- 5.4. Seating, including chairs, stools, benches tables and the like are to:
 - be safe for users and not have any sharp edges, hinges or other moving parts that could cause a hazard to users;
 - allow access for all users, including those who use wheelchairs or mobility aids;
 - be non-reflective;
 - be strong, durable, weather resistant and designed for commercial outdoor use;
 - not damage the footway and Council property.
 - be able to be readily removed and stored within the associated premises; and
 - be generally consistent with the character of the area.
- 5.5. Furniture and other items should have a colour or luminance contrast to allow them to be identified by pedestrians with low-vision. A luminance contrast of 30% is recommended.

Figure 8 – barriers can be used to enclose a licensed area. These barriers have logos which meet the standards in these guidelines



Figure 9 – these umbrellas have logos which meet the standards in these guidelines



Barriers

Provisions

- 5.6. Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are not permitted.
- 5.7. Barriers are permitted where there is a license under the Liquor Act 2007 to serve alcohol in the outdoor seating area and it is in a designated Alcohol Free Zone.
- 5.8. Side, or 'end', barriers which separate one outdoor dining area from an adjacent outdoor dining area are permitted.
- 5.9. Where barriers are used, they must:
 - Have a maximum gap of 150mm from the pavement to the underside of the barrier; and
 - Not be a rope or chain.

Umbrellas, canopies and the like

Provisions

- 5.10. Umbrellas are not permitted where a seating area has shelter from a building awning.
- 5.11. Where umbrellas are used, they must have a height clearance of **2 metres** from the ground for pedestrian movement and safety.
- 5.12. Umbrellas should be:
 - Square, to take up the least possible space; and
 - Fabric or matte-finished.
- 5.13. Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for pedestrians.
- 5.14. Where there is more than one umbrella, they should be of a single solid colour.
- 5.15. Drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected together by zippers or similar means are considered a canopy.

Outdoor heaters

Provisions

- 5.16. Outdoor heaters will only be approved where the safety of people and property is not compromised.
- 5.17. Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property.
- 5.18. Outdoor heaters should be turned off when the outdoor dining area is not in use.
- 5.19. Outdoor heaters should be stored safely within the premises when not in use.

Note: Australian Standard AS/NZS 1596:2008, *The Storage and Handling of LP Gas* gives advice on storing outdoor heaters.

Signage and branding

Provisions

- 5.20. The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella, or barrier where permitted by provisions 5.7 or 5.8, only if it:
 - involves only one product or business name being advertised in each seating area; and
 - is a minor and ancillary element of the design, comprising no more than one third of the surface area and does not have an adverse impact on the appearance of the seating area or the streetscape.
- 5.21. No other advertising signage will be permitted.

06

Neighbourhood amenity

Outdoor dining brings many benefits to our streets – from the economic benefits of a thriving local economy to opportunities for informal social meetings and interactions.

Many of our outdoor dining areas are on streets where businesses and residents are mixed, and many residents enjoy their local cafes and restaurants. Where outdoor dining areas are close to homes, care needs to be taken to ensure residents can continue to enjoy the amenity of their neighbourhood.

The City has found that seating arrangements can affect the noise generated. Larger tables of more than four people can lead to louder conversations and disturbances for neighbours while smaller tables with chairs facing the road tend to generate less noise.

