

OUTDOOR DINING POLICY

August 2024

PREPARED BY:

TRAFFIC AND PUBLIC DOMAIN SERVICES UNIT



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SUTHERLAND SHIRE

OUTDOOR DINING POLICY

1. PURPOSE

The purpose of the Policy is to support Council's vision for a vibrant community by providing a framework under which Council will issue approvals for outdoor dining and to make it easy for restaurants to expand their existing dining activities outdoors onto the public footpath or within a public space or park adjoining an existing business where it is safe and appropriate.

Sutherland Shire Council encourages the use of public places for outdoor dining as a means of stimulating business growth and to create vibrant local communities that enhance the amenity of public spaces and promotes social activity. A well-managed footway promotes both equitable access and supports local business by creating places and streets that are amenable and attractive to all visitors.

2. APPLICATION

The policy applies to public space within the Sutherland Shire Council Local Government Area that is:

- roadway
- community land

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Safe pedestrian access

Outdoor dining areas must be located to facilitate an equitable and safe thoroughfare for all users of the street or public domain.

3.3 Design and Functionality

The design of the outdoor dining space, furniture, fixtures and day-to-day requirements must facilitate improvement to the local character, street vitality, amenity and economic viability.

3.4 Neighbourhood amenity

Outdoor dining activities must avoid nuisance, endangerment or inconvenience so that residents can continue to enjoy the amenity of their neighbourhood.

3.5 Legal and Compliant

Approved outdoor dining areas must comply with relevant legislation, development consents, Council's Policies and Plans of Management and insurance requirements.

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4. RESPONSIBILITIES

Responsible Officer

The Manager Traffic and Public Domain Services is responsible for this policy.

Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this policy.

Directors

Directors are responsible for ensuring their directorate adheres to the requirements of this policy and provide guidance within their directorate and the organisation. Directors may amend Schedule A and B.

Employees

Employees must adhere to the requirements of this policy and operate within its authorities.

5. POLICY COMPLIANCE

The Senior Manager Property and Commercial with Manager Traffic and Public Domain will monitor, review and report on the effectiveness of the Policy. Council's Public Safety and Lifeguards unit will enforce compliance with the policy by members of the public.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director, via the Senior Manager Property and Commercial where appropriate.

8. RELATED DOCUMENTS

- Public Place Design Manual (PPDM)
- Plan of Management (Parks)
- Plan of Management (General)
- Compliance & Enforcement Policy
- Asset Management Policy

OUTDOOR DINING POLICY

9. RELEVANT LEGISLATION AND REGULATIONS

- *Local Government Act 1993, Section 68 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Roads Act 1993 Section 68*
- *Crown Land Management Act 2016 (Crown Land)*
- *State Environmental Planning Policy 2008*
- *Environmental Planning and Assessment Act 1979*
- *Australian Standards 2009*
- *Australia and New Zealand Food Standards Code 3.2.2 - Food Safety Practices and General Requirements.*

10. DEFINITION OF TERMS

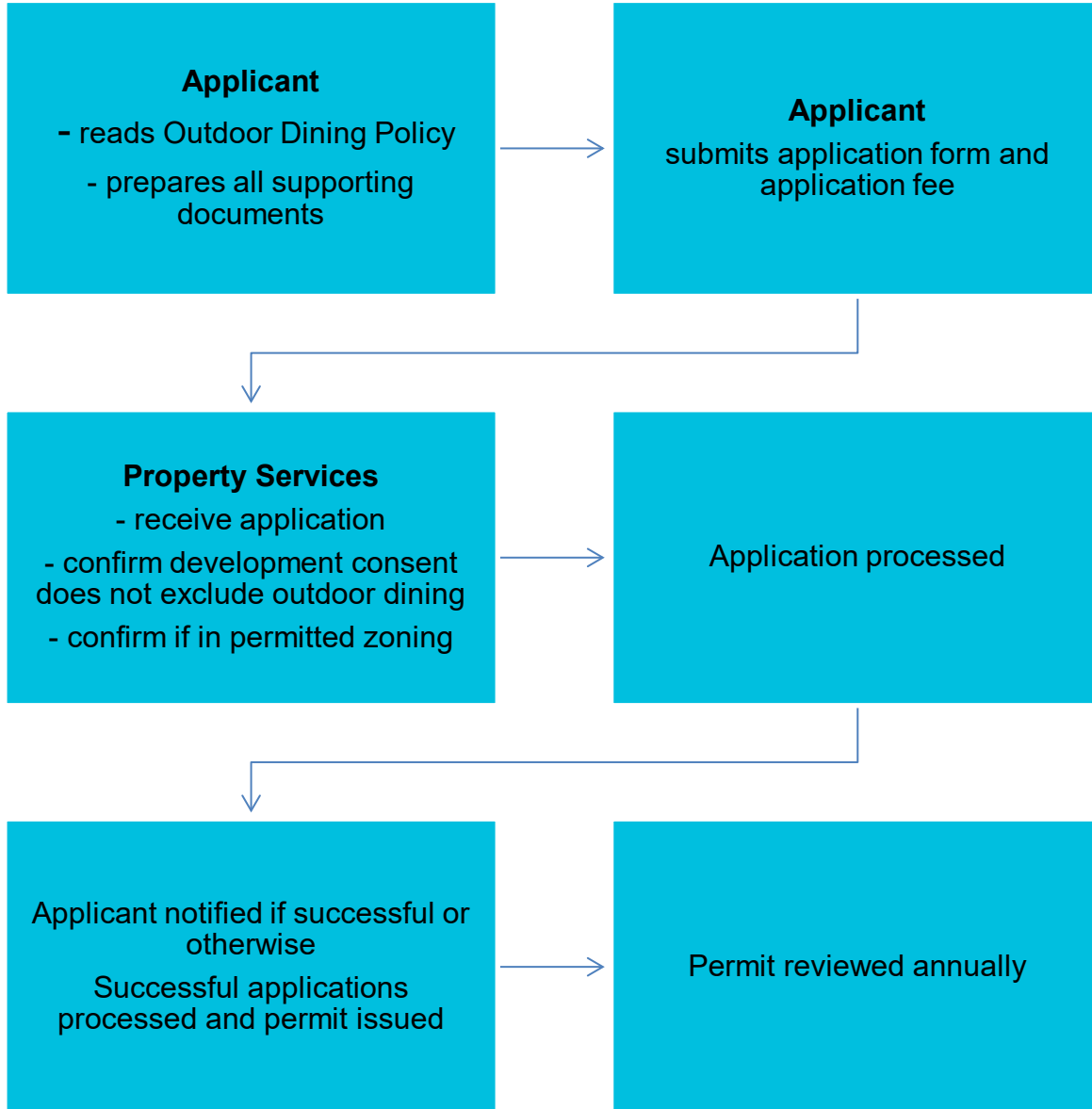
Term	Meaning
Outdoor dining	Dining (seated at tables) on the public footway or on public land associated with an approved food business.
Outdoor dining permit	An approval issued by Council (under s125 of the <i>Roads Act 1993</i> and s68 of the <i>Local Government Act 1993</i>) authorising outdoor dining in a particular area.
Food business	Premises (defined as a restaurant in the <i>Roads Act 1993</i> , such as restaurants, cafes, pubs and take away food and drink premises) where food is regularly on sale to the public for consumption at indoor seating on the premises.
Footway	As defined in the <i>Roads Act 1993</i> : that part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).

