

ITEM 8 POST EXHIBITION - OUTDOOR DINING AND EXTENSION OF FEE ASSISTANCE

Outdoor dining has proven to be important as a mechanism to support post-pandemic economic recovery for hospitality businesses within the Local Government Area (LGA). Allowing businesses to expand their footprint into public places brings benefits not only for participating businesses but also for the wider community.

This report presents the Outdoor Dining Policy for Council's adoption post-exhibition and recommends additional measures to support outdoor dining for businesses within the LGA.

RECOMMENDATION

- 1 Council adopt the Outdoor Dining Policy.
- 2 Council approve the extension of the waiver of outdoor dining fees until 30 June 2023 to support outdoor dining and economic recovery for hospitality businesses within the LGA. Outdoor dining licence holders will still be required to pay the required amount for a bond.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

On 2 August 2022, Council resolved to endorse the draft Outdoor Dining Policy to be placed on public exhibition. It is proposed that the Outdoor Dining Policy be adopted noting that the exhibition period has ended.

The Outdoor Dining Policy aims to encourage the establishment of outdoor dining or outdoor restaurants wherever feasible and appropriate throughout the LGA. It aims to provide a consistent policy that ensures quality, aesthetically pleasing, safe and practical outdoor dining whilst addressing concerns of access and safety.

Since the previous review of the policy, there has been significant changes to economic conditions triggered by the COVID-19 Pandemic, which has also triggered an increased understanding of the importance of utilising outdoor spaces for dining. These changes have also triggered changes to planning legislation to support outdoor dining connected with small bars and pubs, support for general process changes and the implementation of the NSW Outdoor Dining Policy. The updated policy as exhibited reflects these changes.

The revised policy introduces five criteria that need to be considered when assessing outdoor dining approvals. These mirror those introduced in the NSW Outdoor Dining Policy and are listed below:

- **Location/Site suitability:** facilitating the appropriate use of footpaths and public places for outdoor dining activities.
- **Safety/Accessibility:** maintaining an equitable and safe thoroughfare around outdoor dining areas for all users.
- **Amenity:** facilitating improvement to the local character, street vitality, attractiveness and economic viability.
- **Function:** ensuring the design of space, furniture, fixtures and day-to-day requirements of the outdoor dining space reflect the local area and quality required.

- **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.

Since Council endorsed the draft Outdoor Dining Policy for exhibition, an Outdoor Dining Internal Working Group was formed to assist the local hospitality industry with outdoor dining initiatives. The group consists of Council officers from multiple divisions who have been working with local business owners and other external stakeholders to assist with finding resolutions and streamlining the process for outdoor dining throughout the LGA. Since the exhibition of the new draft policy, there has been an additional 30 approvals issued for outdoor dining, some of these being new approvals and some of these being expansions to outdoor dining footprints. This is compared to the 17 approvals issued in 2019.

Whilst the number of approvals has increased, officers have ensured that the principles contained within the five criteria in the draft policy have been at the forefront. In particular, there has been a specific focus on safety and accessibility and ensuring a safe and equitable thoroughfare is maintained around outdoor dining areas for all users.

At this same meeting, Council resolved, among other COVID-19 assistance measures, for the community and business to approve the waiver of outdoor dining fees for the period of 1 July 2021 to 30 June 2022 to support outdoor dining and economic recovery for hospitality businesses within the LGA. This waiver noted that licence holders were still required to pay the required amount for a bond.

There are several factors influencing the increased take up of outdoor dining in the Wollongong LGA, however a significant factor is the waiver of the fees over the last 12 months. The waiver of the fees not only increased the number of applications but has also been instrumental in allowing businesses to expand their footprint as part of their COVID-19 recovery plans. Noting that businesses continue to recover from external factors, including the inclement weather in recent times, the extension to the fee waiver proposed seeks to support businesses through this recovery period.

PROPOSAL

It is proposed that Council adopt the draft Outdoor Dining Policy.

The Outdoor Dining Policy aims to encourage the establishment of outdoor dining or outdoor restaurants wherever feasible and appropriate throughout the LGA. It aims to provide a consistent policy that ensures quality, aesthetically pleasing, safe and practical outdoor dining whilst addressing concerns of access and safety. The policy has been updated to reflect recent changes to planning legislation and to incorporate the principles from the NSW Outdoor Dining Policy.

Considering the submissions received during the exhibition period, there have been no changes to the draft Policy following exhibition.

CONSULTATION AND COMMUNICATION

Pursuant to the Council resolution of 2 August 2021, the draft Outdoor Dining Policy was placed on exhibition from 9 August 2021 to 11 October 2021.

The draft Outdoor Dining Policy was viewed and downloaded 23 times and Council received three submissions via the Outdoor Dining Council Policy Survey available on Council's webpage. The page was generally visited by 57 people.

The submissions received from the three participants in the survey were all positive and supportive of outdoor dining with a particular focus on supporting outdoor dining in the Wollongong CBD and Crown Street Mall. There was no negative feedback received in relation to the policy placed on exhibition.

Consultation was undertaken in relation to the draft policy prior to endorsement for exhibition with:

- Property and Recreation
- Development Assessment Certification
- Land Use Planning
- Governance and Customer Service.

Advice has also been obtained from the Office of Local Government along with the NSW Small Business Commission.

PLANNING AND POLICY IMPACT

This Policy contributes to Goal 5 “We value and protect our environment”, in particular, the core business of Property Services, in particular “Manage Council’s commercial property portfolio including purchase, sale and leasing” as well as “Manage the statutory requirements of Council’s property portfolio for Community Lands and management of Crown Lands held under trust”.

This also contributes to Goal 2 - “We have an innovative and sustainable economy” including contributing to the Major Project “Deliver increased city centre marketing and activation initiatives to support local and regional economic recovery in response to COVID-19”.

SUSTAINABILITY IMPLICATIONS

Through the adoption of streamlined processes to further improve Council’s outdoor dining approvals, there are potentially efficiencies to be gained in relation to the delivery of these services.

RISK MANAGEMENT

The diligent management of the use of outdoor public spaces in line with an existing framework, such as for outdoor dining and entry into the appropriate agreements, reduces legal risk as well as legislative and regulatory risk for Council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with adopting the Outdoor Dining Policy noting that it can be delivered within Council’s existing operational budget for Property Services Core Services.

The current amount budgeted for Outdoor Dining for the 2022/23 financial year is \$177,655.00. This amount represents the financial impact of the proposed waiver.

The financial impact of the proposed waiver will be identified as part of the forthcoming budget

CONCLUSION

The adoption of the revised Outdoor Dining Policy and the proposed waiver demonstrates Council’s support for the use of these outdoor spaces within the Wollongong LGA.