

STREAMLINED OUTDOOR DINING APPROVALS

A GUIDE FOR NSW COUNCILS



Introduction

- As COVID-19 restrictions ease, the NSW Government is reducing red tape to allow food and beverage businesses to offer a temporary expansion of outdoor dining through streamlined processes.
- A 12-month trial of a streamlined application process for outdoor dining started in The Rocks in October 2020, with other areas in the Sydney CBD and Coogee starting in November and state-wide roll out to follow from December 2020.
- The NSW Government is encouraging councils to participate in the trial and support local businesses to expand outdoor dining where appropriate by:
 - identifying locations within local government areas where outdoor dining could occur or expand, and
 - streamlining outdoor dining area approval processes while ensuring public amenity and safety.
- This document seeks to help councils participate by explaining:
 - the changes to the process and how they can support you expand access to outdoor dining in your community
 - what is required of councils to support this process
 - how this process fits within the existing council planning process.
- This document also includes case studies from the trial.

Small Business Commission outdoor dining pilot program

This trial is separate to the [NSW Outdoor Dining Program](#) developed by the NSW Small Business Commission and Service NSW as part of NSW Government's Making Business Easier program, which streamlines the application process for outdoor dining from businesses in [participating council areas](#). The main points of difference between the two are summarised below:

	NSW Small Business Commission and Service NSW streamlined approval process	New streamlined trial
Relevant local government areas	Gunnedah Shire, Liverpool Plains Shire, Maitland City, Port Stephens, Queanbeyan-Palerang Regional and Snowy Valleys	All other LGAs*
Duration of approval	Ongoing as per permit requirements (7 years)	Until 31 October 2021
Applications from businesses	Submitted through Service NSW Business Concierge	Submitted direct to councils or through ePlanning**
Liquor licence boundaries	Provides for expansion of existing boundaries of on premises liquor licence boundaries only, not for new licences	Temporary expansion of boundaries – No community consultation and streamlined L&GNSW approval

* Exempt and Complying Development (Codes) SEPP changes apply across all LGAs

** if council is onboarded to the ePlanning program.

Councils participating in the NSW Small Business Commission Outdoor Dining Program may continue to do so for the time being but may wish to also consider the information provided in this guideline.

What is the streamlined outdoor dining approval trial process?

The NSW Government has made two key changes to streamline the approval of outdoor dining:

1. Amending the [Exempt and Complying Development \(Codes\) SEPP](#) to temporarily bring small bars and pubs into line with existing exempt development provisions for outdoor dining in food and drink premises such as cafés and restaurants. This will temporarily (until 31 October 2021) remove the need for councils to process outdoor dining applications for small bars and pubs as development applications (see section 3 of this guideline for more information).
2. Amending the Liquor Regulation 2018 to streamline the process for temporarily extending an existing liquor licence boundary to public spaces and walkways next to food and drink premises. The fee for this has also been waived. Councils will notify Liquor & Gaming NSW (L&GNSW) and NSW Police when they receive an outdoor dining application with a liquor licence boundary extension. Once Council has approved the outdoor dining application in consultation with NSW Police, L&GNSW can finalise the temporary boundary extension and apply it to the liquor licence (see section 3 of this guideline for more information). Venues may also be able to use a [pop-up-licence](#) if that option is suitable for their venue.
Note: Permanent liquor licence boundary changes are not eligible for the streamlined process.

How does the streamlined outdoor dining process work?

Note: The following process overview assumes the application received by council is exempt development under the provisions in the Exempt and Complying Development (Codes) SEPP.

1. Council identifies areas suitable for outdoor dining (in consultation with local businesses and the community), and how they can streamline their own processes.
2. Council receives an application for outdoor dining from a business (either directly or via the ePlanning platform if the council has been onboarded to this function of ePlanning).
3. If a liquor licence boundary change is needed, council notifies L&GNSW and NSW Police.
 - a. NSW Police do their compliance checks and advise council and L&GNSW of the outcome.
 - b. L&GNSW does compliance checks on the venue and advises council and NSW Police of the outcome.
4. Council completes its section 125 of the Roads Act and/or section 68 of the Local Government Act approvals and advises L&GNSW of this approval.
5. L&GNSW finalises the liquor licence boundary change.
6. Venues are advised that their application has been successful (via ePlanning if being used or through normal council notification processes).
 - a. L&GNSW will work with each council on how the liquor licence component is communicated to successful venues.
7. Venues start outdoor dining as approved.

