

Attachment A

<h2>Summary of Submissions</h2>
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Outdoor Dining and Display of Goods

Table of submissions

Comment	Raised by	Response
Support for outdoor dining (all reasons), including outdoor dining on the revitalised George Street.	19	Noted.
Support for permanent reallocation of road area to outdoor dining. Reallocated sections of road area should be fully redesigned to accommodate outdoor dining	4	This support is noted. The use of road space for outdoor dining was empowered by temporary amendments to the Liquor Act 2007, which expire on 11 December 2023. A May 2022 Resolution of Council delegated authority to the CEO to extend the temporary Guidelines, which provided guidance for outdoor dining in on-street parking spaces, until 30 June 2023. Demand for on-street parking is increasing as the City moves into a post-pandemic phase, and the permanent transference of road space into other public space requires further investigation. Opportunities to maximise outdoor dining will be determined through future public domain works and development projects where new streets are included.
Reallocation of road area should be expanded to more community uses, including parklets and seating. Petitions could be used to ensure use of public land reflects community needs and priorities.	1	Demand for on-street parking is increasing as the City moves into a post-pandemic phase, with less opportunity to re-allocate parking spaces for outdoor dining or other community uses. Opportunities to maximise outdoor dining or other community uses will be prioritised through future public domain works and redevelopment projects and as opportunities arise.
Noise emitting items, such as electronic toys, in goods displays on the footway could cause sensory overload for neurodiverse people.	Inclusion (Disability) Advisory Panel	This comment is supported. The draft Display of Goods on the Footway Local Approvals Policy has been amended to include a requirement that goods on display do not emit noise or vibration that could cause annoyance or sensory overload.
Trading hours in outdoor dining areas should be extended in line with operational hours.	1	Noted. Trading hours for outdoor dining are set through the Late Night Trading Management controls in the Sydney DCP. Trading hours for outdoor dining areas generally end earlier than indoor

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		trading hours to help manage neighbourhood noise impacts.
Have not experienced any additional disturbance under the temporary Covid-19 provisions	2	Noted.
Live performances and amplified music should be allowed in the outdoor dining area	1	<p>This is not supported.</p> <p>The City of Sydney introduced temporary guidelines for the use of outdoor areas for live performance space as part of the Alfresco City policy in 2020. This was in response to the Covid-19 pandemic and the impact of associated public health orders on indoor venues which have since been removed. This policy was always intended as a short-term measure due to the high impact on amenity for nearby businesses and residents. Observations of the policy over the past two years has shown a limited uptake of this measure. Indoor performances spaces are better placed to manage amenity impacts to neighbours.</p>
Live performance and amplified music should not be allowed in the outdoor dining area	1	This comment is noted and aligns with the draft Policy and Guidelines.
Support for standing in outdoor dining area	3	This support is noted. Provisions for high tables, where patrons can consume food and drink while standing, are included in the draft Guidelines, as well as a requirement for the location of any high tables to be marked on any outdoor dining area plan.
Concern about antisocial behaviour at night from outdoor dining area	1	<p>Noted.</p> <p>The City encourages well-managed outdoor dining areas, which can support strong local businesses, bring life to our high streets and foster dining and shopping precincts as destinations. Neighbourhood impacts are managed through the conditions of approval which include the size of the area, the hours of operation and a plan of management where alcohol service is involved.</p> <p>Where residents are concerned by antisocial behaviour they can raise this with the City who will investigate and consider appropriate action for substantiated complaints.</p>

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Concern about loss of public space for outdoor dining	1	<p>Noted.</p> <p>The draft Policy and Guidelines place a strong priority on maintaining a public feel to the City's footways while allowing appropriate business use.</p> <p>Unrestricted outdoor dining does have the potential for privatising public space and encroaching on the public access function of the footway. The draft Policy and Guidelines set clear expectations on the need to keep a clear path of travel for pedestrians, and feature further restrictions (for example, not allowing permanent furniture) to prevent the perception of privatisation of public space.</p>
Support for re-instating 2 metre clear path of travel	Guide Dogs + 1	<p>This support is noted.</p> <p>Reducing the width of the clear path of travel was a response to the exceptional circumstances of the Covid-19 pandemic and the need for businesses to use outdoor space to make up for the loss of indoor customers.</p> <p>The draft Guidelines reinstate the pre-pandemic 2-metre minimum width, acknowledging that as pedestrians return more footpath space is required.</p>
<p>Outdoor dining furniture should be allowed to be permanently affixed in public space. This would enable better climate control and protection from the elements, and more unique and higher quality furniture to be used and contribute to the look and feel of the area.</p> <p>Fixed weather protection such as plastic shelters should be allowable in the outdoor dining area.</p>	AHA + 1	<p>This is not supported. The City manages public spaces on behalf of all residents and visitors and must balance competing demands for its use.</p> <p>Permanent furniture and fixed weather protection elements create an appearance of the privatisation of public space. The permanent installation of outdoor dining furniture and weather protection can damage paving and City-owned infrastructure while increasing the cost of maintenance and cleaning.</p> <p>Fixed weather protection such as plastic shelters and sails create an appearance of the privatisation of public space. This is because such furniture physically encloses space and prevents anyone who is not a customer from accessing it.</p> <p>The requirement to remove furniture outside of trading hours is important in maintaining a public feel to the City's footways and ensuring business use does not dominate or overwhelm the space. Maintaining a clear footway outside of business hours allows for use of the space for pedestrian movements and other public gatherings.</p>