Hours of operation

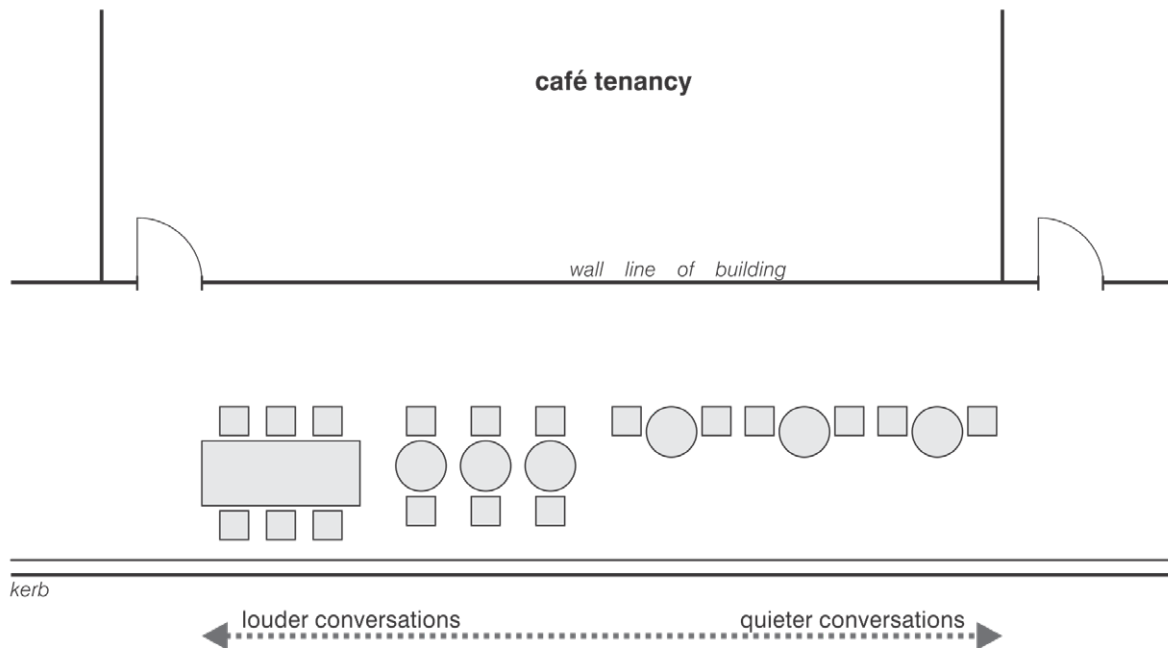
Provisions

- 6.1. Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Management.
- 6.2. In considering operating hours for outdoor dining, Council will assess:
 - how close an outdoor dining area is to nearby dwellings and other noise sensitive uses; and
 - the size of the outdoor dining area.
- 6.3. Council may approve alternative hours of operation and size of area, to allow outdoor dining that will not have an adverse noise impact on the neighbourhood.

Notes: Applications for extended operating hours will be subject to the same trial period process specified in Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

6.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce or not impose a trial period for trading hours that exceed the base hours under Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

Figure 10 – the arrangement of tables and chairs influences the noise generated from outdoor dining areas.



Music

Provisions

- 6.4. Entertainment and amplified music are not permitted in outdoor dining areas.

Seating arrangements

Provisions

- 6.5. Council may require smaller tables and chairs to face towards the road to reduce noise.

Lighting

Provisions

- 6.6. Council may consider the installation of private lighting for outdoor seating areas that are approved to operate outside daylight hours, provided:
- the safety and amenity of patrons, the general public and road users is maintained;
 - it does not reduce the amenity or safety of other uses in the area as a result of glare or light spillage;
 - it is to be located wholly within the outdoor seating area; and
 - electrical cabling is discreet and does not create trip hazards.

Note: Any lighting should be designed to comply with AS 300, AS 1158, AS 4282 1997 Control of Obtrusive Effects of Outdoor Lighting, and The City of Sydney Lights Code.

07

Responsibilities of the operator

The City encourages well managed outdoor dining that contributes in a positive way to the character of the City and its public spaces. Use of public space, including the footway, brings responsibilities for the operator.

Conditions of the footway approval will include:

Protection of Council-owned property

- 7.1. An operator will be required to lodge a security deposit with the Council, to pay for any necessary repairs resulting from damage to the footway caused by the operation of an outdoor seating area.

7.1.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council will waive the requirement for a security deposit where the monthly rental fee is also waived. Council will reserve the right to damages caused by the operation of outdoor dining area.

