

# OUTDOOR DINING POLICY

March 2022

**PREPARED BY:  
PROPERTY SERVICES UNIT**



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SUTHERLAND SHIRE

## 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.

## 4. RESPONSIBILITIES

### 4.1 Responsible Officer

The Manager Property Services is responsible for this policy.

### 4.2 Chief Executive Officer

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

### 4.3 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.

### 4.4 Employees

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

## 5. POLICY COMPLIANCE

The Manager Property Services with Manager Traffic 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 Corporate Support, via the Manager Property Services where appropriate.

## 8. RELATED DOCUMENTS

- Public Place Design Manual (PPDM)
- Plan of Management (Parks)
- Plan of Management (General)

## 9. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- 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
- Council's Compliance & Enforcement Policy 2021
- Council's Asset Management Policy 2020
- Australian Standards 2009

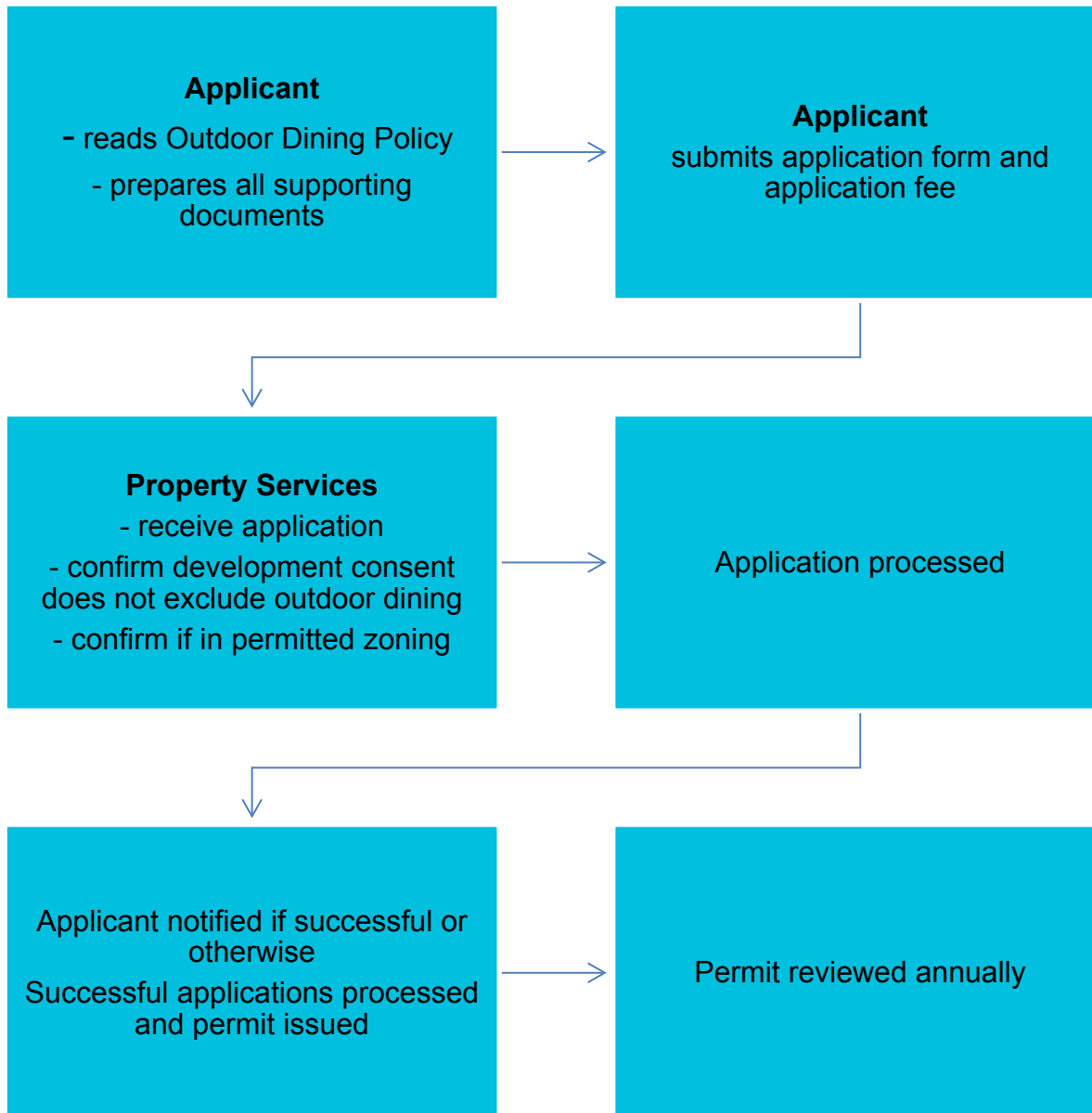
## 10. DEFINITION OF TERMS

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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<b>Document Name:</b> Outdoor Dining Policy		<b>Policy Accountability</b> Manager Property Services	
<b>Version:</b> # 1.0	<b>Approved by:</b> Council	<b>Minute No:</b> <a href="#">57</a>	<b>Date approved:</b> 28 March 2022
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## SCHEDULE A – Application Workflow



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<b>Document Name:</b> Schedule A to Outdoor Dining Policy		<b>Policy Accountability Manager</b> Property Services	
<b>Version:</b> # 1.0	<b>Approved by:</b> Council	<b>Minute No:</b> <a href="#">57</a>	<b>Date approved:</b> 28 March 2022
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## SCHEDULE B – Application Specifications

### 1. APPROVAL HOURS

Hours of operation are restricted to the hours indicated in the development consent for the adjoining food premises but must not be outside the hours of 7:00am and 10:00pm. Where the hours have not been stated in the current consent for the adjoining premises, they shall be between 7:00am and 10:00pm.

