

# **Attachment C**

**26 July 2021 Resolution of Council and  
Report - Support for Our Community – 2021  
Lockdown Response**

## Resolution of Council

**26 July 2021**

### **Item 10**

#### **Support for Our Community - 2021 Lockdown Response**

Moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

It is resolved that:

- (A) Council approve the continuation of fee waivers and note the potential revenue foregone for the lockdown period, at an estimated value of \$7.8 million per month;
- (B) Council approve funding donations of:
  - (i) \$300,000 to OzHarvest Limited;
  - (ii) \$300,000 to Foodbank NSW & ACT Limited; and
  - (iii) \$100,000 to SecondBite
 to provide food relief to vulnerable communities;
- (C) the Chief Executive Officer be requested to explore further options for providing food relief to vulnerable communities;
- (D) Council approve funding of up to \$50,000 to supply and distribute masks to vulnerable communities and to increase communication to connect people with mental health and social connection support services;
- (E) Council approve an additional \$250,000 in new Community Emergency Quick Response Grants for not for profit entities to deliver community services addressing urgent needs as they arise;

- (F) authority be delegated to the Chief Executive Officer to finalise grant criteria, advertise for applications as appropriate and approve the Community Emergency Quick Response Grants due to the emergency need, and to report back on grants awarded by way of CEO Update;
- (G) Council approve the transfer of \$1.0 million from General Contingency funds to fund the initial phase of the recovery package, and note the balance of funding will be determined as the City gains a better understanding of the financial and operational impacts of the current lockdown, to refine and bring back its financial recovery plan to Council;
- (H) the Chief Executive Officer be requested to develop an appropriate grant program for delivery of an additional \$4 million to support business and creatives in the recovery of the city economy (including funding for resources to do so), with the proposed program to be reported back to Council;

### **CBD Revitalisation Fund**

- (I) Council approve a variation to the CBD Revitalisation Fund contract with NSW Treasury to extend the term of the program by 11 months until 30 September 2022;
- (J) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the CBD Revitalisation Fund agreement;
- (K) authority be delegated to the Chief Executive Officer to make any further variations to the CBD Revitalisation Fund contract to enable the implementation of activities as outlined in this report, with such changes to be reported by way of a CEO Update;

### **Outdoor Dining**

- (L) Council adopt the temporary changes to City of Sydney Outdoor Dining Guidelines, June 2021, as shown at Attachment A to the subject report, noting the temporary changes will apply until 30 June 2022 across the whole of the local government area and public consultation has not been possible given the circumstances;
- (M) authority be delegated to the Chief Executive Officer to make any further temporary changes to the Outdoor Dining Guidelines for the duration of the program to enable the implementation of activities as outlined in this report, with such changes to be reported by way of the CEO Update; and
- (N) authority continue to be delegated to the Chief Executive Officer to, by notice on the City's website, approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space and performance space under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, with such delegation to apply until 30 June 2022;

## **Advocacy**

- (O) Council call upon the Federal Government to:
  - (i) reinstate JobKeeper for those businesses affected by lockdowns directed at controlling the spread of Covid-19;
  - (ii) extend existing Covid disaster payments to persons in receipt of Commonwealth benefits; and
  - (iii) reinstate the Coronavirus supplement for persons receiving Commonwealth benefits in areas affected by lockdowns.
- (P) the Lord Mayor be requested to write to the Prime Minister and the Treasurer advising that Council calls upon the Federal Government to take the actions outlined in (O) above.

The motion, as varied by consent, was carried unanimously.

X034972.14

**Item 10****Support for Our Community – 2021 Lockdown Response****File No: X034972.14****Summary**

On 28 June 2021, Council requested that the Chief Executive Officer monitor the current Covid-19 outbreak across Greater Sydney and investigate whether other assistance measures are needed as the situation evolves.

The extended lockdown across Greater Sydney is having a devastating impact on the local economy and community. On 13 July 2021, the State and Federal government announced a joint NSW Covid-19 Support Package with \$4.1 billion from the NSW Government to provide immediate financial relief for businesses and \$500 million each week from the Commonwealth Government. This included specific support for the heavily impacted arts sector worth \$75 million and \$26 million for the tourism sector, and \$17 million in mental health support.

