

## **Post Exhibition - Outdoor Dining Guidelines, Outdoor Dining Policy Review and Permanent Footpath Extensions**

**File No: X127800**

### **Summary**

Outdoor dining brings vibrancy and improves safety for our high streets and neighbourhoods by supporting local businesses, bringing energy and life to public spaces, and transforming dining and shopping precincts into lively, attractive destinations.

Council promoted outdoor dining on footpaths and on streets as a response to the Covid-19 pandemic, and it has since become an essential part of the City's culture and street life.

This report follows public consultation on new draft Outdoor Dining Guidelines (the Guidelines) that respond to the increased popularity and demand for outdoor dining across our City and that support the NSW Government drive for increased vibrancy.

The draft Guidelines make it easier for food & beverage businesses to operate, make more space for outdoor dining, define and protect an unobstructed continuous accessible path of travel on the footpaths, and encourage plants and greenery in outdoor areas.

More than 150 community members, businesses and organisations made a submission in response to the exhibition. Generally, the response has been strongly supportive of more outdoor dining and making it easier for local businesses. Some submissions raised concern about footpath space and accessibility for pedestrians.

Other concerns included an increase in noise for residents, anti-social behaviour from pub customers, and loss of parking for residents. It is considered that the Guidelines provide adequate responses to all of these issues and there are no significant changes recommended following exhibition.

Minor amendments have been made to amend a figure showing the areas where the City is not the authority for outdoor dining and to update the name of a NSW Government agency.

This report includes an Implementation plan which sets out the approach the City will take to the roll-out of permanent footpath extensions for outdoor dining. These permanent footpath extensions will replace the on-street dining spaces that are currently in former parking spots and protected from traffic by concrete barriers.

Construction of the footpath extensions is planned to commence in March 2027 and will be spread over 8 years.

This report also requests that Council rescind the Outdoor Dining policy following review. The review identified that the Policy serves no practical purpose in the administration of outdoor dining, with all information required by staff, businesses and the community included in the Guidelines.

Any changes to the Guidelines are subject to public exhibition and need to be adopted by Council. This report recommends that Council adopt the Outdoor Dining Guidelines with minor amendments at Attachment B, note the Implementation plan for permanent footpath extensions at Attachment C and rescind the Outdoor Dining policy at Attachment D.

If approved, the Guidelines will come into effect, and the Policy will be rescinded on 1 October 2026. A communication and education campaign will be implemented over the following months.

The City will take an educative approach to the new Guidelines in the initial implementation period up to 1 February 2027, except where enforcement action is required due to significant issues of public safety.

Implementation of the permanent footpath extensions will commence in March 2027 following further engagement with businesses.

## Recommendation

It is resolved that:

- (A) Council note the outcomes of engagement on the draft Outdoor Dining Guidelines in the Engagement Report as shown at Attachment A to the subject report
- (B) Council adopt the Outdoor Dining Guidelines as shown at Attachment B to the subject report and as amended
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments prior to publication for clarity or correction of drafting errors and to finalise design, artwork and accessible formats
- (D) Council note the Outdoor Dining - Implementation Plan for permanent footpath extensions as shown at Attachment C to the subject report
- (E) Council rescind the Outdoor Dining Policy as shown at Attachment D to the subject report
- (F) Council note that a communications and education plan, as outlined in the subject report, will be undertaken for the initial implementation period of the new Outdoor Dining Guidelines up to 1 February 2027. In accordance with Council's Compliance Policy, enforcement action will be initially focused on education and voluntary compliance, except where immediate action is required to address significant issues of public safety
- (G) authority be delegated to the Chief Executive Officer to amend the Sydney streets code to reflect the dimensions of the continuous accessible clear path of travel adopted in the Outdoor Dining Guidelines as shown at Attachment B to the subject report.

## Attachments

- |                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Attachment A.</b> | Engagement report - Draft outdoor dining guidelines                    |
| <b>Attachment B.</b> | Outdoor dining guidelines (as amended following exhibition)            |
| <b>Attachment C.</b> | Outdoor dining - Implementation plan for permanent footpath extensions |
| <b>Attachment D.</b> | Outdoor dining policy - dated November 2022                            |
| <b>Attachment E.</b> | FAQs – Permanent footpath extensions for outdoor dining                |

## Background

1. Outdoor dining has become a popular part of the City's street life and culture and is ideal for our temperate climate. The City promoted outdoor dining as a response to Covid-19 pandemic restrictions, supporting businesses by expanding the available dining area into adjacent car parking space. The City also placed a freeze on fees for outdoor dining applications and footpath rental charges in 2020. This Council has resolved to continue fee-free outdoor dining. The popularity of outdoor dining continues to increase, with more than 1,000 businesses now having outdoor dining compared to around 430 before these measures.
2. In December 2025, Council approved draft Outdoor Dining Guidelines (the Guidelines) for exhibition. The Guidelines reduce requirements for food and drink businesses, simplifying the application process and reducing associated time and costs. Key changes include:
  - rebalancing the minimum clear path of travel widths depending on street type - making it more certain and easier to fit in outdoor dining and maintain a clear path
  - allowing outdoor dining on both sides of a clear path of travel if footpath space permits
  - a more flexible approach to the positioning of clear path of travel between outdoor dining clusters rather than for the whole block
  - conversion of temporary on street dining areas to permanent footpath extensions without concrete barriers
  - permitting additional outdoor dining in front of a neighbouring business following consultation
  - the safe use of large permanent planter boxes and planter pots to green dining areas
  - removing the non-approval of entertainment in outdoor areas
  - permitting standing in an outdoor dining area without a table or shelf
  - simplifying processes including duplicate requests whereby businesses apply for both owners consent and apply for outdoor dining permit from Council, and
  - a streamlined approval modification process, whereby Council can issue a modified approval following consultation with a business to reflect the endorsed updates in the Guidelines.

## Outdoor dining policy review

3. The Outdoor Dining Policy, shown at Attachment D, was last reviewed in 2022 and is due for review again by November 2026. Staff have completed the review and recommend that the Policy is no longer needed as it plays no practical role in the administration of outdoor dining. All of the requirements for staff, businesses and the community are now in the Outdoor Dining Guidelines, which are subject to public exhibition and adopted by Council.

4. Council already has the authority to issue approvals for outdoor dining under the Roads Act 1993, the Local Government Act 1993, and Crown Land Management Act 2016. The setting of application fees and footpath rental charges is set by Councils' annual budget process and contained in the City's Revenue Policy (Fees and Charges) published on the City's website. Action for the monitoring and enforcement of compliance with any approvals issued by the City is governed by the City's Compliance Policy and informed by any approval issued under the relevant legislation.
5. There will be no impact on the community from not having the Policy. This report recommends that the Policy be rescinded.

### **Public exhibition of the draft Guidelines**

6. The draft Outdoor Dining Guidelines (draft Guidelines) was exhibited on the Sydney Your Say website from 12 January to 12 March 2026. Engagement activities included:
  - Sydney Your Say webpage with online survey
  - Briefing to the City of Sydney's Inclusion (disability) Advisory Panel
  - Email to 17 disability representative organisations
  - Email to 610 business organisations and businesses with outdoor dining
  - Online business webinar on Wednesday 11 February 2026, 2pm – 3.30pm
  - Promotion in Sydney Your Say e-news and City newsletters, and
  - Social media and media promotion.
7. We received 135 submissions during the consultation period including 88 surveys, 47 emails, and there were an additional 21 comments received at the online business webinar. City staff also briefed the City of Sydney's Inclusion (disability) Advisory Panel. The Sydney Your Say webpage received 2,450 page views, and the outdoor dining guidelines were download 658 times during exhibition.
8. Themes arising from submissions are dealt with in detail at Attachment A, with a summary below. The most common themes were support for making it easier for businesses to operate, and support for increased activation and outdoor dining opportunities. The most common concerns mentioned in relation to the draft Guidelines include reduced footpath space for pedestrians, loss of parking, increased noise for residents, and concerns about footpath accessibility. Other common themes are summarised below, with further detail in Attachment A.
9. There are no significant changes proposed to the draft Guidelines in response to submissions. There are 2 minor changes to update references to Property NSW to Placemaking NSW, and to update the map showing the area where Placemaking NSW is the permitting authority for outdoor dining.

**Strong support for more outdoor dining opportunities, increased activation, greening, and making it easier for businesses to operate**

10. Overall, there was very strong support for outdoor dining in the City and for the draft Guidelines. Submissions noted that the increase in outdoor dining has improved the character of the City and made our streets safer and more active, and they appreciate the cosmopolitan feel the extra activity and colour bring to our streets. Submissions strongly supported changes that encourage planting and greenery and make the establishment and operation of outdoor dining areas easier for businesses with the draft guidelines seen to provide vital support for local restaurants, cafes and hospitality venues.

**Concern about reduced footpath width and walking space**

11. The most common concern raised is that the draft Guidelines do not leave a sufficiently wide continuous accessible path of travel (clear path) - the footpath space set aside for pedestrians. Walk Sydney's submission points to the Transport for NSW Walking Space Guide and recommends that the minimum clear path for pedestrians should be 3.4m on all footpaths in the City of Sydney. They recommend that if the City is to make more space for outdoor dining, we should reclaim traffic lanes and parking spaces rather than use footpath space.
12. Other submissions make the more general point that too much footpath space had been given over to businesses at the expense of pedestrians. Submissions mentioned George Street in the city, Regent Street in Redfern and Roslyn Street in Potts Point in particular. Some submissions felt the clear path is already too narrow and that the City should reduce, not increase, outdoor dining opportunities. Other submissions stated the new guidelines struck a balance between dining opportunities and space for pedestrians.

**Response**

13. The City's existing streets are multipurpose spaces for walking, gathering and social activities including outdoor dining. They are a historical creation, setting out the space between buildings and private landholdings. Where additional activities occur, these can slow pedestrian movement but bring the benefits of social interaction and community building and make our streets into gathering spaces. The draft Guidelines look to strike a balance between encouraging beneficial activity while maintaining enough space for pedestrians. While the draft Guidelines allow a reduced clear path of travel in dining areas, much of the street will have a substantially wider clear path.
14. The City's Inclusive Public Domain Guidelines note a preferred minimum clear path of 1.8m, but where that cannot be met allow for a reduction to 1.2m with regular passing zones. The draft Outdoor Dining Guidelines propose a minimum width of the clear path in dining areas of 1.5m for neighbourhood streets, where more gathering and activity is expected and movement is a lower priority. On these streets, passing zones of 2m width are required every 20m along the footpath to allow for easy passing amongst pedestrians. On main streets such as King Street Newtown or Crown Street Surry Hills, where movement is a higher priority and pedestrian volumes higher, a clear path of travel of 2m is required to allow for that freer pedestrian movement.

15. The 3.4m minimum clear path suggested by Walk Sydney is not practical and would require either the removal of much of our outdoor dining, tree planting and signage or extensive conversion of parking and traffic lanes to footpath. Since 2020 the City has created additional outdoor dining space through upgrades to Crown St and other streets, and through the conversion of parking spaces to temporary on-street dining. The City has more than 160 active sites where parking has been converted to outdoor dining, and this report includes a plan to make these into permanent footpath extensions. Businesses can already apply to convert additional on-street parking space for outdoor dining. These would be assessed by the City, with traffic and parking impacts considered by the City's Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) if required, including any community feedback.

### **Concern about footpath accessibility - shorelines and furniture design**

16. Vision Australia and Guide Dogs NSW point out that outdoor dining can cause difficulties for pedestrians who are blind or have low vision and rely on predictability, local knowledge and features such as the building line to navigate public space. The submissions together recommend that dining should not be allowed alongside the building line, as this provides a 'shoreline' for people with vision impairment to navigate safely and easily. Where a shoreline cannot be provided against the building, it should be provided against the kerb, and dining should not be both sides of the pedestrian path. Finally, they request that a physical alternative, such as a low kerb or a full barrier or other physical feature, be provided as a navigation aid as last resort.
17. Both submissions also recommended that accessible furniture with a high luminance contrast is mandated to ensure furniture can be more easily seen by those who are blind or have low vision, otherwise it can cause a footpath obstruction or a risk of injury. The submissions also ask for furniture that is 'closed in' at the bottom to prevent tripping and entangling navigation canes. Similar points are made about planter pots.

### **Response**

18. In many footpath situations, there are obstructions along both the building line and the kerb line that make it impossible to obtain a genuine clear shoreline. These obstructions include elements such as steps and Ausgrid pillars on the building side which are placed outside of the City's control; and trees, bike parking, parking meters and the like along the kerbside. The draft Guidelines focus on providing a more certain, unobstructed clear path of travel. This clear path will be set to avoid those existing elements along the building and kerb lines to ensure it is genuinely clear of obstructions. Dining along both sides of the clear path will only occur in limited circumstances where there is sufficient space to allow both while maintaining a genuinely clear path.
19. The draft Guidelines already include a requirement for furniture design to promote accessibility. This includes minimum luminance contrast consistent with the Australian Standard to ensure that furniture is sufficiently visible to pedestrians who are blind or have low vision. We do not mandate the use of specific types of tables or chairs and do not require furniture to be 'closed in' as these designs are often bulkier, harder to fit on our footpaths, and can cause obstructions and hazards in themselves. The draft Guidelines require that furniture and planter pots are outside the clear path, and that they are safe with no protruding edges.

**Loss of parking and loading space**

20. Some submissions are concerned that an increase in outdoor dining will lead to loss of parking and loading spaces, resulting in parking difficulties for residents, and businesses and their customers. Others object to further loss of parking spaces for temporary on-street dining and object to the temporary on-street dining becoming permanent and would prefer the spaces to be returned to parking. Submissions also ask that any outdoor dining applications that involve the loss, either temporary or permanent, of parking spaces should be notified for public comment.

**Response**

21. Outdoor dining on the footpath does not involve the loss of parking spaces. Any other applications that involve the loss of a parking space, including on-street dining, are first assessed by City planning officers. If impacts to parking and traffic are reasonable, or can be appropriately mitigated, the City notifies nearby properties of the proposal and, where required, refers the proposal to the Local Pedestrian, Cycling, Traffic Calming and Transport Forum for advice prior to approval.
22. Existing temporary on-street dining spaces, which have already been converted from car parking to dining, will need to demonstrate they are well-used and meet the criteria before being considered for permanent footpath extensions. Before they are made into permanent footpath extensions, they will be publicly notified again as part of the assessment process.

**Concern about noise, anti-social behaviour and licensed premises**

23. Some submissions raise concern that any increase in outdoor dining will have impacts on neighbourhood amenity, including increased noise and other disturbances. Other submissions raise objection to outdoor dining associated with pubs and other licensed premises, and with premises with poker machines. They say that residents experience disturbance from smoke, noise impacts, and harassment and anti-social behaviour from customers. They ask variously that such premises require a development application for outdoor dining, not have any or have less outdoor dining, have reduced outdoor dining hours, greater notifications of applications, and that they pay outdoor dining fees. Other submissions say that outdoor dining areas should be for sitting and eating, and that standing, drinking and smoking should not be allowed.

**Response**

24. Impacts on residential amenity are considered as part of the assessment of any outdoor dining application. The Guidelines include provisions about appropriate neighbourhood amenity and guidance on seating arrangements to manage noise. Hours of operation are set in Sydney DCP 2012, with outdoor operating hours generally limited to a 10pm closing time in residential areas. Where community members believe a venue is operating outside its approval, the City will investigate and work with the business to ensure compliance.

25. All outdoor dining on the footpath is exempt development under the State Environmental Planning Policy (Exempt and Complying Codes) 2008 (the SEPP), including pubs and hotels, and the City cannot require a development application. Council has made all outdoor dining free of charge and requiring that specific types of premises pay fees is not under consideration. Notifications for consultation on new applications have been reduced for all businesses in recognition of the very low rate of response, and because submissions generally raise issues that would already be considered in assessment, such as footpath space, noise and hours of operation. The NSW Government has amended the Roads Act and SEPP so that people are no longer required to be seated or have food served in outdoor dining areas, however, nonsmoking laws still apply in commercial outdoor dining areas.

### **Improving monitoring and compliance of outdoor dining areas**

26. Some submissions ask for better monitoring and compliance for outdoor dining areas. According to submissions, operators sometimes place furniture outside their approved area and cause obstruction on the footpath, with pedestrian safety compromised as a result. Submissions ask for greater enforcement including the immediate removal of offending furniture, or the capacity to revoke approvals for persistent breaches. Others ask for boundary markers or similar so that the approved dining area can be clearly established.

#### **Response**

27. While the draft Guidelines maintain the capacity for the City to revoke outdoor dining approvals, our preferred approach is to work with businesses to ensure they operate within their approval. As a new initiative the City will be installing boundary markers on footpaths with a high volume of outdoor dining to allow for easier identification of the clear path of travel and encourage easier self-compliance by operators.

### **Outdoor hours of operation and approved dining area**

28. A number of submissions from Millers Point object to the alignment of outdoor dining hours to indoor trading hours. One objects to the removal of the approved limit on how much space an outdoor dining area can occupy.

#### **Response**

29. The draft Guidelines do not propose any changes to operating hours which are set by Sydney Development Control Plan 2012 (Sydney DCP). The exhibited draft clearly states at provision 7.1 that operating hours for outdoor dining will follow the outdoor trading hours in Sydney DCP. Nor is there any proposal to change Sydney DCP to align indoor and outdoor trading hours. The draft Guidelines also make it clear that any outdoor dining approvals will be limited to a clearly identified area of the footpath. The City will trial the use of boundary markers to clearly delineate the approved area in areas with a high concentration of dining.

**Other matters raised**

30. Merivale made a submission objecting to the clear path of travel on City Centre streets, which has been set as 3 metres. Merivale operate a number of venues with outdoor dining in central Sydney, and 3 of those have a clear path of less than 3m. These are the Grand Hotel, with a clear path of 2.88m to Hunter Street; Hotel CBD with 2.75m to York Street and 2 metres to King Street; and the Slip Inn with 2.45 metres to Sussex Street. The submission notes the contribution these venues make to liveliness and activity in central Sydney, and that they would lose seating to achieve compliance.
31. The Merivale submission and the contribution those venues make is noted. As the outdoor dining approvals come up for renewal, the City will work with Merivale to understand their outdoor dining needs whilst maintaining a continuous accessible path of travel for pedestrians.
32. Placemaking NSW made a submission asking for the Guidelines to be updated to reflect the change in name from Property NSW to Placemaking NSW, and to update the map showing where Placemaking NSW is the permitting authority for outdoor dining. These changes have been made in Attachment B.

**Implementing permanent footpath extensions**

33. There are currently 173 on-street dining spaces that are separated to traffic by concrete barriers. Of these, 2 spaces will be removed for installation of a new cycleway along Campbell Street and 24 will be included in planned street-wide public domain upgrades. The remaining 147 existing spaces, plus any new spaces, will be considered against the criteria in Part 5 of the Guidelines for conversion to permanent footpath extensions as part of this program. Where spaces do not meet the criteria for permanent footpath extensions, they will be decommissioned and the City will work with the operator regarding what is suitable.
34. Over time, on-street dining spaces will be converted to permanent footpath extensions, the concrete barriers removed, and the contract to hire the barriers ended. The City will cover costs of the conversions up to \$20M which has been included in the Long-Term Financial Plan.
35. Temporary concrete barriers will be phased out. If the business owner prefers the City does not install a permanent footpath extension or there is a reason the permanent extension is not supported in the location, the City would remove the concrete barriers and return the space to its previous use.
36. The City has prepared an Implementation Plan, at Attachment C to this report, to guide the conversion to permanent spaces. Implementation will be undertaken to minimise disruption to businesses and the community and maximise operational and financial efficiency. Implementation will avoid construction disruption during peak trading periods and where possible will be coordinated with other capital works projects and neighbourhood and village delivery plans for operational efficiency.
37. The sites have been categorised according to complexity - some will be very simple requiring no specific design work or approvals and construction would take approximately 5-10 days. Other sites require specialist design, infrastructure changes and government agency approvals and will take longer to plan and construct.

38. In order to minimise disruption and ensure an orderly roll out of this infrastructure, the Implementation plan looks to sequence delivery of the sites, aiming for approximately 20-30 sites per year. The on-street dining space will be unavailable during construction, and businesses will be notified 3 times - 4-6 months, 4 weeks, and 2 days ahead of construction to allow them to plan effectively. Implementation will commence in March 2027, following further engagement with businesses. It is anticipated that the areas will be delivered progressively over an 8 year period.

### Communication and education

39. Communications will be delivered in 3 stages.
- (a) **Stage 1: notification phase** will provide certainty and transparency through targeted communications to eligible on-street dining sites (and corresponding property owners) supported by targeted notifications to businesses, surrounding businesses and residents as individual sites progress toward delivery.
  - (b) **Stage 2: engagement phase** will give businesses opportunities to learn more about the program through activities such as a business webinar, face-to-face engagement with the project team and ongoing customer service channels. The key messages and FAQs about the roll out that will underpin all communications, ensuring consistent responses to enquiries about timing, impacts, accessibility, site suitability and the benefits of the program will be published on the City's website following Council endorsement of the new guidelines.
  - (c) **Stage 3: community storytelling and project promotion**, with 2 broader communications bursts: the first following Council endorsement to announce the program and its city-wide benefits, and the second as the first permanent sites are underway or completed to demonstrate outcomes and build momentum. Channels will include the project webpage, email communications, Council news and media opportunities, social media, and business networks. Visual content, including before-and-after imagery, will be a key feature across these communications to showcase the transformation from temporary installations to high-quality permanent public domain outcomes that support local businesses and more vibrant streets.
40. During the initial implementation period of the new Guidelines up to 1 February 2027, the City will be focused on education and communication with businesses as outlined. In accordance with the City's Compliance Policy, an educative and voluntary compliance approach will be prioritised. The City may still take compliance action during this period where necessary in matters of significant risk to public safety.

