

Name:	Footpath Activities in Town Centres		
Policy code:			
Adoption by Council:	14 February 2018	Minute number:	16/18
Last review date:	23 November 2016		
Review timeframe:	3 years		
Next scheduled review date:	February 2021		
Related legislation:	Local Government Act 1993 Disability Discrimination Act 1992 - Section 23 Roads Act 1993 - Section 125 Environmental Planning and Assessment Act 1979 Food Act 2003		
Associated policies / documents:	Third Party Risk Management & insurance requirements Policy NSW Food Authority's 'Guidelines for Food Businesses at Temporary Events'.		
Responsible department:	Community Spaces & Services		

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 Statement

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

- **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.

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

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 that community access and safety are maintained when using the footpath. These outcomes will be achieved by the following 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;
- ensuring pedestrian access is not impeded (i.e. a 1.8m wide clear path). Placement and size of items must allow pedestrians using mobility aids such as wheelchairs adequate space to move along the footpath. To maintain easy access for vision impaired people, furniture or items should not be located along the front wall of the business. If this is not possible, ensure that the placement of items is consistent and provides a predictable pathway;
- working with neighbouring businesses to attract people to the streets and ensure the use of the footpath does not compromise or impede neighbouring businesses.
- buskers and community stall holders must seek agreement from businesses to utilize the footpath adjoining their business prior to submitting an application to Council;
- being proactive with reporting footpath maintenance issues to council;
- being responsible for the footpath by being the first stop for people with compliments and criticism;
- holding **public liability insurance to cover the use of the footpath** (minimum of \$20 million liability);
- seeking advice from council on safe food handling standards and applying such. Temporary food stall operators are required to complete a notification of Temporary Food Stall Form at the time of registering. 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 size (maximum of 0.6m wide and 1.2m high) and number of sandwich boards/ A-frame signs to one per business entry; and
- completing an on-line application form noting 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 number of community stalls and buskers operating at any one time.

If each of the criteria above are met, no formal approval is required to use the footpath.

References and Related Documents

Nil

Responsible Officer

Manager Growth, Economic Development and Tourism

Attachments

Nil