### 2. FEES & CHARGES

Outdoor dining fees are market based depending on zones. These fees and charges are reviewed and adopted by Council annually.

Payment periods can be set up for monthly, quarterly or annual invoicing.

### 3. FURNITURE

Must be located so that safe pedestrian movement is maintained and conflict with kerbside parking is avoided. All structures including tables, chairs, umbrellas, barriers and heaters must be temporary and removed and stored inside the premises at the end of each day. Furniture must comply with Australian Standards 1170.

Outdoor heaters will only be permitted where the safety of people and property is not compromised. Table top heaters and open flames are not permitted.

### 4. PERMISSIBLE LOCATIONS

Outdoor dining is only permitted where a food and drink premises is lawfully operating and on Community Land where permitted within the relevant Plan of management.

The location and size of an outdoor dining area will depend on:

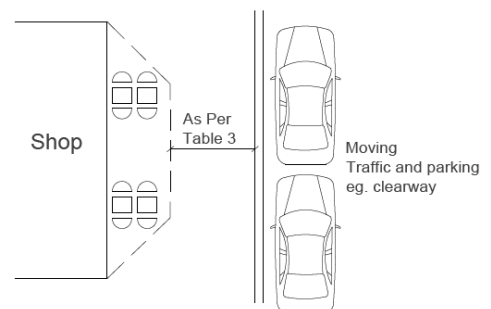
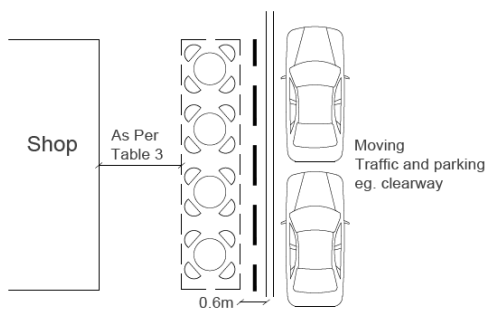
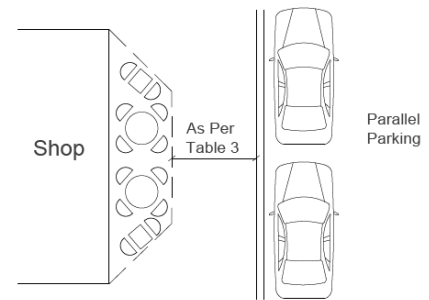
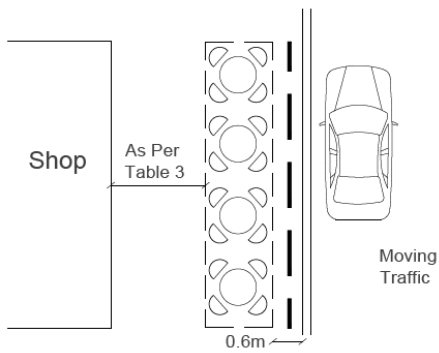
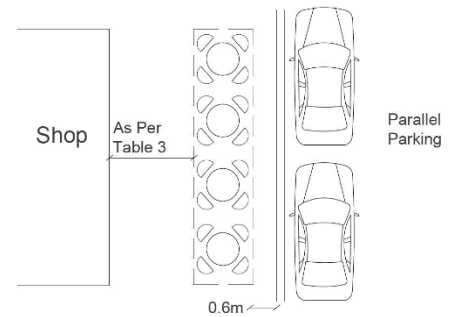
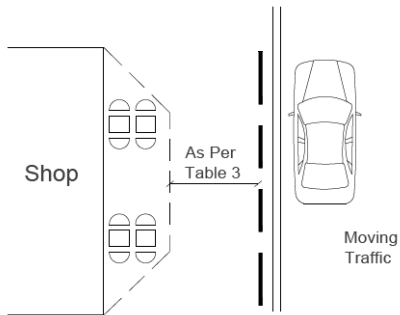
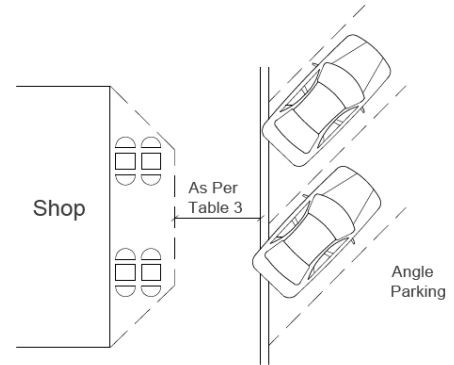
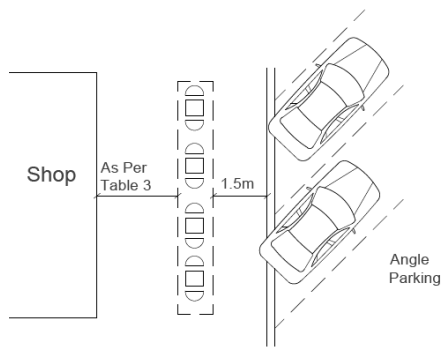
- the location of adjacent outdoor dining areas
- the space required for outdoor dining furniture and the circulation of customers
- any development consent conditions for the food premises if they apply, and
- nearby infrastructure such as public seats, bins, trees etc.

**For more information of specifications refer to the Public Place Domain Manual**

# SCHEDULE TO OUTDOOR DINING POLICY



Examples of approved layouts for an outdoor dining location.



## 5. MINIMUM CLEARANCES

Table 1: Minimum circulation space			
	Min. width	Min. length	Min. area
2-person table and 2 chairs	1m	2m	2m <sup>2</sup>
3-person table and 3 chairs	1.5m	2m	3m <sup>2</sup>
4-person table and 4 chairs	2m	2m	4m <sup>2</sup>
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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