

Temporary Guidelines – outdoor foyers for cultural venues

Temporary Guidelines – outdoor foyers for cultural venues

Introduction

Theatres, music venues and galleries have been hit hard by public health orders required to control the transmission of the COVID-19 virus. These venues need to access extra outdoor space to help manage physical distancing amongst patrons.

Part 12 of the Liquor Act 2007 has special provisions relating to the COVID-19 pandemic.

The special provisions introduce temporary measures to enable the use of footpaths and other public space as “an extension of foyer space” to assist with physical distancing at performance spaces and other cultural venues.

The City of Sydney welcomes proposals from venues wishing to establish an “outdoor foyer” and will assess and determine each proposal on its merits against the Act and these guidelines.

The following guidelines apply to establishing an outdoor foyer in the City of Sydney area.

Approvals

Use of footpath or public open space for an outdoor foyer area requires Council approval.

Venues wishing to operate an outdoor foyer area must complete an application on the City of Sydney website.

Applicants will need to prepare plans showing:

- the location of the outdoor foyer area
- boundaries of adjacent properties
- nearby community amenities or infrastructure such as fire hydrants, bus shelters, taxi stands, street furniture and rubbish bins
- any intended furniture items and barriers for the proposed outdoor foyer

A plan of management for operating the outdoor foyer must be submitted with the application, detailing:

- Intended operating times
- Set-up, pack up and storage of furniture items and barriers

- How use of the outdoor foyer will be managed
- How impacts of the outdoor foyer will be managed including queuing, patron noise, alcohol consumption and rubbish removal.

Approved applications will receive a footway approval which will outline the conditions for operating an outdoor foyer space. Failure to comply with these conditions may result in the revocation of the footway approval.

1.1. Notification of applications for outdoor foyers

In line with the City’s existing Outdoor Dining Policy, public notification will be required for all applications seeking to have an outdoor foyer.

Provisions

- 1) Notification will be made through a notice on the premises, on the Councils’ website and via letter or digital service:
 - for a period of 7 days
 - within a 25-metre radius of the proposal

1.2. Guidelines

- 1) An entertainment, arts or cultural venue, may occupy the footway or public open space directly adjacent their venue for the purpose of patron management, queuing or extending foyer space:
 - a) Up to one hour before and one hour after, and during advertised performance or exhibition times.
 - b) No later than the approved operating hours for the venue or facility
- 2) The outdoor foyer area must be directly in front of, or adjacent to, an entry to the venue.
- 3) The outdoor foyer area may extend beyond the boundaries of the venue if concurrence is provided by neighbouring properties to occupy space in front of those neighbouring properties.

Temporary Guidelines – outdoor foyers for cultural venues

- 4) The outdoor foyer must observe the following clearances:
 - a) 2 metres from a traffic lane of a classified road
 - b) 1.5 metres from an accessible parking space or loading zone
 - c) 0.5 metres from standard parking spaces
 - d) 1 metre from a public transport stop, public transport access point, bus zone or taxi stand
 - e) 1 metre from any service object including fire hydrant, utility pit, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like
 - f) 1 metre from any landscaped area
 - g) 0.8 metres from any street tree pit or grate – measured from the outside of the pit or grate
 - h) 2 metres from the corner alignment of the building at street intersections
 - i) sufficient clearance from the building line or alternative arrangements to give safe and equitable access
- 5) Furniture and weather protection for the comfort of patrons is permitted and:
 - a) must be located wholly within the outdoor foyer area
 - b) must not have permanent fixings
 - c) must be removed and stored safely outside of outdoor trading hours.
- 6) Furniture including chairs, stools, benches, tables are to:
 - a) be safe for users and not have any sharp edges, hinges or other moving parts that could cause a hazard to users
 - b) allow access for all users, including those who use wheelchairs or mobility aids
 - c) be non-reflective
 - d) be strong, durable, weather resistant and designed for outdoor use
 - e) not damage the footway
 - f) be able to be readily removed and stored within the associated venue.
- 7) Umbrellas are to have a minimum height clearance of 2 metres.
- 8) Alcohol may be consumed in outdoor foyer areas with approval from Liquor and Gaming NSW. If alcohol is served in alcohol free zones, a demarcated barrier must be placed around the outdoor foyer area. Liquor and Gaming NSW may impose additional conditions on your liquor licence relating to service of food.
- 9) Adjacent parking spaces and loading zones may be incorporated into outdoor foyer areas but require approval from the Sydney Traffic Committee. A plan for the use of the area and parking spaces will need to be submitted and approved.
- 10) Artworks may be exhibited within the outdoor foyer space, provided that:
 - a) All artworks are free-standing and removable
 - b) No artworks damage the footway or roadway
 - c) No artworks block access to paths of emergency egress
 - d) No artworks contain trip hazards, sharp or moving parts that may cause injury to patrons and public
 - e) No video or images are projected across a roadway or into the path of vehicular traffic
 - f) No artworks are expressly intended to promote or advertise a product or service
 - g) All artworks are suitable for a general, unrestricted audience
- 11) Public liability insurance must be maintained and must cover the use of the outdoor foyer area and any artworks located within it.
- 12) Operation of the area should be in accordance with any federal and state public health orders.

Temporary Guidelines – outdoor foyers for cultural venues

Terms

These guidelines apply until 30 June 2022 or until the repeal of Part 12 of the Liquor Act 2007 and may be updated at any time.

It is the responsibility of individuals and operators using outdoor spaces for these purposes to comply with these guidelines and any updates to them, as well as all relevant laws, regulations and policies and the lawful directions of state and local government authorities.

Federal and state public health orders take priority over these guidelines.

