



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

### FOOTPATH TRADING

<b>Originated Date:</b>	Adopted 18 June 2007 – Min. No. 200/07 (as Policy 52)
<b>Amended Date/s:</b>	Amended 20 September 2010 – Min. No. 251/10 Amended 27 May 2013 – Min. No. 132/13 (Incorporating Policy No 26 - rescinded) Amended 16 October 2017 – Min. No. 326/17
<b>Applicable Legislation:</b>	Part 11 of the <i>Local Government Act 1993</i>
<b>Objective</b>	To provide guidelines for footpath trading.
<b>Administration:</b>	Community and Development
<b>Review Cycle/Date:</b>	Next review 2021.

#### 1 INTRODUCTION

Footpath trading is the use of footpaths by a business for the display of signs and goods, and for outdoor eating.

The Footpath Trading Policy has been developed to ensure that commercial activity on footpaths does not impact on safety and amenity.

#### 2 DEFINITIONS

*“authorised officer”* *“footpath”* means that part of the road reservation between the formed road and the property boundary and includes areas of naturestrip.

*“footpath trading”* means use of the footpath for freestanding signs, on street dining or the display of goods.

*“main road”* means Marlborough & Wellington Streets, Longford; Russell & High Streets, Evandale; Main Road, Perth; Main Street, Cressy; Falmouth Street, Avoca; High Street, Campbell Town; and Church & Bridge Streets, Ross.

*“freestanding sign”* means a sign not permanently attached to the ground or to a building or other structure includes portable signs, A frame signs, sandwich boards and flag/banner signs.

#### 3 NUMBER OF FREESTANDING SIGNS

The number of free standing signs must be no more than two per premises. For premises not located on a main road, one of the signs may be located at the intersection of the main road.

#### 4 SIZE OF FREESTANDING SIGNS

Freestanding signs must be no higher than 1m and no wider than 60cm, except that flag/banner signs may be 2.5m high x 90cm wide.

#### 5 NEWSPAPER AND MAGAZINE ADVERTISING RACKS

Registered newsagencies and sub-newsagencies do not require a licence for newspaper or magazine advertising racks located against the shop front, securely fastened, and not causing a hazard by protruding into the footpath.

#### 6 BLACKBOARD SIGNS

A licence is not required for up to two blackboard signs no larger than 60cm wide x 90cm high located against the front of the building, securely fastened, and not causing a hazard by protruding into the footpath.



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### 7 APPLICATION FOR A LICENCE

A person must apply to the Council for a licence under the Freestanding Signs By-Law No. 3 of 2009, the On Street Dining By-Law No. 2 of 2009, or the Display of Goods and Services By-Law No. 1 of 2009 for the use of the footpath for freestanding signs, on street dining or the display of goods.

Licences must be renewed annually.

The application must be on Council's application form and include:

- a plan to scale showing the location of the activity;
- a copy of insurance to cover the activity;
- the applicable fee.

### 8 ISSUE OF A LICENCE

Licences are subject to the following conditions:

- The licence holder must hold public and products liability insurance cover that extends to cover the licensed activity and provides a clear statement that acknowledges that the insurer is aware of the extension to the business to cover the freestanding sign(s) / on street dining / display of goods. The cover must provide a 'principals indemnity extension' to the Northern Midlands Council with a minimum cover of twenty million dollars.

#### THIS LICENCE EXPIRES:

- twelve months from the date of issue; or
- if there is no longer a current public and products liability insurance covering the activity.

#### STRUCTURES

All structures and objects used in the licensed activity must:

- be located and setback far enough from the kerb to allow people to readily enter and exit cars;
- be located to retain an unobstructed 1.5m wide pedestrian pathway along the footpath;
- be adequately weighted so as to be secure;
- be brought in if weather renders them unstable;
- not encroach beyond the side boundaries of the property;
- be of a design that prevents damage to footpath paving;
- be removed from the road reserve when the business is closed, and any footpath sockets plugged;
- be strongly designed and constructed for a public environment.

#### FREESTANDING SIGNS

- Must not be moving, rotating, animated, or illuminated.

#### UMBRELLAS

- The edge of umbrellas must be set back far enough from the kerb that they don't cause a hazard to people entering and exiting cars.
- There must be a minimum clearance of 2.1m between the underside of umbrellas and the footpath.
- Umbrellas must not extend into the pedestrian pathway so as to cause a hazard to people moving past the site.

#### AMENITY

The licence holder must:

- maintain the area for on street dining in a clean and sanitary manner including, but not limited to, emptying waste bins and washing pavements, promptly cleaning and washing away any liquid, food, debris, broken glass, or waste from the area;



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- not use the existing street rubbish bins for disposal of table waste;
- not sweep rubbish into the street gutter or adjacent footpath areas;
- be responsible for the conduct of patrons at tables and chairs;
- ensure patrons do not obstruct the footpath by rearranging the tables and chairs;
- not place or use sound amplification equipment, juke boxes, or loudspeakers in the outdoor dining area for the purpose of announcements, broadcasts, playing of music, or similar purposes;
- not allow live entertainment in the outdoor dining area;
- ensure that freestanding heaters comply with Australian Standard AS1596 (Storage and Handling) and must be certified by the Australian Gas Association.

### **9 COUNCIL NOT OBLIGED TO ISSUE LICENCE**

- Council is not obliged to issue a licence for footpath trading, regardless of whether it complies with this policy.
- If an application is refused, grounds for refusal will be provided. The applicant may appeal to the General Manager for a review of the decision.

### **10 COUNCIL MAY CANCEL LICENCE**

- Council may cancel a licence at any time, giving reasons for the cancellation.