Notes: The details of any required security deposit will depend on the proposal and will be outlined in any approval. Typically it is the greater of \$500.00 or three month rental, and must be paid before the operator can use the footway. It may be used to: repair damage caused by operation of an outdoor seating area; remove private fittings fixed to the footway by an operator; or cover any outstanding money owed to the Council after the operation has permanently ceased.

Rental fee to occupy the public space

- 7.2. Approval will be subject to a condition that a rental fee will be paid for the use of the footway.
- 7.3. The fee due is set out in Council's fees and charges, and will be due annually at the rate applicable for that year.

Note: Application fees and public land rental costs for outdoor seating areas are outlined in the City of Sydney Schedule of Fees and Charges. The rates can change each financial year, and the latest schedule is available on the Council's website. The ongoing rent will depend on the location and size of the outdoor seating area.

Public liability insurance

- 7.4. An operator will be required to obtain and maintain a public liability insurance policy with an insurer acceptable to the Council, to cover any legal liability of property damage and personal injury to the public.

Note: The details of any required insurance policy will depend on the proposal and will be outlined in any approval. Typically operators need to provide cover to a minimum value of \$10M, up to \$20M on classified roads. The insurance company will need to provide certificate of currency to Council before the operator can use the footway, and annually thereafter.

Display of approval

- 7.5. A copy of the approval and plan is to be kept on premises, displayed in a prominent position and be produced on request to authorised Council officers.

Management requirements

- 7.6. An outdoor seating area is to operate in accordance with the conditions of the approval.
- 7.7. Outdoor dining, including furniture, must be within the approved outdoor dining area.
- 7.8. All patrons are to vacate the approved seating area and all structures are to be removed from the seating area and stored within the premises before the closing time specified in the approval.
- 7.9. Outdoor seating areas can only be used by seated patrons consuming food or drink. Patrons are not permitted to eat or drink or whilst standing in the approved outdoor seating area. Patrons are to be able to consume food and drink in outdoor dining areas at all times and they are not to be nominated as being for smoking purposes.
- 7.10. Outdoor seating areas on the kerb side adjacent to a clearway or bus lane will be required to cease operations while the clearway or bus lane is in operation and store tables and chairs off the public footway.

7.10.A If an application is lodged and the outdoor dining is associated with a pub or small bar and will operate within the period of 30 October 2020 to 31 October 2021, Council may require a plan of management for the outdoor dining area which may be satisfied by an existing or updated plan of management.

Note: Applicants may be required to demonstrate acceptable storage arrangements in the application for outdoor seating on the footway, particularly where the hours of operation for the premises are greater than those for the outdoor seating area.

Maintenance

- 7.11. The outdoor dining area and furniture and other items associated with the outdoor dining are to be:
- kept clean and maintained in good order suitable for their purpose;
 - positioned and used as required when the outdoor seating area is in use;
 - not be permanently fixed unless specific permission is given; and
 - removed and stored away from public areas when the seating area is not in use.
- 7.12. Waste and litter is to be well managed by:
- removing waste promptly from the outdoor seating area;
 - disposing of any waste properly (public litter bins are not to be used for the disposal of waste from outdoor seating areas); and
 - not using disposable tableware in the outdoor seating area.

Notes: Additional management requirements may form part of any approval depending on the nature of the actual proposal and its location. The Council encourages the separation and recycling of waste.

08

Special areas for outdoor dining

Some public spaces have special characteristics that require more detailed guidelines for outdoor dining. This section contains detailed guidelines for special areas.

Martin Place

Martin Place is Sydney's premier civic space. It holds formal and informal gatherings and events; is a site for festivals including Vivid; and is the annual location for Sydney's Christmas tree and celebrations.

Importantly, the Cenotaph is also located at Martin Place, and is the focus not just of ANZAC Day memorial events, but of many other commemorative events throughout the year. The NSW Returned Services League are the custodians of the Martin Place Cenotaph.

The introduction of outdoor dining to Martin Place is one component of wider plan to make Martin Place a high quality unified civic space that is lively and activated. It is to be a unique destination in Sydney that is respectful of its cultural and built heritage significance.

