

October 2020

The exhibition of an amendment to the Codes SEPP to enable the City of Sydney outdoor dining trial

This document answers frequently asked questions regarding the proposed outdoor dining trial.

What is this exhibition about?

The Department of Planning, Industry and Environment is exhibiting an Explanation of Intended Effect (EIE) for public comment that proposes a temporary amendment to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to remove existing restrictions for small bars and pubs to allow outdoor dining in the City of Sydney as exempt development. The proposed amendment will also allow cultural venues, such as theatres and art galleries, with food and drink outlets to use the exempt provision for outdoor dining.

The City of Sydney Council is aiming to support economic recovery by creating an alfresco city offering outdoor dining, bars, culture and late-night trading. The Council has consulted their community to develop the *Community Recovery Plan* which includes creating a summer of outdoor dining and culture in new spaces such as footpaths and temporary road closures. The NSW Government will assist the Council to facilitate a streamlined approval process to make it easier for businesses to operate outdoor dining in reclaimed spaces and laneways, providing more space to maintain social distancing.

This exhibition contributes to the streamlined process by enabling small bars, pubs and cultural venues with food and drink outlets to be carried out as exempt development instead of needing to obtain development consent. Under these arrangements, businesses would apply directly to the Council for approval to use the footpath for outdoor dining and be quickly assessed against the Council's *Outdoor Dining Policy and Guidelines*, at a lower cost to the business. The Council will work with Liquor and Gaming NSW to streamline the process to align approvals with existing liquor licence conditions, for example no overall increases in patron capacity.

What is the proposed amendment?

Currently the exempt development standards for outdoor dining specifically state that the development must not be associated with a pub or a small bar. This means that a pub or small bar owners need to submit a development application to the Council for approval to provide outdoor dining on footpaths.

The proposed amendment will temporarily lift the current restriction on outdoor dining for lawfully operating pubs and small bars in the City of Sydney local government area during the trial from 30 October 2020 until 31 October 2021. The proposed amendment will also be extended to allow cultural venues to use the exempt development provisions for their food and drink outlets. Venues in The Rocks area are not included in this amendment but are covered under another proposal.

This amendment will align the rules for pubs and small bars in the city with the rules for cafes and restaurants. The proposed amendment does not automatically mean that venues can trade outside or on the footpath. Venues would need to apply to the Council to seek approval in line with the Council's *Outdoor Dining Policy and Guidelines* and any other approvals needed under the *Roads Act 1993*, *Local Government Act 1993* and any changes to liquor licences issued under the *Liquor Act 2007*.

When will the exhibition close?

The EIE is on exhibition for two weeks until 15 October 2020.

How long will the trial run for?

The trial is proposed to run for 12 months, from Friday 30 October 2020 until Sunday 31 October 2021.

How can venues participate in the trial?

The trial is being run by the City of Sydney Council who will assess outdoor dining applications. This will include a fast-track alignment process for liquor licences with Liquor and Gaming NSW.

Venues should contact the City of Sydney Council for further information.

Can all venues in the City participate and will there be any restrictions?

Small bars and pubs within the City of Sydney local government area (except The Rocks) can apply for the City of Sydney Council's approval for outdoor dining. Cultural venues (such as a theatre, art gallery, cinema or library) with food and drink outlets can also apply to offer pre-theatre dining or interval drinks in a suitable outdoor space. There will be no change to the process for cafes and restaurants which can already use the exempt provisions.

Venue owners should apply to the Council who will assess applications against their *Outdoor Dining Policy and Guideline* provided that the venues operate consistently with their existing approvals granted under the *Roads Act 1993*, *Local Government Act 1993* and the *Liquor Act 2007* including conditions related to the area for outdoor dining, hours of operation, furniture and other good management matters.

How will I know which venues are participating in the trial?

The Council has had early discussions with some venues to understand their needs and to help identify locations that might be suitable for the trial. The business would need to apply and be approved by the Council to alter its current operations. Please contact the City of Sydney Council for information on specific venues.

What happens after the trial ends?

The proposed amendments to outdoor dining will not apply after the 12-month trial ends. The existing provisions for outdoor dining will recommence at that time.

The City of Sydney Council will determine if they wish to make outdoor dining and the streamlined approval process a permanent feature at the end of the trial, following discussions and consultation with business, Liquor and Gaming NSW and the community.

Who is the best contact if I have questions about the trial?

If you have any questions about the trial or how your business can be involved, please contact the City of Sydney Council at council@cityofsydney.nsw.gov.au.

For more information on the exhibition of the EIE, please call our information centre on 1300 305 695. If English isn't your first language and you prefer an interpreter, please call **131 450**. Ask for an interpreter in your language and then request to be connected to our information centre.

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