End of Document

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Document Name: Outdoor Dining Policy		Policy Accountability: Manager Traffic & Public Domain Services	
Version: 2.0	Approved by: Council	Minute No: 196	Date approved: 12 August 2024
Original: March 2022	Last Revision: August 2024	Next Revision: March 2026	

SCHEDULE TO OUTDOOR DINING POLICY

SCHEDULE A – Application Workflow



End of Document

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SCHEDULE B – Outdoor Dining Standards

1. INTRODUCTION

These standards apply to all businesses operating food and drink premises, wishing to operate outdoor dining in association with that purpose, in the Sutherland Shire Local Government Area. These standards are to be read in conjunction with Council's Outdoor Dining Policy.

2. PURPOSE

These standards set out the circumstances and conditions under which Council will issue approvals for outdoor dining on a public footway and other similar places in the Public Domain and summarise businesses' responsibilities when using the Public Domain, including a public footway, to operate outdoor dining.

3. KEY TERMS

Applicant

The business, company, or person operating a food and drink premises applying for an Outdoor Dining Approval. (Non-transferrable).

Approval

An approval granted by Council under Section 125 of the Roads Act 1993; or an approval granted by Council under Section 68 of the Local Government Act 1993; or any other valid written agreement entered with Council for an Outdoor Dining Area.

Approval Fee

The fee payable under the conditions of Approval in accordance with Council's Fees and Charges.

Approval Holder

The business, company, or person to which an approval has been granted.

Clear Path of Travel

The area of the footway maintained for safe and equitable pedestrian circulation that 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:

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 a disability.

SCHEDULE TO OUTDOOR DINING POLICY

Exempt Development

Development that does not need development consent under the Environmental Planning and Assessment Act 1979, but which may still need some other approval.

At the time of adoption, the State environmental Planning Policy (Exempt and Complying Codes) 2008 Subdivision 20A _Footpaths – Outdoor dining makes footway dining exempt development if it is:

- 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 set by the Development Approval, and
- b) carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.
- c) Not be under an awning, unless the awning complies with the Building Code of Australia requirements as set out in BP1.1 and BP1.2 of Volume 1 of the Code.

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) restaurant or café
- b) take-away food and drink premises
- c) pub
- d) small bar

Outdoor Dining

Dining (seated at tables) on the public footpath or on public land associated with an approved food business.

Public Footpath

That part of the 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.

Public Domain

Includes roads, laneways, malls, squares, plazas, parks, reserves, and car parks owned and operated by Sutherland Shire Council.

Road Space

Any part of the road that is for the movement or parking of vehicles, unless otherwise converted to an outdoor dining area.

SCHEDULE TO OUTDOOR DINING POLICY

4. APPROVALS

4.1 Eligibility

To be eligible for an outdoor dining permit your business must operate in conjunction with an approved food or drinks premises including hours of operation and meet all permit requirements outlined in these standards.

The outdoor dining area must not obstruct pedestrian movement, the function of the public domain, access to buildings or maintenance operations. The approved layout is site dependant with minimum clearances specified under Section 6.3 of this Schedule B of the Outdoor Dining Policy.

4.2 Legislation

These standards have been developed under the following legislation:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Subdivision 20A Footpaths – Outdoor Dining.
- Sections 125 and 126 of the Roads Act 1993.
- Local Government Act 1993, Section 68 (NSW).
- Environmental Planning and Assessment Act 1979.
- Sutherland Shire Council Local Environmental Plan 2015.
- Disability Discrimination Act 1992.
- Smoke-free Environment Act 2000.
- Council's Compliance and Enforcement Policy
- Council's Asset Management Policy
- Crown Land Management Act 2016
- NSW Vibrancy Reforms 2024

4.3 Standards

The following standards have been used in the development of this document:

- Disability (Access to Premises Buildings) Standards 2010;
- AS1428.1 and AS1428.2 Design for access and mobility.
- AS/NZS 2890.6 Off-Street parking for people with disabilities.
- AS1742.10 Pedestrian control and Protection.

SCHEDULE TO OUTDOOR DINING POLICY

4.4 What Approvals Are Needed

Planning Approval

Outdoor dining on the footpath to the front of a food and drink premises such as cafes, restaurants, pubs and small bars can be considered exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

This means food and drink businesses can apply to council to use the footpath and serve diners outside without needing a separate development application.

Outdoor dining on Crown Land requires approval under the Crown Land Management Act 2016 and the Environmental Planning and Assessment Act 1979 via a development application.

Outdoor dining that is located on Council owned land requires approval under the Environmental Planning and Assessment Act 1979 via a development application.