Any outdoor dining is to be in keeping with this significant civic setting and is to be respectful of the dignity of the Cenotaph. The design of outdoor dining areas is to be recessive in appearance, and to complement the sandstone heritage buildings along the edge of Martin Place.

Martin Place is a significant pedestrian thoroughfare, and any outdoor dining should not compromise pedestrian safety and comfort.

Note: Martin Place between George Street and Pitt Street is Crown land, identified as Reserve 88056. The City of Sydney has all care, control and management responsibilities for the land under the *Crown Lands Act 1989*. A licence and approval under the *Crown Lands Act* is required for outdoor dining on this part of Martin Place.

Provisions – Cenotaph block (George and Pitt Streets)

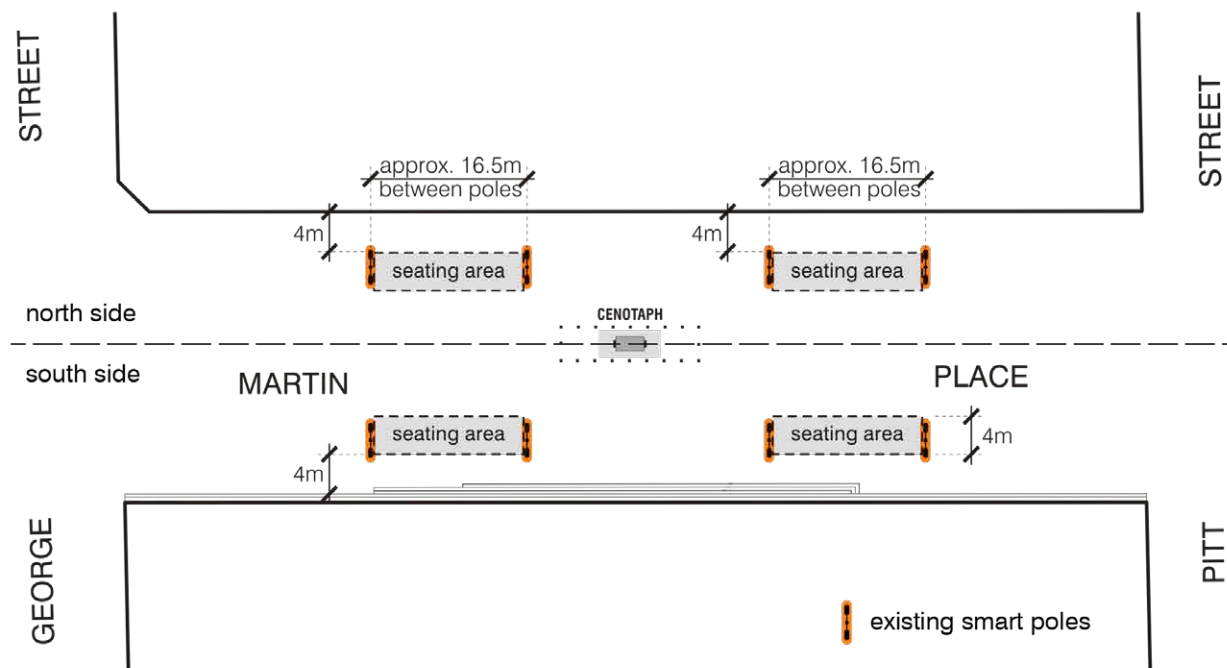
Respecting the Cenotaph

- 8.1. The outdoor dining area will not operate during times identified by the NSW Returned Services League as memorial or commemorative event times. These times will be provided to operators by the NSW Returned Services League at the start of each year.
- 8.2. The NSW Returned Services League will provide training and information to operators and their staff, to promote understanding of and respect for the significance of the Cenotaph.
- 8.3. The applicant is to prepare a Plan of Management to detail measures to be implemented to:
 - identify and manage behaviour that in the opinion of the NSW Returned Services League is inappropriate for the Cenotaph block; and
 - manage complaints about behaviour, or requests from the NSW Returned Services League to manage inappropriate behaviour.
- 8.4. The applicant is to demonstrate they have undertaken consultation and sought support from the NSW Returned Services League for the Plan of Management.
- 8.5. Council will consider the views of the Returned Services League of NSW when assessing the Plan of Management.