## Key implications

### Strategic alignment - Sustainable Sydney 2030-2050 Continuing the Vision

41. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 1 - Responsible governance and stewardship - the proposed changes seek to balance public and private interest in the use of public space.
  - (b) Direction 3 - Public places for all - the proposed changes work to ensure that public and private interests are balanced when considering applications for use of public space.
  - (a) Direction 4 - Design excellence and sustainable development - the proposed changes seek to protect the quality and amenity of public space and ensure that outdoor dining adds to the interest and vitality of our streetscapes
  - (b) Direction 5 - A city for walking, cycling and public transport - the proposed changes manage footpath use in a way that maintains capacity for the movement of people walking and cycling while encouraging uses which bring interest and activity to the street
  - (c) Direction 6 - An equitable and inclusive city - the draft Guidelines include measures to ensure our public spaces remain accessible and inclusive by prioritising an unobstructed continuous accessible path of travel and encouraging accessible furniture design for dining spaces
  - (a) Direction 7 - Resilient and diverse communities - the proposed changes support the equitable use of public space, support strong local businesses and economies, and protect valued opportunities for community interaction.

## Risks

42. There is some financial risk associated with the provision of the outdoor dining program. The City has a responsibility to ensure that it has sufficient resources in the short, medium and long term to provide the levels of service that are both affordable and considered appropriate by the community. Sufficient budget has been included in the Long-Term Financial Plan to support the delivery of footpath extensions given that outdoor dining on footpath and on street, supports local businesses and activates public spaces for the community. The City's risk appetite statement notes that it will tolerate capital outlays attributable to innovation to meet community needs and provide better outcomes.
43. We acknowledge the diverse expectations of our stakeholders in how we manage public spaces, including the community, businesses, ratepayers, regulatory bodies and elected officials. Our risk appetite seeks to manage public spaces for the benefit of the community, whilst being prepared to implement change and embrace innovation. Outdoor dining, on footpaths and on streets, has become an important part of the City's culture and street life. The draft Guidelines seek to optimise benefits of outdoor dining while maintaining community access to public spaces.

44. We recognise that health and safety risks are inherent in all of our activities and in the public domain for which we are responsible. We acknowledge that achieving a risk-free environment is not feasible, especially in the public domain. The City has a minimal risk appetite where the risks associated with activities can be effectively mitigated. The proposed changes outlined in the Guidelines are considered to represent minimal public domain safety and amenity risks, balancing the benefits to the community and the economy from these activities. In accordance with the City's Compliance Policy enforcement activities will be focused on matters relating to public safety to ensure these risks are managed appropriately.

### **Financial implications**

45. A total of \$20 million has been included in the Long-Term Financial Plan to allow the roll-out of footpath extensions including staff resources to plan and manage the delivery.
46. Funds for the concrete barriers have been included in the long-term financial plan to allow time to commence the transition from temporary spaces to footpath extensions.

### **Relevant legislation**

47. Roads Act 1993.
48. Local Government Act 1993.
49. Crown Land Management Act 2016.
50. Environmental Planning and Assessment Act 1979.

### **Critical dates / Time frames**

51. The current approvals to allow temporary on-street dining are due to expire on 30 June 2027. Funding for temporary barriers required beyond this date will be addressed in future budgets.
52. If adopted by Council, the Guidelines would commence from 1 October 2026. Communications and education activities will be the focus for the initial implementation period up to 1 February 2027, with enforcement action only being taken for matters involving risks to public safety during this period.
53. If Council approves, the Outdoor Dining Policy would be rescinded from 1 October 2026.

**Public consultation**

- 54. The draft Guidelines were placed on exhibition from 12 January to 12 March 2026.
- 55. This report describes the activities undertaken, the outcomes from consultation and includes a summary engagement report at Attachment A.
- 56. Effective communication is critical to allow businesses to plan for the period when their on-street dining is unavailable. Stakeholder engagement will be conducted throughout planning and delivery of the program. The Implementation Plan at Attachment C includes an outline of the stakeholder communication and engagement approach and timing.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

David Fitzpatrick, Senior Planner

# **Attachment A**

**Engagement report – Draft outdoor dining  
guidelines**

# Outdoor dining guidelines – engagement report



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# Overview

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## Background

Outdoor dining is incredibly popular with our communities. We propose key changes to our outdoor dining program to make it easier for businesses to set up and use an outdoor dining area.

To achieve this, we developed draft Guidelines that will help make it easier to:

- apply for outdoor dining permits
- use more footpath space for tables and chairs
- ensure clear paths of travel
- share unused footpath space with a neighbouring business
- add greenery with planter boxes.

We're also developing a process for turning temporary on-street dining areas into permanent spaces.

From January to March 2026, we sought feedback from the community and businesses on our amended outdoor dining guidelines. This report outlines the outcomes of the public consultation process. Feedback will help finalise the updated guidelines.

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## Engagement summary

Between 12 January and 12 March 2026, we invited the community to have their say on our updated outdoor dining guidelines. Engagement activities included:

- Sydney Your Say webpage with online survey
  - Briefing to the City of Sydney's Inclusion (disability) Advisory Panel
  - Email to 17 disability representative organisations
  - Email to 610 business organisations and businesses with outdoor dining
  - Online business webinar on Wednesday 11 February 2026, 2pm – 3.30pm
  - Promotion in Sydney Your Say e-news and City newsletters
  - Social media and media promotion
- 

## Purpose of engagement

- Inform the community of the proposed amendments to the outdoor dining guidelines
  - Seek feedback from businesses and the community on the proposed amendments
  - Understand issues around accessibility from key disability stakeholders
- 

## Engagement outcomes

We received **156 submissions** during the consultation period including 88 surveys, 47 emails and

## Outdoor dining guidelines – engagement report

21 comments received at the online business webinar.

The Sydney Your Say webpage received 2,450 page views, and the outdoor dining guidelines were download 658 times.

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**Table 1. Engagement outcomes snapshot**

| Quantity   | Description of activity                                  |
|------------|----------------------------------------------------------|
| 21         | Comments from 73 attendees at an online business webinar |
| 88         | Survey submissions                                       |
| 47         | Email submissions                                        |
| <b>156</b> | <b>Total</b>                                             |

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# Key findings

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## Overall summary

Overall, there is broad support for expanding and streamlining outdoor dining to support local businesses and create vibrant public spaces, as long as accessibility and amenity are protected.

Among survey respondents, 66% supported, 17% supported with changes and only 16% did not support the draft Guidelines.

Analysis of the themes raised in submissions show that the community place a high value on the activity, street life and social connectedness and life that outdoor dining brings to our neighbourhoods, and that it improves the overall experience of living, working and visiting in our city. Support is very strong amongst businesses, who value the opportunity that outdoor dining brings, note that it is now a key component of the dining offering in Sydney and appreciate the more streamlined approach to approvals and the additional freedom within their operating area. There was strong support for converting temporary on-street dining spaces into permanent footpath extensions, and for allowing greenery on outdoor dining areas.

Some concerns are raised about having sufficient space for pedestrians on our busy streets, and in particular for those with low-vision or with a disability who have additional considerations when navigating footpaths. Submissions raise furniture placed outside the dining area and into the pedestrian clear path as a particular issue. Other concerns include the capacity for increased noise and anti-social behaviour and the impacts on residential neighbourhoods and for any further loss of parking. Some submissions ask for better monitoring of compliance with outdoor dining approvals. These issues are addressed further in this engagement report.

Overall, the feedback highlights the need to strike a careful balance between the benefits of outdoor dining and managing its potential impacts on the community.

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## Advisory panel briefing

City staff held a briefing with the City's **Inclusion (disability) advisory panel** on Tuesday 10 February 2026. An invitation to participate in the consultation was also distributed to the Nightlife and Creative Industries Advisory Panel members.

The panel was briefed on the proposed changes and made the following comments.

Vision Australia made the following comments about outdoor dining and people with a vision impairment:

- 30% luminance contrast for furniture is insufficient in a streetscape context
- Concerns about people walking up a kerb ramp and into outdoor dining furniture
- Furniture design should be mandated so that furniture items are detectable by a person using a cane
- Operators should consult with the disability community before setting up new outdoor dining areas.

Comments from other individuals at the meeting included:

- Clear paths of travel should be kept free of obstacles, including furniture and signs
- Noise levels vary between premises, and this has a sensory impact
- Consistent and predictable design is the most important consideration for navigation

## Outdoor dining guidelines – engagement report

- Compliance with clear path minimums are important so a dog-handler and another person can pass
- If there is dining on both sides of the clear path a physical shoreline should be introduced
- Dining on both sides of the clear path will increase hazards, operators should be given training
- Staff crossing the clear path, noise management and the close presence of traffic are challenges for people with neurodiversity
- Enclosing outdoor dining with barriers helps navigation and is a better dining experience.

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### Business webinar

73 people attended an online business webinar on Wednesday 11 February 2026, 2pm – 3.30pm.

City staff presented on proposed changes to the guidelines, how to apply for outdoor dining and footpath extensions for on-street dining areas.

21 comments/questions were raised during the session regarding a variety of topics outlined below with City staff providing advice verbally. The session was received positively with 7 commenting to this effect at the end.

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### Table 2. Comments raised at business webinar

| Comment                                                                                                                                  | Times raised |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Outdoor entertainment and music</b> (restrictions, speakers, DJs, approvals)                                                          | 3            |
| <b>Footpath extensions and additional outdoor space</b> (how to apply, rollout to neighbourhood streets, street activation)              | 5            |
| <b>Structures and infrastructure in outdoor dining areas</b> (plants, heavy pots, jersey kerbs, platforms, attaching lights to barriers) | 4            |
| <b>Clear path requirements and e-bike impacts</b> (traffic, responsibility, parked bikes)                                                | 3            |
| <b>Approval processes and permits</b> (5-year approvals, Roads Act approvals, application process)                                       | 3            |
| <b>Roadway dining guideline changes</b> (query on if there were any current changes for roadway dining)                                  | 1            |
| <b>State roads</b> (query on additional clearances/consents)                                                                             | 1            |
| <b>Specific location query</b> (McCauley St Alexandria)                                                                                  | 1            |
| <b>General support / positive comments</b>                                                                                               | 7            |

### Online survey

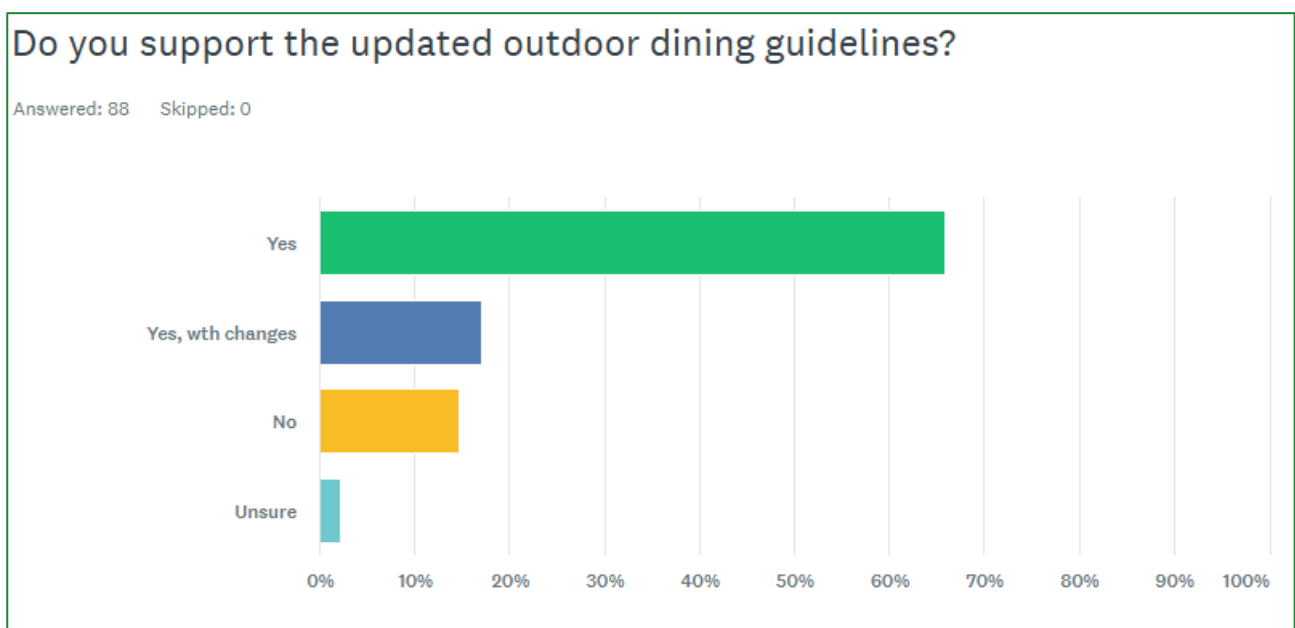
88 surveys were completed, with around 85% from individuals, and 15% responding on behalf of a business/organisation – including The Hive Bar, Souks Mediterranean Street Food, Single O, Rivareno Gelato, Society Royale, Fontana, Spaceman Design, Surly's Hospitality Pty Ltd, The Roosevelt and The Goodies.

Survey respondents were asked if they supported the updated guidelines or not.

#### Q.1 Do you support the updated outdoor dining guidelines?

66% of people (58 people) who completed the survey selected 'Yes' to this question, 17% (15 people) selected 'Yes, with changes', 15% (13 people) selected 'No' and 2% (2 people) selected 'Unsure'.

Figure 1. Do you support the updated outdoor dining guidelines?



### Written submissions

We received 135 written submissions (88 written responses in surveys and 47 emails).

#### Surveys

Survey respondents were asked why they support or do not support the updated guidelines and if they had any other feedback on the proposal – and all 88 respondents provided a written response to this. Respondents supported the guidelines for several reasons, with many indicating multiple reasons for support. There were a greater range of reasons for objecting to the guidelines, again with many indicating multiple reasons for objecting.

#### Email submissions

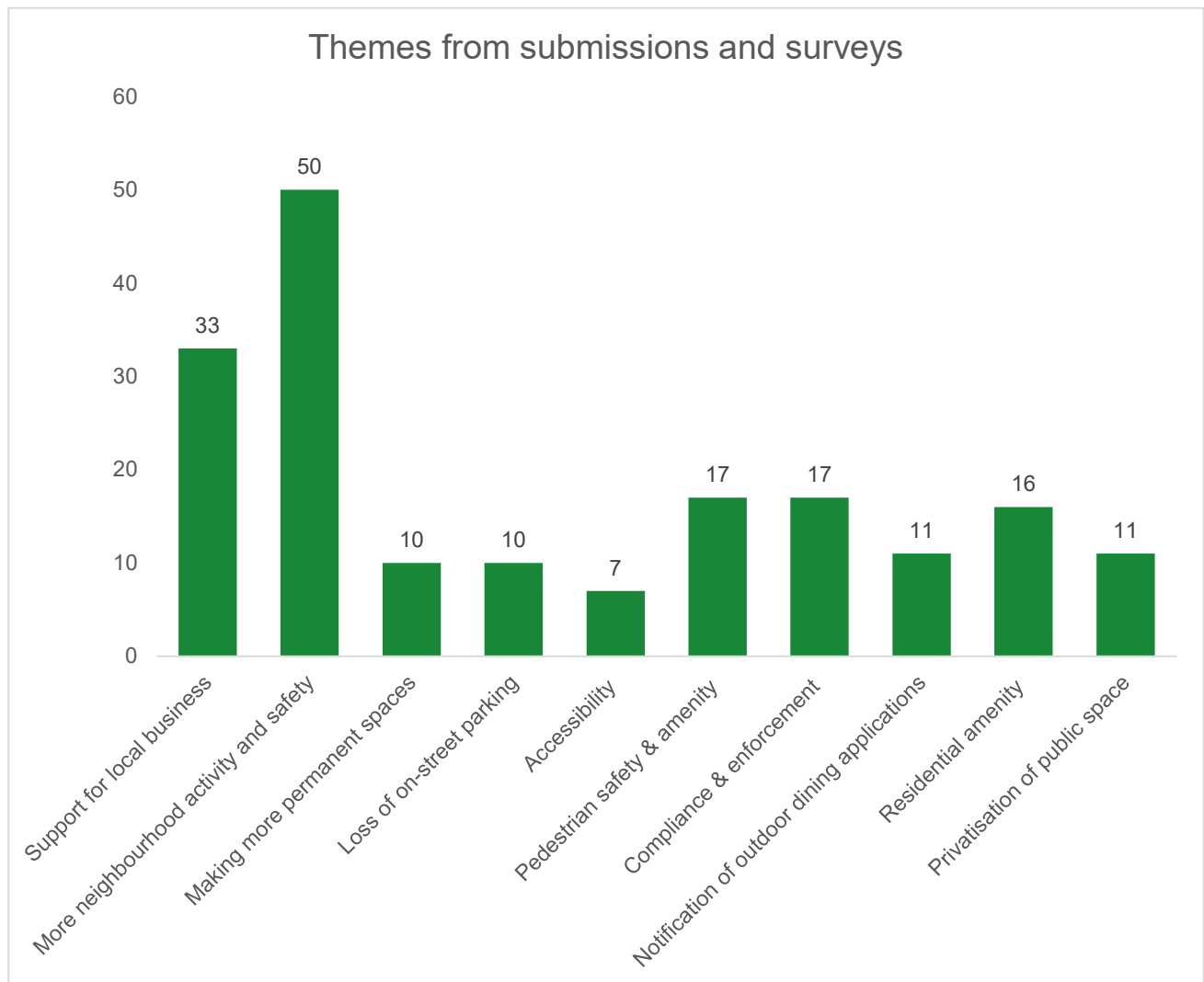
We received 47 email submissions including 22 submissions from community members and 12 submissions on behalf of businesses (including one submission on behalf of 13 businesses/property owners on Stanley Street & one submission on behalf of Merivale representing 28 venues in the City of Sydney area). We also received 12 submissions from organisations including Business Sydney, Nighttime Industries Association, Guides Dogs NSW/ACT, NSW Council for Intellectual Disability, Multicultural Disability Advocacy Australia (MDAA), WalkSydney,

## Outdoor dining guidelines – engagement report

The Glebe Society, Paddington-Darlinghurst Community Group, Chippendale Residents Interest Group and Millers Point Community Resident Action Group. Two submissions were received from the NSW Government - Placemaking NSW and The Office of the 24-Hour Economy Commissioner.

The key themes and the number of times they were raised in written submissions (surveys and emails) are outlined in Figure 4 below.

**Figure 2. Key themes from written submissions**



## Responses to written submissions

The following tables provide more detail on the themes from written submissions (survey and email), along with responses.

| Theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Support for more neighbourhood activity and safety</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          |
| <p>Submissions strongly supported outdoor dining for bringing more activity to local neighbourhoods and enhancing the character of high streets. Respondents emphasised that outdoor dining helps transform streets into lively, people-focused spaces, encouraging social interaction and creating a stronger sense of place. Submissions highlighted the atmosphere and vibrancy outdoor dining contributes. Comments included:</p> <p>“I noticed how much the extra outdoor seating adds to the vibrancy and honestly I think it gives the streets a safer feel and more relaxed atmosphere.”</p> <p>“Outdoor dining does far more than provide extra seats for venues. It activates neighbourhoods, encourages social interaction and creates the vibrancy that great cities are known for.”</p> <p>“...allows streets to become social places rather than simply transport corridors.”</p> <p>“the guideline helps create a more vibrant, European-style street culture that enhances the overall character of our city.”</p> <p>Allowing pot plants and planters was widely supported, with respondents noting their role in improving visual appeal, softening streetscapes, and creating a more comfortable environment for diners and pedestrians. Submissions also supported allowing outdoor dining areas in front of a neighbouring business, providing the neighbour was not inconvenienced.</p> | <p>Support is noted.</p> |
| <b>Support for making outdoor dining easier for local businesses</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |
| <p>Many submissions supported moves to make things easier for businesses. This included creating clear guidelines which reduce ‘red tape’ and which will enable business to benefit from outdoor dining sooner. Comments included:</p> <p>“Having outdoor dining around the venue has increased overall revenue by 30%”.</p> <p>“The guideline demonstrates a genuine commitment by the City to reduce regulatory burden, expand opportunity for food and drink businesses, and modernise the framework governing outdoor dining.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Support is noted.</p> |
| <b>Making more permanent outdoor dining spaces</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |

## Outdoor dining guidelines – engagement report

| Theme                                                                                                                                                                                                                                                                                                                                                                                                       | Response          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Submissions support converting temporary on-road dining spaces into permanent footpath extensions. Some submissions suggest the existing concrete barricades are unsightly and visually detracting from neighbourhood. One submission described them as iconic Sydney features. Comments included:<br><br>“a permanent reallocation of street space toward pedestrians and outdoor dining would work well.” | Support is noted. |

| Theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Loss of on-street parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Submissions raised concern that the increase of outdoor dining would reduce the amount of on-street parking. Some submissions objected strongly to the loss of any parking spaces.<br><br>Submissions noted that a significant number of parking spaces have already been converted to temporary outdoor dining space, and that any further conversions should be subject to public consultation.<br><br>Specific concern about loss of parking was noted for Redfern Street, Regent Street, Glebe Point Road and Crown Street.<br><br>Submissions also noted that converting the existing temporary on-road spaces to permanent footpath extensions should be subject to further consultation as it would mean those parking spaces are lost permanently.<br><br>Some responses were concerned that additional outdoor dining would create additional demand for parking in dining areas. They suggest this could result in people parking in already constrained streets and taking necessary parking from nearby residents. | Outdoor dining on the footpath does not involve the loss of parking spaces.<br><br>Any other applications that involve the loss of a parking space, including on-street dining, are first assessed by City staff. If impacts to parking and traffic are reasonable, or can be appropriately mitigated, the City notifies nearby properties of the proposal and, where required refers the proposal to the Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) for advice prior to approval.<br><br>Existing temporary on-street dining spaces have already been converted from parking to dining. If they are to be made into permanent footpath extensions, then they will be notified again as part of the assessment process.<br><br>New applications to convert a parking space into outdoor dining will also be notified for public comment as part of the assessment process and considered by the LPCTCTF for advice where required. Impacts on local parking and traffic will be considered as part of that. |

|                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Accessibility on footpaths</b>                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                          |
| <b>Provision of a clear shoreline for accessibility</b>                                                                                                                                                                   |                                                                                                                                                                                                                                                                                          |
| Submissions raised concern that outdoor dining places obstacles such as furniture along building lines which would otherwise be used for navigation (‘shorelines’) by those with vision impairment. They ask that a clear | The draft Guidelines support the provision of a continuous accessible path of travel to support accessibility on our footpaths.<br><br>The City’s footpaths are busy places with space in demand with many uses and interests competing for space. Providing a clear shoreline along the |

## Outdoor dining guidelines – engagement report

| Theme                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| shoreline be left along the building line for navigation. | <p>building line is not possible in many circumstances in our area. There are existing obstacles including door ramps, Ausgrid pillars and goods displays along the building, impeding the shoreline. Similarly the kerbside carries trees, plantings, parking meters, bike parking and the like.</p> <p>The draft Guidelines prioritise an achievable path by setting the continuous accessible path away from existing obstacles, where it can remain unobstructed.</p> |

### **Furniture should be well designed and accessible**

Submissions raised concern that poorly designed outdoor dining furniture can cause obstruction for those with vision impairment, particularly those who use disability aids such as canes, wheelchairs or other mobility devices. Furniture should be designed to be closed at the bottom to avoid entangling canes, and of high luminance contrast to be easily visible.

