

Attachment B

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

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
Artisan food and drink premises	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.
Clear path of travel	The area of the footway footpath maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. The clear path of travel width varies according to street type. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as: <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>
Exempt development	Development that does not need development application (DA) consent under the <i>Environmental Planning and Assessment Act 1979</i>, Outdoor dining is exempt from the requirement for a Development Application in nearly all circumstances. However it but which may still need some other approval (such as an outdoor dining approval under the Roads Act.). At the time of adoption, the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway footpath dining exempt development if it is: - 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 - carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>. - not under an awning, or under an unless the awning that is BCA-compliant.
Outdoor dining	Dining on the public footway footpath, part of the road or another public space associated with an approved artisan food and drink, hotels and food and drink premises. Also sometimes

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Term	Meaning
	referred to as footway footpath dining, or footway restaurant on-street dining or alfresco dining .
Public footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
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– (a) a restaurant or café, (b) a take away food and drink premises, (c) a pub, (d) a small bar.
Shared zone	<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>

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.

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, or by calling on 9265 9333.

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.~~

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.~~

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.

2.45 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.

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

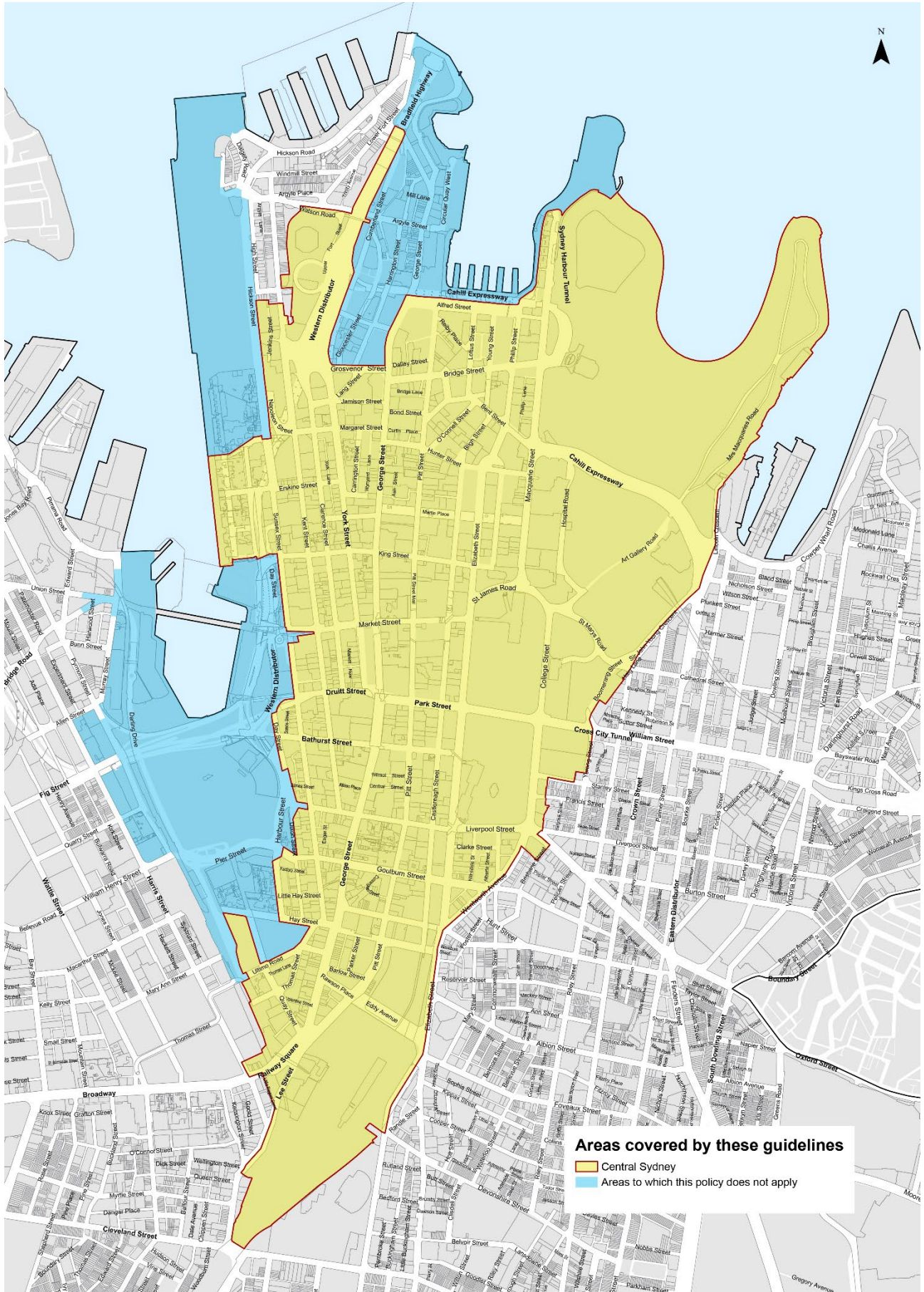
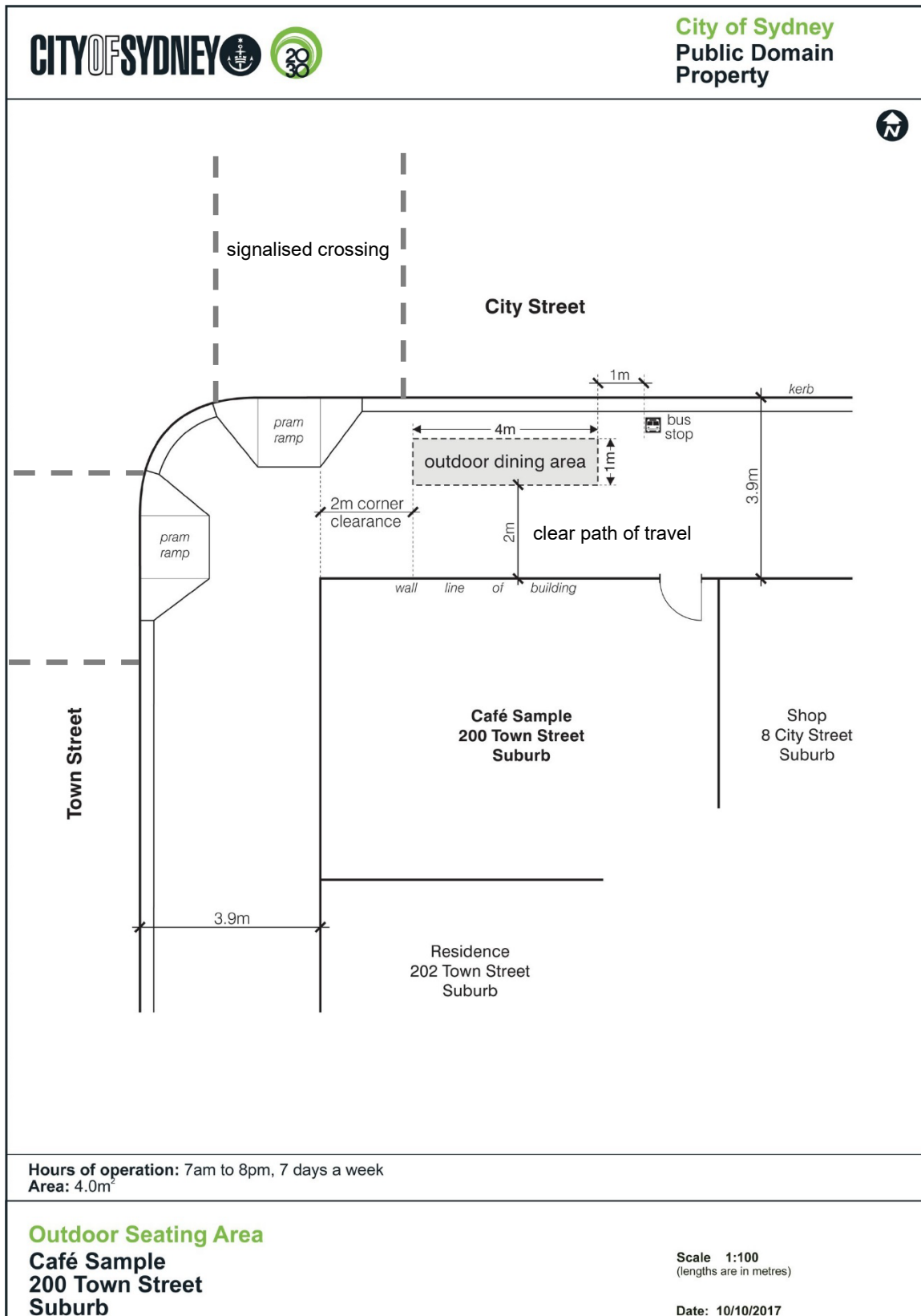