The outdoor dining area

- 8.6. Outdoor dining is only allowed within the areas shown on **Figure 11**. Outdoor dining must be in association with a food and drink premises on the same side – either the north or the south – of Martin Place as shown in **Figure 11**.
- 8.7. All items in the outdoor dining area are to be temporary and portable, and stored indoors outside of approved service hours.
- 8.8. The outdoor dining area is to leave a 4 metre clear path of travel for pedestrians, as measured out from the building line on either side of Martin Place.

Figure 11 – Outdoor dining areas on the Cenotaph block of Martin Place



Tables and chairs

- 8.9. Chairs and tables are to be:
- uniform in style and design;
 - hardy and sturdy to resist wind gusts;
 - of metal or quality timber frame construction and not plastic;
 - stackable or foldable for ease of storage and readily removed.
- 8.10. Chairs should be 'French Bistro' Rattan type chair, with the colour to be natural, brown or red (as shown in **Figure 12**).
- 8.11. Tables should be 'French Bistro' Rattan type to match the chairs, or are to have white table cloths.
- 8.12. Any variations to these specifications are to:
- respect the heritage setting; and
 - have the approval of Council's Director of Planning, and Council's Design Director.

Umbrellas

- 8.13. Umbrellas should be spaced so as to be recessive in appearance avoiding visual dominance of the adjacent heritage buildings.
- 8.14. The dimensions of the umbrellas should be:
- for the canopy, not more than 2500mm x 2500mm with an overall height not higher than 3000mm; and
 - for the canopy clearance, not less than 2200mm measured from the lowest edge to the pavement.
- 8.15. The finish of the umbrella should be:
- stone for the canopy, as shown in **Figure 13**; and
 - matte black for the pole and frame.
- 8.16. Umbrellas should be properly secured in place to prevent blowing over in strong winds. In-ground sleeves are encouraged within the designated outdoor dining areas.
- 8.17. Logos, branding or advertising is not permitted on umbrellas.
- 8.18. Any variations to these specifications are to:
- respect the heritage setting; and
 - have the approval of Council's Director of Planning, and Council's Design Director.

Figure 12 – French Bistro style Rattan chairs



Figure 13 – Umbrellas should be stone canopy with black pole and no logos, branding or advertising



Barriers

- 8.19. Barriers which enclose the outdoor dining area are not permitted.
- 8.20. Barriers are permitted only where there is a license to serve alcohol in the outdoor seating area and it is in a designated Alcohol Free Zone or Alcohol Prohibited Area. These barriers:
 - should not contain any logos, advertising or other graphics.
 - are to be black matte finish and not exceed 900mm in height.

Waiter stations

- 8.21. Waiter stations are permitted only where it can be demonstrated they are essential to the safe operation of outdoor dining areas, for instance in areas of very high pedestrian traffic.
- 8.22. Waiter stations should be:
 - mobile and stored indoors outside of approved service hours;
 - designed to be unobtrusive and of minimalist appearance, free of any signage, advertising, logo or branding;
 - contained wholly within the approved outdoor dining area.



Llanekelly Place

Council supports outdoor dining in Llanekelly Place as part of a strategy to increase activation of the laneway. Following a successful trial of expanded outdoor dining opportunities, acceptable areas for outdoor dining have been defined.

The introduction of new outdoor dining areas within Llanekelly Place may require some negotiation between business operators to ensure that there is equitable access to outdoor dining opportunities, and an acceptable clear path of pedestrians.

Provisions

- 8.23. Outdoor dining is acceptable within the areas identified on Figure 14.
- 8.24. Llanekelly Place is exempt from Council's 'footway freeze' of December 2012.
- 8.25. New outdoor dining areas not shown on Figure 14 can be approved provided that:
 - a consistent and predictable clear path of travel is provided and maintained, to a minimum width of 1.2 metres.