1. Roles and responsibilities

What is the role of councils in approving outdoor dining under the trial?

- Councils are responsible for:
 - Issuing an outdoor dining approval (typically referred to as a “permit”) under section 125 of the Roads Act 1993 and section 68 of the Local Government Act 1993.
 - Notifying NSW Police and L&GNSW when an outdoor dining application is received which requires a temporary change of boundary for the liquor licence.
 - Consulting with NSW Police prior to sending the completed outdoor dining application to L&GNSW for a temporary change of licence boundary approval.
 - Ensure venues comply with any outdoor dining permit requirements and relevant legislation.
- More information about the streamlined outdoor dining approval process is in section 2.



Figure 1: What NSW Government agencies are involved in the streamlined approval of outdoor dining?

Agency	Responsibility in approval process
<u>Liquor & Gaming NSW (L&GNSW)</u>	<ul style="list-style-type: none"> Assesses and approves extending liquor licence boundaries for outdoor dining. Also monitors compliance with liquor laws and licence requirements.
<u>NSW Police</u>	<ul style="list-style-type: none"> Support of liquor licence boundary changes.
<u>Transport for NSW (TFNSW) Roads and Maritime</u>	<ul style="list-style-type: none"> TFNSW Roads and Maritime has a role in approving outdoor dining on/ adjacent to a <u>classified road</u> under section 125 of the Roads Act 1993.
<u>Office of Local Government</u>	<ul style="list-style-type: none"> Administers the Local Government Act 1993 (covering approvals under section 68, community land plans of management, alcohol free zones and alcohol prohibited areas, and fees and charges). Engaging with councils to support this <u>state-wide outdoor dining trial</u>.
<u>Department of Planning, Industry and Environment (DPIE)</u>	<ul style="list-style-type: none"> DPIE administers: <ul style="list-style-type: none"> The <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*</u> which enables outdoor dining as exempt development. ePlanning Program – a digital service has been developed on the NSW Planning Portal that enables councils to receive and determine outdoor dining permit applications online. This digital service will only be available in those local government areas where councils have chosen to adopt it. Councils will be able to use this service to refer applications to the relevant consent authority, be it Liquor & Gaming, NSW Police or TFNSW Roads and Maritime. <u>Your High Street grant program</u> and <u>Summer Fund</u> – under which councils may apply for funding in relation to street activation projects, including in relation to outdoor dining.

* For lawful food and drink premises. Existing small bars and pubs are temporarily classified as exempt development from 1 December 2020 to 31 October 2021 under an amendment to the Codes SEPP and State-wide pilot program. Outdoor dining under an awning must comply with the requirements for awnings set out in BP1.1 and BP1.2 of Volume 1 of the Building Code of Australia.

Note: While the [Small Business Commission](#) does not have a direct role in the new streamlined outdoor dining trial it is running a separate Outdoor Dining Program in six LGAs -Gunnedah Shire Council, Liverpool Plains Shire Council, Maitland City Council, Port Stephens Council, Queanbeyan-Palerang Regional Council and Snowy Valleys Council.

The approval process for the the Commission's Outdoor Dining Program is coordinated through the [Service NSW](#) Business Concierge. Any council queries should be directed to the Council's Service NSW Council Relationship Manager.

2. Planning for outdoor dining

What councils need to know

- Councils can help streamline outdoor dining permit approvals by identifying areas appropriate for new or expanded outdoor dining and encouraging businesses in these areas to come on board. If this work is done up front, the individual venue applications can be considered much quicker.
- Many councils have identified appropriate outdoor dining areas in plans and strategies such as outdoor dining policies, footpath activation plans and place management plans. Other appropriate areas may be identified in a council's development control plan or Local Strategic Planning Statement.
- Councils that don't have these plans are encouraged to work with local businesses and communities to identify appropriate outdoor dining areas and interested businesses.
- The NSW Government acknowledges that identification of sites and locations for outdoor dining is a complex process. For example, in some places the footpath may be too narrow or roads too busy to provide enough space for safe outdoor dining and pedestrian use.
- Location assessments by councils need to consider a range of factors at each potential site, including footpath width, alternative parking locations, possibility of street closures, noise and a range of other amenity issues.
- By identifying appropriate spaces for outdoor dining and starting consultation early, councils can help speed up their approval processes for businesses and communities in locations that can take advantage of this trial.