Figure 2 A typical outdoor dining plan



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:~~

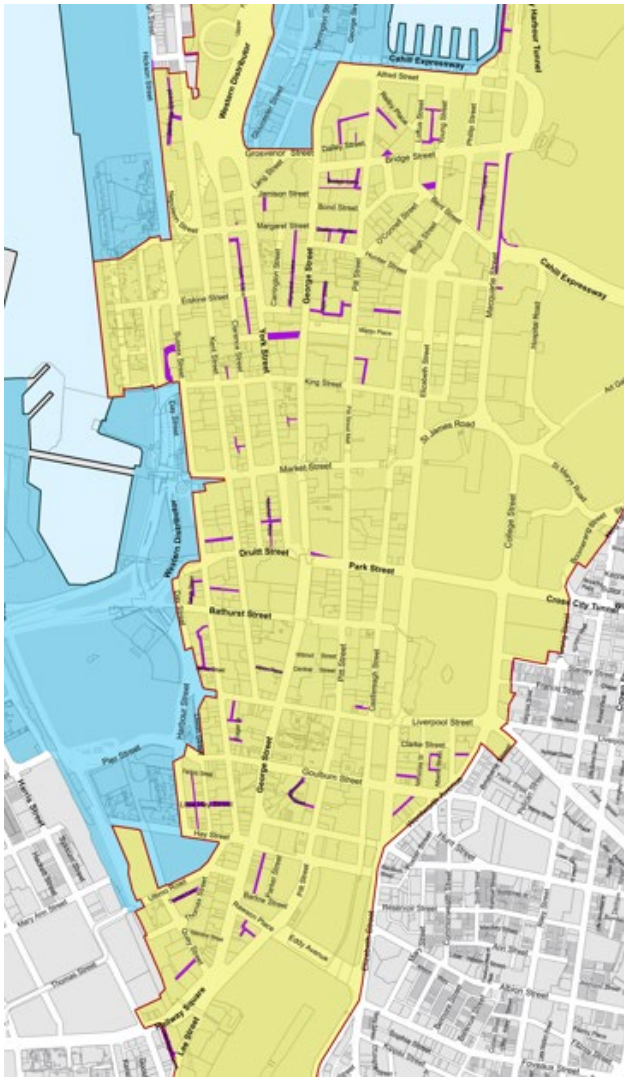
- ***3.0 metres for City Centre and Gateway streets (as shown in Sydney Streets Code map – Appendix 2)***
- ***2.0 metres for *high* streets (Village Main Streets as shown on Sydney Streets Code map – Appendix 2)***

- ***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.



