

Relevant Information for Council

FILE: X127800 **DATE:** 18 September 2026

TO: Lord Mayor and Councillors

FROM: Graham Jahn AM, Chief Planner / Executive Director City Planning, Development and Transport

THROUGH: Emma Rigney, Acting Chief Executive Officer

SUBJECT: Information Relevant To Item 9.3 – Post Exhibition - Outdoor Dining Guidelines, Outdoor Dining Policy Review and Permanent Footpath Extensions

For Noting

This memo is for the information of the Lord Mayor and Councillors.

Purpose

To provide additional information in relation to outdoor dining and permanent footpath extensions for the consideration of Council.

Background

At the meeting of the Transport, Heritage and Planning Committee on 14 September 2026, further information was sought on the following:

Clarification of categorisations of footpaths used

In their written submission and at Committee, WalkSydney referred to footpath categories in the Transport for NSW Walking Space Guide which seeks to establish a measure of 'sufficient walking space' on footpaths across all of Sydney.

The Walking Space Guide categorises footpaths primarily based on peak-hour pedestrian volumes, established ideally through direct measurement and ranging from Type 1 (local footpath, low activity) through to Type 5 (main street, very high activity). It then ascribes a 'Level of Service' based on the width of the clear path reserved for pedestrian movement only, with 'A' being highest and 'F' lowest.

The City's categorisation of streets is in the Sydney Streets Code. The Code serves a much broader functional purpose and are known as 'streetscape context areas'. They are not directly comparable to the Walking Space Guide categories. The City's categories are City Centre and Gateway; Main Street (Village Main; Connecting Main; or Neighbourhood Hub); Local streets; and Laneways.

These categories speak not just to anticipated pedestrian volumes and the width of the clear path for pedestrians, but also to the intended function of the street, the range of uses expected, the materials palette to be used, and design responses to be deployed. It reflects the holistic approach the City takes to the planning, design and maintenance of streets as a public asset specific to our area.

Priority footpath extensions for sites that don't have gaming machines

Outdoor dining adds vibrancy to our public domain, and provides more interesting destinations that attract residents, workers, and visitors. While initially a measure to help hospitality venues recover from the pandemic, outdoor dining has moved beyond simply benefitting businesses and has now become an essential part of the City's culture and street life. The City's outdoor dining program contributes to the vibrancy and safety of our high streets and neighbourhoods, and the permanent footpath extensions should be rolled out as efficiently and cost-effectively as possible.

The implementation plan for permanent footpath extensions at Attachment C to the subject report, sets out the approach for sequencing of the footpath extension roll-out to optimise operational efficiency and minimise disruption to business and the community.

It includes coordinating delivery with other planned public works and village delivery plans, consolidating adjacent sites and managing construction fatigue in neighbourhoods. The implementation plan establishes 3 categories based on increasing complexity in design and delivery, with the more complex Category 3 sites to be delivered towards the end of the program.

Prioritising existing venues for footpath extensions over venues that have gaming machines in theory could be done for example, by leaving all venues with gaming machines to the end of the program. .

While we could prioritise venues without gaming machines it would inevitably lead to operational inefficiency in delivering the program, a likely increase in costs to Council and an increase in business and community disruption for the program as we leave an area unfinished and come back again at the end of the program.

For example, where 2 venues without gaming machines are either side of a venue with gaming machines, this would require 2 separate construction periods and crew mobilisations, increasing disruption and costs whilst reducing program efficiency. It is also noted that the outdoor dining would remain available to the venue with gaming machines until such time as the extension is constructed. Consideration could be given to holding off on isolated venues with gaming machines when the implementation plan is rolled out.

Staff do not recommend leaving venues with gaming machines to the end of the program, as there is little to no benefit given that the venues with gaming machines continue to trade on street with concrete barriers, undisrupted.

Clarification of approvals required for licenced outdoor areas without furniture

The Guidelines allow an outdoor dining area without furniture. To use an outdoor area as part of licensed food and drink premises that serves alcohol, the outdoor area must be identified and included on the liquor license for that premises. In the case of road reserves (in difference to a parks, plazas or places that are not a road reserve), under the *Roads Act 1993*, the consumption of food and drink will also require an approval to cover part of the footpath or roadway as part of the premises licensed area.

To run a business which involves the standing consumption of alcohol on public land that is not a road reserve, a liquor licence area needs to be defined by an outline called the Proposed Licensed Area. This area must be consistent with an approval issued by Council such as an outdoor dining approval or a Development Approval or Complying Development Certificate.

To run a business which involves the standing consumption of alcohol on public land that is a road reserve requires a liquor licence and a *Roads Act 1993* approval which Council covers off with an outdoor dining approval. For a classified road, it also needs Transport for NSW concurrence.

Generally, Council is the authority for most but not all road reserves. An application under the *Roads Act 1993* would be assessed against the outdoor dining guidelines.

Council do not consider loose furniture in approvals, other than suggested layouts to operators to better manage sound generation (in 07 Neighbourhood Amenity) and furniture selection in 'special areas' such as Martin Place and George Street (in 09 Special Areas).

To summarise, the *Roads Act 1993* applies but no longer requires patrons to be seated in an outdoor area; an outdoor dining approval is also a *Roads Act 1993* approval under section 125; licenced areas on road reserves require an outdoor dining approval; and Council does not require furniture with an outdoor dining approval.

Consideration of flexibility regarding more structural covers for large outdoor dining spaces

One of the principles the City applies when allowing business use of public space is that where possible it should be 'light touch' and avoid the perception that the public space is exclusively for private use.

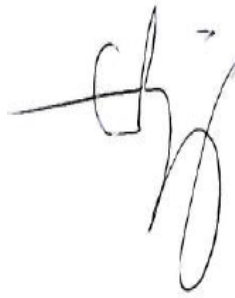
Gazebos require substantially more structural support than umbrellas and create a much more significant 'enclosing' effect. The structural posts at the corners take up more of the footpath footprint and so are more disruptive for pedestrian movement, and the enclosure effect can create a strong perception that the space is exclusively for business use.

The Outdoor Dining Guidelines already allow for weather protection (rain and sun but not wind) in the form of umbrellas and many venues operate under the protection of substantial fixed or retractable awnings attached to the buildings.

Memo from Graham Jahn AM, Chief Planner / Executive Director City Planning, Development and Transport

Prepared by: David Fitzpatrick, Senior Planner

Approved

A handwritten signature in black ink, appearing to be 'ER', with a large loop at the bottom.

EMMA RIGNEY

Acting Chief Executive Officer