Figure 14 – approved outdoor dining areas for Llankelly Place



Attachment B

<p>Covid-19 Recovery Grants and Sponsorship Guidelines Summary</p>

	CBD Activation Grant	Cultural Sector Innovation Grant	Community Services Grant
Purpose	\$3 million to support economic recovery by bringing businesses and creatives together to activate businesses, public domain and vacant corporate space in the CBD with cultural programming.	\$500,000 to support cultural organisations and businesses to innovate, adapt and grow through recovery from the impacts of Covid-19.	\$800,000 to respond to ongoing community needs including food security, digital inclusion, social isolation, tenancy support and homelessness services.
Funding	<ul style="list-style-type: none"> • From \$5,000 to \$50,000 cash per application. • Up to \$10,000 for sole traders. • Also includes additional VIK fee waiver support for street banners and landmark venues. 	<ul style="list-style-type: none"> • Up to \$20,000 cash per application. • Up to \$10,000 for sole traders. 	<ul style="list-style-type: none"> • From \$5,000 up to \$50,000 cash per application. • Large scale collective impact projects may be eligible to apply for additional funding. • Also includes additional VIK fee waiver support for community venue hire.
Eligibility	<ul style="list-style-type: none"> • For-profit businesses (including for-profit arts enterprises), not-for-profits, social enterprises, owners corporations (strata and company owned), sole traders, individuals or unincorporated community groups auspiced by a not-for-profit eligible to apply in their own right. 	<ul style="list-style-type: none"> • Sole traders, not-for-profits and for-profit arts businesses working directly in the cultural sector. • Either located in the local area or located outside our boundaries and providing significant service to our local community. • Employ less than 20 full time equivalent employees (not including artists or performers engaged on an ad hoc basis). • Have an aggregated turnover of less than \$10 million. 	<ul style="list-style-type: none"> • Not-for-profits (including social enterprises), individuals or unincorporated community groups auspiced by a relevant organisation who is eligible to apply in their own right. • Located in the local area or located outside our boundaries but providing significant service to our local community.
Funding Priorities	<p>Applications will be prioritised:</p> <ul style="list-style-type: none"> • From live music and cultural organisations, creative companies and cultural operators including sole traders. • From applicants that have not already received funding from the City this year or can demonstrate financial hardship due to Covid-19. • From Aboriginal and Torres Strait Islander led organisations or partners. • That provide evidence of financial benefit for artists as part of their proposal. • That provide opportunities for live music and performance. • That propose to complete activities early in the project timeframe. • That match the City's contribution with cash. 	<p>Applications will be prioritised that:</p> <ul style="list-style-type: none"> • Demonstrate effective strategies to transform operations and services during and beyond the current restricted trading environment. • Strengthen and sustain venues or workspace for the production or presentation of cultural products. • Assist with generating income despite ongoing restrictions on public events and programs. • Deliver programs or services that encourage active participation in cultural activity (such as workshops, classes, creative developments and residencies) and service diverse creative communities. • Build the capacity of the cultural sector by sharing skills, research and resources. • Work with diverse communities, including Aboriginal and Torres Strait Islander peoples, people with Culturally Linguistically and Diverse (CALD) backgrounds and LGBTIQ+ communities. • are from Aboriginal and Torres Strait Islander led organisations and partners • Complete activities early in the project timeframe. • Are from businesses, creative companies and cultural operators including sole traders, that have not already received City of Sydney grant funding in 2020. 	<p>Applications will be prioritised that:</p> <ul style="list-style-type: none"> • Build capacity and empower the community to address sustainable food security. • Have collective impact approaches with multiple organisations partnering to achieve a shared goal. • Meet the needs of and are led by Aboriginal and Torres Strait Islander peoples. • Support vulnerable community groups including temporary visa holders, social housing residents and people at risk of or experiencing homelessness.

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