The draft Guidelines include a requirement to ensure furniture supports accessibility and will allow all people, with or without disabilities, to enjoy outdoor dining.

In accordance with Australian Standards, Council requires seating to meet luminance contrast standards to be detectable by people with a vision impairment.

The draft Guidelines will require planters and furniture to be kept out of clear path of travel and to be safe for all users of the footpath.

The draft Guidelines do not require furniture to be closed at the bottom, as this is generally more bulky than standard furniture and can increase the chance of obstructing other footpath users.

## **Pedestrian safety & amenity**

### **Inadequate pedestrian walking width**

Submissions raised concern the proposed changes would reduce the amount of walking space on footpaths. namely on main streets.

One submission raised issues about too much outdoor dining on George Street in particular, and another mentioned Redfern Street and Pitt Street.

Some submissions identified Roslyn Street Potts Point as a particular chokepoint where furniture regularly obstructs the footpath.

Some submissions suggest that busy streets are already too difficult to navigate, and that outdoor dining will affect some users including those with prams. One submission

City streets need a balance of activity and walking space. The proposed clear widths have been selected to ensure freedom of movement is protected while giving the opportunity for outdoor dining to activate areas.

Even at minimum widths the City's streets are designed for accessibility and consistent with our Accessible Public Domain Strategy and Guidelines. In dining precincts where the clear path is set at the minimum width of 1.5 metres, regularly spaced 2-metre-wide passing areas are provided to ensure people can move comfortably and safely. The draft Guidelines will ensure the clear path is maintained without creating unnecessary constraints on business.

Pedestrian access to premises is considered as part of the assessment process. This provision

## Outdoor dining guidelines – engagement report

| Theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>said too much consideration is given to pedestrians needs.</p> <p>Other submissions ask that the Guidelines continue to ensure a clear access to shops and other premises, noting that this reference was proposed to be removed from the exhibited draft Guidelines.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>was proposed to be deleted from the draft Guidelines as it is a basic requirement for accessibility assessment and did not need to be included in the Guidelines.</p>                                                                                                                                                                                                                                                                                                 |
| <b>Compliance &amp; enforcement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Keeping clear path free of obstacles</b> <p>Submissions raised concerns that existing outdoor dining furniture is sometimes placed outside of the approved dining area and encroaches on the pedestrian paths.</p> <p>Submissions suggest clearly defined boundaries, either through cafe barriers, planters or boundary marker discs, be used to show the areas where outdoor dining is permitted.</p>                                                                                                                                                                                                                                                                                                                                                     | <p>The draft guidelines seek to ensure an unobstructed path for pedestrians.</p> <p>Where furniture is placed outside approved dining areas Council works with the business to ensure they operate within their approval. This could involve relocating furniture that is out of the dining area.</p> <p>Council is investigating the use of bronze markers to outline boundaries of outdoor dining areas to provide greater clarity for businesses and pedestrians.</p> |
| <b>Enforcement, regular monitoring and ways to report non-compliance</b> <p>Submissions note that if not properly managed outdoor dining can cause impacts such as excessive noise or obstructed footpaths and ask that regular monitoring be carried out to ensure outdoor dining continues to have a positive impact.</p> <p>Additionally, submissions note the importance of having clear processes for reporting non-compliance and a transparent enforcement framework that outlines expectations and consequences, including strict responses for repeated non-compliance.</p> <p>Concerns were raised that the draft guidelines limit council officers' ability to relocate misplaced furniture that may obstruct footpaths or to revoke approvals.</p> | <p>Council staff will continue to respond to community complaints and monitor outdoor dining, and when necessary will work with businesses to ensure they operate within their approval. Compliance is undertaken consistent with the principles and approach outlined in the City's Compliance Policy.</p>                                                                                                                                                              |
| <b>Notification of outdoor dining applications</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Notification for outdoor dining in residential neighbourhoods</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## Outdoor dining guidelines – engagement report

| Theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Submissions raised concern that reduced notifications for outdoor dining proposals would result in greater impacts for the immediate community. There was concern that changes to operating hours, new ownership, and changes of use would no longer automatically trigger a requirement for notification.</p> <p>Specific concern was raised for neighbourhoods in Millers Point, Chippendale, Darlinghurst and Potts Point.</p> <p>Some submissions suggested the radius within which affected residents are notified should be expanded.</p> | <p>Applications for changes to operating hours will still be notified where size of the outdoor dining area meets the threshold of 20 square metres or the hours extend beyond 10pm.</p> <p>Notifications for new applications have been reduced for all businesses in recognition of the very low rate of response, and because submissions generally raise issues that would already be considered in assessment, such as footpath space, noise and hours of operation.</p> <p>Given the low rate of response, it is not expected that expanding the notification area would identify any issues that are not already considered in assessments.</p>                                                                                                                    |
| <p><b>20sqm notification triggers and outdoor dining ‘creep’</b></p> <p>Submissions raised concern the draft Guidelines would allow venues to expand their outdoor dining spaces to beyond 20sqm by applying for multiple smaller areas. None of the smaller areas would need to be notified, but overall the outdoor dining area could exceed 20sqm.</p>                                                                                                                                                                                          | <p>This is not the intent of the draft Guidelines. In practice, the City will notify where the outcome is an outdoor dining area that exceeds 20 sqm.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Residential and neighbourhood amenity</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Noise</b></p> <p>Submissions suggested that the draft Guidelines may lead to increased noise from outdoor dining areas. They ask that prescribed seating plans to manage noise should be retained in the guideline, particularly in neighbourhood areas.</p> <p>Submissions also raised concern with the removal of outdoor music restrictions.</p>                                                                                                                                                                                          | <p>The draft guideline strikes a balance between encouraging activity on public streets and safeguarding neighbourhood amenity. The draft Guidelines include diagrams of seating options to manage noise in residential areas and the capacity for City staff to propose specific arrangements where necessary. Operating hours are limited to 10pm to limit neighbourhood noise late in the evening.</p> <p>The draft Guidelines no longer prohibit music in outdoor dining areas, consistent with the NSW Government vibrancy reforms which now allow live entertainment without a development application in private outdoor dining areas, providing existing relevant conditions are met. Noise will continue to be considered as part of the assessment process.</p> |

## Outdoor dining guidelines – engagement report

| Theme                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Licensed venues and antisocial behaviour</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Submissions raised concern the proposed changes would increase the amount of antisocial behaviour, namely excess drinking and smoking drift, leading to negative impacts in surrounding public spaces.</p> <p>Submissions also noted that licensed venues were most associated with these behaviours.</p> <p>Submissions suggest that a different approach is taken for licenced venues to account for the greater impact these venues have on the community.</p> | <p>The City will continue to monitor compliance of outdoor dining areas with their approval conditions and respond when the community raises non-compliance. Where businesses are not operating within their approval, City staff will work with the business to achieve compliance.</p> <p>To ensure fairness to the diversity of businesses within the LGA, council is not investigating having different fees dependent on business type, including licenced venues or venues with on-site gambling.</p> |
| <b>Alcohol Free Zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Submissions raised concern that outdoor dining, and consumption of alcohol in these spaces, conflicts with alcohol-free zones on streets such as Regent Street.</p>                                                                                                                                                                                                                                                                                               | <p>There is no legal prohibition on establishing outdoor dining areas within alcohol free zones. Alcohol consumption within outdoor dining areas will continue to be managed under the venue license and within the approved licensed area.</p> <p>The City will be reviewing alcohol free zones, consistent with principles recently endorsed by Council.</p>                                                                                                                                              |
| <b>Trading hours</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Submissions were concerned that proposed changes to trading hours would have a negative impact on residents close to business with outdoor dining, namely, licensed venues in residential neighbourhoods.</p> <p>The following neighbourhoods where concern was frequently raised were Potts Point, Darlinghurst, Chippendale, Millers Point, and Surry Hills.</p>                                                                                                | <p>There is no proposal to change outdoor trading hours as part of the draft Guidelines. Outdoor hours will continue to align with Sydney Development Control Pan 2012.</p>                                                                                                                                                                                                                                                                                                                                 |
| <b>Privatisation of public space</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Submissions object to allowing businesses to use public resources for no fee. Submissions suggested that fees be introduced for venues, namely those that may encourage antisocial behaviour such as drinking and gambling.</p>                                                                                                                                                                                                                                   | <p>The City's streets are places for walking, moving and for activities and gathering. The value of outdoor dining is not derived from fees, but through the activation of public space and thriving local businesses.</p> <p>To ensure fairness to the diversity of businesses within the LGA, council is not investigating having</p>                                                                                                                                                                     |

## Outdoor dining guidelines – engagement report

| Theme               | Response                                                                                              |
|---------------------|-------------------------------------------------------------------------------------------------------|
|                     | different fees dependent on business type, including licenced venues or venues with on-site gambling. |
| Other issues raised |                                                                                                       |

### Approval pathways

Some submissions suggested that outdoor dining should require a development application, particularly for pubs, hotels or venues with poker machines.

One submission suggested that footpath extensions should be subject to a Review of Environmental Factors under the Environmental Planning and Assessment Act 1979.

Outdoor dining on public footpaths is classified as exempt development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as long as it meets certain criteria. The City cannot require a development application for activity classified as exempt development.

Footpath extensions will be assessed individually and any necessary approvals obtained.

### Public domain upgrades to Bourke Street Surry Hills

One submission from a business based on Bourke Street Surry Hills asked Council to consider further works to revitalise and brighten Bourke Street to create a more attractive destination for customers. They ask for the area from 478 Bourke Street to Cleveland Street to be considered.

Submission noted. The suggestion is outside of the scope of this program and has been referred to relevant City staff for direct response.

## Organisations

Submissions from organisations generally support the expansion of outdoor dining as it contributes to the vibrancy and activation of public spaces.

Submissions from Guide Dogs NSW and Vision Australia also support outdoor dining but emphasise the need to maintain clear paths of travel, preserve shorelines and building lines, and ensure compliance with safety and accessibility standards.

| Organisation                            | Comment                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Guide Dogs NSW/ACT and Vision Australia | Both Guide Dogs NSW and Vision Australia raised a similar suite of issues in their responses. They are specifically concerned with how outdoor dining impacts people who are blind or have low vision.<br><br><u>Shoreline</u><br>The submissions expect that buildings should maintain a clear | The proposed guideline supports the provision of an uninterrupted clear path of travel. Council will provide guidance to businesses to ensure disruption to building shorelines is minimised.<br><br>Council is also investigating the use of bronze markers or similar treatments to clearly delineate approved outdoor dining boundaries. This should provide clarity for businesses and the community and will |

## Outdoor dining guidelines – engagement report

| Organisation                                | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | <p>'shoreline' along the building to support safe wayfinding. Where that is not possible they ask for a physical barrier such as café barriers or similar to act as shoreline.</p> <p><u>Accessible furniture</u></p> <p>The submissions suggest furniture must include mandatory accessibility standards including minimum luminance contrast standards for street furniture where possible and specify a safe height and placement of planter boxes and pots.</p> <p><u>Location of the path of travel</u></p> <p>Outdoor dining should not occupy both sides of a footpath, ensuring a clear and consistent shoreline that pedestrians can reliably follow. The submission suggests a six-metre buffer from pedestrian crossings and kerb ramps.</p> <p>Footpaths must always remain accessible, supported by regular audits, enforceable penalties, and ongoing business education.</p> | <p>help prevent pedestrian obstruction caused by wrongly-placed furniture.</p> <p>The guidelines include provisions to ensure outdoor dining furniture is accessible and usable by all people, including those with disabilities. In accordance with Australian Standards, seating is required to meet specified luminance contrast requirements. Planters are to be positioned outside the clear path of travel and maintained to ensure they do not create safety hazards.</p> |
| Multicultural Disability Advocacy Australia | <p>The submission suggests outdoor dining spaces should have flexible designs, allowing them to accommodate larger groups when needed. Spaces should be designed within safety and accessibility in mind.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Noted. The guidelines allow flexibility in how outdoor dining areas are set up, and require sufficient space for movement of customers around furniture. Safety is prioritised through maintenance of an obstacle-free clear path of travel.</p>                                                                                                                                                                                                                              |
| Nighttime Industry Association              | <p>The submission supports the proposal. Supports the removal of red tape, expansion of outdoor opportunity to other business uses and the certainty created by footpath extensions. Support the removal of music and entertainment restrictions, noting that prescribed seating arrangements are overly difficult to enforce in practice. Support the expansion of access to adjacent premises to better utilise public</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Support is noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Outdoor dining guidelines – engagement report

| Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | space and improve the viability of smaller or narrower venues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| WalkSydney   | <p>The submission objects to the changes on two grounds:</p> <p><u>Insufficient walking space</u> – the changes would mean that the walking space (clear path) would be too low – from 1.2m to 2m wide outside the City Centre. This is too low and results in Level of Service F in the Transport for NSW Walking Space Guide.</p> <p>It will create barriers for people with wheelchairs or prams in accessing the street.</p> <p>Recommends a minimum of 3.4m walking width for all streets with the exception of City Centre laneways</p> <p><u>Prioritising private vehicle space over walking space</u> – the draft guidelines do not allow further footpath extensions on master-planned streets, which means outdoor dining space must be allocated from pedestrian space. This is contrary to the city's vision for a healthy, active, vibrant and sustainable city.</p> <p>Recommends allowing further footpath extensions on streets that have already been master planned and reallocating traffic and parking space to create more dining space.</p> <p>Also recommends re-classifying the City's streets to be consistent with the NSW Walking Space Guide</p> <p>Suggest streets such as Roslyn and Orwell Street could be converted into shared zones or fully pedestrianised spaces and reallocating kerbside parking to outdoor dining spaces.</p> | <p>The City's streets are places for walking, moving, and also for activities and gathering. Pedestrian movement along streets is important and streets must be accessible.</p> <p>Even at minimum widths the City's streets are designed for accessibility and are consistent with our Inclusive and Accessible Public Domain Policy and Guidelines. In dining precincts where the clear path is allowed at the minimum width of 1.5 metres, regular 2-metre wide passing spaces are required.</p> <p>The City's Streets Code looks to balance the desire for street life and activation with the right to access and to support pedestrian movement. While the proposed guidelines allow a reduced clear path of travel in dining areas this is for a limited length – it is not for the full length of that street, and much of the street will have a substantially wider clear path. For instance Crown Street is a Village Main Street, with a 2km stretch between Devonshire and Oxford Streets accommodating many activities including local and destination retail and dining, which in turn generates high pedestrian traffic. The footpath is more than 4 metres wide but the space for pedestrians varies due to reduces to accommodate plantings, bike racks, trees and outdoor dining.</p> <p>Since 2020 the City has created additional footpath and outdoor dining space through reclaiming road space. This has happened through public domain upgrades for streets such as Crown Street and Victoria Street, and through allowing temporary on-street dining in parking spaces. There are more than 160 active sites where parking has been converted to outdoor dining, with a plan to make these into permanent footpath extensions.</p> <p>Businesses can already apply to convert additional on-street parking space for outdoor dining. These would be assessed by the City, with traffic and parking impacts considered by the City's Local</p> |

## Outdoor dining guidelines – engagement report

| Organisation            | Comment                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         |                                                                                                                                                                                                                                                                                                                                                                                                             | Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) if required, including any community feedback.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Business Sydney         | The submission supports the proposal. The submission suggests the proposed changes represent a serious effort to energise Sydney, particularly the night-time economy. The submission notes the success of Crown Street and supports the extension of master planned streets.                                                                                                                               | Support is noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Merivale                | Supportive of draft Guidelines but note the proposed 3m minimum width for the clear path will impact at least 3 venues: Grand Hotel, Slip Inn and Hotel CBD. The submission is concerned that the venues may lose some of their outdoor seating as a result.<br><br>The submission suggests the clear path width be reduced in the city centre and gateway streets to accommodate Merivale venues.          | Support is noted.<br><br>The proposed minimum clear widths balance activity such as outdoor dining with pedestrian access. City centre streets are to have a clear path of 3 metres, recognising the higher number of pedestrians and the greater focus on movement.<br><br>Generally, when outdoor dining approvals are renewed, there is a preference to allow the same outdoor dining arrangement to continue unless major issues are identified that require some adjustments.<br><br>When the approvals for the 3 Merivale venues come up for renewal they will be assessed on merit, having regard to the existing arrangement. |
| The Glebe Society       | Supports permanent footpath extensions to replace the temporary on-street dining.<br><br>The submission sets out the benefits of transitioning those sites to permanent footpath extensions.<br><br>The submission notes that there are 7 adjacent on-street dining areas between Mitchell and Francis Streets. It asked that Glebe Point Road should be added to the list of streets to be master planned. | Support is noted.<br><br>Master planned streets identified in the draft Guidelines have been approved for public domain upgrades as part of the City's capital works program.<br><br>The 7 adjacent on-street dining spaces on Glebe Point Road can be considered for footpath extensions concurrently, and constructed together to achieve a unified outcome for the street.<br><br>This report does not recommend adding Glebe Point Road to the master planned streets in the capital works program.                                                                                                                               |
| Millers Point Community | The submission notes general support for the draft Guidelines and                                                                                                                                                                                                                                                                                                                                           | Suggestion and comments noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## Outdoor dining guidelines – engagement report

| Organisation          | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Resident Action Group | <p>makes a number of suggestions and recommendations:</p> <p><u>Approval notices</u> – the approval notice displayed at the premises should include a capacity number for outdoor dining in residential areas</p> <p><u>Notifications</u> - the notification radius be extended to 50m if the outdoor dining area is able to accommodate over 50 patrons and/or the application is made by a licenced establishment with a capacity over 100 patrons.</p> <p><u>Clear path</u> - Millers Point should have a wider clear path due to high pedestrian volumes.</p> <p><u>Operating hours</u> – hours of operation for outdoor dining should not be matched to indoor hours of operation. Where hours beyond standard DCP outdoor hours are approved in a residential area the application should be notified.</p> <p><u>Heritage</u> – heritage-sensitive treatments should replace the on-street dining areas and concrete bollards</p> <p><u>Compliance</u> – the City should introduce a demerit system for non-compliance to manage the public realm impacts of poorly-managed outdoor dining. It recommends the use of brass boundary markers or similar to denote the approved outdoor dining area.</p> <p><u>Venues with poker machines</u> – should be charged rent for outdoor dining</p> | <p><u>Approval notices</u> - the City does not approve a capacity number of patrons for outdoor dining. We approve a dining area measured in square metres</p> <p><u>Notifications</u> - notifications for outdoor dining applications have a very low response rate and rarely raise issues that would not already be considered in assessments. Extending the notification area is unlikely to raise issues that would not otherwise be considered in assessment</p> <p><u>Clear path</u> – the clear path for Millers Point will generally be between 1.5 metres and 2 metres, depending on the street type. Where pedestrian volumes are high that will be considered in assessment</p> <p><u>Operating hours</u> – the draft Guidelines do not propose to change operating hours for outdoor dining. Operating hours in 7.2 of the draft Guidelines continue to be aligned with outdoor trading hours in Sydney DCP. Where alternate hours are considered later than the outdoor trading hours in Sydney DCP they can be notified as part of the assessment process</p> <p><u>Heritage</u> – all public domain works in Millers Point are undertaken with consideration of the areas unique heritage. The City will take the same approach with any footpath extensions for outdoor dining.</p> <p><u>Compliance</u> – the City has a compliance policy which sets out a responsive, risk-based and credible approach to decision-making. Our response to outdoor dining is guided by the policy framework. The policy can be found <a href="#">here</a>.<br/>As part of this review the City will trial boundary markers for outdoor dining</p> <p><u>Venues with poker machines</u> – as part of its ongoing commitment to supporting local businesses, Council has made outdoor dining fee-free for all businesses. To ensure fairness to the diversity of businesses within the LGA, council is not</p> |