Issues to consider when identifying outdoor dining sites

- Councils should be mindful of the latest COVID-19 [Public Health Order](#) requirements when considering appropriate outdoor dining locations.
- While aimed primarily at business owners, the [Small Business Commission's Outdoor Dining Policy and User Guide](#) contains useful information which may help councils identify appropriate outdoor dining locations, including:
 1. **Location/site suitability:** facilitating the appropriate use of footpaths and public places for outdoor dining activities (i.e. minimum distances, neighbours, whether access to utilities such as fire hydrants will be impacted, etc).
 2. **Safety:** maintaining an equitable and safe thoroughfare around outdoor dining areas for all users (i.e. public safety, road safety, accessibility, line of sight, management of animals, engagement with public, etc).
 3. **Amenity:** facilitating improvement to the local character, street vitality, attractiveness and economic viability
 4. **Function:** ensuring the design of space, furniture, fixtures and day-to-day requirements of the outdoor dining space reflect the local area
 5. **Legal and compliance:** ensuring that the management of outdoor dining activities avoids nuisance, endangerment or inconvenience to neighbours and the general public. Addressing public liability, managing risks and ensuring compliance with state legislation (i.e. liquor laws, noise, waste, operational conditions, council inspections, insurance, etc).

Consulting with local businesses and communities

- Councils have a high-level of expertise in community engagement and are well placed to lead consultation processes to identify appropriate areas for expanded outdoor dining.
- Consultation may focus on issues such as:
 - Gauging the interest of businesses in developing new or expanding existing outdoor dining.
 - Community views on the appropriateness of expanded outdoor dining, particularly in high-profile, high-traffic, heritage areas or areas near residential properties.
 - Whether factors such as the need for future footpath or roadworks in the area may impact on potential outdoor dining sites.
 - Whether any current or planned Alcohol Free Zones (AFZs) or Alcohol Prohibited Areas may impact on the appropriateness of an area for outdoor dining.
- Councils that have recently conducted consultation on outdoor dining have reported success in using engagement methods such as: online surveys, workshops with interested businesses and the community, and exhibition of potential outdoor dining areas for comment. See the case studies in section 4 of this guide for further information.
- Consultation at the planning stage can also help expedite the application process for specific sites by identifying and mitigating problems that could arise during their operation.
- Councils should also ensure the standard terms of liquor licences and temporary extended liquor licence boundaries are understood by businesses, as this is a key requirement in the temporary extension process administered by L&GNSW.

Developing an outdoor dining policy

- Many councils have a local policy on footpath and outdoor dining to help inform their decision making. Those councils that do not are strongly encouraged to prepare a local policy to provide a framework for coordinating requests and approvals to use footways, roadways or other public spaces for non-commercial and commercial activities like outdoor dining. Each council is responsible for deciding what requirements should be included in their local policy.
- Such policies may be adopted as standalone policy under the Local Government Act or as part of a local approvals policy.
- The NSW Small Business Commission has developed a [Policy, User Guide and Council On-boarding Pack](#) as part of their Outdoor Dining program. These documents may provide helpful guidance to help councils get ready for streamlined outdoor dining approvals. The Commission is currently developing some template policy and user guide wording to further assist councils.
- The Small Business Commission guidance provides councils with the option provide a Local Street Guide setting out any special requirements for specific areas in their LGA such as heritage areas that require certain colours to be used.

Consider applying for funding under the Your High Street grant program

- Building on the success of DPIE's Streets as Shared Spaces grants program, the NSW Government announced the Your High Street grant program in November 2020.
- Your High Street aims to enhance the amenity and functionality of high streets throughout NSW to support local business recovery, boost economic stimulus in response to the pandemic, improve the comfort and experience for the community, and enable permanent improvement projects. Grants of up to \$1 million are available for councils to deliver improvements for a high street by May 2022.
- The program supports delivery of the Premier's Priority to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space.
- Under Your High Street funding for high streets is available to:
 - Improve/increase number of uses over day and night
 - Improve safety and comfort for people
 - Improve local accessibility and connections
 - Increase footfall and capacity for trade for businesses
- Council applications are open from 12 November 2020 until 29 January 2021. Successful and unsuccessful applicants will be informed in April 2021.
- Resources to support your council's application, including a webinar series, and a link to apply for funding can be found on [DPIE's website](#)

Additionally, DPIE's Summer Fund is offering funding to all councils to provide free, small-scale events and activations to draw people to public spaces in local centres over summer and up to the end of Easter.



