



## Policy

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## OUTDOOR DINING AND FOOTPATH TRADING

Strategic Outcome:	Diverse and resilient business
Policy type	Strategic
Date of Adoption:	20 September 2023 Minute Number: 241/23
Date for Review:	15 September 2027
Responsible Officer:	Director Strategic Planning and Development
Document Control:	Replaces Outdoor Dining and Footpath Trading Policy adopted on 15 May 2019
Delivery Program Link:	4.1.2 Support local enterprise through local economic and industry development initiatives and projects

### 1. POLICY STATEMENT

Attractive and vibrant town centres create communities that make a statement about a place.

Council is committed to improving the local economy by encouraging the use of footpaths in town centres to contribute to their attractiveness and vibrancy while maintaining community access and safety

### 2. PURPOSE

Street trading adds to the vibrancy, and when done well, adds also to the attractiveness of a place. This policy is designed to encourage outdoor dining and footpath trading

### 3. SCOPE

The policy applies to use or occupation of Council-controlled footpaths within the town centre areas of Berrigan, Barooga, Finley and Tocumwal.

### 4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

*4.1.2 Support local enterprise through local economic and industry development initiatives and projects*



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### 5. DEFINITIONS

**Principles:** The principles shown in Clause 6.2 of this policy

**Town centre:** The ordinary commercial area of the town

### 6. POLICY IMPLEMENTATION

#### 6.1 General guideline

As a general rule, where the use meets the principles set in the policy:

- **No formal approval is required** from the Council for use or occupation of footpaths within the designated town centre areas. **Approval will be deemed to be granted.**
- **No application is required to be made to the Council** for use or occupation of footpaths within the designated town centre areas
- **No rent or other charge will be applied** by the Council for use or occupation of footpaths within the designated town centre areas.

**Note:** Approvals from other agencies may be required in certain circumstances – i.e., from Liquor Licencing or Transport for NSW.

#### 6.2 Principles

In commercial areas, footpaths have multiple, related functions and purposes and it is important that use for one purpose does not impede on other purposes.

1. Footpaths provide universal pedestrian access and must always perform this function
2. Footpaths are public space – public space that can also be used to add to the liveability and vibrancy of a place

Local traders and businesses will comply with this policy if they can demonstrate the following:

##### 6.2.1 Common sense approach

Ensure any items or trading activity on the footpath do not:

1. impede access to street furniture (public seating, bins, street signage and shelter);
2. Impede access to and/or disrupt visual sight lines to pedestrian crossings and bus stops;
3. impede access to vehicles parking on the road; nor
4. disrupt visual sight lines to vehicular intersections/roads including bicycle lanes



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### 6.2.2 Pedestrian access

Ensure any items or trading activity on the footpath does not impede pedestrian access by:

1. maintaining a 1.8m wide clear path on the footpath and allowing adequate space for pedestrians using mobility aids such as wheelchairs; and
2. assisting vision impaired people by not placing furniture or items along the front wall of the business. If this is not possible ensure the placement of items is consistent and provides a predictable pathway.

### 6.2.3 Consideration for neighbours

Ensure any items or trading activity on the footpath does not compromise or impede neighbouring businesses. Businesses are encouraged to work together to make their town centre an attractive and vibrant space.

### 6.2.4 Public liability insurance

Before placing any items or trading on the footpath, businesses and traders must hold public liability insurance to a minimum of \$20 million, noting

1. the holder's intent to trade on the footpath; and
2. Berrigan Shire Council's interest.

While a certificate of currency does not need to be provided to the Council before using the footpath, the Council may request a certificate of currency should it deem it necessary.

### 6.2.5 Food handling

Ensure all applicable safe food handling standards are followed. Advice from the Council is available on specific requirements.

Food items displayed or offered for sale from footpath areas must be:

1. restricted to non-potentially hazardous food;
2. shall be pre-packaged,
3. appropriately labelled

**Note:** Preparation of food on the footpath is not covered by this policy and will require Council consent in advance.



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### 6.2.6 Signs and noticeboards

Before placing removable sandwich boards, A-Frame signs, or flags/banners on the footpath, ensure they are:

1. limited to one (1) per business entry; and
2. no larger than 600mm wide and 1200mm high; and
3. if banner or flag, securely fixed.

### 6.2.7 Security

Ensure all items are removed from the footpath after trading hours and safely and securely stored.

Explicit written permission from the Council is required before permanently fixing any item or conducting any works on the footpath.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- [Local Government Act 1993](#)
- [Disability Discrimination Act \(Cwth\) 1992](#)
- [Roads Act 1993](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Food Act 2003](#)

### 7.2 Council policies and guidelines

- [Risk Management Policy and Framework](#)
- [Street Stall Policy](#)
- [Economic and Industry Development Strategy 2017-2021](#)
- [Disability, Active Ageing and Inclusion Plan 2022 – 2026](#)
- [Local Environmental Plan](#)
- Pedestrian Access Management Plans
  - [Barooga](#)
  - [Berrigan](#)
  - [Finley](#)
  - [Tocumwal](#)



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### 8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

### 9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

### 10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Director Corporate Services
2.0	15/05/2019	Major review – permits abolished	Director Corporate Services
2.1	21/06/2023	Minor review	Director Strategic Planning and Development



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### APPENDICES

NIL