The City is committed to providing complementary support and since the onset of the pandemic, two City business support packages valued at \$72.5 million have been implemented focusing on local government responsibilities including fee waivers for footway dining, venue and banner hire, childcare services, parking services, rent relief in City-owned properties, grant funding for businesses and donations to support vulnerable communities. In October 2021, the City and NSW Government established a \$20 million CBD Revitalisation Fund to boost the local economy (refer Table 1 for summary).

**Lockdown Recovery Package**

The City will again support businesses, the creative sector and vulnerable communities with a phased Lockdown Recovery Package worth \$5 million along with an additional \$7.8 million in estimated revenue forgone and fee waivers per month for the lockdown period (refer Table 2 for summary). The package will include \$5 million to support economic and social recovery from the lockdown comprising of:

- Immediate support through donations of \$300,000 each to OzHarvest Limited and, Foodbank NSW & ACT Limited, along with \$100,000 for SecondBite to allow vulnerable communities to access food.
- An additional \$250,000 in new Community Emergency Quick Response Grants will support services to address community needs that arise from lockdown.
- The supply and distribution of masks to vulnerable communities at a cost of \$50,000 and increased communication to connect people with mental health and social connection support services.

- The Chief Executive Officer to develop a proposal for further grants to be provided directly to businesses and the creative sector to collaborate on initiatives to support reactivation post lockdown, as well as the resources to do so, with a recommended total of \$4 million including funding the resources to do so.

### **CBD Revitalisation Fund**

Coming out of this current lockdown, it will be important for the City to continue its work to revitalise the CBD and support our village main streets. This includes a commitment, together with NSW Government, to extending the successful outdoor dining program across the local government area until end June 2022. To date this program has enabled businesses to trade more safely outdoors and provide opportunities to increase their turnover. This will be more important than ever when hospitality businesses reopen and seek to attract patrons and continue to operate in a Covid-safe manner through the coming spring and summer period. This report recommends Council approve a variation to the CBD Revitalisation Fund contract with NSW Treasury signed 28 October 2020 to extend the term of the program by 11 months from 30 October 2020 to 30 September 2022, allowing for a three-month removal of outdoor dining infrastructure.

### **Outdoor Dining Guidelines**

On 17 May 2021, Council resolved to continue the fee waiver for outdoor dining across the local government area until 30 June 2022 valued at \$3.5 million. Extension of the outdoor dining program will also require Council to extend the temporary changes to the Outdoor Dining Guidelines which was endorsed on 26 October 2020 to be in place until 31 October 2021. This report seeks Council approval to extend the temporary changes in line with the extended timeframe for the fee waivers until 30 June 2022 (refer Attachment A).

## Recommendation

It is resolved that:

### Lockdown Recovery Package

- (A) Council approve the continuation of fee waivers and note the potential revenue foregone for the lockdown period, at an estimated value of \$7.8 million per month;
- (B) Council approve funding donations of:
  - (i) \$300,000 to OzHarvest Limited;
  - (ii) \$300,000 to Foodbank NSW & ACT Limited; and
  - (iii) \$100,000 to SecondBiteto provide food relief to vulnerable communities;
- (C) Council approve funding of up to \$50,000 to supply and distribute masks to vulnerable communities and to increase communication to connect people with mental health and social connection support services;
- (D) Council approve an additional \$250,000 in new Community Emergency Quick Response Grants for not for profit entities to deliver community services addressing urgent needs as they arise;
- (E) authority be delegated to the Chief Executive Officer to finalise grant criteria, advertise for applications as appropriate and approve the Community Emergency Quick Response Grants due to the emergency need, and to report back on grants awarded by way of CEO Update;
- (F) Council approve the transfer of \$1.0 million from General Contingency funds to fund the initial phase of the recovery package, and note the balance of funding will be determined as the City gains a better understanding of the financial and operational impacts of the current lockdown, to refine and bring back its financial recovery plan to Council;
- (G) the Chief Executive Officer be requested to develop an appropriate grant program for delivery of an additional \$4 million to support business and creatives in the recovery of the city economy (including funding for resources to do so), with the proposed program to be reported back to Council;

**CBD Revitalisation Fund**

- (H) Council approve a variation to the CBD Revitalisation Fund contract with NSW Treasury to extend the term of the program by 11 months until 30 September 2022;
- (I) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the CBD Revitalisation Fund agreement;
- (J) authority be delegated to the Chief Executive Officer to make any further variations to the CBD Revitalisation Fund contract to enable the implementation of activities as outlined in this report, with such changes to be reported by way of a CEO Update.