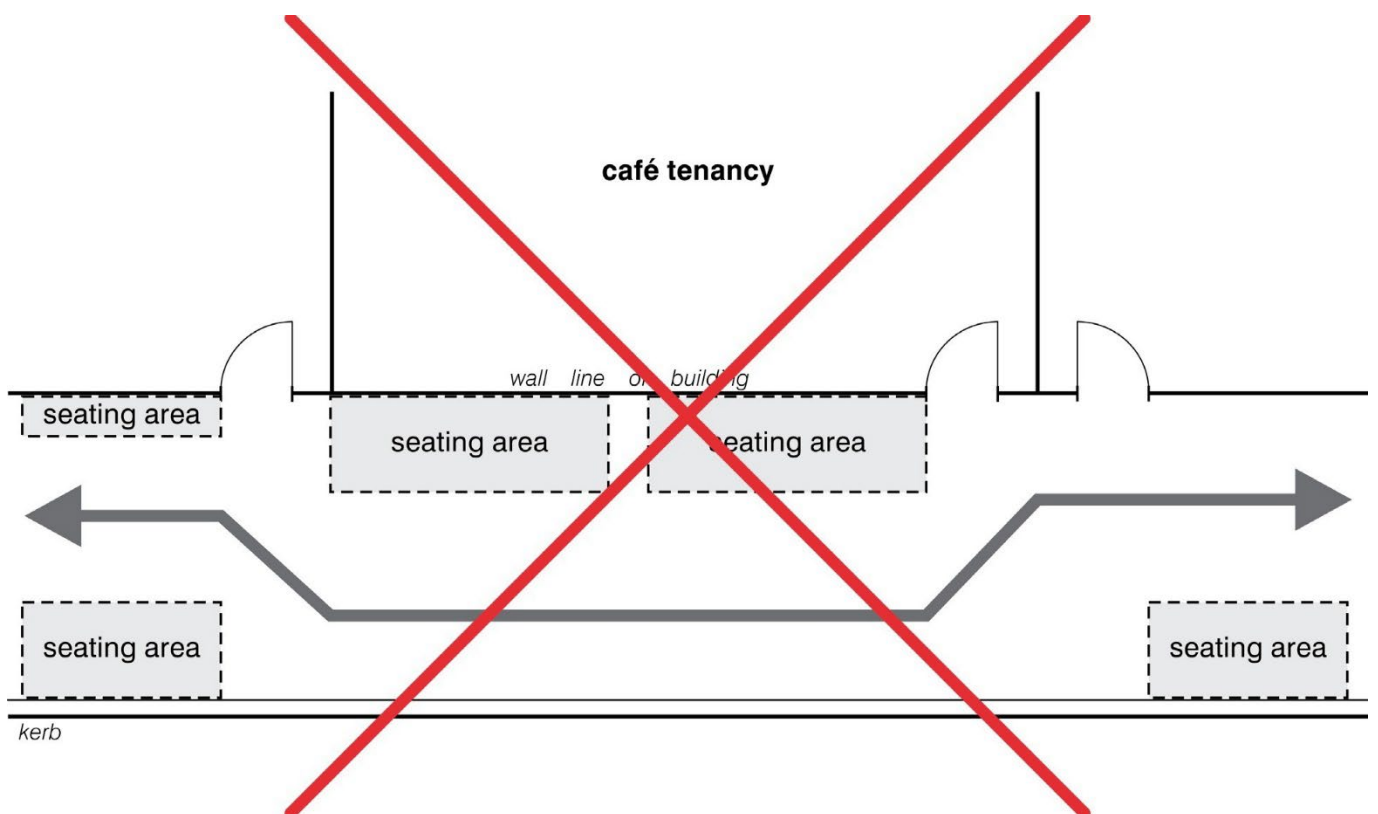
Figure 5 This clear path of travel is continuous, allows for two sided dining and is positioned by existing obstructions.