## Outdoor dining guidelines – engagement report

| Organisation                        | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | investigating having different fees dependent on business type.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Chippendale Resident Interest Group | <p>The submission notes some concerns based mainly on the close relationship between homes and businesses in Chippendale. It makes the following points:</p> <p><u>Patron capacity</u> - the blanket increase in overall patron capacity should be more site specific, with the risk that outdoor dining may enable venues to exceed their intended scale</p> <p><u>Noise</u> - the cumulative impact on residential amenity from outdoor dining and Special Entertainment Precincts requires further study, for example detailed acoustic investigations. Notes potential for residential and business conflicts, particularly when business operate to 10pm in residential streets like Bartley Street.</p> <p>Recommends:</p> <ul style="list-style-type: none"> <li>operating hours should be restricted to 8am to 8pm, especially for larger businesses or where they are near residential areas</li> <li>sound restrictions should be introduced for outdoor dining along with trial periods</li> </ul> <p><u>Parking</u> – concern about the removal of on-street parking spaces, which is already restricted.</p> <p><u>Usage of outdoor dining areas</u> – the requirement for outdoor dining areas to be used for minimum periods, including weekends, is overly restrictive</p> <p><u>Notifications</u> – notifications should be increased, not decreased, with the notification area widened to include premises up to 75 metres away, and that changes in operator continue to trigger notification</p> <p><u>Footpath widths</u> – further clarification is required for footpath widths given</p> | <p>The submission raises a number of issues which are already considered within the Guidelines and as part of assessments.</p> <p><u>Patron capacity</u> – the draft Guidelines do not introduce a 'blanket increase' for outdoor dining venue capacity. Each outdoor dining proposal will be assessed on its merit and will consider neighbourhood auditability.</p> <p><u>Noise</u> – noise impacts will continue to be assessed as part of proposals. Operating hours for outdoor dining areas align with outdoor operating hours in Sydney DCP, with residential areas generally restricted to 10pm. Restricting outdoor dining to 8pm trading or to trial periods would be unnecessarily restrictive for business and the community. Where there are reports of noise disturbance City staff will work with the business to ensure approval conditions are being met.</p> <p><u>Parking</u> – temporary on-street dining spaces, surrounded by concrete barriers, have already been converted from parking to dining. If they are to be made into permanent footpath extension, then staff will again consider if there are undue parking or traffic impacts.</p> <p>Business can apply to convert additional on-street parking spaces for outdoor dining. These applications would be assessed by the City, with traffic and parking impacts considered by the City's Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) if required, including any community feedback.</p> <p><u>Usage of outdoor dining areas</u> – the requirement that outdoor dining spaces be well-used applies only to those temporary spaces where a permanent footpath extension is being considered. In those circumstances, it is prudent to ensure the space is well-used and there is value from the footpath extension.</p> <p><u>Notifications</u> – response rates for outdoor dining notifications is low and many issues</p> |

## Outdoor dining guidelines – engagement report

| Organisation                            | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | Chippendale footpath are already narrow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>raised by submissions are already identified in the assessment of application.</p> <p>The proposed 25m notification radius allows those most affected to be able to make submission. Extending the notification area is unlikely to uncover new issues for consideration in assessment.</p> <p><u>Footpath widths</u> – The clear path of travel is the area for pedestrians on the footpath. Despite the narrow footpaths in Chippendale, outdoor dining areas will still have to leave the required width of clear path for pedestrians.</p>                                                                                                                                                                                                                                                            |
| Paddington Darlinghurst Community Group | <p>The submission consider that the draft Guidelines do not address amenity impacts on local residents.</p> <p>It makes a number of points about operation of the Captain Cook Hotel in Paddington. These include waste storage, umbrellas fixed to the footpath, and planter boxes placed outside the dining area.</p> <p>The submission asks for more details in the Guidelines about compliance, complaints procedures, access to the business Plans of Management, and for a post-implementation review of outdoor dining approvals.</p> <p>The submission also requests additional bike parking and tree pruning in the Josephson Street reserve.</p> | <p>The draft Guidelines strike a balance between encouraging activity on public streets and safeguarding neighbourhood amenity. It includes diagrams of seating options to manage noise in residential areas and the capacity for City staff to propose specific arrangements where necessary. Operating hours are limited to 10pm to limit neighbourhood noise late in the evening. The draft Guidelines maintain a clear path of travel for pedestrian movement, with width varying for different street types.</p> <p>Compliance with outdoor dining is managed by the City's Compliance Policy. Further details can be found on the City's website.</p> <p>Issues with the Captain Cook Hotel and the Josephson Street reserve are not part of the Guidelines and have been investigated separately.</p> |
| Stanely Street Business Owners          | <p>Supportive of the proposed changes. The submission notes the existing temporary on-street dining has proved to be extremely successful and business continues to do well with reduced on-street parking.</p> <p>Pedestrian focused events such as the Stanley Street festival shows success of prioritizing pedestrians over vehicles.</p> <p>Consideration should be given to pedestrian priority design, either through widened footpaths, or shared street treatments. Pedestrian area be</p>                                                                                                                                                        | <p>Support is noted.</p> <p>Stanley Street is planned for streetscape works as part of Councils capital works projects.</p> <p>There will be consultation with businesses and the community as part of that upgrade. The potential to relocate infrastructure such as bus stops can be considered a part of that process, along with the relationship with adjoining streets.</p>                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Outdoor dining guidelines – engagement report

| Organisation                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <p>extended into parts of adjoining streets to ensure other business such as Stanley Green and Bar Reggio benefit from the pedestrian focus.</p> <p>Relocation of other infrastructure such as 389 Bus stop, car share space and Australia post box be relocated to prioritise pedestrian and outdoor dining experience.</p> <p>Opportunity to activate Stanely Lane and surrounding laneway.</p>                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Office of the 24-Hour Economy Commissioner | <p>The submission is very supportive of the proposal and note the proposed changes align with the NSW Government's Vibrancy Reforms and NSW 24-hour Economy Strategy.</p> <p>The submission suggest that the guidelines clearly reference the outdoor trading hours applicable to Special Entertainment Precincts (SEPs) included in an approved Precinct Management Plan (PMP). In addition, greater clarity should be provided on the permissibility of live music under the Guidelines, including its interaction with the Cultural SEPP, to ensure clear pathways for business.</p> | <p>Support is noted.</p> <p>Council has approved for public exhibition a planning proposal to introduce Special Entertainment Precincts. If the precincts are approved staff can consider operating hours for outdoor dining at that time.</p> <p>The Guideline removes the prohibition on entertainment in outdoor dining areas, noting that it is inconsistent with the broader thrust of the NSW Government vibrancy reforms. Entertainment has been made exempt development under the Codes SEPP 2008. Staff can provide further information on the City's dedicated outdoor dining webpage for businesses.</p>                                                                                       |
| Placemaking NSW                            | <p>The submission asks that references to Property NSW should be updated to Placemaking NSW, and that the map on page 10 of the draft guideline be amended to show all PMNSW managed land in blue.</p> <p>The submission asks for the inclusion of a number of additional items within the Guidelines:</p> <ul style="list-style-type: none"> <li>• prescriptive furniture requirements</li> <li>• minimum standards and design specifications of outdoor furniture including seating, umbrellas, planters and barriers</li> </ul>                                                      | <p>The change of name from Property NSW to Placemaking is noted and references and map will be updated.</p> <p><u>Suggestion</u></p> <p>The suggestions for additional items to be included and for additional standards and specifications are also noted but will not be included. The City's streets, neighbourhoods and businesses are diverse and not suitable for prescriptive and standardised approaches, with around 1000 businesses having outdoor dining areas.</p> <p><u>Clarifications</u></p> <p>Furniture is encouraged to be diverse in seating style and in design to reflect the eclectic nature of Sydney's neighbourhoods, businesses and the needs and preferences of customers.</p> |

## Outdoor dining guidelines – engagement report

| Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                            |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <ul style="list-style-type: none"> <li>a prescribed height of furniture in sensitive areas to ensure views are maintained</li> <li>inclusion HVM considerations for typical footpath extensions.</li> </ul> <p><u>Clarification:</u></p> <p>The submission asks for clarification within the Guidelines on the following matters:</p> <ul style="list-style-type: none"> <li>whether 6.3 “diversity” of furniture refers to type of seating or style</li> <li>whether branding is permitted on barriers and is there preferred materials and height of barriers.</li> <li>whether there are limits to A-frame signage and whether loose items such as waiter stations are permitted in outdoor dining areas?</li> </ul> | <p>The Guidelines already contain provisions setting out the expectations for branding, a-frames and the like at Section 6, and for waiter stations at section 9.</p> <p>The approach in the Guidelines is to allow operators more freedom within their dining areas while maintaining a clear path of travel for pedestrians. No further changes are proposed.</p> |



## **Attachment B**

**Outdoor dining guidelines (as amended  
following exhibition)**

# Outdoor Dining Guidelines



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## Outdoor Dining Guidelines

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# 01 Introduction

---

## Who can have outdoor dining?

The City of Sydney supports local restaurants, pubs and cafes by allowing outdoor dining.

Eligible businesses are 'food and drink premises' as defined in the local environmental plan, and **that** prepare and sell food, drink or both for immediate consumption. This includes restaurants, cafes, takeaways, **artisan food and drink premises**, pubs, **hotels** and small bars.

---

## Where these guidelines apply

These guidelines apply to all applications for outdoor dining on the ~~footway~~ **footpath and the roadway**, and similar public spaces in the City of Sydney Local Government Area, except for the following NSW Government controlled areas:

- the Rocks
- **most of** Circular Quay
- Barangaroo
- Darling Harbour

For applications in those areas, please contact ~~Property NSW~~ **Placemaking NSW**.

---

## How to use these guidelines

These guidelines:

- are to be read along with the City of Sydney's Outdoor Dining Policy
- provide information for the public and for applicants seeking to use the ~~footway~~ **footpath and the roadway** for outdoor dining under the Roads Act 1993 ~~for~~

~~footways~~ or the Local Government Act 1993 for other public spaces

- provide guidance for the City in determining applications for use of the ~~footway~~ **footpath and the roadway** and other public spaces for outdoor dining.

There are ~~eight~~ **nine** 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~~ **Footpath access** sets out requirements to leave enough room for pedestrians on the ~~footway~~ **footpath**.
4. Outdoor dining areas provides information on suitable locations and sizes of outdoor areas.
5. **Footpath extensions for outdoor dining sets criteria for suitable locations where footpath extensions can be used for outdoor dining.**
6. Outdoor dining furniture has design requirements for furniture and other structures to be used in conjunction with outdoor dining; and on measures to protect the amenity of **diners and** neighbourhoods.
7. Neighbourhood amenity details the matters that will be considered in deciding if the hours sought for outdoor dining are appropriate for neighbourhoods.
8. Responsibilities for the operator details the City's expectations for operators using public spaces for outdoor dining.
9. Special areas for outdoor dining gives more detailed guidance for nominated precincts.



## Key terms

| Term                                   | Meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Artisan food and drink premises</b> | <b>A place where artisan or craft food and drink products are made, and which also includes a retail outlet, café, restaurant or similar. Microbreweries are an example of this type of premises.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Clear path of travel                   | <p>The area of the <del>footway</del> <b>footpath</b> maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. <b>The clear path of travel width varies according to street type.</b></p> <p>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 <b>application (DA)</b> consent under the <i>Environmental Planning and Assessment Act 1979</i>, <b>Outdoor dining is exempt from the requirement for a Development Application in nearly all circumstances. However it but</b> which may still need some other approval <b>(such as an outdoor dining approval under the Roads Act.)</b>. At the time of adoption, the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes <del>footway</del> <b>footpath</b> dining exempt development if it is:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>.</li> <li>c) not under an awning, <del>or under an</del> <b>unless the</b> awning that is BCA-compliant.</li> </ul> |
| Outdoor dining                         | Dining on the public <del>footway</del> <b>footpath, part of the road or another public space</b> associated with an approved <b>artisan food and drink, hotels and</b> food and drink premises. Also <del>sometimes</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Outdoor Dining Guidelines

| Term                    | Meaning                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | referred to as <del>footway</del> <b>footpath</b> dining, or <del>footway restaurant</del> <b>on-street dining or alfresco dining</b> .                                                                                                                                                                                                                                               |
| Public footway          | <del>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.</del>                                                                                                                                                                                                                            |
| Food and drink premises | Food and drink premises are premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following–<br><ul style="list-style-type: none"> <li>(a) a restaurant or café,</li> <li>(b) a take away food and drink premises,</li> <li>(c) a pub,</li> <li>(d) a small bar.</li> </ul> |
| Shared zone             | <b><i>A Shared Zone is a road where pedestrians, cyclists and vehicles are limited to 10km/hr speed limit and can safely share the same space. Shared zones are often pedestrian priority links, and destinations for food, drink, retail and artisan culture.</i></b>                                                                                                                |

# 02 Outdoor dining approvals

The City of Sydney 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.

***An approval is required for a business to use public land for outdoor dining.***

---

## What approvals are required?

All outdoor dining requires an approval to use public land. At the City of Sydney, this is called an **Footway Approval (Outdoor Dining approval)**. ***In most circumstances a development application (DA) is not required.***

***A DA is required for publicly owned land that is not a road, a reserve or a park. An example of this is Martin Place.***

***Approvals may only be issued with the concurrence of transport and traffic bodies and utilities and telecommunications providers where relevant.***

~~Most outdoor dining will not need a development consent. It will be 'exempt development' (see Key terms), and will only need a footway approval from the City.~~

~~Outdoor dining that is not exempt development will also need consent from the City.~~

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

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## 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 89 of these guidelines. The following are nominated as special precincts:

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

---

## Change of operator

NSW legislation requires approvals for outdoor dining 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.

***Further details are available on the webpage [cityofsydney.nsw.gov.au](https://cityofsydney.nsw.gov.au), or by calling on 9265 9333.***

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## 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 City officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.

~~Authorised City 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 the City.~~

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## Revoking, suspending or amending an outdoor dining approval

~~Applicants should be aware that~~ The City can revoke, suspend or amend an approval for outdoor dining if (but not limited to):

- the conditions of the approval are breached
- the use of the ~~footway~~ area for outdoor dining area 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
- the ~~footway~~ area is needed to manage an increase in pedestrians
- ***the area in front of an adjacent premises is no longer approved***

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

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## Consultation and notification of outdoor dining applications

Public consultation on some outdoor dining applications ~~can help identify problems that could arise during operation~~ ***provides an opportunity for community comment.***

Notification requirements apply to new applications and amendments to existing approvals.

## 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 ~~40~~ **20** 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~~ ***Outdoor Dining*** Approval, and
- the application is to allow for change of operator of the ~~Footway~~ ***Outdoor Dining*** Approval, and
- there are no proposed changes to the terms of the ~~Footway~~ ***Outdoor Dining*** Approval, including operating hours and outdoor dining area.

***2.3 Outdoor dining applications will not be notified where the application is to transition from an on-street outdoor dining area to a new footpath extension***

~~2.34~~ Notification will be made through a notice on the premises, on the City's website, and via letter or digital service:

- for a period of 10 days; and
- within a 25-metre radius of the proposal.

---

## Application requirements

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

~~2.4~~ **2.5** The following documents are required:

- a completed application form (available on the City's website)
- ~~a request to the City 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, **planter boxes, planter pots** and the like
- a plan of the outdoor dining area (see below) showing the clear path of travel
- an emergency contact number.

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### Outdoor dining area plan

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

2.56 An outdoor dining area plan should be to scale and with clearly marked dimensions, showing:

- the width of the pavement **footpath, street or other public space** and the proposed outdoor dining area
- **the clear path of travel according to street type and as set out by the line of existing obstructions**
- the location of the outdoor dining area on the ~~footway~~ **footpath, street or other public space** along with the associated premises, and neighbouring premises **and their outdoor dining**
- layout of the outdoor dining area, ~~including its width, and also~~ **showing** umbrellas, heaters, **planter boxes and pots** and the like
- ~~the location of any tables where food and drink will be consumed while standing~~
- clearances around the outdoor dining area from **trees, the parking lane kerb or moving traffic lane kerb**, street furniture, street signs, **parking meters** 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 **moving traffic lanes**, transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any), and
- the location of all doorways, **ramps, display of goods, Ausgrid low voltage pillars**, service openings **and the like**.

# Outdoor Dining Guidelines

Figure 1 Central Sydney

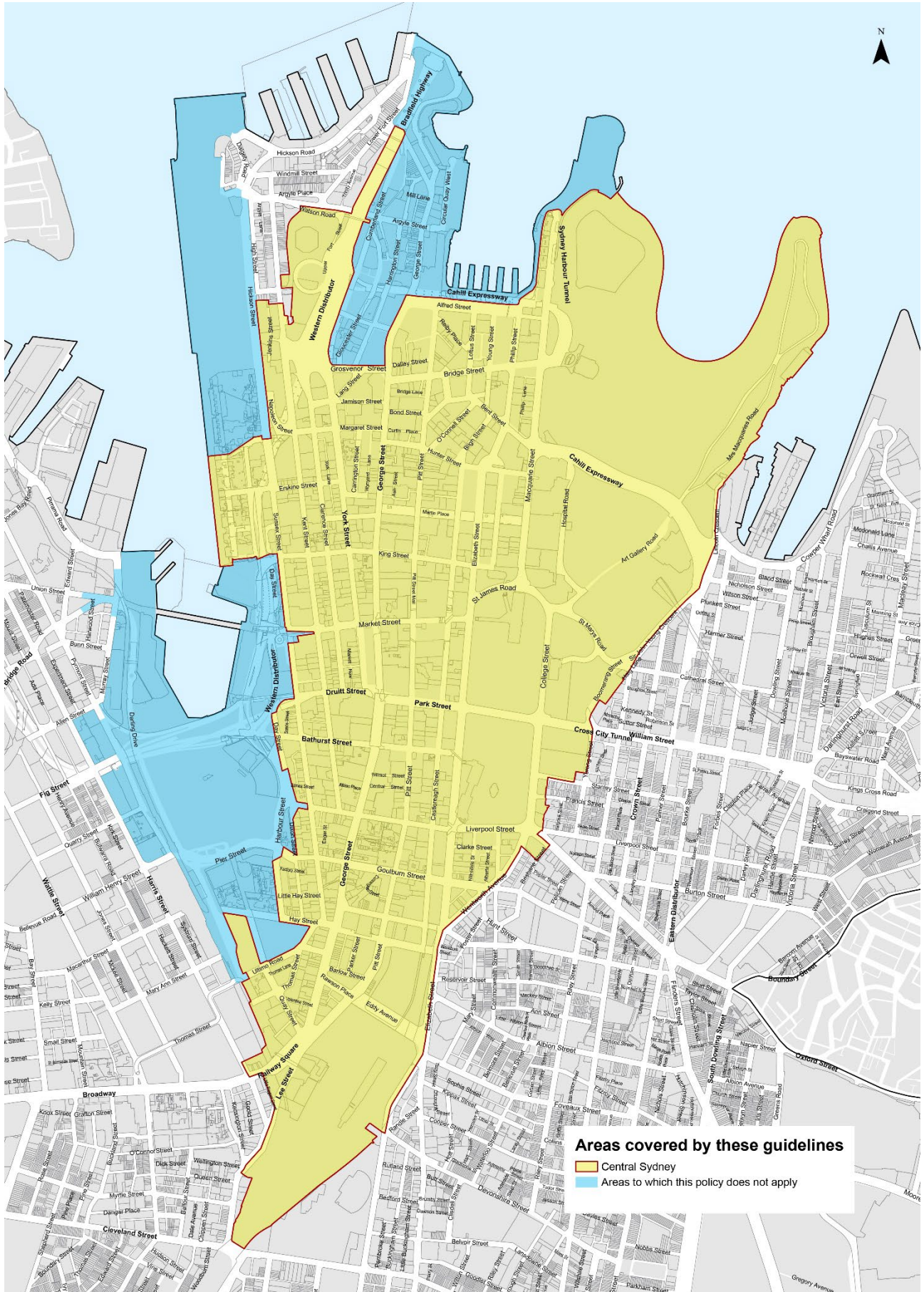
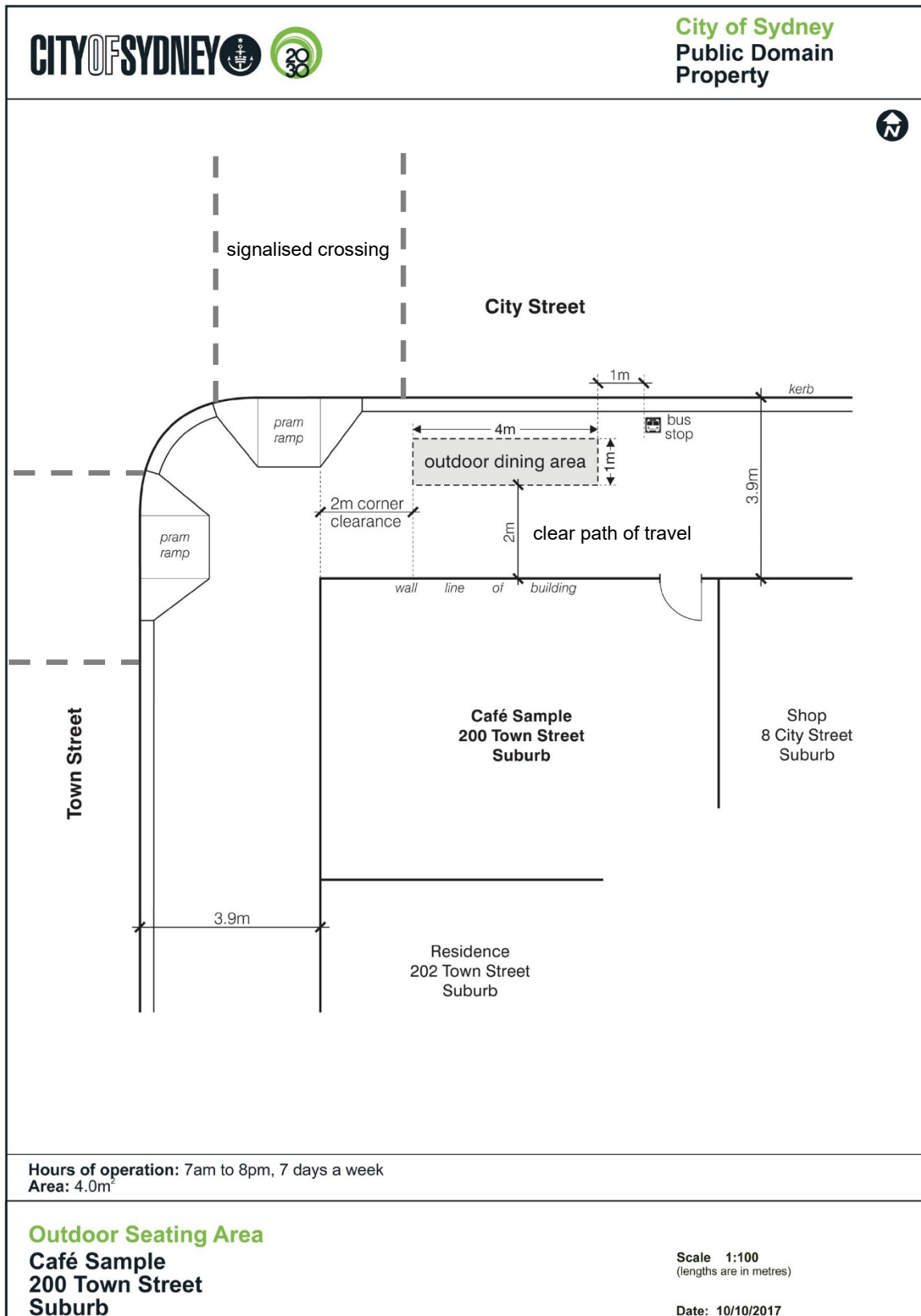


Figure 2 A typical outdoor dining plan



# 03 ~~Footway~~ *Footpath* access

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

In some places, the ~~footway~~ **footpath** may be too narrow, **too steep** 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~~ **footpath** is not suitable for outdoor dining.

