



Outdoor Dining Policy

POLICY OBJECTIVE

The purpose of this policy is to set out the circumstances and conditions under which Council will issue approvals for outdoor dining on the public footway and other similar public domain areas in the Goulburn Mulwaree local government area.

LEGISLATIVE PROVISIONS

Crown Lands Act 1989

Disability Discrimination Act 1992 (Cth)

Environmental Planning and Assessment Act 1979

Local Government Act 1993

Roads Act 1993

State Environmental Planning Policy (Exempt and Complying Codes) 2008

BACKGROUND

A well-managed footway promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.

Council has developed policies and strategies to encourage businesses, create great retail experiences for all residents and visitors, and encourage social, cultural and economic amenity and vitality.

Council must manage the footway and other public spaces to provide safe and equal access for all people. This includes pedestrians with a pram or mobility aid, or who are blind, have low vision or use a wheel chair and require a clear path of travel to be maintained at all times. Council recognises that a clear path of travel is a necessity. Stakeholders who are blind or have low vision prefer that the location for the clear path of travel is along the building side of the footway to allow for best-practice in safe and dignified wayfinding. This policy reinforces the requirement that a clear path of travel be maintained at all times, while also allowing opportunities for beneficial uses on the public footway.

DEFINITIONS

Term	Meaning
Clear path of travel	The area of the footway maintained for safe and equitable pedestrian circulation which 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 which would prevent it from being safely negotiated by people with disability.

Term	Meaning
Exempt development	<p>Development which does not need development consent under the <i>Environmental Planning and Assessment Act 1979</i>, but which may still need some other approval. At the time of adoption, <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway dining exempt development if it is:</p> <ul style="list-style-type: none"> (a) not associated with a pub or a small bar, and (b) carried out in accordance with an approval granted under section 125 of the <i>Roads Act 1993</i>, including in accordance with any hours of operation to which the approval is subject, and (c) carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>.
Outdoor dining	<p>Dining on the public footway, associated with an approved restaurant. Also sometimes referred to as footway dining or a footway restaurant.</p>
Public footway	<p>That part of a 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.</p>
Restaurant	<p>Defined in the <i>Roads Act 1993</i> as “premises in which food is regularly supplied on sale to the public for consumption on the premises”. It includes cafes, pubs and take away food and drink premises where food is also regularly served for consumption at indoor seating on the premises.</p> <p>Note. The definition of restaurant in this guideline is separate to the <i>restaurant or café</i> definition contained within the <i>Goulburn Mulwaree Local Environmental Plan 2009</i></p>

POLICY STATEMENT

To promote public access and well managed outdoor dining on the footway, Council will:

- value the contribution that well-managed businesses make to the character of Goulburn Mulwaree;
- maintain the pedestrian thoroughfare as the primary purpose of the footway;
- promote accessibility on the footway by maintaining a consistent and predictable clear path of travel for all users;
- continue to work with all stakeholders towards best practice wayfinding on footways;
- manage neighbourhood amenity through minimising additional noise, visual, and other impacts;
- consider the appropriateness of applications for approval against Council’s adopted guidelines;
- monitor compliance with approvals, and undertake enforcement action when appropriate;
- grant approvals for up to a maximum of 3 years under the *Roads Act 1993*;
- revoke approvals where there are continuing unresolved substantiated breaches of the approval; and
- charge a fee for footway approval applications, including subsequent renewals, as set out in Council’s Fees and Charges.

APPROVALS

In order for a premises to have outdoor dining on the footway, NSW Government legislation sets out that the following approvals are required:

- all outdoor dining on the footway requires an approval under the *Roads Act 1993*;
- outdoor dining that is not exempt development will require a development consent under the *Environmental Planning and Assessment Act 1979*;
- outdoor dining that is on Crown land requires an approval under the *Crown Lands Act 1989*; and
- outdoor dining on community land, such as a park or reserve, requires an approval under the *Local Government Act 1993*.

GUIDELINES

Guidelines for outdoor dining have been prepared to implement the policy objectives.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	4 April 2017	17/099	Further review	
2	6 June 2017	17/184	Submissions received	
3	8 November 2017	2017/459	8 November 2017	8 November 2017
All policies can be reviewed or revoked by resolution of Council at anytime.				

DIRECTORATE: Growth Strategy and Culture

BUSINESS UNIT: Planning and Strategic Outcomes



GOULBURN MULWAREE COUNCIL OUTDOOR DINING POLICY