

TEMORA SHIRE COUNCIL



TEMORA
The Friendly Shire

FOOTPATH, CAFÉ & DINING POLICY

ACTIVE

Review Details

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CONTENTS

Introduction	Section 1.0
Area Affected By Policy	1.1
Definitions	1.2
Footpath Dining	Section 2.0
Aims & Objectives	2.1
Policy Guidelines	2.2
Conduct of Business	2.3
Signage and Street Stalls	Section 3.0
Aims & Objectives	3.1
Policy Guidelines Signage	3.2
Policy Guidelines Stalls etc	3.3
Public Liability	Section 4.0
Administration	Section 5.0
Application form	ANNEXURE 1

FOOTPATH POLICY

SECTION 1

1.0 INTRODUCTION

This policy establishes the guidelines for the application by the business for approval to use Council footpaths for the purpose of Outside Dining, Street Stalls, Displays and Advertising Boards.

This policy is to apply to a wide range of businesses including restaurants, cafes, bakeries and sandwich shops which meet the definition of 'Restaurant' under the Roads Act 1993.

This Policy aims to permit 'Restaurants' to utilise footpath areas at the front of their establishments for the purpose of outdoor dining in the Temora and Aria Park CBD areas. The policy will allow 'Restaurants' to place tables, chairs, barricades, pot plants and umbrellas on the footpath area outside their premises. Approval will be subject to the 'Restaurant' complying with conditions set by the Temora Shire Council for the use of such areas.

The Policy also sets out the guideline for the display of Advertising Boards, street stalls and sale displays that are placed on footpaths.

The policy document sets out the Council's position in relation to Outdoor Dining, Street Stalls, Displays and Advertisements within the Temora and Aria Park townships and provides a framework within which applications for the use of footpaths areas can be assessed, approvals issued and managed.

1.1 AREA AFFECTED BY POLICY

This policy will apply to all land such as footpaths and public areas that would ordinarily be used by the public for pedestrian movement or recreation that is located within the Central Business District of Temora and Aria Park.

1.2 DEFINITIONS

Council - means council of a Local Government area.

Restaurant - means any premises in which food is regularly supplied on sale to the public for the consumption on the premises. As defined under the Roads Act 1993

Footpaths - means that part of a road that is set aside or formed as a path or way for pedestrian traffic or any area such as a park or other space owned by council and used for pedestrian movement or recreation.

Outdoor dining - means activities such as placement of tables, chairs and other items such as umbrellas, pot plants and barricades, for the commercial use of eating and socialising.

Authority - means the approval given by Council for the use of the footpath for the operation of outdoor dining.

Street Stalls - means activity carried out on footpath which places either tables, stalls, displays or any like thing on the footpath for sale or display of goods, products or services. This includes the sale of raffle tickets.

SECTION 2 OUTDOOR DINING POLICY

2.1 AIMS AND OBJECTIVES

1. To provide for the establishment of footpath dining.
2. To establish criteria for approval that will limit activities on footpath as to ensure the safe and convenient passage of pedestrians, including persons with disabilities and those with wheeled mobility devices and people with prams.
3. To ensure that adjoining premises are not adversely affected by an outdoor dining area.
4. To ensure that the area subject to the application is kept in a clean and tidy manner and is regularly maintained.

2.2 POLICY GUIDELINES

1. Outdoor dining on public footpath areas is appropriate as long as the footpath in the location is of sufficient width to enable the location of tables and chairs and such other fixtures as may be appropriate without compromising pedestrian access or the safe and convenient movement of vehicles.
2. Outdoor dining on the footpath should be associated with an approved restaurant, café or other premises providing meals, and may extend beyond the boundaries of that premises only with the consent of the adjoining property owner/occupant.
3. The location of furniture on the footpath must maintain adequate access for pedestrians, including those persons who are mobility impaired and people with prams. The minimum width of pedestrian access is to be maintained at no less than 1.5 meters.
4. Barriers are to be used to define the outdoor dining area and are to be set back a minimum of 450mm from the roadway and are to be structurally stable. The barriers are to be of a metal frame and canvass fill. Bollards and chains will not be permitted.
5. Any Barriers used by premises are to be approved by Council. Barriers are to be of style and colour that fits in with general surroundings or theme of premises. Final approval shall remain with Council.
6. Umbrellas are permitted and must have a clearance of approximately 2 meters above footpath level.

7. Umbrellas must be effectively secured against the effects of the wind and must be removed or closed during extremely windy conditions. They must be maintained in good condition at all times.
8. Umbrellas, furniture, barricades and other such items are to be removed from the footpath and the end of trade and stored within the building.