**Outdoor Dining**

- (K) Council adopt the temporary changes to City of Sydney Outdoor Dining Guidelines, June 2021, as shown at Attachment A to the subject report, noting the temporary changes will apply until 30 June 2022 across the whole of the local government area and public consultation has not been possible given the circumstances;
- (L) authority be delegated to the Chief Executive Officer to make any further temporary changes to the Outdoor Dining Guidelines for the duration of the program to enable the implementation of activities as outlined in this report, with such changes to be reported by way of the CEO Update; and
- (M) authority continue to be delegated to the Chief Executive Officer to, by notice on the City's website, approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space and performance space under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, with such delegation to apply until 30 June 2022.

**Attachments**

**Attachment A.** City of Sydney Outdoor Dining Guidelines July 2021



## Background

1. The Covid-19 pandemic continues to impact the local economy and community and the City is committed to providing ongoing support for those impacted across the local government area, including businesses, creatives and vulnerable communities.
2. In March and April 2020, the City announced two Covid-19 Relief support packages valued at \$72.5 million to complement the support of State and Federal Government.
3. The City's first Business, Arts and Creative package, valued at \$25 million, included:
  - (a) Waiving fees for Health and Building compliance activities;
  - (b) Reviewing rents in conjunction with tenants in City premises;
  - (c) Waiving banner and venue fees to organisations who had to cancel events;
  - (d) Waiving footway dining, market permit and filming fees on the grounds of hardship; and
  - (e) A flexible approach to parking and other infringements.
4. The City subsequently expanded this package with an additional set of measures valued at \$47.5 million including rent relief in City owned properties, an accelerated capital works program and a Covid-19 Relief Grants Program valued at \$10.67 million which was created to provide urgent financial assistance to the City's cultural and creative, small business and community sectors.
5. The initial package included direct financial support of \$3.95 million for local and vulnerable small businesses and arts enterprises to innovate and adapt, foster business continuity and increase business capabilities.
6. It also provided support for vulnerable communities through a \$1 million donation to OzHarvest Limited and a further \$1.96 million in grants to respond to issues of food security, digital inclusion, social isolation, tenancy support and homelessness services.
7. A dedicated City Concierge service was also set up to ensure enquiries from businesses received tailored advice relating to the City grants offering and information on how to pursue support from other levels of government.
8. On 26 October 2020, Council resolved to approve the joint \$20 million CBD Revitalisation Fund partnership between the City and NSW government to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, with the NSW Government contributing up to \$15 million and the City contributing up to \$5 million as outlined in the subject report.
9. An agreement between the City and NSW Treasury to give effect to a number of the resolutions as part of a CBD Revitalisation Fund was signed on 28 October 2020.
10. Key initiatives were implemented over nine months adhering to NSW Health Orders and were well-received by community and business, as outlined below:
  - (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 invite people back to the city centre.
11. Table 1 outlines City contributions to date to support business and vulnerable communities impacted by the pandemic across the local government area.

