

8.18. Outdoor Dining Licences

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ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

ATTACHMENTS:

1. Coal Loader temporary outdoor dining permit [8.18.1 - 1 page]

PURPOSE:

This report is to inform Council on the current arrangements that are in place for all Outdoor Dining Licence holders including “Temporary Outdoor Licence” holders and is recommending a transition back to Pre-Covid-19 arrangements now that the Pandemic crisis has eased.

EXECUTIVE SUMMARY:

As part of North Sydney Councils response to assist businesses through the COVID-19 pandemic, Council resolved to waive all Outdoor Dining Licence Fees payable from 1 July 2021 (Q1 2021/22). This waiver applied to 171 Outdoor Dining Licences that were active at the time and was to be in place until such time as the NSW Government lifts the Public Health Orders in force preventing outdoor dining.

North Sydney Council’s response is consistent with Lane Cove, Mosman and Willoughby Councils waiver of Outdoor Dining Licence Fees for the duration of the existing Orders. The City of Sydney has waived all Outdoor Dining Fees until 30 June 2022.

Furthermore at its meeting of 27 September 2021 Council also resolved to extend the period of waiver for Outdoor Dining Licences to 30 January 2022 while also introducing a new “Temporary Outdoor Licence” initiative. The resolution also sought a further report to consider extension prior to expiring. The capacity to do this has been impinged by the Council election timing.

On the 10 February 2022 the NSW Government lifted all restrictions for outdoor dining and no density limits apply.

To facilitate the transition with suitable notice, the Mayor and General Manager exercised discretion to extend the temporary permits to 31 March 2022. This report seeks Council authorisation to also extend the waiver if Outdoor Dining Licence Fees to permanent licence holders to 31 March 2022.

FINANCIAL IMPLICATIONS:

The revenue foregone to Council through waiving Outdoor Dining Licence fees was reported to Council in the Quarterly Property Portfolio Report of August 2021 as being estimated to be

\$52,020 per month. The total actual revenue foregone over a 7-month period from 1 July 2021 to 31 January 2022 amounts to \$461,927 which equates to \$65,989 per month.

The revenue foregone as a result of Councils initiative of the Temporary Outdoor licences based on the combined size of areas permitted to be licenced was \$28,900 for a 5-month period from November 2021 to March 2022.

RECOMMENDATION:

- 1. THAT** all existing Outdoor Dining Licences fees continue to be waived until 31 March 2022
- 2. THAT** Council note that the Temporary Outdoor Dining Licences were extended to 31 March 2020, under delegation, and that those Operators who wish to continue with occupying the temporary licenced area apply for a formal Outdoor Dining Licence which is subject to approval based on Councils existing Outdoor Dining Policy and Guidelines and will be subject to the adopted fees and charges for Outdoor dining Licences.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

3. Our Future Planning

3.1 Prosperous and vibrant economy

BACKGROUND

North Sydney Council has waived all fees and charges for Outdoor Dining since 1st July 2021. At the time of this waiver Council had 171 Active Licences.

As at 16 February 2022 Council has 161 Active Licences excluding the nine (9) “Temporary Outdoor Licences” that have been taken up since September 2021.

On the 10 February 2022 the NSW Government lifted all restrictions for outdoor dining and no density limits apply.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

North Sydney Council has had an Outdoor Dining Policy since 2008 which is regularly updated. Since the inception of the policy, North Sydney Council, like a number of other Metropolitan Councils, has charged businesses via a licence agreement to use the Council's footpaths as an extension of their business operations. The majority of Outdoor Dining Licences in North Sydney are taken up by Cafés and Restaurants.

The greatest number of active Outdoor Dining Licences that Council has ever had at any one time is 186 in 2017/18.

As at 16 February 2022 Council has 161 Active Licences excluding the nine (9) “Temporary Outdoor Licences” that have been taken up since September 2021.

Councils annual revenue received through Outdoor Dining Licences pre COVID-19 is on average around \$800,000 Per annum.

To assist businesses during the COVID-19 Pandemic Crisis Council waived all Outdoor Licence fees effective from 1st July 2021.

In addition, on 27 September 2021 Council also resolved to extend the period of waiver for Outdoor Dining Licences to 30 January 2022 while also introducing a new “Temporary Outdoor Licence” initiative.

To date nine (9) food businesses have taken up the offer of the Temporary licence. These businesses are as follows:

- Mount Street Terrace
- Coco-Chocolate
- Waterview Café
- Flying-Bear-Café
- Rag & Famish
- Johnny Bird
- Coal Loader Café
- Oishi Billi
- Ainoya Japanese Restaurant

The Temporary licences period, originally ended on 30 January 2022, however this period has now been extended to the end of March 2022 under the delegation of the Mayor / General Manager.

As reported previously to Council in the August 2021 Quarterly Property Report, the General Manager and the Mayor have the discretion to use the delegation of authority adopted by Council on 4 December 2017 which provides that the Mayor is delegated to deal, in cases of emergency, with any matter not precluded by Section 377 of the Local Government Act 1993 and not being otherwise delegated or development/building applications.

Section 226 of the Local Government Act provides that it is the role of the Mayor:

(d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,

It is a requirement that all matters dealt with under delegation to the Mayor shall be reported to the next available meeting of the Council.

Part of the purpose of this report is to meet this requirement under the Local Government Act and report to Council that the Mayor and General Manager have used their delegation under Section 226 to extend the period that Temporary Outdoor Dining Licences issued by Council since September 2021 can operate to 31 March 2022.

Council’s Ranger & Parking Services Manager has since issued letters on 11/2/2022 to the nine (9) Operators to advise them of the extension of their Temporary licence to end of March 2022. A copy of the letter is attached to this report.



**NORTH SYDNEY
COUNCIL**

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TD003/21

BY POST AND EMAIL: 

Dear 

TEMPORARY OUTDOOR DINING PERMIT – EXTENSION OF PERIOD

I am writing to advise that the free temporary outdoor dining permit granted to your business by Council and due to finish on 30 January 2022, will be extended until 30 March 2022.

This extension has been offered by Council to further assist local businesses during this trying period of the COVID-19 restrictions.

An extension of this temporary permit beyond 30 March is unlikely to occur. However, if you would like to make use of this area beyond 30 March 2022 you may apply for an ongoing outdoor dining permit under Council's normal outdoor dining agreement. Please note that fees will apply for a permit beyond 30 March 2022.




Should you wish to discuss any aspect of this extension, please feel free to call me on (02) 9936 8100.

Yours sincerely,



MARK RICHARDSON
MANAGER RANGER AND PARKING SERVICES

Endorsed Date: 11/02/2022

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