2.3 CONDUCT OF BUSINESS

The operator of outdoor dining area is required to manage the area to the council's satisfaction:

1. The area subject of the application and its immediate surrounds are to be maintained and cleaned on a regular basis throughout the trading day and at the end of each trading day.
2. The business operator/owner is not to sell or serve or permit to be sold or served any alcoholic or intoxicating liquor in or from the subject area except where council has granted specific approval and an appropriate liquor licence is obtained from licensing authorities.
3. Any alcohol brought to the premises, such as B.Y.O. is to be consumed in the restaurant or approved outdoor dining area only and no open alcohol containers to be taken away from the premises or approved footpath dining area.
4. Food and drink is required to be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area designated for outdoor dining. Tables are not to be pre-set with cutlery, glasses or unprotected foods.
5. Outdoor dining areas on footpaths will be approved, in most instances, only where table service is provided and the staff of the operator are responsible for cleaning the table.
6. Spilt food, liquid or other materials likely to cause injury shall be removed immediately by the applicant/operator.
7. Meal remnants and other litter and waste are to be disposed of appropriately by the operator and are not to be deposited in public litter bins. Waste and sweepings are not allowed to enter the gutter and are to be disposed of by the operator.
8. Damage to property: - The operation of outdoor dining area is not to result in damage to property and the operator is responsible for ensuring that patron behaviour does not lead to damage.
9. In the event of property damage caused by a patron of the outdoor dining area the operator is required to inform the owner of the property that the damage has occurred and is to ensure that damage is fixed.
10. Amplification of music is not permitted in the outdoor dining area without Council approval.

SECTION 3

3.0 STREET SIGNAGE AND STALL POLICY

3.1 AIMS AND OBJECTIVES

1. The aim of the Signage policy is to allow all business who wish to do so, place advertising signage outside their premises.
2. The Policy applies the criteria for which signs will be allowed. Signs will only be allowed under certain conditions and must not impede pedestrian traffic.
3. The Policy also sets out what types of signs are permissible.
4. This Policy aims to allow business, charity groups etc, to conduct raffles, stalls and displays in the CBD area.
5. The Policy aims to set out certain procedures which will be required to be adhered to by all applicants.

3.2 POLICY GUIDELINES - SIGNAGE

1. Businesses are permitted to use billboard or A - frame type signage in the CBD area.
2. Each business is permitted only one sign unless authority is given by Council for more than one.
3. Signs are to be erected only within the boundaries of the subject premises. Signs may only be erected outside other premises with the approval of the owner/occupier of that premises and council.
4. Signs are to be placed on footpath as close as possible to the front of the premises. Signs are NOT to be placed on the middle or roadside edge of the footpath.
5. Signs will only be permitted in areas where it does not compromise the free access of pedestrians or vehicles.
6. Signs are to be no bigger than 750mm in width and 1000mm tall. Any signs bigger than this will be subject to Council approval.
7. Applications to place signs at the front of business premises are to be made on a yearly basis.

3.3 POLICY GUIDELINES - STREET STALLS, DISPLAY TABLES

1. Business premises are permitted to have sale tables or stalls at the front of their premises.
2. Any table or stall or other thing used to display goods is to be placed only within the boundaries of the subject business. Tables or stalls may only be erected outside other business premises with the express permission of the business owner/occupier and Council. Further, the business must have appropriate insurances set out in Section 4 of this policy.
3. Display tables, racks, stalls or any other thing used to display or sell goods are to be placed directly against the front of the premises and are not to be placed on the middle or roadside edge of the footpath.
4. Tables and stalls or other such things used for display of goods are only permitted in areas where it does not impede the free flow of pedestrian traffic.

5. This section also covers groups selling raffle tickets.
Any such group or charity is to apply to Council on a yearly basis to conduct such activities.
6. Any group or charity will be required to obtain permission from the business that they intend to set up in front of, and show same authority to Council.

SECTION 4

4.0 PUBLIC LIABILITY

1. To provide Council with adequate protection against claims that may arise as a result of the operation of footpath dining, display of signs and stalls, and another displays etc, the operator of each such activity must:
2. Take out public liability risk insurance for the sum of not less than \$20,000,000.00
3. This Policy is to indemnify Temora Shire Council against any public liability claims within the area subject of the application.
4. This policy should be on an "occurrence based" wording to ensure that actions arising through the course of an insurance period are covered if the claims arise in future years.
5. A copy of the current insurance policy is to accompany an application.

SECTION 5

5.0 ADMINISTRATION

1. Fees: The Council will not impose fees for outdoor dining areas, stalls or signage established on public land.
2. Applicants will have to complete an application and include a site plan showing the actual area proposed for use and the siting of furniture, signs and displays or any other structures.
3. Operators are required to comply with all conditions set out in the authorisation.
4. Authorised Officers (of the Council) will monitor outdoor dining areas, signs and stalls and operators are required to comply with any direction provided by such an officer.
5. Repeated breaches of the authorisation will result in the cancellation of the authorisation.
 - First breach of the authorisation – verbal warning issued and compliance to be achieved within 21days.
 - Second breach of the authorisation – written notice, and compliance to be achieved within 21 days.
 - Third breach will result in the cancellation of the authority for outdoor dining.
6. Applications may be notified to neighbouring property owners who, in Council's opinion, may be adversely affected by any approval that may be granted by Council.
7. Period of authority will be for 1 year, and be renewable at the end of each year.

8. In respect to outdoor dining, Authority will only remain in force whilst the premises are carrying out the business of a Restaurant as defined in this policy.
9. Applications will be determined in accordance with the relevant provisions of the Roads Act 1993, Local Government Act 1993, Environmental Planning & Assessment Act 1979 and this policy.