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## ORDINARY COUNCIL

ORD06

**SUBJECT: AMENDED OUTDOOR DINING POLICY**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 19/392110

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider minor changes to the current Outdoor Dining Policy.

### BACKGROUND

Council adopted its first Outdoor Dining Policy (the Policy) in 2014, primarily due to changes in legislation which made outdoor dining an exempt development, which no longer required a development consent. Before the Outdoor Dining Policy Council administered approval for outdoor dining via development consents granted pursuant to the *Environmental Planning and Assessment Act 1979*.

The key objectives of the Policy are to:

- Provide clear guidelines with respect to Council's expectations in relation to outdoor dining;
- To set a high standard of accessibility and public safety for the community;
- To ensure that adequate and safe space is maintained for pedestrian access and circulation; and
- To ensure that outdoor dining areas are maintained in a clean and tidy manner.

As part of the normal review process for Council policies the Outdoor Dining Policy has been reviewed with some minor changes being recommended as discussed in this report.

A Councillor briefing on changes to the adopted policy was held on 26 November 2019.

### MAIN REPORT

Following a review of the Policy there are two minor changes recommended as discussed at the Councillor briefing and shown in the table below:

Item	Change from Current Policy
Service of Alcohol in Alcohol Free Zones	Alcohol can be served within Alcohol Free Zones with specific approval, provided the area is delineated with barriers.
Administrative	Terminology amended for ease of interpretation.

A copy of the revised Policy and a version with tracked changes, highlighting the changes, are provided as **attachments 1 and 2** to this report.



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### Application Process

There are currently 18 businesses with outdoor dining in Camden (LGA). The outdoor dining is primarily in Argyle Street Camden.

The following is provided as an outline of the application process for an Outdoor Dining Approval:

1. Submit an Outdoor Dining Approval application form to Council. Where no concurrence from the RMS is required Council's customer service standard of 10 days would apply to the approval process.
2. Upon receipt of the approval, should the restaurant/café wish to serve alcohol, they will be required to apply to Liquor & Gaming NSW for an amendment to the Liquor Licence boundary to include the approved outdoor dining area. As part of that process a referral is made to Council to ensure the application to Liquor and Gaming is consistent with Council's operational approvals.

It should be noted that during the period of major works in Argyle Street and the Oxley Street carpark the Policy was not widely promoted. Those works are now completed.

### Implementation of the Policy

It is recommended that as part of promoting the amended Policy, Council endorse a 12-month moratorium on all fees. In accordance with Council's adopted fees and charges the following fees apply:

- Application Fee - \$250 (valid for 7 years)
- Cost per year - \$55m2

A communications plan has been developed to inform business owners of their responsibility under the amended Policy. The communications plan includes advertising, face to face communication, written correspondence and factsheets on Council's website. Council Officers will also work with business owners to assist with the lay-out of their outdoor dining as part of the approval process.

It is recommended that the amended Outdoor Dining Policy be placed on public exhibition for a period of 28 days. During the exhibition period Council will consult with the affected businesses.

### FINANCIAL IMPLICATIONS

The impact of a 12-month moratorium on fees is not material to Council's budget due to the limited number of businesses with outdoor dining.

### CONCLUSION

This report recommends the amended Policy be placed on public exhibition to receive feedback from the community before the Policy is implemented, and that a 12-month moratorium on fees relating to the Outdoor Dining Policy be endorsed.

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**RECOMMENDED**

**That Council:**

- i. place the amended Outdoor Dining Policy on public exhibition for 28 days;**
- ii. adopt the amended Outdoor Dining Policy as attached to this report, if no unresolved submissions are received;**
- iii. consider a further report on the matter, if any unresolved submissions are received during the public exhibition period;**
- iv. endorse a 12-month moratorium on fees relating to Outdoor Dining; and**
- v. receive a further report on the implementation of the Outdoor Dining Policy after the 12-month moratorium period.**

**ATTACHMENTS**

- 1. Outdoor Dining Policy - Clean Copy**
- 2. Outdoor Dining Policy - Tracked Changes**