Permission to use the land

All outdoor dining on public roads, Council owned or Crown Land requires council approval to occupy. This approval is sought through the completion of an Outdoor Dining Application form. This form is available on Council's website (www.sutherlandshire.nsw.gov.au). All applications are to be accompanied by payment of the prescribed application fee (as per Council's adopted Fees and Charges Policy) and all relevant documentation.

Council will issue permits approved under the Local Government Act or Roads Act.

Application documentation required includes:

- Completed application form.
- Site plan with written description of the outdoor dining area showing the size and location of the proposed area, at a scale of 1:100. This must include the configuration of the outdoor dining furniture, setback dimensions boundaries of the proposed seating area, location of all doorways/service openings, any existing features or permanent fixtures and adjoining tenancies.
- An emergency contact number.
- A Public Liability Insurance Policy for the term of the approval.

Any dining that is permitted under a development consent is subject to the conditions of that Development Consent. In the event of any inconsistencies the Development Consent will prevail.

If you are not sure which approvals you require, please contact Council's Property Team before submitting your application.

SCHEDULE TO OUTDOOR DINING POLICY

4.5 Fees

Fees are set by Council each year as part of its Schedule of Fees and Charges. Council's fees and charges document is available on the website (www.sutherlandshire.nsw.gov.au). Approval holders may also enquire at Council's customer service desk as to current fees applicable.

Fees are calculated on a square metre basis and are non-refundable.

Identified Precinct Zones will incur additional fees.

All businesses will pay a refundable security deposit equal to 3 months' rental.

4.6 Adjoining Landowners Consent

Consultation on some outdoor dining applications can help identify problems that could arise during operations. This mainly relates to outdoor dining areas that encroach on the frontages of adjoining properties ONLY with the applicant to obtain the consent of the adjoining premises.

Consultation with adjoining owners is advised to be undertaken by the applicant, and feedback provided as part of their assessment. As Council is the road Authority in the Public Road Reserve the council will make the final assessment considering these factors.

4.7 The Outdoor Dining Permit

When Council grants an approval to an application, written notification will be issued to the approval holder outlining the conditions of approval. The approval holder is then required to provide a copy of their Public Liability Insurance and pay the appropriate fees and bond to Council.

Businesses are required to display their approved site plan that is provided by Council.

No guarantee is given to continuing the outdoor dining permit with a change in management of the business.

Approvals are issued for up to a 12-month period. Renewals are sent at the end of each financial year.

4.8 Compliance

Prior to the opening of the outdoor dining area, a laminated copy of the agreement must be prominently displayed in the front window of the restaurant/café, together with a site plan of the approved layout showing the number of tables and chairs.

Random Compliance checks will be carried out to ensure businesses are:

- Keeping all outdoor furniture within the nominated site area and meeting the location requirements of their approval.

SCHEDULE TO OUTDOOR DINING POLICY

- Managing the flow of customers, staff and the general public to ensure there are no obstructions of the footway or roadway.
- Fulfilling the requirements of the permit and ensuring the outdoor dining area makes a positive contribution to the amenity of the surrounding area.
- Maintaining outdoor dining furniture to ensure it is in safe working order, including chairs, tables, umbrellas, barriers, and heating.
- Maintaining a current public liability policy.

Authorised Council officers may order the removal of any items on the footpath that are not part of the outdoor dining permit, or otherwise permitted under another approval or policy of Council.

4.9 Operating Without Approval

The use of an outdoor dining area without approval, or not in accordance with an approval is an offence and may result in the issue of an infringement notice or other regulatory action.

4.10 Required Operating Processes

- Applicants for Outdoor Dining must adhere to Council's outdoor dining policy and procedure in accordance with legislation and standards applicable to the outdoor dining permit.
- Appropriate licences in accordance with Liquor and Gaming NSW must be held by the Approval Holder when alcohol is to be served.
- Council encourages Table service in Outdoor dining areas and service must be in accordance with the requirements of the Liquor Licence.
- All waste must be cleared from the Outdoor Dining Area by the Approval Holder and cannot be swept into public property such as gutters, drains and garden beds.
- The use of public bins, within the Road Reserve is prohibited for disposing of waste from diners.
- The use of disposable / single-use tableware for sit-in dining is not permitted.
- Ensure the dining area does not intrude or impact on the amenity of neighbouring shops or surrounding street activities.
- Monitor and manage the behaviour of patrons.
- Ensure that staff practise responsible service of alcohol.
- Monitor noise and disturbances to adjoining premises.
- Minimise the potential for personal injury.
- Ensure patrons keep furniture within the boundaries of the approved seating area and the designated pedestrian zone is always clear of all obstacles.
- All food and drink are prepared within the approved restaurant / café and not in the area agreed for outdoor dining.

SCHEDULE TO OUTDOOR DINING POLICY

- Maintain that the hours of operation are consistent with the associated restaurant / café.
- Remove all tables and chairs and other features (heating devices / menu boards etc.) from the footpath and ensure they are stored within the building outside business operation hours.

4.11 Bad Weather

Council will not compensate permit holders in instances where an outdoor dining area cannot be used due to bad weather.

Businesses are not permitted to move the outdoor dining furniture out of an approved outdoor dining area into another area during bad weather. This is to ensure that pedestrian access and safety is always maintained on the footway.

Council officers may direct the closing or removal of umbrellas during periods of high wind.

4.12 Failing to Remove and Reinstall

If the permit holder fails to remove furniture and/or reinstall the footpath to its original condition within 14 days from the date of expiration or cancellation of the outdoor dining permit, Council may carry out the works at the permit holder's expense.

If the permit holder fails to remove furniture or other property from the outdoor dining area following the expiration or cancellation of their permit, Council may remove and dispose of such property, at its discretion, if not claimed within 28 days of notification.

5. LOCATION OF OUTDOOR DINING AREA

Outdoor dining areas on road space should be adjacent to the premises, including the kerbside adjacent to the front, rear, and side boundaries.

In some circumstances, extending in front of an adjacent premises is acceptable if:

- a) The applying premises does not have the opportunity for outdoor dining directly in front of their premises.
- b) The proposed outdoor dining area is viewable from within the premises and can be effectively managed.
- c) The adjoining premises has opted not to apply for outdoor dining on the road space and consent from these businesses is supplied by the applicant.