Item	\$ Amount	Timing
Covid Relief Packages Covid Relief Grants Accelerated capital works Rent relief in City owned properties Fee waivers e.g. footway dining, venues, banner hire, childcare, parking income	\$72.5 million	March 2020 onwards
CBD Revitalisation Fund	\$20 million partnership with NSW government City contribution \$5 million State contribution \$15 million	October 2020 and to be extended until end September 2022

Table 1 – City Contributions

### Business Needs Survey

12. In May 2021, the City conducted the latest Covid-19 Business Needs Survey to understand business needs and priorities 12 months after the first survey in May 2020. The survey was live 31 May to 21 June 2021, receiving more than 500 responses from businesses across the local government area.
13. The responses provide insight into business needs right before the current Sydney lockdown as businesses were asked what support they needed most over the next 12 months, which they ranked in order of priority as follows: (1) financial support, (2) marketing and promotion, (3) clear and ongoing communication of ongoing support available for small business, (4) less red tape and regulation, (5) advocacy for business support across levels of government and industry, and (6) events and activation of local precincts.

14. The top need for businesses was the same as in May 2020, with financial support number one, especially to cover costs like rent and wages, followed by marketing and promotion to bring people back into the streets when restrictions allow.
15. In response to the lockdown announced on 26 June 2021, and subsequently extended and expanded, the City has reviewed business feedback and the support available for businesses at a State and Federal level to identify gaps where support can be provided by local government.

### **State and Federal Government Support**

16. On 25 March 2021, the NSW Government announced a \$51.5 million economic package for the visitor economy including specific sector support packages for live music, business events and tourism.
17. In early June 2021, further support was announced including \$50 million for the Thank God Its Friday campaign to encourage workers to return to the office on Friday and \$200 million over four years to secure future major events to rejuvenate the visitor economy as part of the State Significant Event Fund.
18. On 29 June 2021, the NSW Government announced direct cash support for small businesses impacted by the lockdown in the form of a Small Business Covid-19 Support Grant of up to \$10,000 for small businesses who can show a decline in turnover experienced during the restrictions, as well as changes to the Dine and Discover vouchers so they can be used for takeaway and a further one-month extension until 31 August 2021 to allow people more time to use them.
19. The Federal Government Covid-19 Disaster Payment was also made available to City of Sydney residents from 4 July 2021, providing a lump sum payment to help workers unable to earn income due to lockdown restrictions which extend for more than seven days.
20. On 13 July 2021, the State and Federal Governments announced a NSW Covid-19 Support Package with \$4.1 billion from State to provide immediate financial relief for businesses and \$500 million each week to support individuals from the Federal government. The packages are designed to work together to protect business, keep jobs and support the community and include:
  - (a) Increased small business support payments of up to \$15,000 from 19 July 2021 which can be used for expenses such as rent, utilities and wages;
  - (b) JobSaver Employee Retention Scheme to maintain employment of staff;
  - (c) Microbusinesses Grants to support small business or sole traders with annual turnover of more than \$30,000 and under \$75,000 from late July 2021;
  - (d) Commercial, retail and residential landlords now required to participate in mediation before taking actions to evict or lock out tenants and up to 100 per cent land tax concessions if they provide rent relief to tenants;
  - (e) A \$75 million support package for Performing Arts sector and \$26 million support package for the Accommodation sector;

- (f) Tax relief with payroll tax deferrals for all businesses and a 25 per cent concession for businesses with Australian wages of between \$1.2 million and \$10 million that have experienced a 30 per cent decline in turnover;
- (g) Increased payments from \$500 to \$600 per week for those who lost more than 20 hours of work and \$375 for those who lost between eight and 20 hours of work;
- (h) \$17.35 million in mental health support targeted at young people and Culturally and Linguistically Diverse communities; and
- (i) \$12 million in additional funding for temporary accommodation for those at risk of or experiencing homelessness.

