

ATTACHMENT 2

Report by Cathy Jones, Policy & Projects Officer

RECOMMENDATION

That the policy for Controls and Guidelines for Outdoor Dining Areas within Strathfield Municipal Council be placed on public exhibition for 28 days to seek public comment.

PURPOSE OF REPORT

Council's policy for Controls and Guidelines for Outdoor Dining Areas within Strathfield Council has been reviewed and an amended draft policy has been developed for Council consideration and public exhibition.

REPORT

The Controls and Guidelines for Outdoor Dining Areas Policy was adopted by Council in June 2003. The purpose of the control was to set out guidelines for approval of the use of footpaths for outdoor dining in Council's commercial centres.

Under section 125 of the Roads Act 1993, Council may issue an approval for use of the footpath for restaurant purposes, subject to conditions, fees and duration of approval as determined by Council. The conditions for use of footpaths for this purpose are set out in Council policy *Controls and Guidelines for Outdoor Dining Areas in Strathfield Municipal Council*.

Council permits and encourages businesses to make application to Council to use footpaths adjacent to their business for outdoor dining purposes. Provided that the business has development consent as a restaurant (including cafes), an application can be made to Council for use of the footpath. If approved, the business pays a fee to Council in accordance with the Fees and Charges Schedule set out in the Annual Management Plan. Businesses must adhere to the conditions set out in the approval and ensure their insurance and payments are current.

The Council policy has been reviewed and amended to improve readability and understanding of conditions and process as well as simplify the application and approval processes. The main changes to the policy include:

Change of business owner

Under the current policy, agreements expire if the business owner changes. It is proposed that current agreements can be transferred to new owners of similar businesses (eg restaurant type businesses), provided they provide contact information and proof of public liability insurance. This amendment reduces uncertainty about agreements with Council and encourages businesses to provide Council with current information.

Applications and approvals

The application process for use of footpaths for dining areas has been simplified. Application is made on the *Application for Outdoor Dining Permit* form, which will be available on Council's website and Customer Service Centre (see attached). Council will advertise for new applications or renewals around August/September each year. Provided no additional approvals such as development consents are required, applications should be determined within ten (10) working days of receipt of application and a written approval will issue. Applications can be made at other times and fees will be charged on a pro-rata basis.

Smoking

The amended policy does not permit smoking in outdoor dining areas on Council's footpaths. Secondary smoke has no level of safe exposure. Especially vulnerable to secondary smoke are children, people with underlying health conditions and workers who are repeatedly exposed to smoke. Smoking in outdoor dining areas may attract some business from smokers but it can also be a disincentive, as significantly larger amounts of the population are non-smokers, who do not wish to be subjected to secondary smoke while they are dining. According to the Heart Foundation's survey of local governments in NSW as at 31 July 2010, 76 of the 152 NSW councils have adopted some form of smoke-free outdoor areas policy, including 74% of Sydney metropolitan councils.

REFERRAL FROM OTHER DEPARTMENT

Strategic Planning, Planning and Environment and Civic Space sections were consulted in the development of this guideline.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Draft Controls and Guidelines for Outdoor Eating Areas within Strathfield Municipal Council
2. "Application for Outdoor Dining Permit" Form

Report approved by:

Patrick Wong
Director Technical Services