3. The outdoor dining approval process

What councils need to know about the approval process

- All businesses who want to offer outdoor dining must have approval from their local council (often called an outdoor dining permit).
- In some cases, development consent is also required for the outdoor dining area. However, the NSW Government has introduced temporary amendments to allow councils to treat most outdoor dining as exempt development (until 31 October 2021).
- This means that in most circumstances a council outdoor dining permit is the only approvals required. If the venue has a liquor licence, liquor licence boundary changes will need to be approved as well.
- Councils are encouraged to consider how they can streamline their outdoor dining approval processes, for example by fast tracking applications in areas identified as appropriate for outdoor dining.
- Councils have existing processes for approving outdoor dining permit applications but they will be able to use the ePlanning online portal to help streamline processes. When a venue applies through ePlanning, council, L&GNSW and NSW Police will all be notified of the application and will be able to manage the application electronically – saving everyone time.
- Councils participating in the Small Business Commission's Outdoor Dining program please note, for the time being Service NSW will continue to refer decision-ready outdoor dining applications from that program to you. Please contact your Service NSW Customer Relationship Manager if you have any queries.

Figure 2: What council approvals are typically required for outdoor dining?

Section 125 of the Roads Act 1993	Yes (if outdoor dining occurs on footpath or road)
Section 68 Local Govt Act approval	Yes (if outdoor dining occurs on footpath)
Local Government Act Plan of Management (POM)	Outdoor dining must be authorised in an adopted POM if it occurs on community land or on a Council managed Crown reserve
Development consent	No. Outdoor dining is exempt development under the Codes SEPP for food and drink premises, pubs and small bars*

* For existing lawful food and drink premises. Existing small bars and pubs are temporarily classified as exempt development from 1 December 2020 to 31 October 2021. New businesses would still need to submit a development application to council.

Note: Approval from Liquor & Gaming NSW is required if an onsite liquor licence or extension of existing licence is being sought.

Roads Act 1993 (Roads Act)

A Roads Authority (normally local Councils) must issue an approval under Section 125 of the Roads Act in relation to footway AI fresco dining on the road reserve. Councils should note that changes to the legislation providing expanded powers for Councils recently passed Parliament and will commence in the near future. In the meantime, councils should familiarise themselves with the updated legislation and contact Greater Sydney Region Operations – TFNSW for further information at: david.ballm@transport.nsw.gov.au

Local Government Act 1993 (LG Act)

- **Section 68 approval:** is required from the local council for certain activities to be carried out on council or public owned land. The activities include engaging in a trade or business to expose items for sale on or near a road.
- **Plans of management (POMs) for community land:** Outdoor dining on community land (not footpaths), such as a park or reserve requires approval under the LG Act, through an express authorisation in a POM adopted by a local council. OLG's [Public Land Management Practice Note](#) provides more information on the POM adoption process.
- **Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APAs):** The LG Act provides powers for local councils to establish AFZs and APAs to promote the safe use of roads, footpaths and public car parks without interference from anti-social behaviour caused by public drinkers. OLG has published [guidelines](#) for councils that are considering establishing or re-establishing an AFZ, as well as providing advice about councils' responsibilities under legislation.
- **Note:** When a council issues a permit for outdoor dining in an AFZ, it must impose conditions on the licensee (eg restaurant operator) about the requirements of the AFZ, including clear delineation (ie. cordoning off the area) and control of the licensed area from the AFZ.

Crown Lands Management 2016 (CLM Act)

- Outdoor dining on Crown land requires an approval under the CLM Act. The approval type and approver will vary depending on who is managing the land.
- Where a council manages the Crown reserve in question, outdoor dining will usually be required to be expressly authorised in a POM for Crown Reserves managed by NSW councils (as it would on community land under the LG Act). The OLG has published [guidelines on developing POMs for Crown reserves](#).
- Where a non-council Crown land manager is responsible for the land, council should seek advice from [DPIE – Crown Lands](#) as to approval requirements.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

- A footway or a public open space associated with lawful food and drink premises may be used as an outdoor dining area without development consent (known as exempt development) if it meets the standards set out in the Codes SEPP.
- The outdoor footpath and outdoor dining area must comply with the following standards:
 - The premises is not a small bar or pub (see further information below).
 - the food or drink premises the outdoor dining is connected to must have approval to operate
 - the outdoor area must be carried out in accordance with any an approval under section 125 of the Roads Act and any approval under section 68 of the LG Act
 - if under an awning, the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the Building Code of Australia.