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**

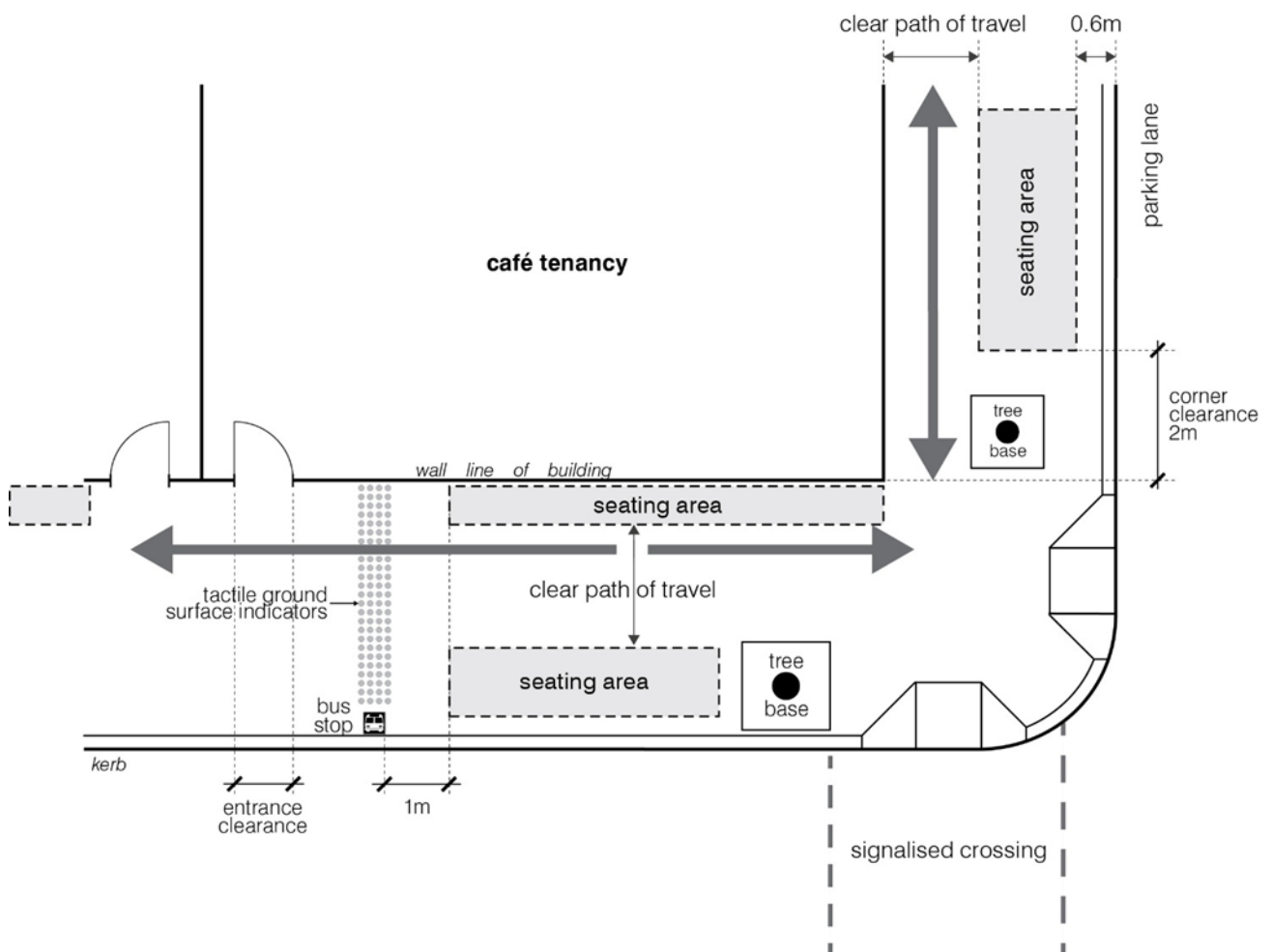
- *If the adjacent premises become a food and drink premises, reconsideration will be given to approval to occupy the additional area.*

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



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.***

Outdoor Dining Guidelines

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

Stanley Street	Riley Street to Crown Street	Planned*
Erskineville Road	Railway Parade to Rochford Street	Future *

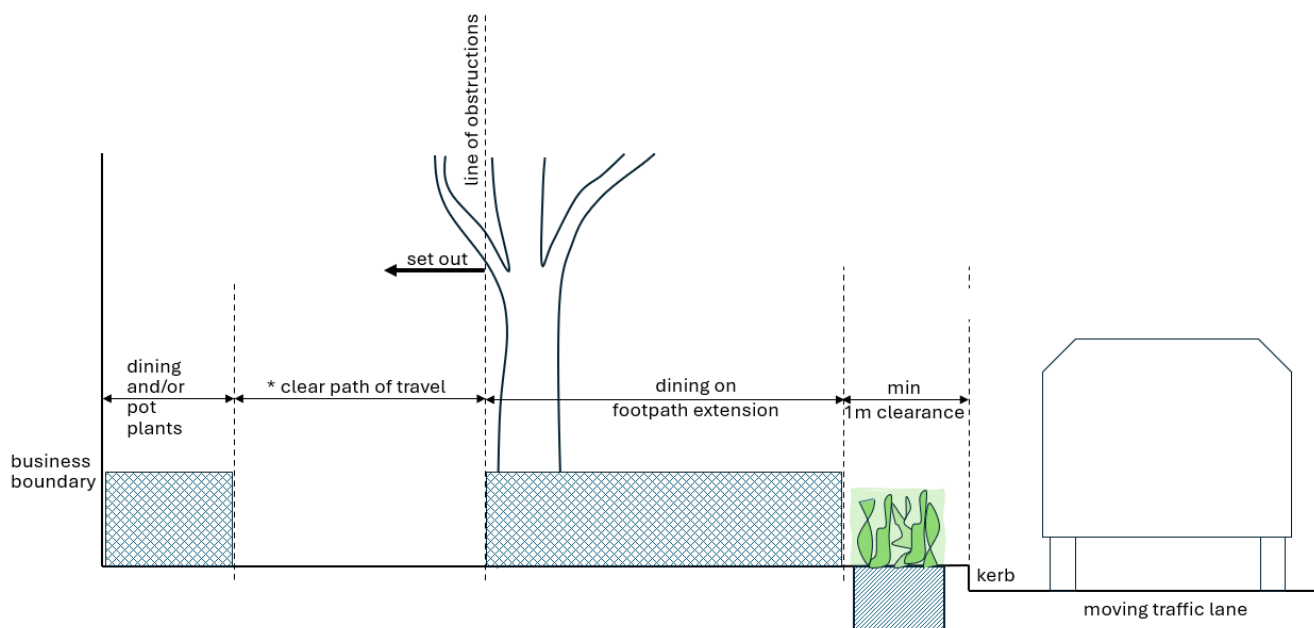
Table 1 Streets subject to master planned public domain upgrades.