The location must maintain safety and circulation on public footpaths, by keeping outdoor dining areas clear of trees, bus stops and service items such as parking meters, fire hydrants, drains and the like.

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6. ACCESSIBILITY AND SAFETY

6.1 Relevant Legislation and Regulations

Council's consideration to be given to include the following:

- Disability Discrimination Act 1992
- Disability (Access to Premises Buildings) Standards 2010
- AS1428.1 and AS1428.2 Design for access and mobility
- AS/NZS 2890.6 Off-Street parking for people with disabilities
- AS1742.10 Pedestrian control and Protection

6.2 Clear path of travel

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

In some places, the footpath may be too narrow or too busy to support a business use and provide a clear path of travel required by these standards. Sutherland Shire Council requires a minimum footpath width of 3.4m to consider an outdoor dining permit.

The outdoor dining area:

- Does not restrict lines of sight for motorists and pedestrians.
- Does not obstruct designated fire exits, fire hydrants or emergency access routes.
- Ensures a clear path of travel is to be maintained on all public footpaths before other uses are considered.
- Ensures that the location of the clear path of travel is to be consistent and predictable for each street block.
- Ensures clear path of travel of a minimum 1.8m must be maintained at all times.

Businesses may be required to submit a road safety risk assessment by a certified road safety auditor to ensure the safety of patrons using the Outdoor Dining Area.

In the event of any incidents or injury, the details of the incident including time, place, witnesses, injuries, causes and action taken must be recorded, preferably supported by photographic evidence. Council may request a report if notified of an incident occurring.

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6.3 Minimum Clearances

Table 1: Minimum circulation space		Min. width	Min. length	Min. area
2-person table and 2 chairs		1m	2m	2m ²
3-person table and 3 chairs		1.5m	2m	3m ²
4-person table and 4 chairs		2m	2m	4m ²
Table 2: Minimum footway width for outdoor dining (building shoreline to face of the kerb)				
Minimum footway width			3.4m	
Table 3: Minimum pedestrian clearances from outdoor dining area				
Footway width			Pedestrian clearance	
Less than 4 metres			1.8 metres	
Between 4 and 6 metres			2 metres	
Above 6 metres			3 metres	
Table 4: Minimum clearances from existing street infrastructure				
Tree, public seat, phone box, essential service, rubbish bin, other similar objects			0.5 metres	
Fire hydrant, emergency exit door, bicycle rack, post box			1 metre	
Bus stop/ zone, taxi stand			1.5 metres	
Table 5: Minimum distance from the face of the kerb				
When next to normal parking conditions, or next to traffic moving at 20km/hour or less			0.6 metres	
When next to a loading zone			0.9 metres	
When next to an accessible parking bay			1.6 metres	
When next to an RMS classified road, or traffic moving at 20km/hour or more			2 metres	
When next to an emergency vehicle bay			2.5 metres	
Table 6: Maintaining line of sight at intersections (minimum setback)				
Minimum distance from the building corner at an intersection			2 metres	
Table 7: Minimum pedestrian crossing clearances (minimum setback)				
Adjacent to a pedestrian crossing			2 metres from the face of the kerb	
Within 7.5m of an approach to a marked pedestrian crossing (including zebra crossings and pedestrian refuges)			2 metres from the crossing point	
Within 2m of an approach to a signalised pedestrian crossing			2 metres from the crossing point	

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7. OUTDOOR DINING FURNITURE

7.1 Tables and Chairs

- Must satisfy relevant Australian Standards.
- Must not damage the footpath or Council property.
- Must be able to be readily removed and stored within the associated premises.
- The use of mismatched tables and chairs is not encouraged. Furniture must be of a similar theme to ensure visual unity and enhancement of the surrounds.

7.2 Umbrellas and Canopies

- Must be no larger than 3.0m x 3.0m, with a minimum height of 2.2m from the ground.
- Must be adequately weighted down and collapsed or removed during windy weather.
- Must not overhang the approved dining area.
- Must not obstruct sight to street signs including regulatory and warning signage.
- Must not be fixed to the building or awning.
- Where there is more than one, a colour theme is encouraged to complement the street scape character.

7.3 Planter Boxes

- Must not exceed 1800mm in length and 900mm in height (including plants).
- Cannot display advertising.

7.4 Café Barriers

- Must be consistent in height between 750 and 900mm.
- Must not have a gap greater than 65mm from the footpath.
- Are required for areas subject to a liquor licence but are otherwise optional.

7.5 Waiter Stations

- Must be a model with wheels attached to enable easy storage.
- Must be of a style that compliments the décor of the outdoor dining area.

7.6 Outdoor Heaters

- Details of type, location and design must be included with the application.
- Must comply with the laws and requirements relating to them (including without limitation AS 4565-2004 Radiant Gas Heaters for outdoor and non-residential use & AS1596:2008 The storage and Handling of LP Gas).
- To prevent injury and ensure safety to patrons, the device must be capable of being turned off automatically if overturned.

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- Be placed clear of all combustible materials in accordance with manufacturer's requirements.
- Access to the gas mains and use of electrical extension cords are not permitted.
- Must be turned off when the outdoor dining area is not in use.
- Be stored safely within the premises when not in use.

7.7 Lighting

Council 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 public and the road users is maintained.
- The amenity or safety of other users in the area is not reduced because 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.
- Compliance with the relevant Australian Standards.

7.8 Signage and Branding

The name, logo and other branding of the food and drink premises or an associated product may be placed on an umbrella or barrier if:

- It is high standard graphic design and have minor impact on public amenity.
- It involves only one product, business name, or product which is a core part of the business and is supplied by the restaurant to the patrons in the outdoor dining area.
- It is a minor and ancillary element of the design, comprising no more than 30% of the surface area and does not have an adverse impact on the appearance of the outdoor dining area or the streetscape.
- No other advertising signage will be permitted.
- A-frame signs, banners sandwich boards will be assessed separately as set out on Council's web page - [A-frame signage | Sutherland Shire Council \(nsw.gov.au\)](https://www.sutherlandshire.nsw.gov.au/infrastructure/signage/)

8. OPERATION OF OUTDOOR DINING AREA

8.1 NSW Vibrancy Reforms

Council is committed to working collaboratively with the State Government to realise the new NSW Vibrancy Reforms that are proposed and acting upon the reforms as they are announced.