Outdoor dining as exempt development

- Development consent under the Environmental Planning and Assessment Act 1979 has typically been required for footway dining areas associated with small bars or pubs.
- However, in December 2020, the NSW Government implemented temporary amendments to the Codes SEPP to allow existing small bars and pubs across NSW to undertake outdoor dining as exempt development, in line with existing exemptions for food and drink premises such as cafes, restaurants and other appropriate venues.
- This means that existing cafes, restaurants, pubs and small bars will not have to submit a development application to council for outdoor dining. Instead they are only required to apply to council for an outdoor dining permit to use the footpath or public space and have their liquor licence boundaries changed (if applicable).
- The small bar and pubs amendments will not apply after 31 October 2021 and prior provisions for outdoor dining in the Codes SEPP will recommence at that time. However, the Government will determine if it wishes to make outdoor dining and the streamlined approval process a permanent feature at the end of the trial, following discussions and consultation with councils, business, and the community.
- Venues in The Rocks area of Sydney are covered under a separate proposal. Venues in The Rocks who would like to operate outdoor dining should contact Place Management NSW who manage The Rocks area on 02 9240 8500.

Temporary liquor licence boundary extension approvals

- A liquor licence is needed for food and beverage venues to sell and serve alcohol. L&GNSW is responsible for liquor licensing and compliance.
- Council needs to notify L&GNSW and NSW Police when an outdoor dining application is received that requires a temporary change of licence boundary. Consultation with NSW Police by council is required before the completed temporary liquor licence boundary change application form is assessed by L&GNSW.
- L&GNSW will review the completed form to verify that the Council has ensured the terms of liquor licences and temporary extended liquor licence boundaries are understood by the venue, including:
 - food must be available to patrons within the outdoor dining area at all times that the area is operating
 - the licensee must not increase the licensed patron capacity which applied to the licensed premises before this approval was granted
 - trading hours in the alfresco dining area may not exceed 10pm Sunday to Thursday or 12am Friday and Saturday
 - the temporary change to boundary will automatically lapse on 31 October 2021, unless revoked earlier by the Council/Landholder or L&GNSW
 - the consumption of alcohol may only occur when patrons are seated.
 - **Note:** Councils can access a copy of the temporary liquor licence boundary change form by emailing: individual.licensing@liquorandgaming.nsw.gov.au
- Council should also consider whether there is any history of community complaint or serious incidents related to alcohol consumption in venues in the area.
- Council must complete its section 125 of the Roads Act and/or section 68 of the Local Government Act approvals and advise L&GNSW of this approval before the temporary boundary change will be processed by L&GNSW.
- L&GNSW will process the temporary licence boundary application form and update the licence boundary to include the new outdoor space.
- When a licence is issued venues need to comply with liquor licence conditions and any other conditions that specifically apply to the outdoor area.
- Depending on the venue, L&GNSW may ask a venue to update its Plan of Management to include how it will manage an outdoor area.
- L&GNSW is responsible for the enforcement of liquor licence conditions.

Can a council revoke an outdoor dining permit?

- A council can typically revoke, suspend or amend a permit for footway trading if:
 - the conditions of approval are breached;
 - the use of the footway area for footway trading is causing public safety or public access to be compromised;
 - the footway area is needed for public works;
 - the footway area is needed for a special event; or
 - the footway area is needed to manage an increase in pedestrians.
- Where Council decides to revoke, suspend, or amend a permit for footway trading, the approval holder should be given notice of Councils intention and an opportunity to make representations to Council.