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

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.

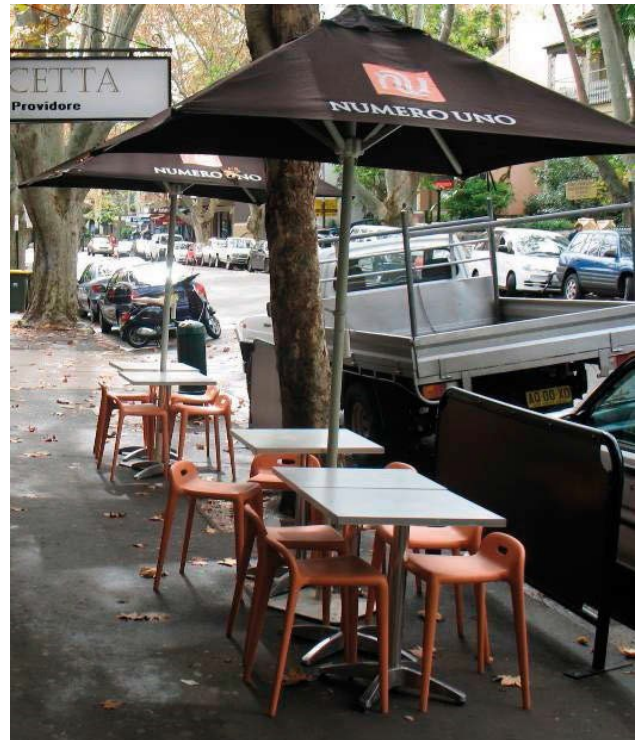
6.7 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier.

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~~ **11** 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.~~

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.