Key Areas of Reform

- Sensible venue sound management
- Modern planning and licensing
- Vibrant, coordinated precincts

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- An activated outdoors including dining and street festivals
- Delivering a vision for a 24hour NSW

8.2 Hours of Operation

- The hours of operation for an outdoor dining area cannot exceed the hours permitted under the Development Consent for the operation of the associated business.
- The hours of operation may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or outdoor diners may be adversely affected.
- Businesses have permission to use their outdoor dining area within the hours of their DA conditions, or between 7:00am-10:00pm, whichever is earlier.

8.3 Use of Furniture

Council determines the placement and storage of furniture, as follows:

- No more than the maximum number of tables and chairs specified on the permit can be used in the footpath area.
- Tables and chairs must be set back from existing infrastructure, including street trees, lights, and public furniture. As per Council's Outdoor Dining Policy (Minimum clearances table).
- No furniture is approved on grassed areas or nature strips.
- Tables and chairs must be removed and stored inside the premises outside operating hours.
- The applicant must ensure that adequate storage is provided on the premises for all approved footpath furniture.
- A permit will only be given if the applicant can demonstrate that the furniture will remain securely stacked and the relocation of the outdoor furniture into the premises can be carried out without causing unreasonable noise and disturbance to any nearby residents.
- No fixed tables or chairs may be used in the approved permit area.
- The number of tables and chairs placed within an approved permit area must allow unobstructed access and circulation for patrons and staff.
- Minimum Clearances for outdoor dining must be in accordance with Part 6.3 of this Schedule B to Council's Outdoor Dining Policy.

8.4 Liquor

If the outdoor dining area relates to an existing licenced premises, an application must be made with Liquor and Gaming NSW to change the licensed boundaries to include the outdoor dining area within the overall licensed boundaries.

It is the applicant / licensee's responsibility to hold the appropriate licence to be able to sell and supply liquor in the outdoor dining area as required by Liquor and Gaming NSW.

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If the approved outdoor dining area is located within an Alcohol-Free Zone, the applicant must demonstrate clear delineation and control of the licensed area from the alcohol-free zone.

8.5 Smoke Free Environments

The Smoke-free Environment Act 2000 makes a several outdoor public places smoke-free. Smoking is not permitted in a commercial outdoor dining area, being:

- A seated dining area; or
- Within 4m of a seated dining area on licenced premises, restaurants or cafes.

Customers are to be able to always consume food and drink in the outdoor dining areas. Designated smoking areas are not permitted. Failure to comply with these requirements may lead to the termination of an outdoor dining permit.

8.6 Noise and Music

While premises want to ensure their venue has a vibrant ambience, it is important to make sure that noise is appropriately managed.

- There must not be a nuisance to customers, surrounding businesses, pedestrians, motorists, and residents and complies with relevant noise pollution regulations.
- Entertainment and amplified music are not permitted in outdoor dining areas.
- In designated approved outdoor dining areas, council supports non-amplified live music provided it is carried out between 10:00am – 10:00pm.
- Non amplified music is permitted only in Town Centres – with approval of Council.
- Music that is not amplified is permitted if it does not result in excessive public complaint.

8.7 Maintenance

The approval holder is responsible for cleaning the approved outdoor dining area and ensuring that the area is clean and well maintained in strict compliance with the conditions of approval.

All furniture must always be maintained in a physically sound and aesthetically acceptable condition to Council's satisfaction.

8.8 Waste Management

Dining areas generate a lot of rubbish. Not only does cleanliness help with environmental sustainability, it contributes to the overall aesthetic of a business and an inviting environment is always more likely to attract customers.

Waste and litter are to be well managed by:

- Removing waste promptly from the outdoor dining area.

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- Disposing of any waste properly (public bins are not to be used for the disposal of waste from outdoor dining areas), and
- Not use disposable tableware in the outdoor dining area.

8.9 Public Liability Insurance

The applicant must maintain and bear the cost for a Public Liability Insurance policy for \$20 million. The policy must cover any action that may arise because of the use of the Outdoor Dining Areas. The policy shall indemnify Council against any claim and Sutherland Shire Council must be recognised on the Policy as an 'Interested Party'. The Insurance Policy must clearly show commencement and expiry dates.

If the relevant insurance policy lapses during the 'approved licence period', all items must be removed from the outdoor dining area.

The policy is to be produced to Council when due.

The operator will need to provide Council with a Certificate of Currency:

- With their outdoor dining application, and
- At each annual policy renewal.

8.10 Public Assets

The removal or relocation of any Council Asset such as rubbish bins or existing street furniture is subject to Council approval and will be at the applicant's cost and will only be considered if a justification of public benefit can be made.

The removal of any asset, such as RMS traffic control boxes, Sydney Water drainage / sewerage pits and Telstra telephone boxes, will not be permitted unless justification of public benefit can be made, and approvals obtained from the relevant authorities. Works will be at the applicants cost.

8.11 Animals and Pets

For all food businesses, assistance animals must be allowed in areas open to customers. It is up to the businesses owners discretion if pet dogs that are not an assistance animal are allowed in outdoor dining areas.

Council's Public Safety and Lifeguards unit will enforce compliance of animals and pets in food premises, in accordance with Australia and New Zealand Food Standards Code 3.2.2 - Food Safety Practices and General Requirements.

9. DINING PRECINCTS

Special Dining Precincts have been established by Council to invigorate Public Spaces and establish designated outdoor dining areas to manage the balance for all users of the public domain.

Council will look to transition existing approvals in these zones in consultation with the outdoor Dining Approval Holders to ensure outdoor dining opportunities are maintained and encouraged in these Zones.

This will not impact existing Outdoor Dining Approval holders.

The Dining Precincts are intended to identify special conditions around these Zones to enable a focus on outdoor dining and provide further outdoor dining opportunities for food focused street sections and to provide greater opportunities and range of selection for customers to dine and revitalise.