## Clear path of travel

The City will ensure that the public ~~footway~~ **footpath** continues to provide safe, dignified and equitable access to pedestrians and other users travelling along the street. To achieve this, the City 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~~ **footpaths** before other uses are considered. **The minimum clear path of travel width for the following street types (as shown in Appendix 2) are:**

~~3.2 The minimum width of the clear path of travel needs to be:~~

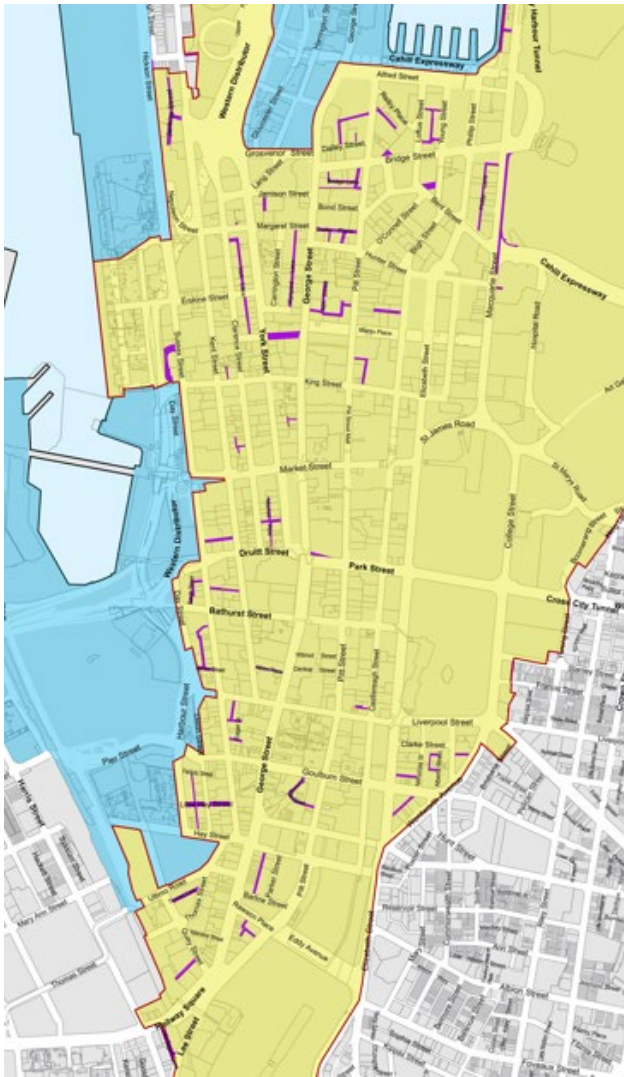
- **3.0 metres for City Centre and Gateway streets (as shown in Sydney Streets Code map – Appendix 2)**
- **2.0 metres for *high* streets (Village Main Streets as shown on Sydney Streets Code map – Appendix 2)**

- **1.5 metres for Neighbourhood Hub, Connecting Main streets Local streets (as shown on Sydney Streets Code map – Appendix 2)**
- 1.2 metres for Central Sydney laneways, as shown in Figure 3, and
- ~~4 metres~~ **2.8 metres** in shared zones used by vehicles.

3.2 In areas of high **or increasing** pedestrian volume or where closeness to traffic might pose a safety risk, the City may:

- require a greater clear path than **the minimum widths** shown in 3.21 or
- not allow outdoor dining.

**Figure 3 Central Sydney laneways**



~~3.3 The City can require a clearance of less than 2 metres~~ **Alternative minimum outdoor dining area layouts may be acceptable where:**

- it can be shown **agreed** that pedestrian **movement and** safety will not be compromised and
- where activity such as outdoor dining is desirable.

3.4 The location of the clear path of travel is to be, **as far as possible**, consistent and predictable for ~~each street block or~~ **each group or cluster of outdoor dining.**

- A consistent clear path is located on the same part of the footway footpath for the length of the block **or groups of outdoor dining where possible.**
- 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.
- **A continuous minimum width clear path of travel must not exceed 20m in length without a 1.5 metre long x 2 metre break as a passing zone.**

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

**Figure 4** This clear path of travel allows for single-sided dining, is positioned by existing obstructions, and is predictable for all users.



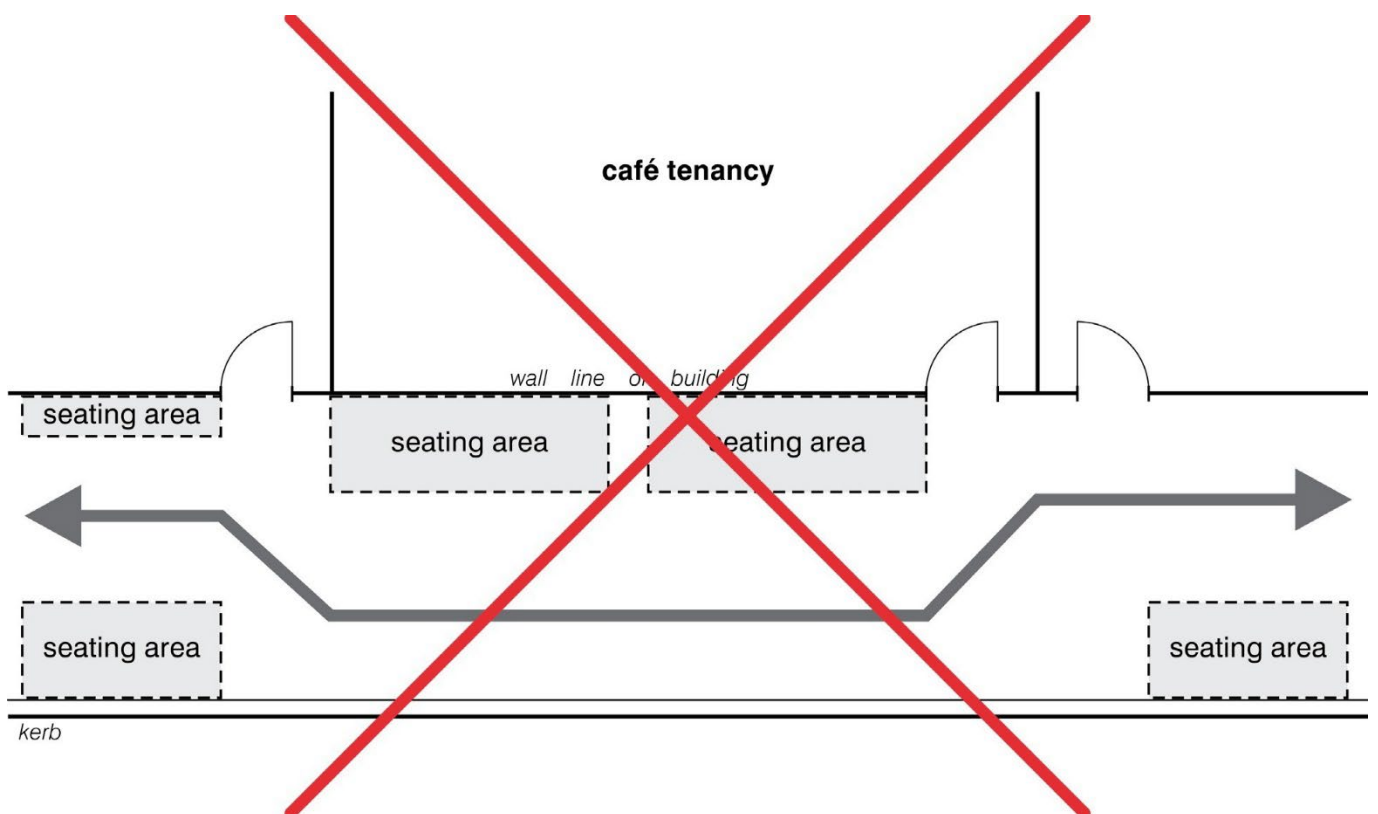
**Figure 5** This clear path of travel is continuous, allows for two sided dining and is positioned by existing obstructions.



**Figure 6** *This clear path of travel is predictable for all users*



**Figure 6** — This clear path is not in a consistent location on the block, and is not predictable for pedestrians.



# 04 Outdoor dining areas

Outdoor dining areas are to provide a safe and enjoyable dining experience for customers, while keeping ~~footways~~ **footpaths** safe and accessible for pedestrians **and other users**.

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
- 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 **generally** of 0.8 metre for the ~~an~~ outdoor dining area.

4.2 Maintain safety and circulation on public ~~footways~~ **footpaths**, 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:

- 1.0 metre from a public transport stop, public transport access point, both ends of a bus zone or taxi stand
  - 1.0 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
  - **1.0 metre from the kerb of a moving traffic lane of 40km/hr or less (local street)**
  - ~~0.8 metres from any street tree pit or grate measured from the outside of the pit or grate~~
  - 2.0 metres from the corner alignment of the building at street intersections **for kerbside dining. In most cases building-side dining can continue to the corner.**
  - 0.5 metres from any tactile ground surface indicators (TGSIs) **that marks a bus stop**
  - ~~sufficient clearance to give safe, dignified and equitable access to buildings~~
  - not obstructing or impeding access to fire escapes and emergency exits
  - additional clearances for footpath extensions used for outdoor dining are included in Section 5.
- 4.3. Applicants ~~cannot~~ **can** apply for **an additional area of** outdoor dining ~~approval for an area that is not immediately outside their tenancy that is in front of an adjacent business premises. (for example outside of a neighbouring premises~~ **Council may approve such use following consultation with the adjacent premises.**
- **If the adjacent premises become vacant, the use may continue until such time as it is reoccupied**

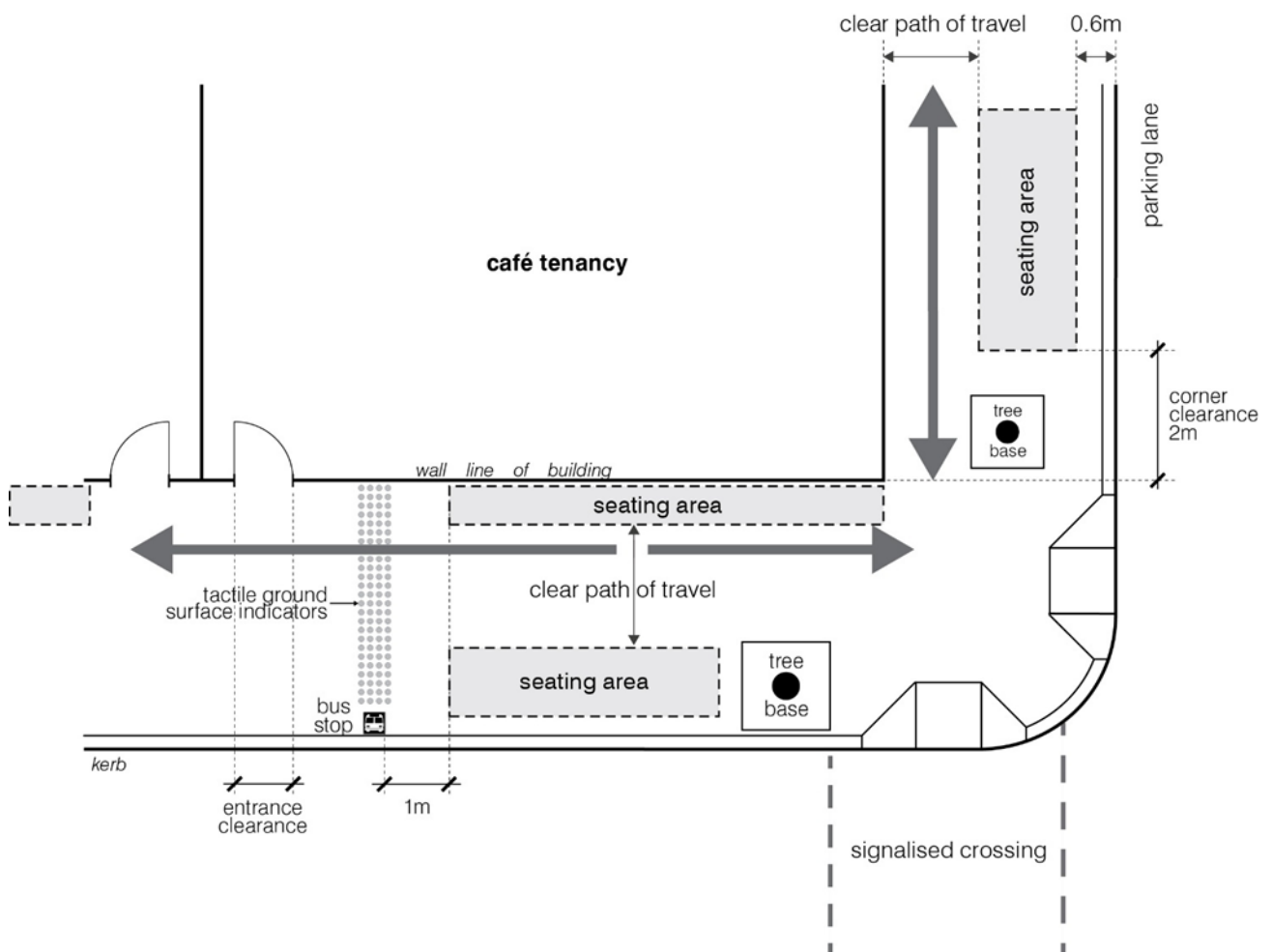
- *If the adjacent premises become a food and drink premises, reconsideration will be given to approval to occupy the additional area.*

## 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 Typical clearances required around the outdoor dining areas**



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## Special clearances for outdoor dining at the kerb

When applying for outdoor dining towards the kerbside of the ~~footway~~ **footpath**, 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 **minimum** clearances from the kerb:

- 2.0 metres when next to **the moving traffic lane of a state Classified Road, and only with Transport for NSW approval**
- 1.5 metres when next to an accessible parking spot
- **1.0 metre to kerb when next to any moving traffic lane**
- 0.9 metres ~~to kerb~~ when next to a loading zone
- 0.6 metres ~~to kerb~~ when next to normal parking lane **other than an accessible or loading parking spot** conditions, or next to traffic moving at 20km/hour or less
- 0.5 metres from the edge of a cycleway

**Note: any large planter pots and planter boxes that are left in place must provide clearance to allow for pedestrian flow and the opening of vehicle doors adjacent to parking lanes.**

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~~ **footpath** area immediately in front of your building. This is to create a gap between adjacent outdoor dining areas. ***This is not required if permission is gained to occupy the footpath outside adjacent premises under 4.3.***
- 1.5 metres ~~wide mid-area clearance to for dining area longer than 12 metres~~ **passing zone for dining areas with continuous minimum clear path of travel for dining areas of 20 metres or more, to allow passing and** access to the street.

# 05 Footpath extensions for outdoor dining

***Businesses can apply to use on road parking spaces directly outside of their premises for outdoor dining on suitable streets. subject to provisions.***

***If the City approves an application, the City will work with the business to extend the footpath and make the outdoor dining space available long-term as a footpath extension. Up until the extension installation or future master planned streets are complete (see Table 1), temporary use of the road can continue on a 12 month approval basis.***

***Master planned streets that have expanded outdoor dining will not be considered for further ad hoc footpath extensions.***

***Where footpath extensions are provided it is expected that they will be well utilized across a minimum of 5 days per week.***

***Council will schedule and construct approved permanent footpath extensions consistent with the footpath extension implementation plan.***

## ***Provisions***

***5.1 Businesses on streets already subject to master planned public domain expenditure and upgrades (Table 1), will not be considered for further footpath extensions.***

***5.2 Businesses can only apply to for an extension of the footpath directly outside their own premises and where they have direct access.***

***5.3 The following street spaces are not suitable for footpath extensions for outdoor dining:***

- ***designated or marked parking spaces such as accessible parking, carshare, emergency vehicles, wedding or funeral vehicles or similar***

- ***bus zones or bus stops, clearways, no-stopping zones or similar***
- ***where the speed limit of an adjacent moving traffic lane is more than 40km/h***
- ***part of a cycleway or the route of a planned cycleway; or would require crossing of a cycleway or shareway***
- ***where in the opinion of the City, a cumulative loss of on-street parking or loading would unreasonably restrict access for residents and visitors and surrounding businesses***
- ***a street or lane which is too steep for safe outdoor dining***
- ***where the relocation of services and any other infrastructure would be inconsistent with a footpath extension implementation plan.***

***5.4 Outdoor dining should maintain a minimum clear path of travel consistent with Section 3.***

***5.5 Outdoor dining on footpath extensions should consider the minimum clearances required in Section 4, in particular:***

- ***1.0 metre from a moving traffic lane kerb***
- ***0.6 metre from a parking lane kerb.***

***5.6 Businesses are to:***

- ***commit to using the dining area at least 7 hours per day, and at least 5 days per week, with one of those days preferably falling on the weekend***
- ***store loose furniture inside the premises when the outdoor dining is not in use.***

**Note: Any temporary on road use with barriers will generally be assessed using footpath extension provisions.**

|                          |                                          |                 |
|--------------------------|------------------------------------------|-----------------|
| <b>Stanley Street</b>    | <b>Riley Street to Crown Street</b>      | <b>Planned*</b> |
| <b>Erskineville Road</b> | <b>Railway Parade to Rochford Street</b> | <b>Future *</b> |

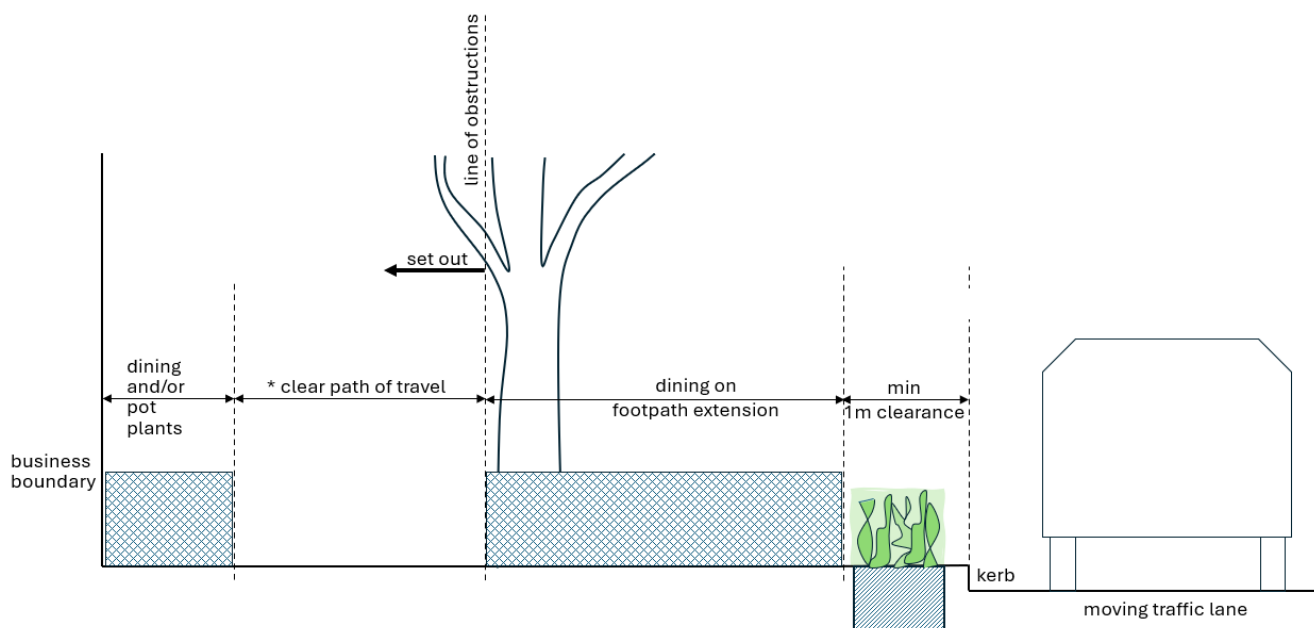
**Table 1 Streets subject to master planned public domain upgrades.**

| <b>Street</b>                               | <b>Sections of street</b>                 | <b>Status</b>      |
|---------------------------------------------|-------------------------------------------|--------------------|
| <b>George Street</b>                        | <b>Alfred Street to Railway Square</b>    | <b>Complete</b>    |
| <b>Pitt Street</b>                          | <b>Alfred Street to King Street</b>       | <b>Complete</b>    |
| <b>Castlereagh Street</b>                   | <b>King Street to Hay Street</b>          | <b>Complete</b>    |
| <b>Hay Street</b>                           | <b>Harbour Street to George Street</b>    | <b>Complete</b>    |
| <b>Macleay Street and Darlinghurst Road</b> | <b>Challis Avenue to Kings Cross Road</b> | <b>Complete</b>    |
| <b>Crown Street</b>                         | <b>Oxford Street to Devonshire Street</b> | <b>In progress</b> |
| <b>Victoria Street</b>                      | <b>Craigend Street to Burton Street</b>   | <b>Planned*</b>    |

**Figure 8 Typical footpath extension into a parking lane for outdoor dining**



**Figure 9 Footpath extension requires a minimum 1.0 metre clearance from moving traffic lane**



\*varies in width according to street type

# 06 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, **planter pots or boxes** 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~~ **add to 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 **are** generally not supported. As much as possible, outdoor dining areas are to remain open and inviting.