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		<p>In addition to concerns regarding the privatisation of public space, permanent furniture and structures introduce significant additional impacts to access and visibility. The City has an obligation to manage the footway and other public places in a manner that provides safe and equitable access for all people including pedestrians with a pram or mobility aid, people with disability and those who are blind or have low vision. Shelters and installed furniture are barriers to access and movement.</p>
<p>Barrack Street in Central Sydney requires public domain improvements to create an outdoor dining destination.</p>	<p>Business owner</p>	<p>Noted. The Barrack Street area is identified as the subject of a future public domain improvement project, including areas for outdoor dining.</p>
<p>The Outdoor Dining Policy should be extended to cover outdoor dining in the form of balconies and rooftops</p>	<p>AHA</p>	<p>The draft Policy and Guidelines apply to dining on public land such as footpaths. Dining areas on private land such as balconies and rooftops are managed through the development assessment process, and the draft Guidelines are considered alongside the City's DCP in assessing applications.</p>
<p>The Outdoor Dining Guidelines should allow for operators to build structures on public land to support outdoor dining where the footpath is not suitable, e.g., it is not level with the premises.</p>	<p>Business owner</p>	<p>This is not supported. The purpose of the draft Policy and Guidelines is to balance the benefits of outdoor dining with the challenges of access, visibility, and the privatisation of public space. Building a semi-permanent structure on public land represents a high level of privatisation of public space, is a substantial obstacle for access and visibility, and is not supported.</p>
<p>A-frames should be permitted in outdoor dining areas.</p>	<p>Business owner</p>	<p>This is not supported. A-frames may be desired by business owners as a form of signage and advertising, but they are not compatible with a balanced approach to private use of public space. As with all street furniture, they are placed on public land, add visual clutter to the streetscape, and present a possible hazard to pedestrians. However unlike café seating, umbrellas, or goods displays, they do not provide any amenity or public benefit.</p>
<p>The Outdoor Dining Policy lists that it was developed in consultation with Guide Dogs along with other agencies. This is correct for the 2016 version, but those agencies</p>	<p>Guide Dogs</p>	<p>Noted. The draft Policy has been amended.</p>

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<p>were not specifically re-consulted in the 2022 review.</p> <p>Guide Dogs requests their organisation's name is removed.</p>		
<p>It is essential for the City to monitor compliance with the outdoor dining and display of goods policies and undertake enforcement.</p>	<p>Guide Dogs</p>	<p>Noted.</p> <p>City Rangers enforce outdoor dining and goods displays with reference to the operator's permit, the Outdoor Dining Policy and Guidelines, the Display of Goods on the Footway Local Approvals Policy, and the City's Compliance Policy.</p>
<p>A 2-metre clear accessible path of travel should always be on the building line, with all outdoor dining and goods displays located on the kerb side of the footway.</p> <p>This is because the building side is more accessible for people to navigate.</p>	<p>Guide Dogs</p>	<p>The Outdoor Dining Guidelines require a 2-metre clear accessible path of travel, with a predictable location of either building side or kerb side for the full extent of the block.</p> <p>In the City of Sydney, the established practice is for a flexible location of the outdoor dining area, with the historical practice for locating outdoor dining being along the building line. The City's footways are generally narrow with high pedestrian volumes. The location of permanent street furniture at the kerbside (for example trees, bike rings, bus stops, bins and lights), the need for clearance from the kerb to allow access to parked cars, and the exposure to sun and rain without the protection of awnings, are all factors that minimise the opportunities for kerbside dining. Streets with clearways and bus lanes cannot have dining areas located kerbside due to safety concerns. This means that some of Sydney's most popular high streets would not be able to accommodate any outdoor dining if it could not be placed along the building line. A loss of outdoor dining would have a negative effect on essential aspects of Sydney's public character, including social interaction, visitation, passive surveillance and interest and activity on the street.</p> <p>The draft Policy and Guidelines continue to require that a clear path of travel is provided and maintained, to allow for safe, dignified, and equitable access to the footway for all users. They also stipulate that the clear path of travel must be in a consistent location for each street block and be predictable to allow for planning of journeys.</p> <p>Kerbside dining is supported where the width of the footway and the street environment allow it.</p>

