



STREET TRADING & OUTDOOR DINING

Outdoor Dining and street trading can enhance the character, ambience and vitality of our streets and CBD.

Council has recently adopted a Activities Approval Policy (which has replaced the 2018 Footpath Trading and Outdoor Dining Policy) to encourage outdoor dining and street trading.

The Policy establishes guidelines for outdoor dining and street trading in all areas of the Cootamundra-Gundagai Regional Council area.

These guidelines were established to ensure that outdoor dining and footpath trading activities contribute positively to the streetscape, while ensuring the footpaths and public areas are safe and accessible for all users.

Under the Policy, businesses must comply with the requirements of the Policy and obtain an Approval to place items on the footpath.

The following information has been provided to assist businesses to understand the requirements of the Policy and obtain the appropriate approvals.

WHERE DOES THE POLICY APPLY?

The Policy applies to all retail premises, including food premises, within commercial areas that propose to use public footpaths or areas to:

- ⇒ Establish an outdoor dining area (that does not include the service of alcohol),
- ⇒ Carry out footpath trading activities, or
- ⇒ Place items on a footpath or public area to promote items for business trading purposes.

The Policy does not apply to privately owned land.

This factsheet provides a summary of the requirements of the Activities Approval Policy for footpath trading and outdoor dining.

A copy of the Policy and Application form is available on Council's website www.cgrc.nsw.gov.au or can be emailed on request - call 1300 459 689

OUTDOOR DINING

Outdoor Dining areas should:

- Be located on a suitable and level surface
- Be consistent with outdoor dining areas at adjoining premises (on the same side of the footpath - along the building or kerb)
- Maintain at minimum unobstructed footpath of 2m at all times
- Not interfere with car parking or vehicle movements
- Be placed 0.8m away from any vehicle parking space
- Not be placed within 3m of any road corner.

Outdoor dining areas can include areas in front of neighbouring properties so long as written permission from owner of the adjoining property has been obtained and included in the application.

Outdoor Furniture

Outdoor furniture must adhere to the following:

- Must be of adequate strength and durability to withstand external weather conditions and outdoor commercial use (domestic style plastic furniture not permitted)
- Must be of high aesthetic quality that enhances the existing streetscape
- Must be kept clean, hygienic and safe at all times
- Is the responsibility of the proprietor
- Shade umbrellas/structures must not protrude into the roadway, must be more than 2m in height if protruding into pedestrian area, and must be securely anchored
- Penetrations into the footpath are prohibited
- All furniture must be removed from the public areas outside trading hours

Lighting

Any outdoor dining area that operates outside of daylight hours must be adequately lit to ensure the safety and amenity of patrons and the general public. Lighting must be in the form of down lights or the like, and need to be directed away from the roadway, contained to the outdoor dining areas only and turned off outside operating hours. Existing under-awning lighting may suffice.

Heating Structures

Any proposal to use heating structures within outdoor dining areas will be assessed on merit, taking into account the individual proposal, and safety of diners and the public.

Advertising & Signage on furniture

Only one third party advertiser may appear on furniture and should not dominate. Details of third part advertising on furniture must be submitted to Council with the permit application.

Planter boxes

Proposals to use planter boxes will be assessed on merit. They must not obstruct pedestrian flow, must not carry advertising and must be maintained and cleaned of litter.

Amenity, Public Health & Safety

Permit holders are responsible for the cleanliness and tidiness of the areas in front of the premises and the immediate areas used for outdoor dining, and footpath trading activities.

Service of Alcohol

Restaurants and cafés that have an existing on premises liquor licence may apply to Liquor & Gaming NSW to extend their licence boundary to include the outdoor dining area. Liquor & Gaming NSW will assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary.

If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.

If approved, the service of alcohol;

- must be accordance with the licence,
- is limited to seated patrons and is to be served with meals.
- is limited to the applicant's business frontage only. Any outdoor dining areas that fall within a designated alcohol-free zone must be cordoned off with bollards or screening.

STREET TRADING ACTIVITIES

Street Trading activities (product displays, signage, flags) must only be located directly in front of the retail premises. Activities and displays must:

- Be located on a suitable and level surface
- Be able to be supervised from the premises
- Not be wider than 1.2m
- Maintain at minimum unobstructed footpath of 2m at all times
- Be consistent with any footpath trading activity at adjoining premises
- Be placed 0.8m away from any vehicle parking space
- Not be placed within 3m from any road corner
- Not interfere with car parking
- Be removed outside of trading hours

Display of Goods

- Fresh Food must be kept at least 750mm above ground level
- All goods must be displayed on stands, racks or in containers above ground level, unless goods are designed in a manner to allow placement on the ground.

Display Stands

- Display stands must be approved by Council, must be aesthetically pleasing, durable, well finished and secure
- Edges and corners must be finished so not to cause injury to a passer-by

Free standing signage, flags and similar

- Must be durable, well finished and secure
- A-frame sandwich boards: max size 1m² (including framework) and one per premises. Must be securely weighted
- Flags - Max of two per 10m of shop front (max 6)
- Must maintain at minimum unobstructed footpath of 2m at all times
- Must not be placed within 3m from any road corner



FREQUENTLY ASKED QUESTIONS

WHERE DOES THE POLICY APPLY?

The Policy applies to all food and retail premises in commercial areas. It does not apply to items placed on private land.

DO YOU HAVE TO APPLY FOR A PERMIT EVERY YEAR?

The Application for a Permit is a one off application, however there is a requirement for annual renewal and an annual fee. Permits must be renewed every year. Permits are non-transferable (if there is a change in business ownership or location).