***Footpath greening with large pots and boxes that are safe may be approved in dining areas provided they don't intrude on the clear path of travel.***

~~High tables, such as bars, shelves and cocktail tables, may be provided for patrons to consume food and drink while standing.~~

---

## Furniture and other items

### Provisions

6.1 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 the City.

6.2 All furniture and other items:

- are to be located within the approved outdoor dining area
- should not have permanent fixings
- should be removed and stored safely outside of outdoor trading hours, **with the exception of large, approved planter pots or boxes.**

6.3 The City encourages the design and range of furniture for outdoor dining areas to:

- demonstrate diversity and innovation
- reflect the character of the buildings and permanent elements of an area
- have an open appearance
- minimise clutter.

6.4 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~~ **footpath or street or any other** City property

- be able to be readily removed and stored within the associated premises ***when not in use***
- be generally consistent with the character of the area.

6.5 Furniture and other items must have a colour and luminance contrast of at least 30% to the street, to allow them to be identified by pedestrians with low vision. For example, bright, reflective furniture on a dark, matte, street surface.

**Figure 10** Barriers can only be used to enclose a licensed area where required by Liquor and Gaming NSW. These barriers have logos which meet the standards in these guidelines



## Barriers

### Provisions

6.6 Barriers which enclose the outdoor dining area, or which separate it from the pedestrian ~~footway~~ **footpath**, are not permitted.

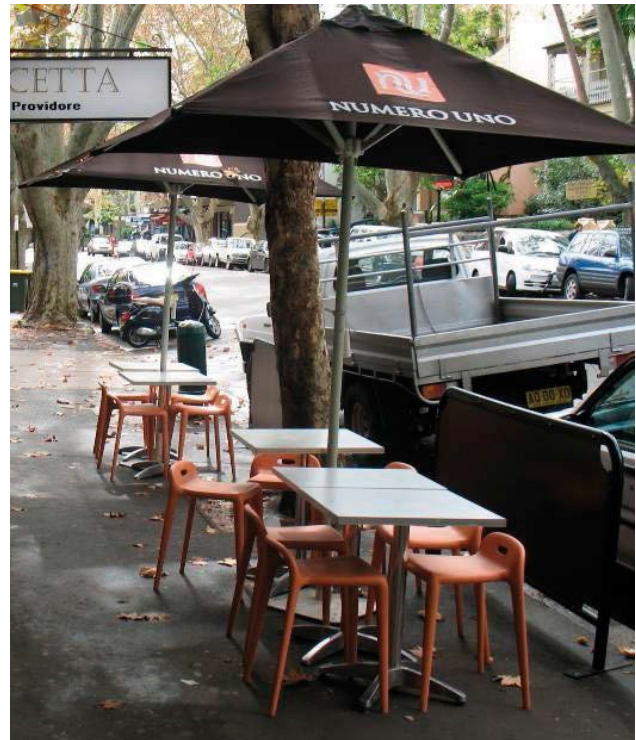
6.7 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier.

6.8 Side, or 'end', barriers which separate one outdoor dining area from an adjacent outdoor dining area are permitted.

6.9 Where barriers are used, they must:

- have a maximum gap of 150mm from the pavement to the underside of the barrier
- not be a rope or chain.

**Figure 11** These umbrellas have logos which meet the standards in these guidelines



## Umbrellas, canopies and the like

### Provisions

~~6.10 Umbrellas are not permitted where an outdoor dining area has shelter from a building awning.~~

~~6.14~~ **10** Where umbrellas are used, they must have a height clearance of 2 metres from the ground for pedestrian movement and safety.

~~6.12~~ **1** Umbrellas should be:

- Square, to take up the least possible space
- Fabric or matte-finished.

~~6.13~~ **2** Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for pedestrians.

~~6.14~~ **3** Where there is more than one umbrella, they should be of a single solid colour.

~~6.15~~ **4** Drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected by zippers or similar means are considered a canopy.

---

## Outdoor heaters

### Provisions

~~6.16 Outdoor heaters will only be approved where the safety of people and property is not compromised.~~

~~6.17 Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property.~~

~~6.18 Outdoor heaters should be turned off when the outdoor dining area is not in use.~~

~~6.19 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.~~

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## Signage and branding

### Provisions

~~6.20~~**15** 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 **provided** it:

- involves only one product or business name being advertised in each outdoor dining area
- 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 outdoor dining area or the streetscape.~~

~~6.24~~**16** No other advertising signage will be permitted.

~~6.22~~**17** Sandwich boards, A-frame signs and the like will not be permitted in outdoor dining areas. **clear paths of travel.**

---

## Planter pots or planter boxes

*Operators can use planter boxes or pots to green and enliven the outdoor dining area.*

### Provisions

**6.18 Planter boxes and pots used in outdoor dining areas must:**

- **avoid creating permanent enclosures which isolate public space (when the dining area is not in use)**
- **be located within the outdoor dining area or in an area clearly identified on the plans**
- **be maintained by the operator to keep them clean, safe, healthy and attractive**
- **be spaced to allow for adequate pedestrian flow**
- **not impede pedestrian movement or cause a trip hazard**
- **not have sharp edges or otherwise cause injury**
- **not hinder access to public infrastructure such as telecommunications pits, stormwater drains and the like**

**6.19 Approved large planter pots and boxes may remain on the footpath outside operating hours if they avoid public infrastructure.**

# 07 Neighbourhood amenity

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

Many outdoor dining areas are on streets where businesses and residents are mixed, and many residents enjoy their local **pubs**, cafes and restaurants. Where outdoor dining areas are close to homes **and trade during the latest hours, the arrangement of tables and chairs can help to manage sound generation in sensitive locations.**

~~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 potential disturbances for neighbours while smaller tables with chairs side by side facing the street tend to generate the least noise.~~

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.

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## Hours of operation

### Provisions

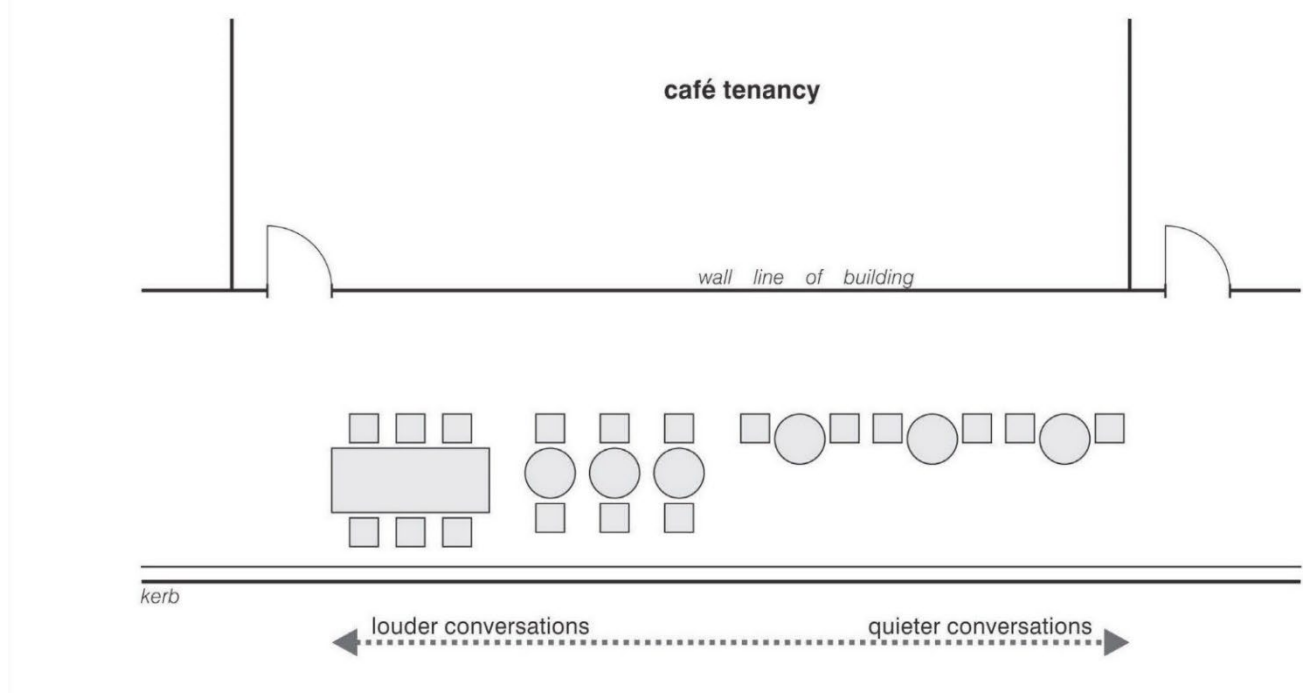
7.1 Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 – Section 3.15 Late Night Trading Management.

7.2 In considering operating hours for outdoor dining, the City will assess:

- how close an outdoor dining area is to nearby dwellings and other noise sensitive uses
- the size **and arrangement** of the outdoor dining area.

7.3 The City 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.

**Figure 12** *In sound sensitive locations, different arrangement of tables and chairs can help to influence-manage the noise-sound generated from outdoor dining areas.*



## Music

### Provisions

~~7.4 Entertainment and amplified music are not permitted in outdoor dining areas.~~

## Seating arrangements

### Provisions

~~7.5 The City may require smaller tables and chairs to face towards the street to reduce noise.~~

~~7.6 The City may require standing tables, bars and shelves to be located in areas less sensitive to noise.~~

## Lighting

### Provisions

~~7.74 The City may consider the installation of private lighting for outdoor dining 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 dining area~~
- ~~– electrical cabling is discreet and does not create trip hazards.~~

~~Note: Any lighting should be designed to comply with AS 3000, AS 1158, AS 4282 1997 Control of Obtrusive Effects of Outdoor Lighting, and The City of Sydney Lights Code.~~

# 08 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 outdoor dining footway approval will include:

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## Protection of Council-owned property

8.1 An operator will be required to lodge a security deposit to pay for any necessary repairs resulting from damage to the footway caused by the operation of an 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 dining area; remove private fittings fixed to the footway by an operator; or cover any outstanding money owed to the City after the operation has permanently ceased.

---

## Rental fee to occupy the public space

8.2 Approval will be subject to a condition that a rental fee will be paid for the use of the footway **outdoor dining area**.

8.3 The fee due is set out in the City'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 dining 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 City's website. The ongoing rent will depend on the location and size of the outdoor dining area.

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## Public liability insurance

8.41 An operator will be required to obtain and maintain a public liability insurance policy with an insurer acceptable to the City, to cover any legal liability of property damage and personal injury to the public. **Proof of insurance coverage must be capable of being produced to Council upon request.**

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, or \$20M on state managed roads. The insurance company will need to provide certificate of currency to the City before the operator can use the footway and annually thereafter.

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## Display of approval

8.52 A copy of the approval and plan is to be kept on premises **and** displayed in a prominent position and be produced on request to authorised City officers.

---

## Management requirements

8.63 An outdoor dining area is to operate in accordance with the conditions of the approval.

8.74 Outdoor dining, including furniture, must be within the approved outdoor dining area.

8.85 All patrons are to vacate the approved outdoor dining area and all structures are to be removed from the seating area and stored within the premises before the closing time specified or as otherwise agreed in the approval. **Pot plants and planter boxes may remain.**

~~8.9 Patrons must 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.~~

~~8.10 Patrons must eat or drink while seated unless standing at a high table, such as a bar, shelf or cocktail table.~~

8.116 Outdoor dining areas on the kerb side adjacent to **a parking lane which converts 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~~ **footpath**.

8.127 An updated plan of management for a pub or small bar may be required if some or all of the proposed outdoor dining area is not visible from within the premises. If an update is required, the City will impose a condition of approval to update the plan of management within three months following the ~~footway~~ **outdoor dining area** approval.

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

- positioned and used as required when the outdoor dining area is in use
- not be permanently fixed unless specific ~~permission~~ **approval** is given
- removed and stored away from public areas when the dining area is not in use.

8.149 Waste and litter is to be well managed by:

- removing waste promptly from the outdoor dining area, including from any approved pots or planters **boxes**.
- disposing of any waste properly (public litter bins are not to be used for the disposal of waste from outdoor dining areas)
- not using disposable tableware in the outdoor dining area.

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

---

## Maintenance

8.138 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

# 089 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 Cenotaph is on Crown land.

~~Outdoor dining 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.~~

***Outdoor dining in Martin Place requires a DA.***

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 Land Management Act 2016. A licence and approval under the Crown Land Management Act is required for outdoor dining on this part of Martin Place.

## Provisions – Cenotaph block (George and Pitt Streets)

### Respecting the Cenotaph

9.1 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.

9.2 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.

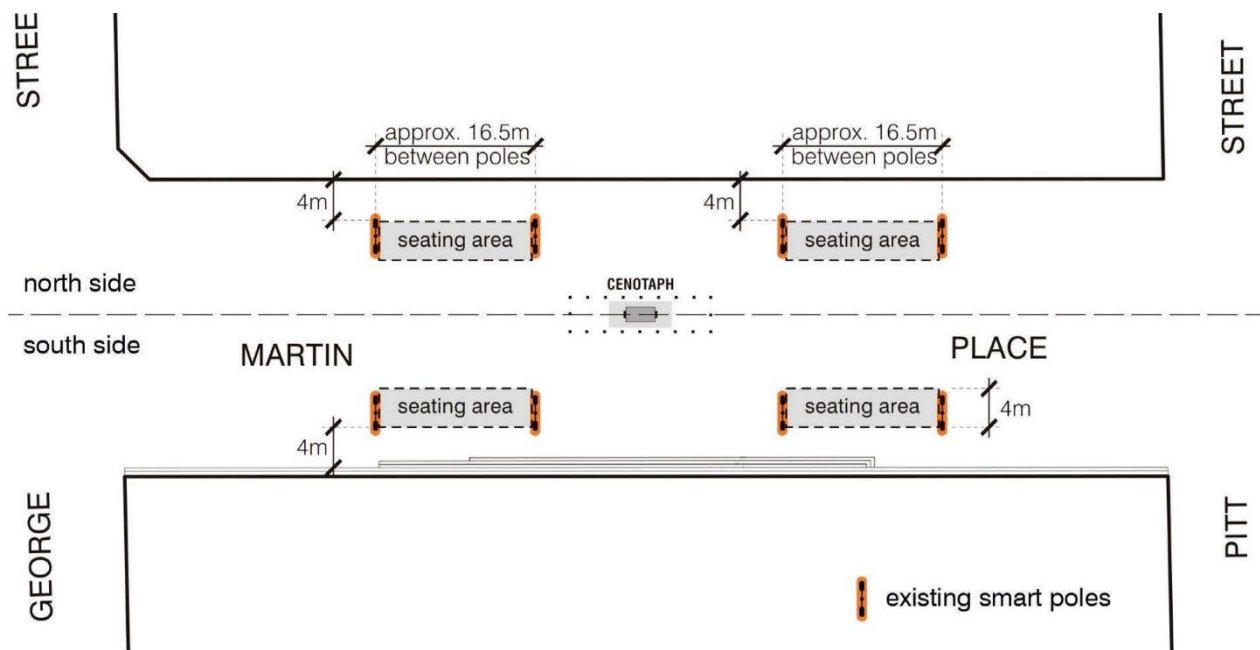
9.3 The applicant is to prepare a Plan of Management to detail measures to be implemented to:

- identify and manage behaviour that in the opinion of the NSW Returned Services League is inappropriate for the Cenotaph block
- manage complaints about behaviour, or requests from the NSW Returned Services League to manage inappropriate behaviour.

9.4 The applicant is to demonstrate they have undertaken consultation and sought support from the NSW Returned Services League for the Plan of Management.

9.5 The City will consider the views of the Returned Services League of NSW when assessing the Plan of Management.

**Figure 13 Outdoor dining areas on the Cenotaph block of Martin Place**



### The outdoor dining area

9.6 ~~Outdoor dining is only allowed within the areas shown on Figure 113.~~ 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 143.

9.7 All items in the outdoor dining area are to be temporary and portable, and stored indoors outside of approved service hours.

9.8 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.

### Tables and chairs

9.9 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.

9.10 Chairs should be 'French Bistro' Rattan type chair, with the colour to be natural, brown or red (as shown in Figure 124).

9.11 Tables should be 'French Bistro' Rattan type to match the chairs or are to have white tablecloths.

9.12 Standing tables are not permitted in this area.

9.13 Any variations to these specifications are to:

- respect the heritage setting
- have the approval of the City's **Executive** Director of City Planning, Development and Transport.

**Figure 14** French Bistro style Rattan chairs



- respect the heritage setting
- have the approval of the City's **Executive** Director of City Planning, Development & Transport.

**Figure 15** Umbrellas should be stone **colour** canopy with black pole and no logos, branding or advertising



### Umbrellas

9.14 Umbrellas should be spaced so as to be recessive in appearance avoiding visual dominance of the adjacent heritage buildings.

9.15 The dimensions of the umbrellas should be:

- for the canopy, not more than 2500mm x 2500mm with an overall height not higher than 3000mm
- for the canopy clearance, not less than 2200mm measured from the lowest edge to the pavement.

9.16 The finish of the umbrella should be:

- stone **colour** for the canopy, as shown in Figure 135
- matte black for the pole and frame.

9.17 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.

9.18 Logos, branding or advertising is not permitted on umbrellas.

9.19 Any variations to these specifications are to:

### Barriers

9.20 Barriers which enclose the outdoor dining area are not permitted, **except as set out below**.

9.21 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier. These barriers:

- should not contain any logos, advertising or other graphics
- are to be black matte finish or “Metropolitan Bronze” powder coat
- must not exceed 900mm in height.

Bespoke designs for barriers may be supported, subject to approval by the City's **Executive** Director of City Planning Development & Transport.

### Waiter stations

9.22 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.

9.23 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.

***Greening***

***9.24 Planter boxes and planter pots are not permitted in the Cenotaph block.***

## George Street

The vision **for light rail corridor** of George Street is as the focus of public life in Central Sydney, a central spine connecting the three future civic squares at Circular Quay, Town Hall and Central Station.

The light rail and wide ~~footways~~ **footpaths** are vital to George Street's movement role, while street furniture and outdoor dining will help establish George Street as a place for people to stop, enjoy and visit.

The plan for outdoor dining in George Street identifies locations where outdoor dining can be safely accommodated alongside the light rail corridor and busy intersections, and the requirements for furniture and barriers ensure outdoor dining supports the role of George Street as a public place.

These controls apply to George Street between ~~Hunter Street~~ **Alfred Street** and Bathurst Street, and George Street between Bathurst Street and Railway Square.

**Planter boxes and planter pots are not permitted along George Street.**

~~Outdoor dining on Devonshire Street, Surry Hills is also covered by these provisions.~~

### Provisions

**Outdoor dining areas – ~~Hunter Street~~ **Alfred Street to Bathurst Street**, and Devonshire Street**

9.24~~5~~ Outdoor dining may be permitted in any location as long as it maintains the following minimum clearances:

- 3.~~65~~ metres clear path of travel from the building line. **This can be reduced to 3 metres clear where the light rail stop is directly adjacent to the footpath**
- 2 metres from the rear of light rail stops; and
- 3.2 metres clearance from light rail dynamic kinematic envelope (if known); or
- 2.3 metres clearance from the outer edge of the stone tactile indicator strip next to the light rail tracks.

Figure 14~~6~~ shows the minimum clearances.

## Outdoor dining areas – Bathurst Street to Railway Square

~~9.25~~ Outdoor dining is only permitted in the locations identified in the maps in Appendix 2.

