

Name of policy:	Footpath Activities in Town Centres		
Adoption by Council:	26 July 2023	Minute number:	293/2023
Last review date:	October 2022		
Review timeframe:	4 years		
Next scheduled review date:	October 2026		
Related legislation:	<p><i>Local Government Act 1993</i></p> <p><i>Disability Discrimination Act 1992 (Cth)</i></p> <p><i>Roads Act 1993</i></p> <p><i>Environmental Planning & Assessment Act 1979</i></p> <p><i>Food Act 2003</i></p> <p><i>Civil Liability Act 2002</i></p>		
Associated policies/documents:	<p>Third Party Risk Management & Insurance Requirements Policy</p> <p>NSW Food Authority's 'Guidelines for Food Businesses at Temporary Events'</p> <p>Temporary Food Stall Notification Form</p>		
Responsible division:	Liveable Communities		

Policy Objective

The objective of this policy is to make town centres across the MidCoast Council area attractive and vibrant.

Policy Statement

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

Coverage of the Policy

There are a range of footpath activities that apply to this policy that have been grouped as follows:

- business uses
- community stalls and
- buskers

This policy applies to all public footpath areas in town centres as defined in this policy.

Strategic Plan Link

The policy directly links to the following community strategic plan values:

- We value our unique, diverse and culturally rich communities
- We value a connected community
- We value our environment
- We value our thriving and growing economy

Policy Content

Footpaths are public spaces that adjoin our roads. Often businesses or community groups seek to use the footpath for activities such as outdoor dining, displaying goods and signage. These uses are specifically encouraged in town centres to make them attractive and vibrant and to encourage economic growth and activity. Part of making town centres attractive and vibrant is also ensuring community access and safety are maintained when using the footpath. These outcomes will be achieved by the following criteria:

Operating Criteria

- applying a 'common sense' approach when placing anything on the footpath to ensure that the community can use the footpath safely. Items must not impede intersection sight distances, access to street furniture (public seating, bins, street signage, and shelters), pedestrian crossings, bus or taxi stops. Placement and size of objects should not impede access to/from vehicles or restrict or redirect the flow of storm water;
- to ensure pedestrian access is not impeded a 1.8m wide clear path must be provided.
- to ensure the community can use the footpath safely:
 - a. the placement and size of objects must allow people to easily use the footpath, especially for:
 - i. vision impaired people and their aids,
 - ii. mobility scooters;
 - iii. wheelchairs;
 - iv. children, disabled and the elderly
 - b. the location of furniture or items along the front wall of the business should be avoided to maintain easy access for vision impaired people and if this is not possible, the placement of items is to be consistent so as to provide a predictable pathway;
- ensuring installations are temporary in nature (i.e. not permanently fixed). Items must be removed from the footpath if directed by a Council Officer;
- working with neighbouring businesses to attract people to the streets and ensure the use of the footpath does not compromise or impede neighbouring businesses;
- ensuring items placed on the footpath are suitably maintained, fit for purpose and visually appealing to the context of the footpath area;
- registered users being proactive with reporting footpath maintenance issues to council;

- registered users being responsible for the footpath by being the first point of contact for people with compliments and criticism;
- completing and lodging an on-line application form prior to using the footpath. Applications from community stallholders and buskers with a lead time in excess of 3 months will not be processed. To ensure community access and safety, Council may limit the frequency and number of community stalls and buskers operating at any one time;
- buskers and community stall holders must obtain agreement from businesses to utilise the footpath adjoining their business prior to submitting an application to Council;
- businesses, community stalls and buskers holding **public liability insurance to cover the use of the footpath** (minimum of \$20 million liability) Buskers may be covered by Council's insurance. Buskers are required to seek clarification from a Council Officer prior to submitting an application with Council;
- ensuring Council is provided with a copy of the insurance certificate of currency noting Council as an interested party;
- Incidents on the footpath involving third party property damage or personal injury are to be reported to Council within 24 hours of the date of the incident;
- Temporary food stall holders completing a notification of Temporary Food Stall form at the time of registering and seeking advice from Council on the application of safe food handling standards. Food items displayed or offered for sale from footpath areas must be restricted to non-potentially hazardous food and shall be pre-packaged and appropriately labelled;
- limiting the number of sandwich boards/ A-frame signs to one per business entry and applying a maximum size of 0.6m wide and 1.2m high); and

If each of the criteria above are met, formal approval will be granted to use the footpath space in the town centre.

Definitions

Business uses – uses that are directly associated with a business that operates in the town centre. Typically, the items are placed on the footpath in front of the business but can be extended along the footpath if the neighbours agree. Items include tables and chairs for outdoor dining, displays, banners, A-frame signs/sandwich boards, seats, potted plants and art. These items will be removed from the street when the business is closed;

Community stalls – these are temporary uses that are typically undertaken by not-for-profit groups to either increase awareness or raise funds by selling goods; and

Buskers – who provide entertainment for people using the footpath

Town centres – are defined as B1, B2, B3, B4, IN4 and Villages zones (only in locations adjacent to existing business premises). Requests from businesses operating outside these zones will be considered by exception.

Responsible Officer

Manager Economic and Destination Development

Attachments

Nil