### **Lockdown Recovery Package**

- 21. The City will support businesses, the creative sector and vulnerable communities with a phased Lockdown Recovery Package worth \$5.0 million, plus an additional \$7.8 million in revenue forgone and fee waivers per month for the lockdown period.
- 22. Donations of \$300,000 each will be given to OzHarvest Limited and Foodbank NSW & ACT Limited, along with \$100,000 to SecondBite to support these organisations to assist vulnerable communities to access food relief.
- 23. Over the next three months these donations will help to address increasing demand with decreased distribution points due to services closing their doors and provide an opportunity for collaboration between the three major suppliers to address logistical challenges and supply issues.
- 24. To avoid over-supply or duplication in one area, the City will consult with the three organisations on focussing their resources on the place-based protocol areas established through the City's food operations network. There are already established strong networks between the suppliers and the protocol groups.
- 25. To further support vulnerable communities, the City will also provide an additional \$250,000 in funding for new Community Emergency Quick Response Grants to support small scale initiatives which build the capacity of our communities to respond to the current impacts of the pandemic.
  - (a) Up to \$10,000 to eligible groups for not-for-profit organisations or unincorporated community groups.
  - (b) Applicants must operate within the City of Sydney local government area or be able to demonstrate benefits for the area's residents, workers and/or visitors.
  - (c) Applications are strongly encouraged from organisations, groups and networks that support Aboriginal and Torres and Strait Islander communities including Aboriginal community-controlled organisations and networks.
  - (d) Funding priorities include strengthening community cohesion to build the resilience of our local communities, increasing digital inclusion within our local community, reducing food insecurity and improving access to information on rights and conditions of tenants

26. The City will also supply and distribute masks to vulnerable communities at an estimated cost of \$50,000 and increase communications to connect people to mental health support and other social connection services depending on the individual need.
27. Included in the City's investment, the City will develop and present to Council a grant program which will provide funding to businesses and creatives to collaborate on initiatives which foster business connections and programming to enliven precincts post lockdown across the local government area.
28. These new grants will be available from early 2022 to continue the \$9 million pipeline of activations already funded by the City which will take place over the next six to 12 months as many organisers have not been able to find a suitable time or place to host events, given the uncertainty around health orders.
29. The City will also continue existing fee waivers for footway dining, venue hire, banners, parking services, childcare and health and compliance activities and work with tenants in City-owned properties on rent rebates for the lockdown period.
30. Table 2 outlines City contributions as part of the Lockdown Recovery Package

Item	\$ Amount (approx.)	Timing
Vulnerable communities support  Community Emergency Quick Response Grants (\$250,000)  Donations to OzHarvest, FoodBank and SecondBite to provide food relief (\$700,000)  Supply and distribute masks to vulnerable communities (\$50,000)	\$1 million	August 2021 onwards
Business support  Grant funding to support businesses and creatives  Promotion of program  Resources	\$4 million	From early 2022 onwards
Existing City grant programs to support economy, culture and community	\$8.9 million cash plus value-in-kind	Round 1 July 2021 Round 2 February 2022

Table 2.1 – City Contributions – 2021 Lockdown Recovery Package

Item	\$ Amount (approx.) Estimated value per month	Timing
Fee waivers for outdoor dining (as per CBD revitalisation agreement with State Government)	\$200,000	Until 30 June 2022
<i>Other fee waivers</i> Childcare	\$20,000	During lockdown period
<i>Estimated Revenue Foregone</i>  Rent relief City owned properties  Parking Related  Venue Hire/ Banner hire  Health and compliance	  \$1.0 million  \$5.7 million  \$700,000  \$150,000	During lockdown period
<b>Total (estimated value per month)</b>	<b>\$7.8 million</b>	<b>During lockdown period</b>

Table 2.2 – City Contributions – 2021 Lockdown Recovery Package (Estimated value per month)

### CBD Revitalisation Fund

31. In October 2021, the City and NSW Government entered into a joint partnership to revitalise the city centre, establishing a \$20 million CBD Revitalisation Fund to boost the local economy and invite the public back to the city.
32. The City and NSW government will continue this work by extending the outdoor dining program across the local government area until end June 2022.
33. The outdoor dining program was particularly successful in supporting businesses across the city to trade safely outdoors and provide opportunities to increase turnover. As of 30 June 2021, 339 applications have been received. Of those, 240 have been approved with 18 applications currently under planning assessment.
34. The program has received a positive response and made a tangible difference to business, with 90 per cent of businesses who responded to a recent survey stating the program had been beneficial or crucial for their business. 45 per cent reported employing an additional two or more staff per week, 41 per cent reported increasing staff hours by 10 hours or more per week and more than half (58 per cent) reported an increase in turnover of up to 10 per cent.