Hours of operation

Provisions

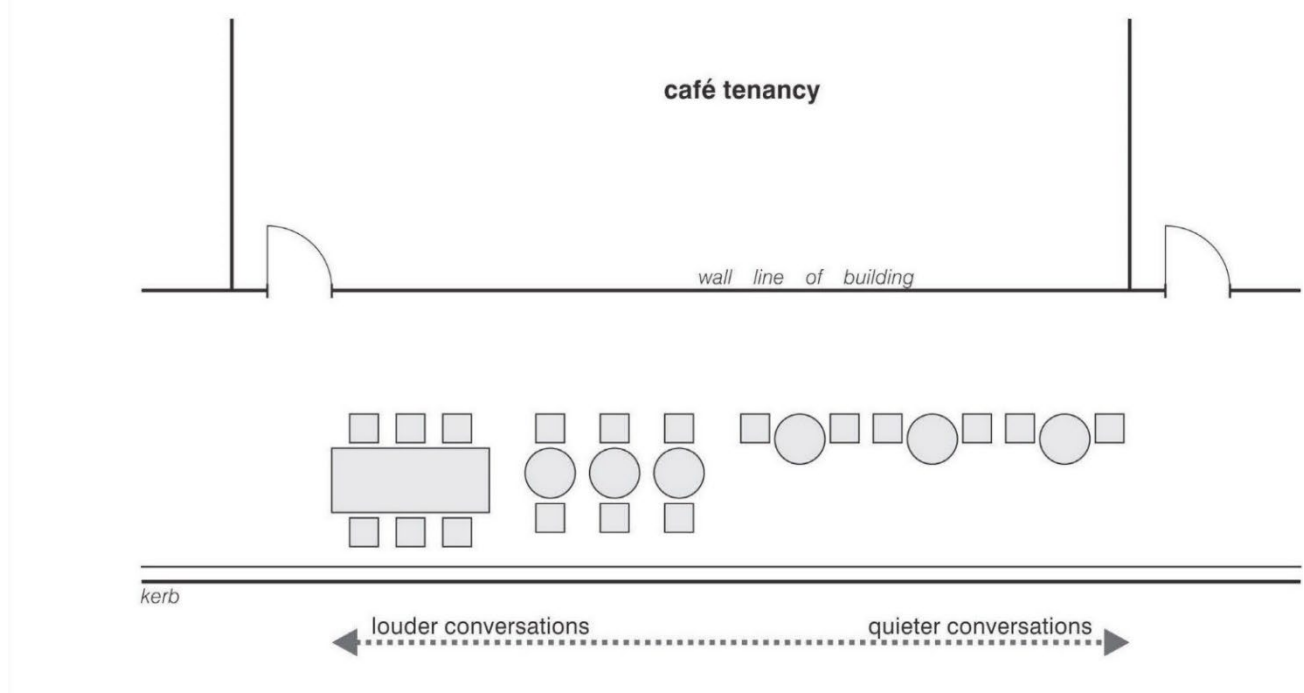
7.1 Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 – Section 3.15 Late Night Trading Management.

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:

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.

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.

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.

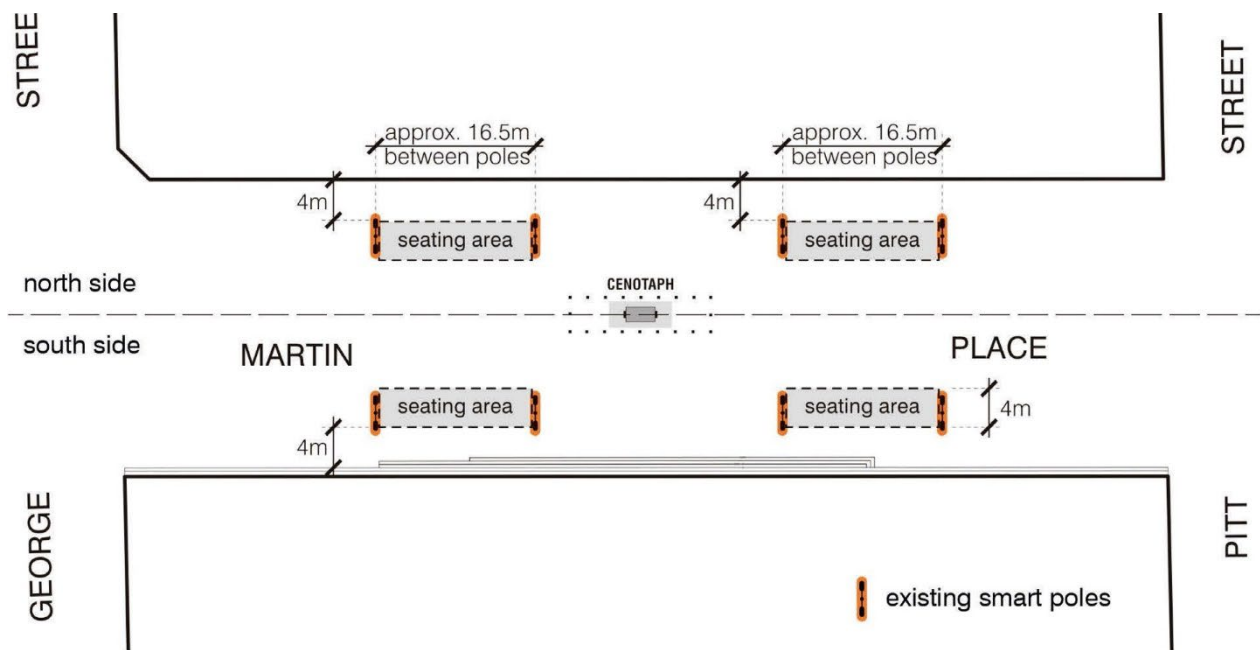
9.3 The applicant is to prepare a Plan of Management to detail measures to be implemented to:

- 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

9.245 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 146 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 124.