Fees and charges

- Councils can charge fees for their outdoor dining applications. Please note Liquor & Gaming NSW has waived their fee for changing liquor licence boundaries as part of the trial, and the NSW Government encourages fee waiving for businesses wherever possible.
- If you are setting, changing or waiving fees for outdoor dining applications, you need to take section 608 of the Local Government Act, and your council's revenue policy in the yearly Operational Plan into account.
Councils must give the public at least 28 days' notice if a new, amended or waived fee is being proposed.
- Set fees should reflect the costs incurred by council and may include:
 - application fees (e.g. for a standard outdoor dining permit or development application)
 - bond/security deposit.

Monitoring and compliance of outdoor dining permits

Monitoring venues for compliance with outdoor dining permit conditions is a critical step to ensure that a business is meeting its obligations and the outdoor dining experience is meeting its desired outcomes.

Councils should ensure that their enforcement officers are monitoring the following:

- Location - keeping outdoor furniture within nominated site areas and meeting the location requirements of the interim policy
- COVID Safety - having a COVID Safety Plan and complying with that plan as well as current Public Health Orders.
- Safety - managing the flow of customers, staff and general public to ensure there are no obstructions of the footpath or roadway and addressing the need for customers to restrain pets at all times
- Amenity - fulfilling the requirements of any local council policies and ensuring outdoor dining areas make a positive contribution to the amenity of the surrounding areas
- Function - maintaining outdoor furniture to ensure it is in safe working order (including chairs, tables, umbrellas, heating and lighting)
- Legal and compliance - managing waste and recycling, minimising noise at all times, closing at the required time, and fulfilling any obligations regarding the service of alcohol, as well as maintaining current public liability insurance at the level required by Council.

The Small Business Commission outdoor dining trial process

This streamlined outdoor dining approval process trial is separate to the Small Business Commission's outdoor dining trial.

Service NSW will continue to refer outdoor dining enquiries from businesses in the six council areas subject to the Small Business Commission's Outdoor Dining streamlined approval process: Gunnedah Shire Council, Liverpool Plains Shire Council, Maitland City Council, Port Stephens Council, Queanbeyan-Palerang Regional Council and Snowy Valleys Council.

The above councils may wish to liaise directly with their Service NSW Customer Relationship manager if they have further queries about the Small Business Commission outdoor dining process.

Fast tracking the approval of permit applications in appropriate areas

- Councils can decide how they review and process outdoor dining applications.
- Councils are encouraged to adopt local processes to fast track application assessment for new or expanded outdoor dining located in a pre-identified outdoor dining area.
- Councils can start this process by:
 - Identifying suitable areas and engaging the community to help prepare for assessing business applications.
 - Adopting or updating relevant policies and activation plans.
 - Providing information to businesses in those areas and on your website.
 - Reviewing internal processes to enable fast tracked approvals.
- To help streamline liquor licence boundary approvals, councils should check the following mandatory criteria is included in any application form / checklist:
 - a) Food must be available to customers in the outdoor dining area at all times that the area is operating.
 - b) A copy of the approved licensed boundary plan must be made immediately available for inspection by a police officer, council officer or Liquor & Gaming NSW inspector (upon request).
 - c) The patron capacity of the venue remains the same, there is simply more room for patrons to be seated.
 - d) Despite any other trading hours on the licence, trading hours in the outdoor dining area end at 10pm Sunday to Thursday or 12 midnight Friday and Saturday (however, councils may set their own more restrictive hours within these maximums if it is deemed to be appropriate).
 - e) The applicant understands that this temporary change to boundary will automatically lapse on 31 October 2021, unless revoked earlier by the Council/ Landholder or L&GNSW.
 - f) Alcohol consumption can only occur when customers are seated.
 - g) The licensee can sell alcohol from the indoor area of the premises to customers using the outdoor dining area, provided that the licensee ensures drinks are consumed within the liquor licence boundaries.

Examples of fast tracked assessment processes available to councils include:

A. Developing a standardised application form and/or checklist for applicants

- A standardised application form and/or checklist will help applicants provide all necessary information upfront and can significantly streamline the assessment process for councils.
- A council may need information such as:
 - a) a site diagram - including a site overview, access for pedestrians, details of the area to be used for outdoor dining, location of proposed furniture, and details of other street furnishing, trees, rubbish bins, etc.
 - b) photos of the type of furniture to be used
 - c) evidence of public liability insurance covering personal injury and property damage for activities on a public footway and roadway
- Councils can access a copy of the temporary liquor licence boundary change form by emailing: individual.licensing@liquorandgaming.nsw.gov.au

B. Waiving public consultation processes under limited circumstances:

- Public consultation is a key part of any outdoor dining approval process. However, in certain circumstances it may be appropriate to waive public consultation including:
 - If prior public consultation has taken place with affected residents and businesses at the outdoor dining planning stage
 - If other relevant public consultation has recently occurred (e.g. through a roads reallocation process).
 - If the proposal is considered very low impact (e.g. the scale of outdoor dining is small).