35. This report requests Council approve a variation to the CBD Revitalisation Fund contract with NSW Treasury signed 28 October 2020 to extend the term of the program by 11 months from 30 October 2021 to 30 September 2022, allowing for a three-month removal of outdoor dining infrastructure.
36. The overall contract value of \$20 million remains unchanged, however, funding allocations across the two financial years 2020/21 and 2021/22 has changed from the initial plans.

### Outdoor Dining Guidelines

37. The establishment of the outdoor dining program required close collaboration with multiple government agencies and delivered the following:
  - (a) Fast track criteria for quick approvals, moving to a simple online application form.
  - (b) Amendments to the Roads Act 1993 and the State Environmental Planning Policy (Exempt and Complying) Codes 2008.
  - (c) Amendments to the City's Outdoor Dining Guidelines to temporarily reduce the clearance for pedestrians to be consistent with the Australian Standard minimum, enable footway dining on reallocated roadway and reduce public consultation from 14 days to seven days, and allow later trading with reduced or no trial periods.
  - (d) Reduced notification from 56 days to seven days by consolidating the traffic (14 days), planning (14 days) and liquor licence (28 days) consultation periods into a single process.
  - (e) Support from the Local Pedestrian Cycling and Traffic Committee for reallocation of parking space for outdoor dining, with a three day out of session approvals process.
  - (f) Integration of liquor licencing into the planning assessment process, with licensing approval within three days of the City issuing the approval.
  - (g) Waiver of all fees and charges associated with outdoor dining.
38. On 17 May 2021, Council resolved to continue its partnership with the NSW Government by extending the fee waiver for outdoor dining until 30 June 2022.
39. To continue the temporary outdoor dining program for this period, it is recommended Council continue the temporary provisions in the Guidelines and adopt new temporary changes. The updated Guidelines are at Attachment A with deletions shown as strikethrough and additions shown in bold underline. The changes are proposed to be adopted without consultation given the timing and constraints of the program and will be in place until 30 June 2022. The temporary Guidelines are described below. An extension of the delegation to the Chief Executive Officer to make amendments to the Guidelines is also recommended.

**Existing temporary Guidelines related to notification of applications, the clear path of travel, trading hours and use of the roadway will continue until June 2022**

40. Consultation and notification: From October 2021 the notification period was reduced from 14 days to seven days in order to reduce application processing times. 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. The average determination for outdoor dining applications to date has been 13.6 days noting this incorporates seven days of notification. It is recommended to continue the seven day notification period to 30 June 2022.
41. Clear path of travel: The minimum clear path of travel was temporarily reduced from 2 metres to 1.8 metres recognising the need for social distancing and the reduced number of pedestrians. 1.8 metres is consistent with the Australian Standards which also allows the clear path of travel to be decreased to 1.2m in parts if there are areas for pedestrians pass and the speed of the road is low. The temporary reduction of the clear path of travel is recommended to continue to 30 June 2022.
42. Trading hours: The temporary Guidelines allow maximum trading hours to be approved with reduced or no trial periods due to the length of the temporary approvals. It is recommended temporary trading hours provisions continue to 30 June 2022.
43. Reallocation of roadway for outdoor dining: the Temporary Guidelines support the reallocation of the roadway, allowing businesses to extend operations along the reallocated road space to provide additional outdoor dining opportunities and assist with social distancing. Outdoor dining on the roadway is required to be protected with barriers suitable to the speed limit on the road and the businesses cannot extend in front of another food and drink businesses. It is recommended the temporary Guidelines for the use of the roadway continue to 30 June 2022.

**Outdoor Dining Guideline - recommended updates**

44. Outdoor Dining Guidelines updates are recommended with temporary additional provisions for setbacks, criteria for use of the road and the extension of temporary approvals.

**500 mm setback - road reallocation**

45. At the Local Pedestrian, Cycling and Traffic Calming Committee meeting on 19 November 2020, the City presented an overview of the outdoor dining program. One of the initiatives included reallocating the road space to install an outdoor dining area. The Committee agreed to out-of-session endorsement for the temporary reallocation of kerb space for an outdoor dining area.
46. As part of due diligence, a road safety specialist was engaged to conduct road safety checks of the installed barriers at various locations. A recommendation was for all approvals to have furniture and structures offset by 500mm from the inside edge of barriers. This continues to be implemented and is recommended to be included in the Guidelines.