These dining precincts will enable greater opportunity for the night-time economy providing ambient night-time outdoor dining and encouraging surrounding business to leverage off the visitation.

The proposed Zonings are as follows:

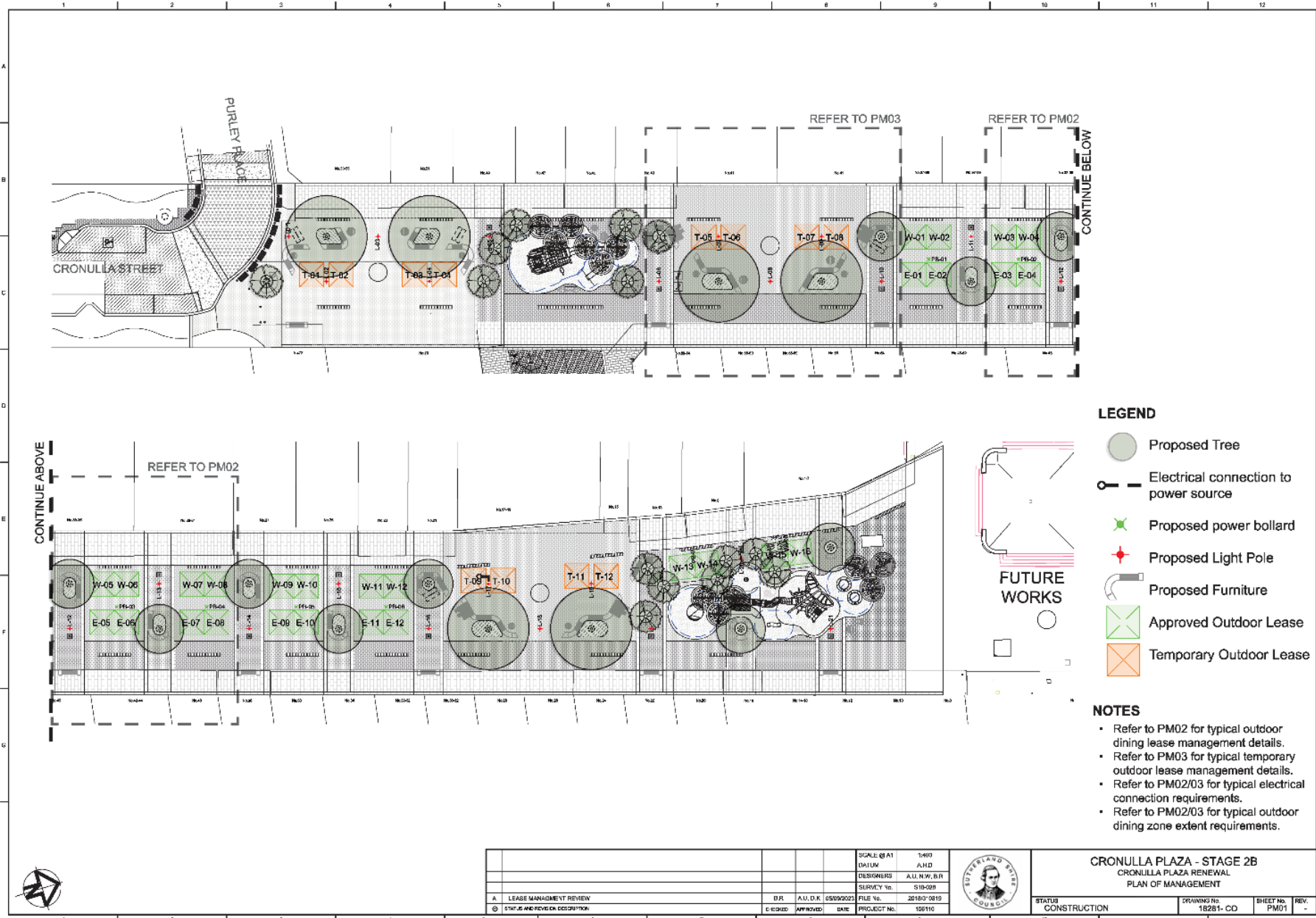
- Zone 1: Cronulla Plaza and Peryman Square; allocated areas within this zone - refer Appendix A
- Zone 2: Cronulla (excl zone 1 areas), Gymea, Menai, Sutherland
- Zone 3: Caringbah, Engadine Jannali, Kirrawee, Miranda
- Zone 4: Bundeena, Heathcote, Sylvania, Sylvania Heights, and other centres.
- Zone 5: Foreshore with water views
- Zone 6: Foreshore without water views