C. Using the ePlanning portal for further streamlined processing

- The NSW Government is rolling out a new ePlanning Digital Service to enable businesses to apply and councils to receive and determine outdoor dining applications via the NSW Planning Portal. Councils will be able to use this digital service to refer applications to L&GNSW, NSW Police and TfNSW – Roads and Maritime for their input.
- For further information about how to have your Council onboarded to this function of ePlanning, contact the ePlanning Support team at epanning.support@planning.nsw.gov.au



4. Case studies

City of Sydney's fast-tracking of outdoor dining permit applications commenced 30 November 2020

- To support economic recovery from the COVID-19 pandemic, City of Sydney Council has established a streamlined and integrated process to fast-track the assessment of applications for temporary outdoor dining and to extend existing liquor licence boundaries.
- The Council has developed criteria to support fast-tracking of assessments in consultation with state agencies, including Liquor & Gaming NSW and DPIE, using a risk based approach.
- Applications will be fast-tracked if they meet the following criteria:
 - Application documentation is complete (including a site plan and evidence of public liability insurance).
 - The applicant has a [COVID-19 Safety Plan](#) for the site.
 - The applicant has no current or ongoing compliance matters with the Council or Liquor & Gaming NSW.
 - The applicant meets and agrees to standard terms and conditions of approval set by the Council.
- If an application does not meet one of the above criteria, or if the site in question has unique factors relating to size, scale, impacts, etc, it is not eligible for fast tracked assessment.
- Additionally, the Council has reduced the normal public consultation period from 14 days to 7 days, as set out in its outdoor dining policy for applications over 20 sqm in central Sydney and over 10 sqm in the rest of the LGA. Or, where applications have been subject to previous public consultation as part of road reallocation.
- The Council is also encouraging clusters of businesses to apply online for reallocation of parking spaces for outdoor dining in appropriate areas where traffic conditions permit this. Key aspects of this process are:
 - A dedicated team of Council Traffic Operations, Infrastructure and Business Engagement staff to assist interested businesses.
 - Council conducts a site visit to assess, engage and document requirements.
 - Council provides infrastructure to these areas, including planter boxes, concrete barriers, road stops and artistic works on barriers.
- For more information visit the [City of Sydney website](#).
- For information about the development of the program, please contact Libby Harris on lharris@cityofsydney.nsw.gov.au.



Randwick City is assisting local businesses to expand outdoor dining

- The Coogee Bay Road Shared Village project provides more space for outdoor dining as well as additional space to help shoppers and pedestrians practice social distancing.
- The project was prompted by requests for assistance from local businesses affected by a COVID-19 related trading downturn.
- A key component of the project is closing one lane of Coogee Bay Road between Arden and Brook streets to allow for expanded outdoor dining and pedestrian activity.
- In the process of developing the project Randwick City Council:
 - Consulted with local residents and businesses about the project in September 2020. Council conducted a survey which found general support for helping businesses and providing more space for outdoor dining. More than 75% of respondents in favour of the project.
 - Held a number of workshops with local Coogee businesses to discuss the plans and generate ideas for helping local businesses bounce back from COVID-19.
 - Sought the approval of TfNSW Roads and Maritime for the temporary partial road closure.
 - Coordinated the lodgement of outdoor dining licence applications on behalf of all affected business, including approval under the Local Government Act, the Roads Act and for liquor licence boundary extensions.
 - Helped businesses with technical aspects of the application process such as site mapping.
- The Coogee Bay Road Shared Village project will be in place until the end of January 2021, when it will be reviewed.
- This project was partly funded under the NSW Government's [Streets as Shared Spaces Program](#).
- For more information visit the [Randwick City Council website](#).





Need further information?

Councils who would like to express an interest in participating in the streamlined outdoor dining trial or want more information should contact their Office of Local Government Council Engagement Manager at outdoordining@olg.nsw.gov.au or 02 4428 4100.