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		<p>In new streets such as George Street, where space for outdoor dining has been designed for and provided, it is done on the kerbside and/or away from the building line.</p>
<p>Outdoor dining and displays of goods should be kept away from tactile ground surface indicators, including directional indicators near bus stops.</p>	<p>Guide Dogs</p>	<p>This comment is supported.</p> <p>TGSIs are raised dots or raised parallel lines installed on the ground or floor surface to provide pedestrians who are blind or vision-impaired with warning or directional information. They are used at locations such as crossings and bus and tram stops which are generally inappropriate for dining furniture and goods displays.</p> <p>The draft Guidelines and Local Approvals Policy have been amended to state that outdoor dining areas must maintain a 500mm clearance from any tactile ground surface indicator (TGSi).</p>
<p>The Display of Goods on the Footway Local Approvals Policy only requires the display stand to be solid and provide contrasting colour, with no functional measurable outcome such as luminance contrast, which is insufficient for pedestrians with low vision.</p>	<p>Guide Dogs</p>	<p>This comment is supported.</p> <p>The draft Display of Goods Local Approvals Policy has been amended to require the lowest 60mm of any goods display to feature a 30% luminance contrast, as a minimum requirement, to the floor or ground, which aligns with Australian Standards (AS 1428.2-1992).</p>
<p>The Outdoor Dining Guidelines requires furniture and barriers to have a 30% colour and luminance contrast to the background pavement. This is insufficient, as it should be a minimum of 30% luminance contrast.</p>	<p>Guide Dogs</p>	<p>This comment is supported.</p> <p>The draft Guidelines have now been amended to make a luminance contrast of 30% a minimum requirement, which aligns with Australian Standards (AS 1428.2-1992).</p>
<p>Concern that the installation of bollards on George Street creates dangerous hazards in the continuous accessible path for people who are blind or have low vision.</p>	<p>Guide Dogs</p>	<p>The comment is noted.</p> <p>Bollards have been installed along George Street as part of a strategy to protect dense concentrations of pedestrians from vehicles. On George Street, bollards have been located perpendicular to the pedestrian path of travel at cross streets and at approximately 30-metre intervals. This creates compartments in the pedestrian zone so that should a vehicle cross over to the footpath, it cannot achieve speeds greater than 40km/h. Under this speed, the risk of injury to pedestrians is greatly reduced.</p> <p>Although the bollards are placed in the clear path of travel, the City notes that individual bollards must be placed a minimum of 1.2m away from</p>

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		each other, providing sufficient space for safe and universal pedestrian access between the bollards and along the clear path of travel.
Concern regarding the lack of controls for the design or placement of bollards and vehicle proof barriers in the policy and guidelines.	Guide Dogs	This comment is noted. Bollards are not part of outdoor dining areas but have been installed due to particular safety and security requirements on George Street.
The cover image for the Display of Goods on the Footway Local Approvals Policy features non-compliant outdoor dining and A-frames.	Guide Dogs	Noted. The draft Local Approvals Policy has been amended to have a different cover image.
With reference to the 4-metre clear path of travel on shared paths, shared paths and zones are unsafe and pedestrian and bicycle paths should be separated.	Guide Dogs	Noted. Shared zones - streets where pedestrians, cyclists and vehicles limited to 10km/h share the same space - are encouraged by the City in appropriate locations as they improve pedestrian amenity and accessibility, and ground floor activation of adjacent buildings. They typically feature low volumes of traffic and offer greater separation opportunities between pedestrians and cyclists than on shared paths. Changed surface treatments, such as the use of different road materials and coloured pavements, make the shared zone clearly distinguishable from the rest of the road network, alerting drivers to sharply reduce vehicle speed. TGSIs, handrails and the placement of landscaping and street furniture are all considered during the design process to accommodate people with disability. Shared paths, where pedestrians and cyclists share the same footway, are generally discouraged as there is a lack of separation opportunities between them, contributing to an uncomfortable walking environment.
The Display of Goods policy does not include a minimum height for the goods display. This could lead to low goods displays on the footway that are tripping hazards.	Guide Dogs	Noted. The draft Display of Goods Local Approvals Policy has been amended to include a minimum height of 500mm for any goods display on the footway.
The Display of Goods policy should include requirements to ensure items on display do not	Guide Dogs	Noted. The draft Display of Goods Local Approvals Policy has been amended to include a requirement that the display structure is to contain no objects hanging or protruding into the

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protruding or hanging outside the display area.		footway, ensuring it is free of obstructions for people with low vision.