#### Criteria for road reallocations

47. Criteria for the use of the roadway was established in collaboration with NSW Police and Transport NSW. The City has communicated to applicants the criteria for road space that is unsuitable for reallocation to outdoor dining. It is proposed that the criteria be included in the Guidelines for clarity. Roadway areas not suitable for outdoor dining include:
  - (a) Bus stops or bus zones;
  - (b) Roads with speed limits of more than 50km/h;
  - (c) Clearways;
  - (d) Parking for Australia Post, police, fire, ambulance or car share vehicles;
  - (e) No stopping zones;
  - (f) Separated bike paths; and
  - (g) In-road fire hydrants.
48. The Guideline includes considerations for other types of parking spaces which may or may not be suitable for reallocation to outdoor dining. Due to the complexity of the City's streets, applications will be assessed on a case-by-case basis considering the specific context of the site and location, parking restrictions, demand for parking and neighbouring businesses and road environment.
49. This report proposes two new circumstances for Council to consider revoking, suspending or amending an outdoor dining approval. These are where the business has not used the road area for outdoor dining for a period of 4 weeks following a request from the City to use the road area; or if the outdoor dining program is not being extended.

#### **Temporary outdoor dining program approvals will be extended to June 2022**

50. The City will streamline the extension of existing approvals granted under the temporary Guidelines. These approvals were intended to cease on 31 October 2021 but are proposed to be extended to 30 June 2022.
51. The existing process for renewing a permanent outdoor dining area requires the applicant to submit a renewal form before their Footway Approval lapses. If an applicant applies to renew the approval and no changes are proposed, an assessment is undertaken and a determination is issued, without the requirement for notification.
52. A streamlined process for the extension of existing temporary approvals will be developed if the program and guidelines are extended to 30 June 2022 as recommended.
53. The City will inform all businesses with approvals about the program extension and request confirmation of their interest to extend. Once confirmed and subject to investigation of any outstanding compliance matters, the City will reissue the approval with the extension to 30 June 2022. The City will notify neighbours, by letter, of any continued use of road space for outdoor dining.

54. The provisions in the Guidelines continue to require all new applications for outdoor dining to be notified for 7 days if the proposed area is over 20sqm in Central Sydney, over 10sqm outside of Central Sydney or it is proposed to trade later than 10pm.
55. New applications for reallocation of road space will also remain subject to the current process of seven days notification (concurrent with the outdoor dining notification), with endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee obtained prior to determination.

**Temporary delegations to the Chief Executive Officer to make and amend guidelines is recommended to continue until June 2022**

56. This report also seeks the extension of two delegations from Council to the Chief Executive Officer.
57. In December 2020, Council resolved to grant two temporary delegations to the Chief Executive Officer. The first enabled the Chief Executive Officer to approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space and performance space under Part 12 of the Liquor Act. The second delegation allows the Chief Executive Officer to make temporary changes to the Outdoor Dining Guidelines and develop any necessary further guidelines to enable the implementation of CBD revitalisation objectives. Both delegations are recommended to be extended to 30 June 2022 to facilitate the implementation of these programs.

**Related changes to NSW Government legislation**

**SEPP (Exempt and Complying) 2008**

58. As part of establishing the program the City worked with Department of Planning, Industry and Environment to exempt pubs and small bars from requiring a development application to access outdoor dining to 31 October 2021. To continue this exemption, it is necessary that the NSW Government to extend cl 2.40B of the SEPP (Exempt and Complying) Provisions 20A Footpaths outdoor dining to June 2022.
59. The City understands the Department of Planning, Industry and Environment are investigating the extension of the clause beyond 31 October 2021. Pubs and small bars will be unable to extend the term of their outdoor dining approval beyond 31 October 2021 without a development application unless this amendment is implemented.