9.1 Cronulla Plaza

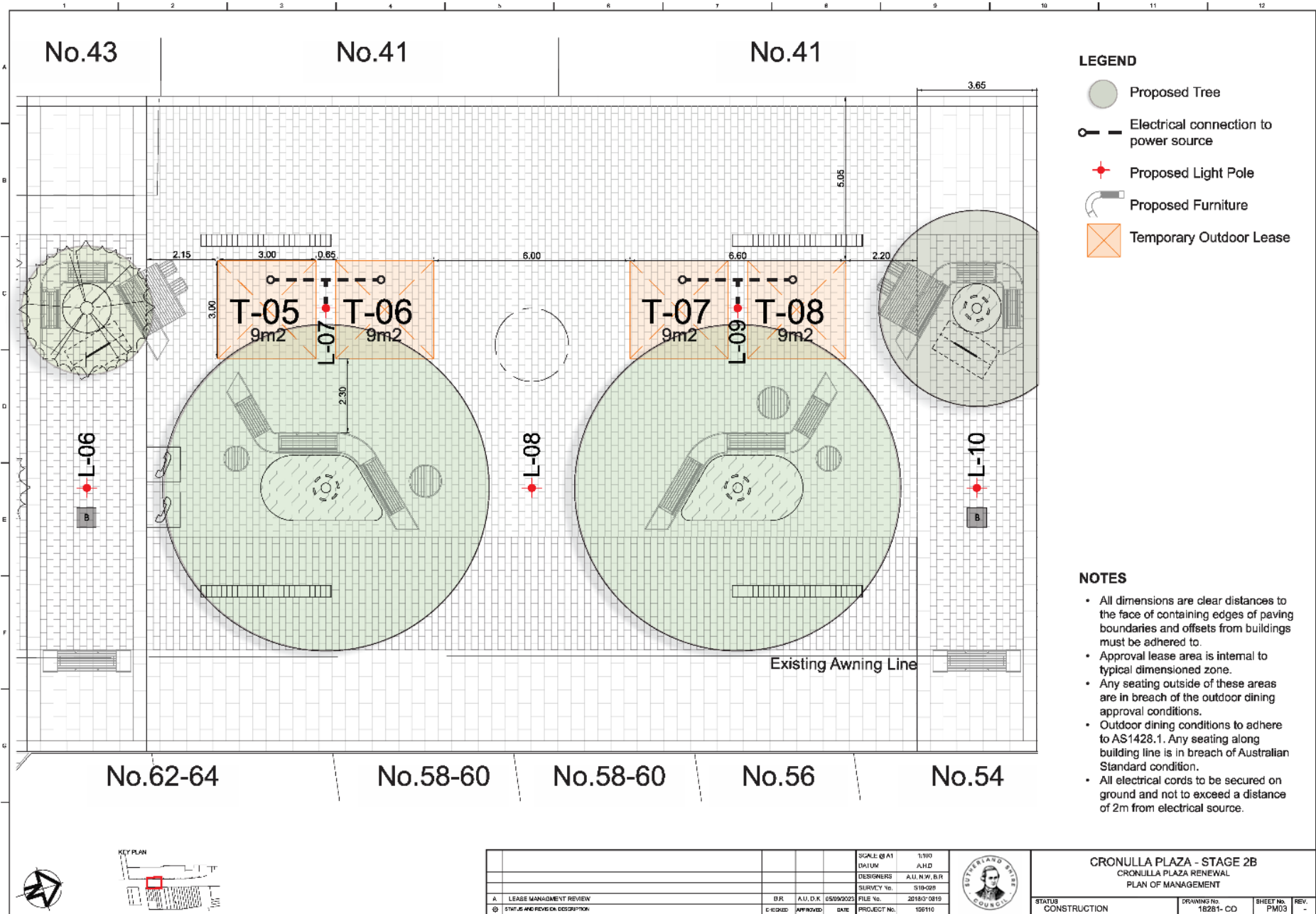
With the revitalisation of Cronulla Plaza and Cronulla Town Square consultation with the community, business, and reference groups has been completed to guide direction in this special dining precinct. The masterplan identifies a central avenue of outdoor dining spaces to provide a “piazza feel” with outdoor dining side by side with a variety of choice for the customer. The Allocated Outdoor Dining Plan Zone 1 CRONULLA PLAZA has been provided in Appendix A.

SCHEDULE TO OUTDOOR DINING POLICY

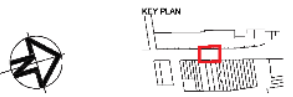
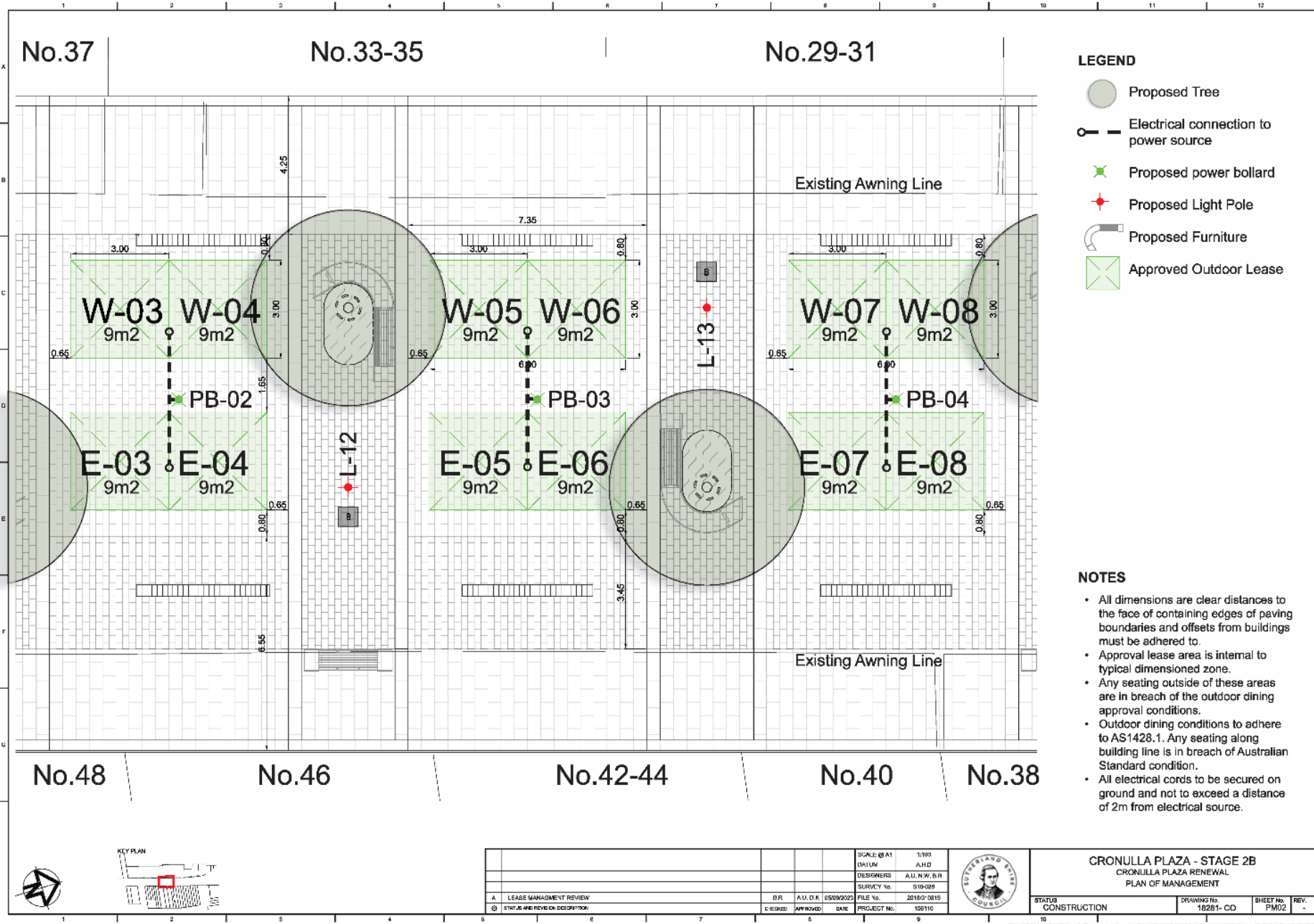
APPENDIX A – Allocated Outdoor Dining Plan Zone 1 CRONULLA PLAZA