### Tables and chairs

9.26 Tables and chairs 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.

9.27 Chairs should be 'French Bistro' Rattan type chair as shown in Figure 12~~4~~.

9.28 Tables should be 'French Bistro' Rattan type to match the chairs.

9.29 Any variations to these specifications are to:

- respect the civic setting **and**
- have the approval of the City's **Executive** Director of City Planning Development & Transport

### Barriers

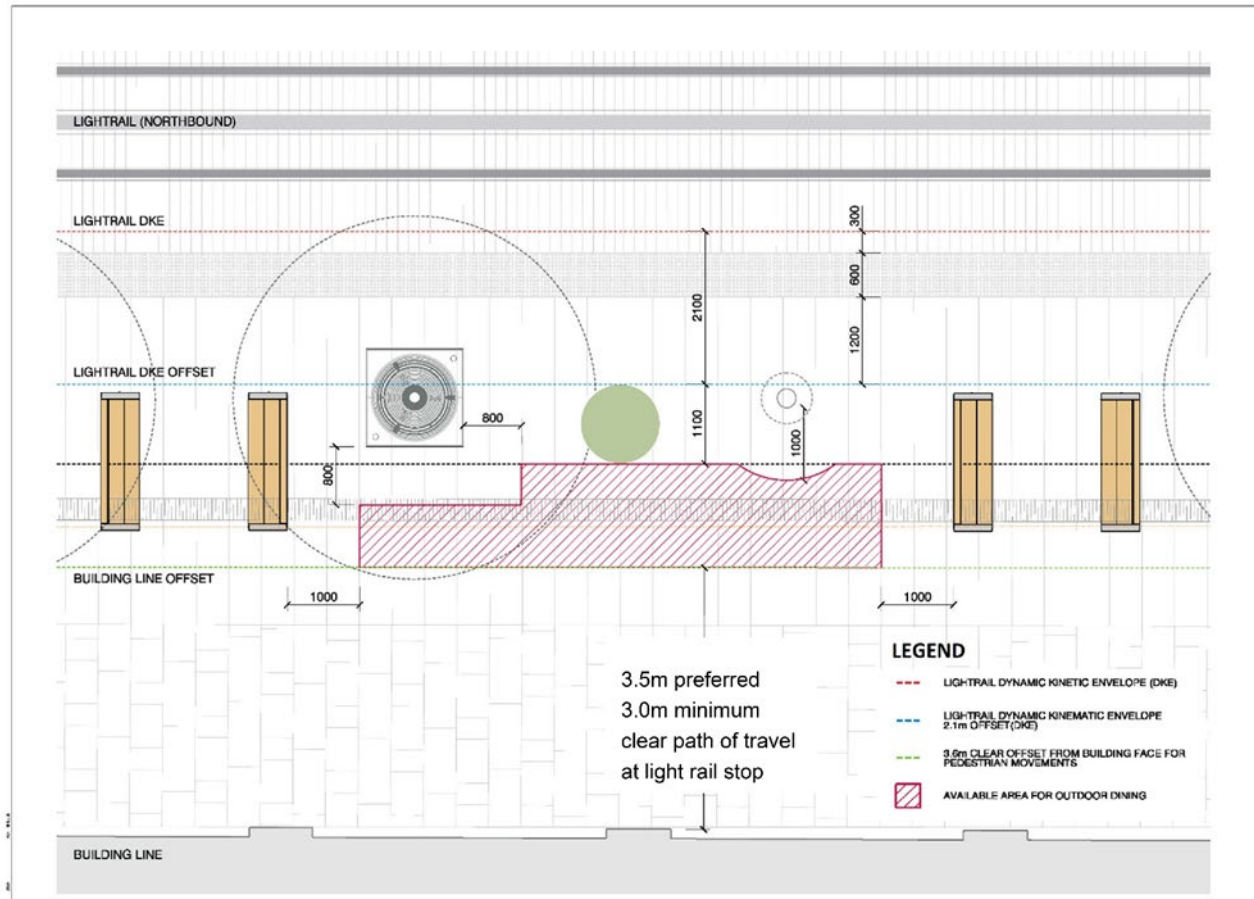
9.30 Barriers, **including rope dividers and signage panels**, which enclose the outdoor dining area, or which separate it from the pedestrian ~~footway~~ **footpath**, are generally not permitted.

9.31 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have **specifically** conditioned the licence with a requirement to have a barrier. These barriers:

- should not contain any logos, advertising or other graphics
- are to be black matte finish or "Metropolitan Bronze" powder coat
- not exceed 900mm in height;

Bespoke designs for barriers may be supported, subject to approval by the City's **Executive** Director of City Planning Development & Transport.

**Figure 16 – Minimum clearances for outdoor dining areas - George Street between Hunter Alfred Street and Bathurst Street, and Devonshire Street**



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## Llankelly Place

The City supports outdoor dining in Llankelly Place as part of a strategy to increase activation of the laneway.

Outdoor dining in Llankelly 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

9.32 Outdoor dining is acceptable within the areas identified on Figure 157.

9.33 New outdoor dining areas not shown on Figure 157 ~~can~~ **may** be approved provided that:

- a consistent and predictable clear path of travel is provided and maintained, to a minimum width of 1.25 metres.

## Outdoor Dining Guidelines

**Figure 17 -** Approved outdoor dining areas for Llankelly Place



# Appendix 1 – Road area reallocated to outdoor dining

---

## Criteria for road reallocations The outdoor dining area

The City is working with businesses to use on-street car parking spaces for outdoor dining until 30 June 2025.

Council will limit the period of approval for outdoor dining on the road area until 30 June 2025.

Applicants are encouraged to apply for outdoor dining before an application for reallocation of the road area to outdoor dining.

This section includes criteria for where the road area can and cannot be reallocated for outdoor dining.

### Provisions

9.1 Areas that are unsuitable for outdoor dining include:

Bus stops and bus zones

Roads with speed limits of more than 50km/h

Clearways

Parking areas for Australia Post, police, fire, ambulance or car share

No stopping zones

Bike lanes

Accessible parking

### In-road fire hydrant

There may be other types of parking space that are not suitable.

All applications are considered on a case-by-case basis due to the complexity of the City's streets, and the specific context of individual locations, parking restrictions, neighbouring businesses and the road environment.

9.2 The City can revoke, suspend or amend an approval for outdoor dining if the road area has not been used by patrons of the business over a four week period.

### Provisions

9.3 Space reclaimed by the City from the road area may be used for outdoor dining if the area is protected by vehicle-proof barriers appropriate to the speed of traffic.

9.4 The City 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 speed of the road.

9.5 In addition to clearances identified in Section 4, applicants should leave a 0.5 metre clearance from the base of the concrete barrier to all furniture and equipment for reallocated road space.

9.6 The outdoor dining area on the reallocated road area 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 premises, and~~

~~the space in front of a non-food and drink premises is equally shared with any other food and drink premises that adjoins the non-food and drink premises.~~

~~9.7 Use of the road area for outdoor dining may be considered across the frontage of adjacent vacant retail tenancies, however approvals may be amended by the City if that vacant tenancy becomes occupied by a food and drink premises.~~

~~the need to maintain access to other businesses and access to residential parking, particularly in the following circumstances:~~

- ~~– in high density mixed-use areas where there is a need to balance business and resident on street parking~~
- ~~– in areas where the cumulative impact of reallocating roadway space will unreasonably impact vehicle access to the commercial area and access to residential parking~~
- ~~– in areas where significant concerns, objections and complaints have arisen due to existing road space dining sites, and~~
- ~~– in areas where there is a high occurrence and concentration of approved road area outdoor dining.~~

---

## Assessing local access and loading

### Principles

~~9.8 Balance the reallocation of kerb side road space (on street parking) for outdoor dining with~~

# Appendix 21 – George Street South outdoor dining locations

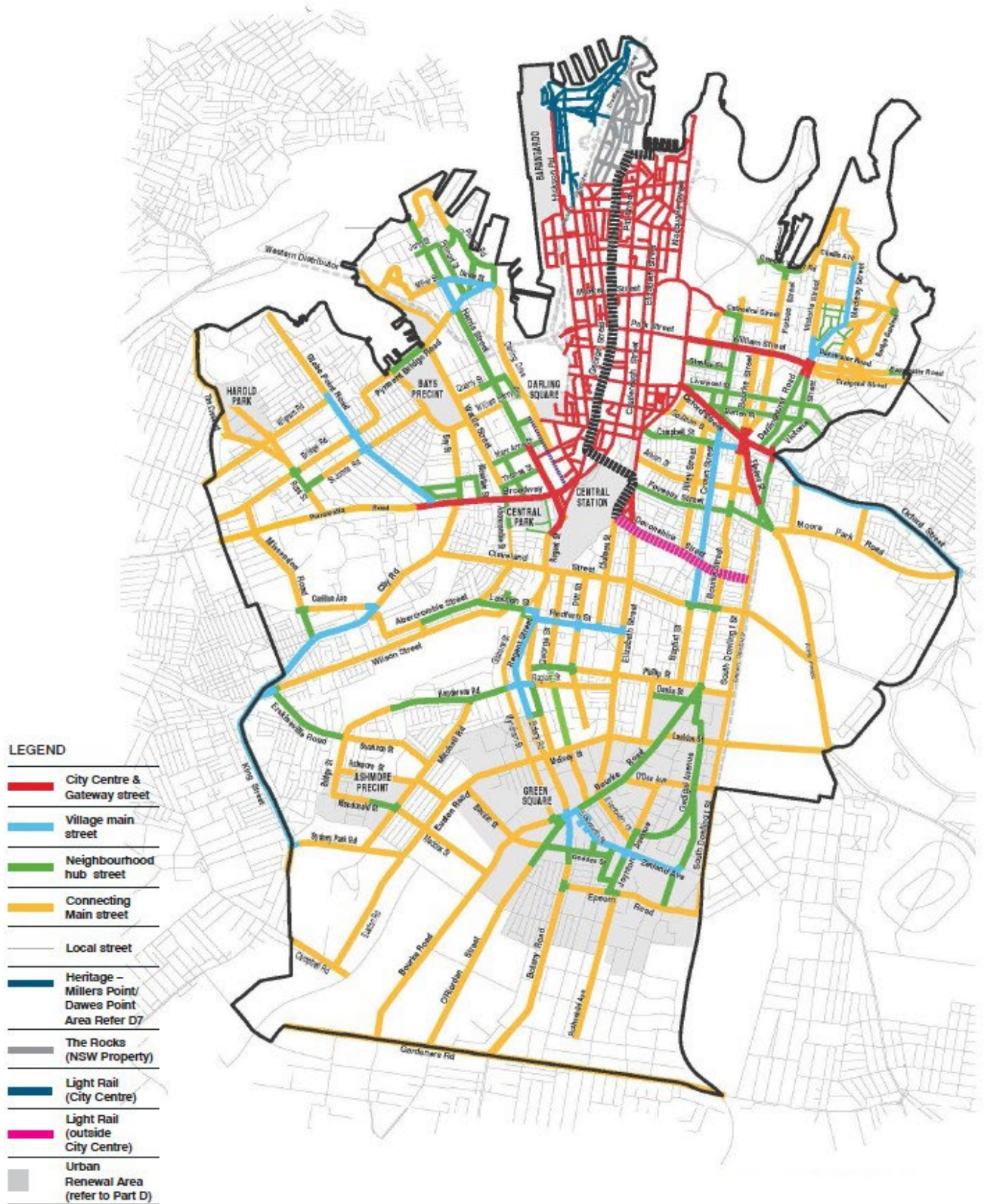
Please refer to the City of Sydney's website at

<https://www.cityofsydney.nsw.gov.au/council-governance-administration/outdoor-dining-guidelines>

# Appendix 2 – *Sydney Streets Code* –*Street types*

*The following map sets out the different types of streets identified in the Sydney Streets Code, to be used to understand minimum and preferred dimensions for the clear path of travel in Section 3 of these guidelines.*

## Outdoor Dining Guidelines



# **Attachment C**

**Outdoor dining – Implementation plan for  
permanent footpath extensions**

# Outdoor Dining - Implementation Plan for Permanent Footpath Extensions



# Contents

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# Overview

---

## Background

This Implementation Plan outlines the proposed delivery approach for converting temporary on-street dining spaces across the city to permanent footpath extensions. These are located within former parking lanes and are currently protected by concrete barriers.

The City will program the delivery of footpath extensions in the most time efficient way, integrating with other planned public domain works where possible. The City will also prioritise sites that create the least disruption to businesses and support other key City policies such as tree planting and bike parking. There will be no construction during events, weekends or the summer months to avoid busy trading periods.

---

Figure 1 – example of a temporary on-street dining space, protected from traffic by concrete barriers



## Current on-street dining program

As of 31 July 2026, there are 173 on-street dining sites in place across the City of Sydney local government area. Of these:

- 24 are located within planned public domain upgrade areas
- 149 are outside of public domain upgrade areas
- 2 are planned for removal as part of new cycleway works on Campbell Street, Haymarket.

There are three planned public domain upgrade areas where existing on-street dining sites will be converted to permanent footpath as part of that upgrade. These are:

- Victoria Street – programmed for FY 2027-2028
- Erskineville Road – programmed for FY 2027-2029
- Stanley Street – programmed for FY 2028-2029

This leaves a total of around 147 on-street dining sites to be made permanent as part of this program.

It is anticipated that between 20 to 30 footpath extensions will be completed annually over the first 3 years with all current sites (as of 30 July 2026) planned for completion within 8 years of this implementation plan.

---

## Scope and delivery categories

| The 147 on-street dining sites that are outside of public domain upgrade areas have been grouped into three categories based on complexity and delivery requirements. |  | Number of sites<br>(as of 31 July 2026) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------|
| Category 1 – Standard                                                                                                                                                 |  | 54                                      |
| Category 2 – Moderate                                                                                                                                                 |  | 47                                      |
| Category 3 – Complex                                                                                                                                                  |  | 46                                      |
| <b>Total</b>                                                                                                                                                          |  | <b>147</b>                              |

---

# Delivery timeframes and considerations

---

## Program sequencing

The City will program the delivery of the current temporary sites over 8 years in the most time-efficient way whilst minimising disruption to businesses, local neighbourhoods and the community. This will include:

- coordinating with other City planned works and utility works
  - integrating with neighbourhood and village delivery plans
  - using spatial planning tools (e.g. mapping systems) to manage construction impacts
  - exploring opportunities to deliver joint objectives such as shared bike parking and tree planting
  - consolidating adjacent sites into one job where there are clusters
- 

## Delivery Program

The City has developed an eight-year delivery program that outlines the number of sites planned for delivery in each suburb. This program has factored in individual site requirements, as far as is known at the time of drafting, at suburb level, based on delivery efficiencies and to reduce overall disruption to the community.

The indicative program delivery program also considers:

- planning, design, and approvals will occur all year-round.
- minimising impacts to businesses, construction will not take place during peak trading periods, including weekends, events and the summer months (November to February)
- Local Pedestrian, Cycling, Traffic Calming and Transport Forum (LPCTCTF) endorsement may be required prior to the construction rollout.

The program will be subject to change over time based on factors including, but not limited to, newly approved sites, authority approvals, third-party works, cost efficiency, safety, accessibility and design requirements. See Appendix 1 for draft indicative program

## Category 1 – Standard

Planning, design, approval and construction details

| Category Planning                       | Summary details                                                                                                                                                                                                                          |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site characteristics                    | <ul style="list-style-type: none"> <li>• Readily accessible locations</li> <li>• More than 20m from traffic signals</li> <li>• No drainage or utility impacts</li> </ul>                                                                 |
| Delivery requirements                   | <ul style="list-style-type: none"> <li>• Delivered using existing City technical specifications for footpaths</li> <li>• Minimal design development</li> <li>• No external authority approvals required prior to construction</li> </ul> |
| Design and Approval Period              | <ul style="list-style-type: none"> <li>• Approximately 2 to 4 months</li> </ul>                                                                                                                                                          |
| Construction period                     | <ul style="list-style-type: none"> <li>• Approximately 5 to 10 days</li> </ul>                                                                                                                                                           |
| Programmed Construction Financial Years | <ul style="list-style-type: none"> <li>• FY2026/27 to FY2030/31</li> </ul>                                                                                                                                                               |

## Category 2 – Moderate

Planning, design, approval and construction details

| Category Planning                       | Summary details                                                                                                                                                                                                |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site characteristics                    | <ul style="list-style-type: none"> <li>• Readily accessible locations</li> <li>• More than 20m from traffic signals</li> <li>• Requires drainage design</li> <li>• Located at or near intersections</li> </ul> |
| Delivery requirements                   | <ul style="list-style-type: none"> <li>• Detailed design required</li> <li>• Utility coordination and approvals required prior to construction</li> </ul>                                                      |
| Design and Approval Period              | <ul style="list-style-type: none"> <li>• Approximately 8 to 12 months</li> </ul>                                                                                                                               |
| Construction period                     | <ul style="list-style-type: none"> <li>• Approximately 10 to 20 days</li> </ul>                                                                                                                                |
| Programmed Construction Financial Years | <ul style="list-style-type: none"> <li>• FY2027/28 to FY2033/34</li> </ul>                                                                                                                                     |

## Category 3 – Complex

Planning, design, approval and construction details

| Category Planning                       | Summary details                                                                                                                                                                                   |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site characteristics                    | <ul style="list-style-type: none"><li>• Located at major or signalised intersections</li><li>• Drainage requirements</li><li>• Utility and traffic signal impacts</li><li>• Large scale</li></ul> |
| Delivery requirements                   | <ul style="list-style-type: none"><li>• Detailed design required</li><li>• Utility coordination and approvals required prior to construction</li></ul>                                            |
| Design and Approval Period              | <ul style="list-style-type: none"><li>• Approximately 16 to 20 Months</li></ul>                                                                                                                   |
| Construction period                     | <ul style="list-style-type: none"><li>• Approximately 20 to 60 days depending on specific site requirements</li></ul>                                                                             |
| Programmed Construction Financial Years | <ul style="list-style-type: none"><li>• FY2028/29 to FY2033/34</li></ul>                                                                                                                          |

---

## Footpath extension design, drawings

The construction of footpath extensions will follow the Sydney Streets Code, Sydney Streets Technical Specifications and Outdoor Dining Guidelines, and will be completed to closely match surrounding footpath.

### Clear path of travel

A clear path of travel is to be maintained on all public footpaths before other uses are considered. The Outdoor Dining Guidelines specify minimum clearances for footpath dining, including clear path of travel. The minimum width of the clear path of travel according to street type in the Sydney Streets Code shown at Appendix 2 of the Outdoor Dining Guidelines needs to be:

- 3.0 metres for City Centre and Gateway streets
- 2.0 metres for Village Main streets
- 1.5 metres for Neighbourhood Hub, Connecting Main streets Local streets
- 1.2 metres for Central Sydney laneways, and
- 2.8 metres in shared zones used by vehicles.

In areas of high or increasing pedestrian volume or where closeness to traffic might pose a safety risk, the City may:

- require a greater clear path than the minimum widths
- not allow outdoor dining.