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

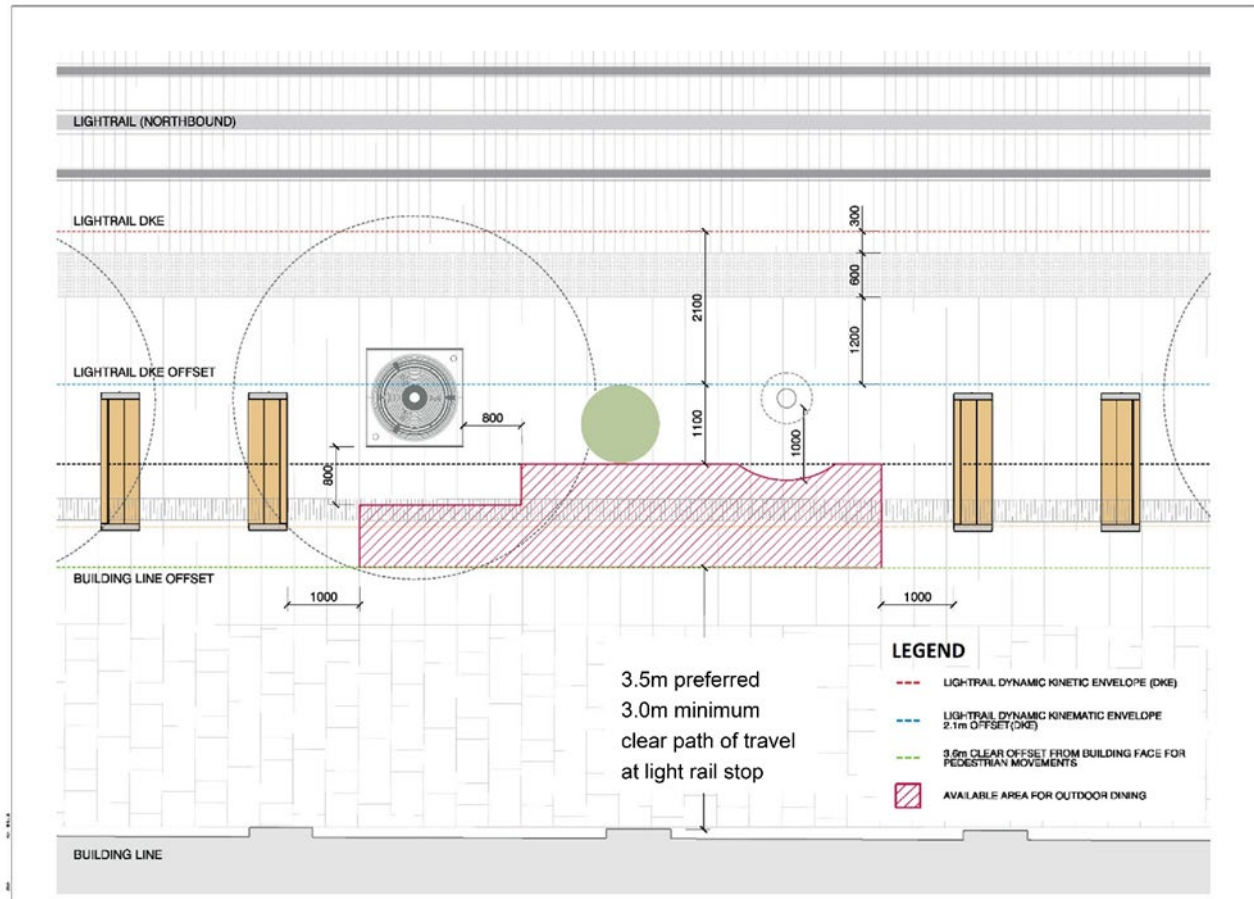
9.30 Barriers, **including rope dividers and signage panels**, which enclose the outdoor dining area, or which separate it from the pedestrian ~~footway~~ **footpath**, are generally not permitted.

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



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