SCHEDULE TO OUTDOOR DINING POLICY



SCHEDULE TO OUTDOOR DINING POLICY



SCALE @ A1 DATE: A.H.D.		1:100	
DESIGNERS A.U., N.W., B.R.		S119-020	
SURVEY No.		2018/3-0819	
FILE No.		PROJECT No. 126110	
A LEASE MANAGEMENT REVIEW		D/R A.U., D.K. 05/09/2023	
START & END REVIEW OCCASION		DATE	

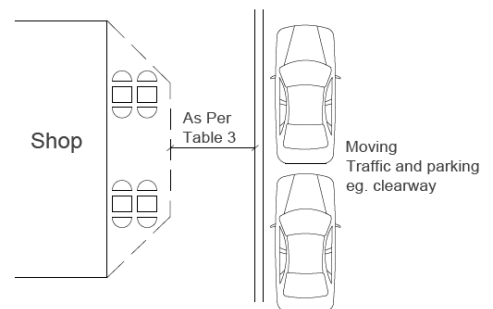
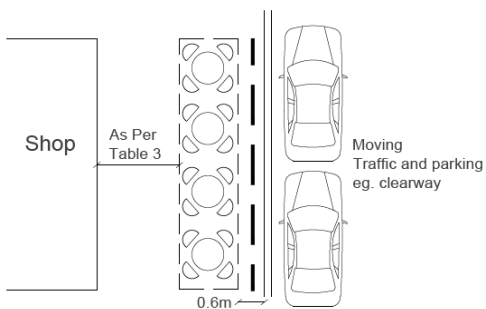
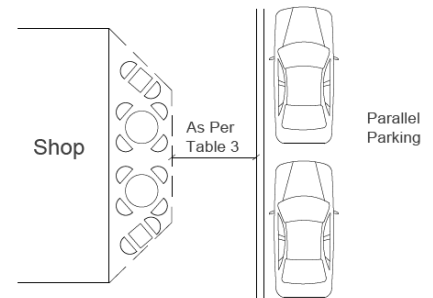
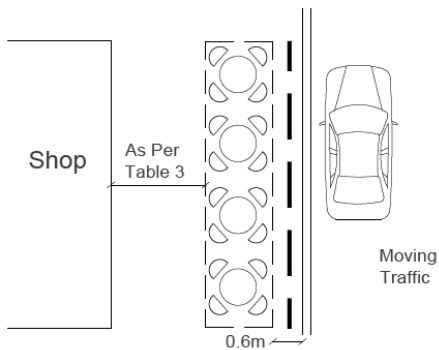
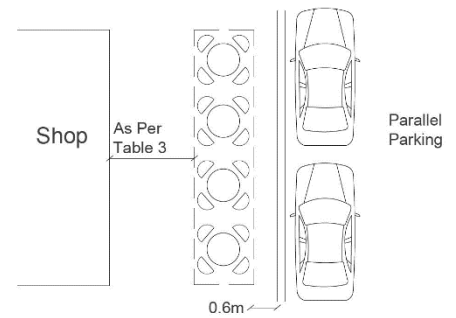
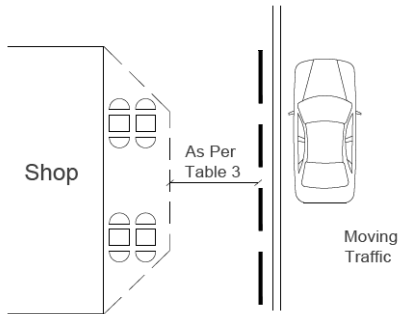
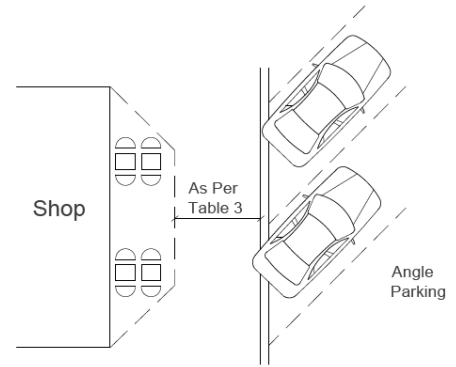
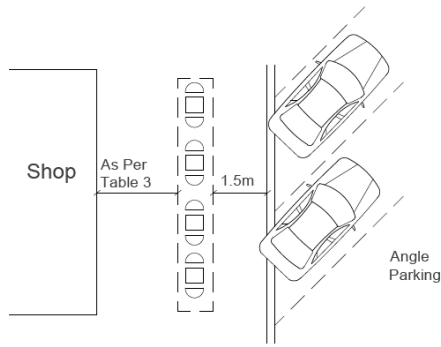
CRONULLA PLAZA - STAGE 2B
CRONULLA PLAZA RENEWAL
PLAN OF MANAGEMENT

STATUS: CONSTRUCTION

DRAWING No. 16281-CD SHEET No. PM02 REV. -

SCHEDULE TO OUTDOOR DINING POLICY

APPENDIX B - Examples of approved layouts for an outdoor dining location.



SCHEDULE TO OUTDOOR DINING POLICY

End of Document

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Original: March 2022	Last Revision: August 2024	Next Revision: March 2026	