### Figure 2. Diagram of indicative design

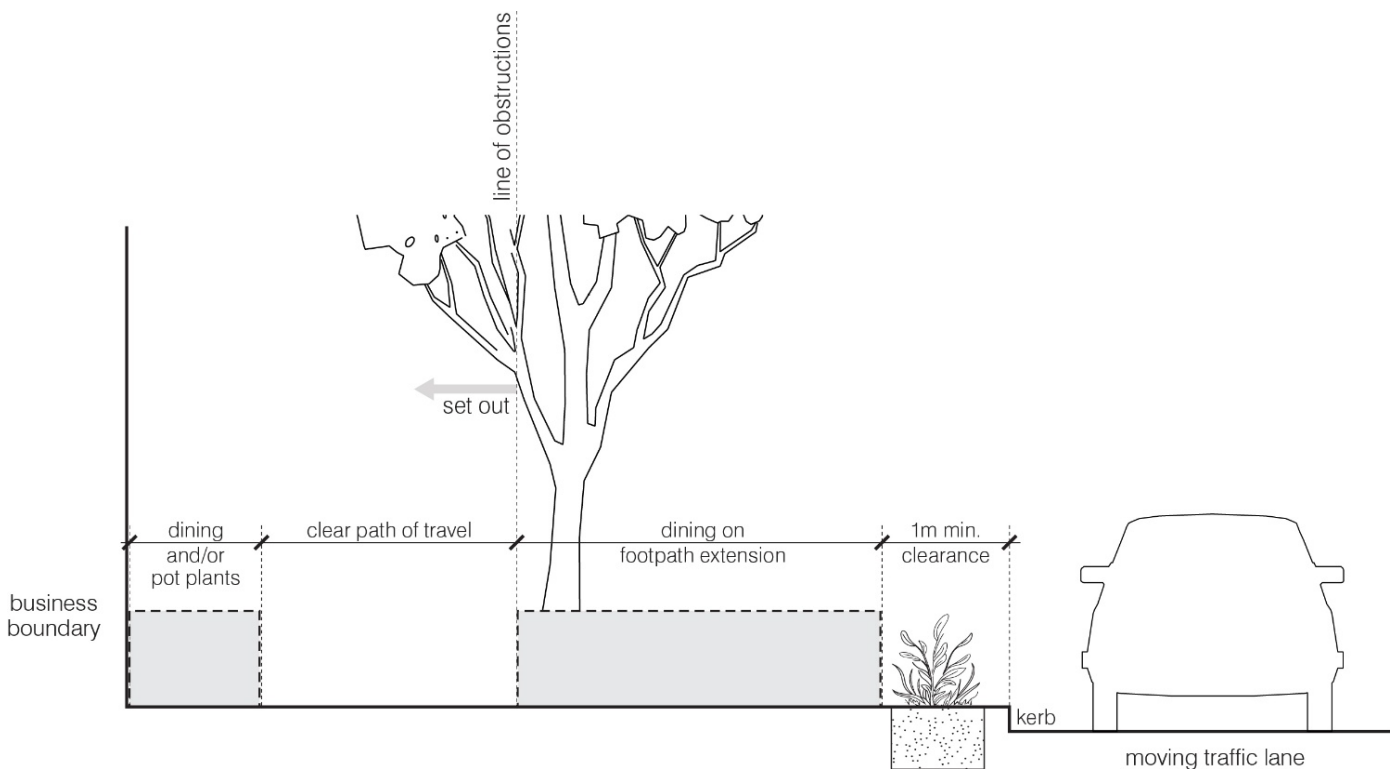


Figure 3. Example of completed footpath extension



## Stakeholder communication and engagement

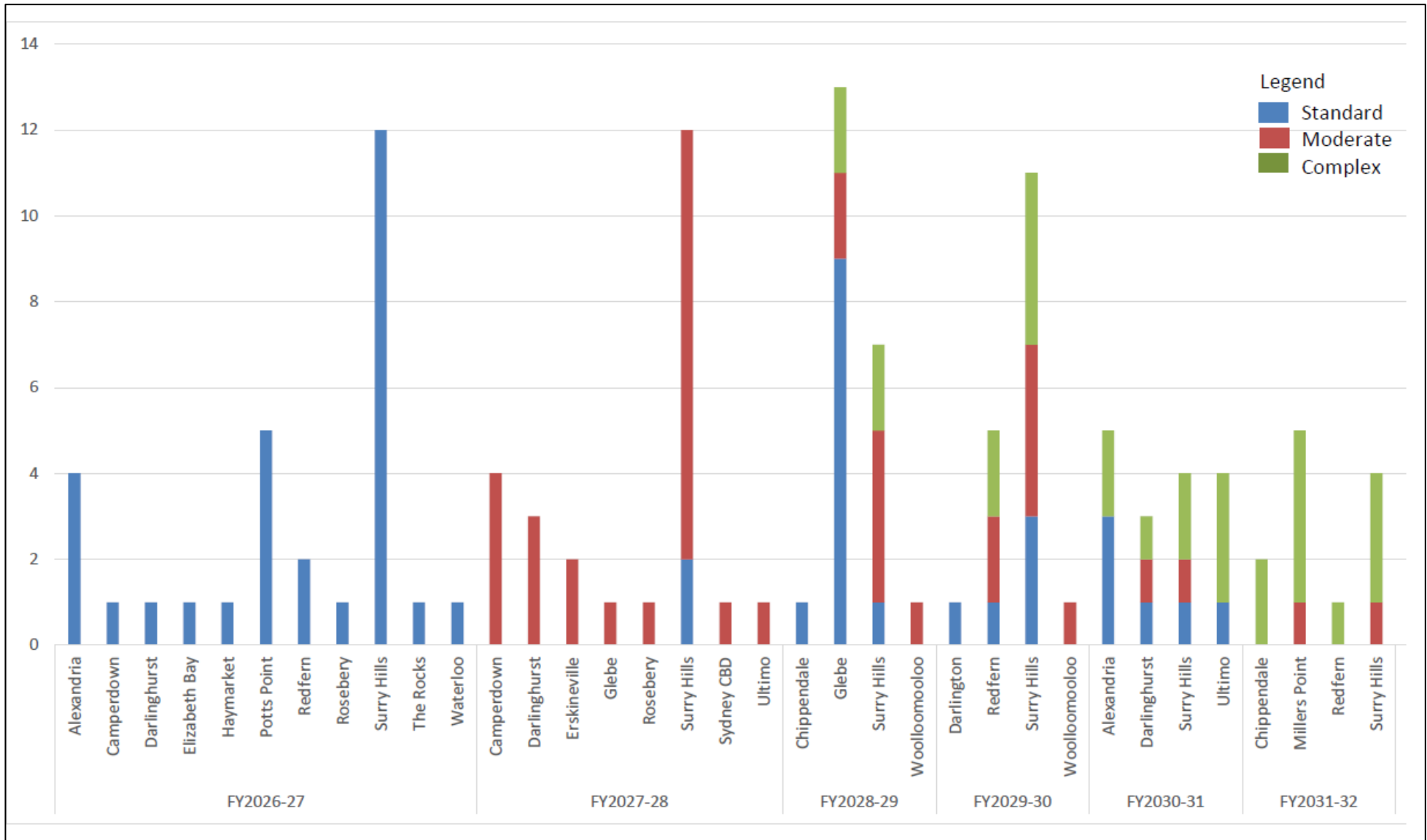
Clear, timely communication and engagement will help businesses to understand the program scope and timing, and plan for the period when their on-street dining is unavailable. In addition, it will be important to keep neighbouring businesses and residents updated on the program and informed of potential works that may impact them.

The program of engagement with key stakeholders is outlined in Table 1 below.

**Table 1: Engagement program**

| Engagement Phase          | Stakeholder                                                                  | Engagement Format                                                                                    | When                                                                                                        |
|---------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Business notification     | On-street dining permit holders                                              | Written notification<br>FAQs<br>Social media campaign<br>Webinar for on-street dining permit holders | After the Implementation Plan has been noted by Council                                                     |
| Design notification       | On-street dining permit holders<br>Neighboring businesses<br>Local residents | Written notification                                                                                 | Before Local Pedestrian, Cycling, Traffic Calming and Transport Forum<br><br>4-6 months before construction |
| Construction notification | On-street dining permit holders<br>Neighbouring businesses                   | Written notification<br>Face-to-face                                                                 | 4 weeks before construction                                                                                 |
| Construction confirmation | On-street dining permit holders                                              | Written notification<br><br>Face-to-face                                                             | 2-5 days before construction                                                                                |

## Appendix 1 Draft Indicative Delivery Program





## **Attachment D**

**Outdoor dining policy – dated November  
2022**

# Outdoor Dining Policy

## Purpose

The purpose of this policy is to set out the circumstances and conditions under which the City of Sydney will issue approvals for outdoor dining in public places, including the footway, parts of the road and other similar areas.

## Scope

This policy applies to the business use of public places for outdoor dining in the City of Sydney Local Government Area.

## Definitions

| Term                    | Meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clear path of travel    | <p>The area of the footway maintained for safe and equitable pedestrian circulation which 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 which would prevent it from being safely negotiated by people with disability.</i></p>                                                                                                                                                                                                               |
| Exempt development      | <p>Development which does not need development consent under the Environmental Planning and Assessment Act 1979, but which may still need some other approval.</p> <p>At the time of adoption, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 makes outdoor dining on the footway exempt development if it is:</p> <p>(a) carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and</p> <p>(b) carried out in accordance with an approval granted under section 68 of the Local Government Act 1993, and</p> <p>(c) not under an awning, or under an awning that complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the Building Code of Australia.</p> |
| Outdoor dining          | <p>The use of public places, including the footway, parts of the road, and other similar areas for the purposes of an outdoor dining area associated with a lawful food and drink premises.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Food and drink premises | <p>Defined in Sydney Local Environmental Plan 2012 as premises that are used for the preparation and retail sale of food or drink (or both)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Term | Meaning                                                                                                                                                                                    |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | for immediate consumption on or off the premises, and includes any of the following:<br>(a) a restaurant or cafe<br>(b) take away food and drink premises<br>(c) a pub<br>(d) a small bar. |

## Policy Statement

A well-managed footway promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.

Outdoor dining supports strong local economies, brings life to our high streets and fosters dining precincts as destinations. The City of Sydney's policy can encourage outdoor dining by providing a safe and comfortable experience for diners and all other uses of the public places.

The City of Sydney manages the footway and other public places to provide safe and equitable access for all people around the City including pedestrians with a pram or mobility aid, people with disability and those who are blind or have low vision. This policy and associated guidelines ensure a clear and predictable path of travel is maintained to ensure safe, equitable and dignified pedestrian use.

## Actions

To promote public access and well managed outdoor dining in public places, the City of Sydney will:

- value the contribution that well-managed businesses make to the character of the City's streets
- maintain the pedestrian thoroughfare as the primary purpose of the footpath
- promote accessibility by maintaining a consistent and predictable clear path of travel for all users
- continue to work with all stakeholders towards best practice wayfinding on the City's footways and public places
- manage neighbourhood amenity through minimising additional noise, visual, and other impacts
- encourage appropriate outdoor dining and manage particular issues in specific precincts such as Cenotaph block of Martin Place, Lankelly Place, Potts Point and George Street, Sydney
- consider the appropriateness of applications for approval against the City of Sydney's adopted Outdoor Dining Guidelines
- monitor compliance with approvals, and undertake enforcement action when appropriate
- grant approvals for use of the footway for a maximum of 7 years or a maximum of 12 months for any other part of the road in accordance with the Roads Act 1993
- revoke approvals where there are continuing unresolved substantiated breaches of the approval

- charge a fee for the use of public places as set out in the City of Sydney's annual Fees and Charges available on our website.

## Approvals

In order for premises to have outdoor dining on the footway, NSW Government legislation sets out that the following approvals are required:

- all outdoor dining on the footway requires an approval under the Roads Act 1993
- outdoor dining that is not exempt development will require a development consent under the Environmental Planning and Assessment Act 1979
- outdoor dining that is on Crown land requires an approval under the Crown Land Management Act 2016
- outdoor dining on community land, such as a park or reserve, requires an approval under the Local Government Act 1993.

## Outdoor Dining Guidelines

The City of Sydney's Outdoor Dining Guidelines support this policy and provide additional guidance to applicants on the City of Sydney's requirements in relation to approvals for outdoor dining in public places, including the footway, parts of the road and other similar areas in the City of Sydney LGA.

## Responsibilities

### Review and update

Responsibility for drafting, reviewing and updating this policy lies with the Strategic Planning and Urban Design unit.

### Approvals

Responsibility for issuing approvals in accordance with this policy and the Outdoor Dining Guidelines lies with the Planning Assessments Unit.

### Enforcement

Responsibility for ensuring outdoor dining is carried out in accordance with approvals lies with City Rangers.

## Consultation

This policy has been developed following consultation with the Council's Inclusion (Disability) Advisory Panel, in addition to internal consultation with Legal & Governance, Planning Assessments, City Rangers, City Business, and Strategic Planning & Urban Design units.

## References

| Laws and Standards                                                                               |
|--------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Crown Land Management Act 2016</li></ul>                 |
| <ul style="list-style-type: none"><li>• Disability Discrimination Act 1992 (Cth)</li></ul>       |
| <ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li></ul> |

| Laws and Standards                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>Roads Act 1993</li></ul>                                                                    |
| <ul style="list-style-type: none"><li>Local Government Act 1993</li></ul>                                                         |
| <ul style="list-style-type: none"><li>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li></ul> |
| Policies and Procedures                                                                                                           |
| <ul style="list-style-type: none"><li>Outdoor Dining Guidelines</li></ul>                                                         |
| <ul style="list-style-type: none"><li>A city for all – inclusion (disability) action plan 2021-2025</li></ul>                     |
| <ul style="list-style-type: none"><li>City of Sydney Retail Action Plan</li></ul>                                                 |
| <ul style="list-style-type: none"><li>City of Sydney Tourism Action Plan</li></ul>                                                |
| <ul style="list-style-type: none"><li>Open Sydney – Strategy and Action Plan 2013-2030</li></ul>                                  |

## Review period

This policy will be reviewed every 4 years.

## Approval Status

Council approved this policy on 21 November 2022.

## Approval History

| Stage                | Date             | Comment                                                                                                                                                                                                                                                     | TRIM Reference |
|----------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Original Policy      | 17 October 2016  | Approved by Council                                                                                                                                                                                                                                         | 2017/040337    |
| Reviewed             | 21 November 2022 | To reflect amendments to state government policy for outdoor dining, and amendments to the Outdoor Dining Guidelines following implementation of certain temporary provisions for Covid-19 and the pedestrianisation of George Street. Approved by Council. | 2017/040337    |
| Commence Review Date | 21 February 2026 |                                                                                                                                                                                                                                                             |                |
| Approval Due Date    | 21 November 2026 |                                                                                                                                                                                                                                                             |                |

## Ownership and approval

| Responsibility | Role                                           |
|----------------|------------------------------------------------|
| Author         | Specialist Planner (Strategic)                 |
| Owner          | Director City Planning Development & Transport |
| Endorser       | City of Sydney Executive                       |
| Approver       | City of Sydney Council                         |

# **Attachment E**

**FAQs – Permanent footpath extensions for  
outdoor dining**

# FAQs – Permanent footpath extensions for outdoor dining

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## ABOUT THE PROJECT

### 1. When do the new outdoor dining guidelines come into effect?

The guidelines are subject to endorsement by Council resolution on 21 September 2026.

### 2. What are the criteria for making on-street dining sites permanent?

The [Outdoor dining guidelines](#) include criteria for assessing which sites are suitable for on-street dining, including permanent footpath extensions.

### 3. What will the new dining space look like? How will the on-street dining areas be made permanent?

Temporary concrete barriers will be removed and replaced by raised footpath extensions with kerbs designed to closely match surrounding footpath materials and streetscape treatments. They will integrate with the existing streetscape, improving accessibility, safety and the public domain. The detailed design may vary depending on the location and the existing character of the street. These areas are located within street space that has already been repurposed from parking to outdoor dining.

### 4. Which streets are already being upgraded as part of capital works projects?

Some on-street dining areas on Stanley Street, Darlinghurst, Victoria Street, Darlinghurst and Erskineville Road, Erskineville, will be delivered as part of a broader street upgrade program. We will contact these on-street dining operators separately when those projects begin. Updates will be available on the [website](#).

### 5. What are the anticipated timeframes for removing old concrete barriers and delivering new footpath extensions?

Delivering permanent outdoor dining areas is a city-wide program and is separate to our major public domain upgrade areas. The City currently anticipates delivering approximately 20–30 sites annually during the first three years, with all existing sites planned for completion over an eight-year period.

The timing of individual sites will depend on their complexity, design requirements, utility coordination and approval processes. Standard sites typically require shorter planning and construction periods than more complex sites.

### 6. There's no longer a tenant in the shop, will the concrete barriers be removed?

We'll investigate further to confirm if there will be a new tenant and if they will require the site. If not, we'll consider removal of the barriers and returning the space to other public use, such as car spaces.

### 7. What will happen to the parking spaces?

Sections of the street that were previously used as parking spaces have been repurposed over the last 5 years for the on-street dining program. Residents do not currently rely on these parking spots and there are currently no plans to replace or offset the parking spaces.

When we re-purpose a car space for outdoor dining we take into consideration the loss/demand for parking and loading in the area.

There are increasing demands and community support for allocating kerbside lanes for uses other than parking. These uses include footpath widening and pedestrian crossings, tree planting, outdoor dining and cycleways.

To help limit the impact of these programs, the City will always seek to maximise the amount of kerb that can be used productively, including for parking.

We manage on-street parking according to our [Neighbourhood parking policy](#) and [Central Sydney on-street parking policy](#).

**8. What if the on-street dining operator doesn't want to adopt a permanent space, can they keep using the temporary on-street dining and barriers?**

The temporary on-street dining program was always intended as a temporary measure and will not continue indefinitely. We will keep operators informed of any future changes and provide advance notice before the temporary arrangement ends.

**9. What if the on-street dining business is located on land not owned by Council?**

On-street dining operators should contact the responsible authority, such as [Placemaking NSW](#) directly, to discuss opportunities.

## **APPLICATION AND APPROVAL PROCESS**

**10. What do businesses need to do to have their on-street dining space upgraded?**

Businesses with current on-street dining permits do not need to apply to be included in the program of upgrades. We will notify permit holders as sites move to design phase, 4-6 months before construction. When the design is finalised, operators will need to apply for a new permit for the new on-street dining area.

**11. Do businesses need new insurance?**

An operator will be required to maintain a public liability insurance policy, to cover any legal liability for property damage and personal injury to the public.

**12. How long will approvals last and how will businesses know when they need to reapply?**

Permits granting approval to operate within an on-street dining area can be valid up to 5 years depending on the compliance history. Operators are responsible for renewing their permits when they're due to expire.

**13. How do operators get permission from a neighbour to set up outdoor dining in front of their shop/home?**

Operators must consult with their neighbours before applying and will be prompted to include this information during the application process.

#### **14. What consultation will be done for each site?**

Each proposed permanent footpath extension will undergo a site-specific notification process.

Businesses with on-street dining permits, neighbouring businesses and residents will be notified during the design phase before construction proceeds. Notifications are planned 4–6 months before construction.

Any new on-street dining applications will continue to be assessed under the new Outdoor Dining Guidelines.

#### **15. Who will pay for the footpath extensions?**

The City has allocated a total of \$20 million in funding over 10 years for the construction of the permanent footpath extensions.

### **CONSTRUCTION OF SITES**

#### **16. How will sites be scheduled or prioritised for construction?**

The City will prioritise sites based on a range of factors including site complexity, opportunities to coordinate with other public domain projects, neighbourhood planning priorities, budget allocation, safety requirements, accessibility outcomes and construction efficiencies. Nearby sites may also be grouped together where this provides a more efficient delivery outcome.

#### **17. What times/days will the construction happen?**

Construction may occur during either daytime or nighttime hours depending on site-specific requirements. Where possible, the City will avoid construction during weekends, major events and peak outdoor dining periods, including the summer months of November to February.

#### **18. How much notice will I get before construction (business)?**

On-street dining operators will receive 4–6 months' notice before construction, then 4 weeks written notice before construction dates are confirmed. When the construction dates are confirmed, we will provide between 2 and 5 days notice in advance of construction starting.

#### **19. Will neighbouring residents be notified of the construction works and when?**

Yes. Neighbouring businesses and local residents will receive written notification during the design phase, generally 4–6 months before construction. Further notifications will be provided closer to the construction date.

#### **20. How long will the construction for each site take?**

Construction duration varies based on the complexity of each site. Standard (easy) and moderate sites may take as little as 2 weeks while more complex sites around 12 to 16 weeks. We'll provide an estimate of how long construction will take at the design phase notification.

## **21. What noise, dust and disruption should be expected?**

Disruption is expected during construction. The City will seek to minimise impacts on businesses, residents and visitors through careful scheduling and grouping of sites, advance notification and by avoiding peak trading periods wherever possible. Businesses will receive information ahead of works to assist with planning and managing any temporary impacts.

## **22. Can operators change the construction date for their site?**

Construction dates are coordinated as part of a city-wide program and are influenced by project scheduling, time and cost-efficiency, contractor availability, safety, accessibility, approvals and nearby works. While the City will work closely with affected businesses and minimise disruption during peak trade seasons, construction dates may not be able to be changed. Operators will be notified 4–6 months in advance of planned works.

## **23. What will happen to any platform, decks or other privately installed structures in on-street dining areas?**

Temporary platforms, timber decks and other privately installed structures are not part of the City's construction works. Operators are responsible for arranging removal before construction of the permanent footpath extension commences. The City will provide advance notice of works to allow sufficient time for these arrangements to be made.

## **USE OF OUTDOOR DINING AREAS**

## **24. What are the options if a landlord says the increased space means the on-street dining operator needs to pay more rent?**

The street and footpath are public spaces however, the City is not a party to lease agreements and cannot intervene in private contractual agreements.

## **25. Can operators put as many tables and chairs out as can fit in the designated area?**

Outdoor dining approvals do not specify the number of tables and chairs within an area however operators are responsible for managing the space and ensuring the area is safe for users.

## **26. How will pedestrian accessibility be maintained on the footpath?**

The Outdoor Dining Guidelines keep a clear path of travel for pedestrians on our footpaths. The City's streets are multipurpose spaces for walking, gathering and social activities including outdoor dining. These activities can slow pedestrian movement but bring the benefits of social interaction and community building and make our streets into gathering spaces. The guidelines strike a balance between maintaining enough space for pedestrians while encouraging activity. The guidelines allow for a reduced clear path of travel in dining areas, but much of the street will have a substantially wider area for pedestrians.

The guidelines focus on providing a more certain, unobstructed clear path of travel. This clear path will be set to avoid existing elements such as Ausgrid pillars along the building, and trees, bike parking and parking meters along kerb lines to ensure it is genuinely clear of obstructions.

Dining along both sides of the clear path will only occur in limited circumstances where there is sufficient space to allow both while maintaining a genuinely clear path for pedestrians

The City will begin installing boundary markers on footpaths to allow for easier compliance and enforcement to help keep a clear path unobstructed for pedestrians.

**27. Can on-street dining operators continue to store furniture outside when the new footpath is constructed?**

As per the Outdoor Dining Guidelines, operators must store furniture inside the premises when the outdoor dining area is not in use.

**28. Can on-street dining spaces be made bigger/longer?**

Temporary on-street dining spaces are assessed against the Outdoor Dining Guidelines, pedestrian accessibility requirements, traffic and safety considerations, and available road space. Approval is not automatic and will be assessed on a case-by-case basis. Permanent footpath extensions will be designed as per the City's [design codes and technical specifications](#).

**29. How late can on-street dining operators trade in designated areas?**

Operating hours are assessed against the [Sydney Development Control Plan 2012](#) and vary based on the location in the city. Available hours can be discussed with a duty planner by calling 9265 9333 or [making an appointment](#).

**30. What can I do if there is a dispute?**

Businesses and neighbours are encouraged to talk to each other to work towards an appropriate solution. Issues can be reported [via the website](#) or by calling 9265 9333

**For any further questions**

Contact the Business creative & nightlife concierge on 9265 9909 or via [businesscreativenightlifeconcierge@cityofsydney.nsw.gov.au](mailto:businesscreativenightlifeconcierge@cityofsydney.nsw.gov.au)