**Liquor Regulation 2018**

60. A temporary amendment made under the Liquor Regulation 2018 enabled an integrated liquor licencing and Council footway approval process possible. Clause 130B of the Liquor Regulation provides a temporary extension to the existing boundary of a liquor licence to cover the expanded or new outdoor dining area, which is approved within 3 days of receiving notification of Council's footway approval.
61. Liquor and Gaming NSW are investigating an extension of these provisions to June 2022 align with the City's extension of the outdoor dining program.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

62. 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 - Continuing the work to revitalise the CBD will safely promote and activate the city centre post lockdown through more outdoor dining, live music, events and performances.
  - (b) Direction 6 - Vibrant Local Communities and Economies - Covid-19 has had a devastating impact on local communities and the economy. The new funding package for businesses and support for vulnerable communities will aim to boost the local economy and strengthen community resilience over the next year.
  - (c) Direction 10 - Implementation through Effective Governance and Partnerships - The City has formed a new and effective partnership with the NSW Government in order to deliver this program which is in line with the City's Community Recovery Plan goals.

### Organisational Impact

63. The business and creative recovery support includes funding for additional resources that will be needed to implement the new grants and the promotion of the activations.
64. The extension of the term of the outdoor dining program by 11 months will involve staff from across the City who will be extended in their positions to continue to implement the program. Identified staff will be responsible for leading and managing the specific initiatives, including reporting to the NSW Government.

### Economic

65. The pandemic has had severe impact on the city and the economy. The impact of the current lockdown is particularly significant in our local area due to the high number of hospitality businesses. As restrictions change due to ongoing impacts of the pandemic, it is important the work to revitalise the CBD continues. This program aims to safely encourage workers and visitors back to the city, helping businesses to survive in the short-term and creating opportunities for them to thrive in the long term.

### Financial Implications

66. The initial estimated cost of the City's support for business and the community was \$72.5 million with the financial impact of the pandemic expected to last approximately 6 months from March 2020. The 2020/21 budget was modified accordingly. The current financial year's results and forecasts, against the budget and the financial recovery plan, have been progressively reported to Council as part of the Quarterly reporting process. The Q4 report will further update Council, in detail, on the financial outcomes of the 2020/21 financial year.
67. An additional \$5 million is proposed to fund the support of businesses, the creative sector and vulnerable communities, as noted above, in response to the latest Covid lockdown.

68. The \$1 million of funds required for the immediate elements of the recovery package will be drawn from General Contingency. The balance of funding will need to be determined as the City gains a better understanding of the financial and operational impacts of the current lockdown
69. At this stage, the length and financial impact of the latest Covid lockdown remains very uncertain. However given the magnitude of the disruption to the City's operations and its financial situation, the City will need to reassess its financial recovery plan, which may include an adjustment to a number of Council programs and projects in the current financial year, with any adjustments to the timing and funding of programs to be the subject of future reports to Council.
70. The value of the CBD Revitalisation Fund contract remains unchanged at \$20 million, however the funding allocation across the two financial years 2020/21 and 2021/22 has changed from the initial plans.
71. The extension of the outdoor dining program to end June 2022 will involve a fee waiver for outdoor dining valued at \$3.5 million. The reduction in income as a result of the fee waiver has been incorporated into the draft the 2021/22 operating budget and the City's Long-Term Financial Plan.
72. It is estimated that the cost per month for fee waivers and revenue foregone as a result of the lockdown totals in the order of \$7.8 million, however the losses per month will vary due to differing demand levels assumed for each of the key services. The actual financial impacts upon the Council's financial situation will be reported progressively back to Council.

### **Relevant Legislation**

73. Liquor Act 2007
74. Liquor Regulation 2018
75. State Environmental Planning Policy (Exempt and Complying Codes) 2008
76. Roads Act 1993.
77. Section 356 of the Local Government Act 1993. Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

**Critical Dates / Time Frames**

78. Urgent assistance is required by the community at this time given the significant impacts of the current public health situation and lockdown measures.
79. The outdoor dining program is due to finish on 31 October 2021. The review and re-issuing of approvals to extend to 30 June 2022 will need to be complete by this date.

**EMMA RIGNEY**

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**BILL CARTER**

Chief Financial Officer