CAN YOU MODIFY YOUR APPROVAL?

Yes. To make changes to your approval you need to submit a new application. Depending on the extent and reason for the modification Fees may apply.

WHAT IS NOT COVERED BY THE POLICY?

Streetscape works, e.g permanent covered and walled structures, and advertising structures not mentioned in the Policy. These need separate approval from Council.

CAN THE POLICY BE VARIED?

Variations to the controls and requirements of the Policy may be considered if the objectives of the Policy will be met. A written statement and any other supporting information that details how this will be achieved must be included with any application that seeks a variation to the Policy.

CAN COUNCIL CANCEL THE APPROVAL?

The approval can be cancelled for breaches of Policy and agreed conditions, and to maintain access, public safety and amenity.

APPLYING FOR AN APPROVAL

Council will use the Policy to assess all applications for an Approval to use the footpath or public area for outdoor dining or street trading. Before making an application, please ensure that your application meets the requirements of the Policy, or if you are applying for a variation to the Policy, that all necessary information is provided to Council.

The Application should be made on the approved form, with all sections completed, including a sketch of the proposed site layout, measurements, and details of items to be placed/displayed, demonstrating compliance with the requirements of the Policy. Please ensure that a description and measurements of all items/fixtures (flags, signs, display stands, tables, chairs etc) to be placed on the footpath are listed on the application form or detailed on an attachment to the Application.

**APPLICATION FOR PERMIT
FOOTPATH TRADING OR OUTDOOR DINING**
Issued under Section 125 of the Roads Act 1999.
This application form is for businesses that wish to place or display items on the footpath, for trade purposes or outdoor dining. All applications should be made in accordance with Council's Footpath Trading and Outdoor Dining Policy.

APPLICANT DETAILS
 Mr Mrs Miss Ms Name: _____
 Business Name: _____
 ACN: _____ Post Code: _____
 Postal address: _____
 Phone (_____) _____ Mobile phone: _____
 Contact person: _____
 E-mail: _____
SITE DETAILS (A sketch plan must be included with the Application – see back of form)
 Lot: _____ DP: _____
 Section: _____
 Address: _____

PROPOSED USE
 Display Goods Place tables and chairs Other (description or photograph): _____
 Please provide details of items proposed to be placed on the footpath (description or photograph):

Item & number	Material	Powered?	Height	Depth	Width

INSURANCE DETAILS
 Policy No: _____
 Company Name: _____ Expiry Date: _____
 Commencement Date: _____

Please attach with application:
 • A sketch of the proposed site layout, including measurements (see back of form).
 • A copy of a Certificate of Currency for a minimum \$20 million in public liability insurance. The Policy must list Cootamundra-Gundagai Regional Council as an Interested Party. Application fee.
 I have read Council's Policy entitled "Footpath Trading and Outdoor Dining Policy" & I agree to abide by the requirements outlined in the Policy.

Applicant Signature: _____ Date: _____

The Application must be submitted with:

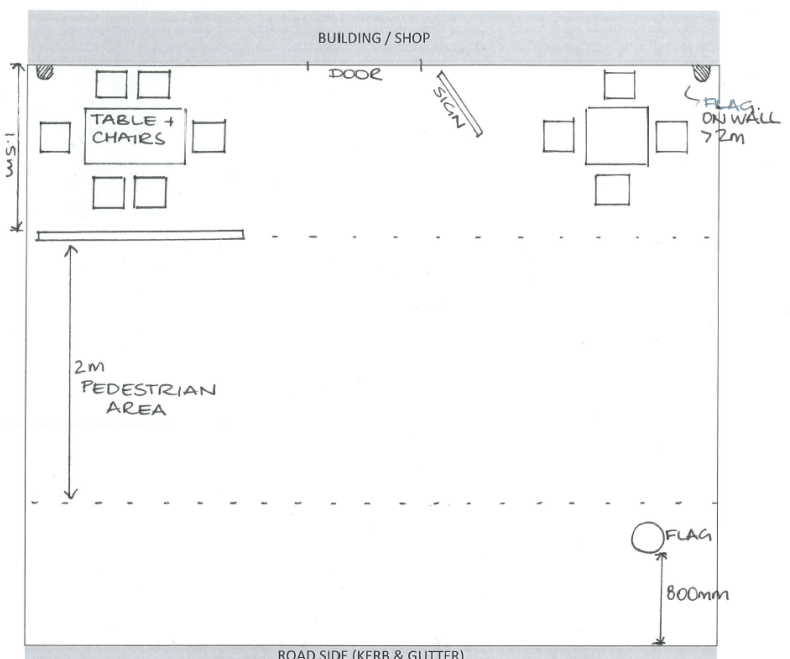
- A copy of a Certificate of Currency for a minimum \$20 million in public liability insurance. The Certificate of Currency must list Cootamundra-Gundagai Regional Council as an Interested Party.
- Application fee or Annual Renewal fee
- Any additional information required to assess your application i.e. details of the design and colour of the outdoor furniture proposed (include photos if possible), details of advertising signage on furniture, written permission from owner of adjoining property if placing outdoor dining tables in front of adjacent premises.

The site sketch is to:

- Clearly identify the shop front
- Provide the distance from the boundary line to the kerb & gutter
- Provide the distance of the boundary line to any awning posts
- Identify areas of the footpath (with dimensions) to be occupied by the activity
- Identify the location of any street furniture, signs, flags or similar

For more Information

Contact Council staff at mail@cgrc.nsw.gov.au
or 1300 459 689



Please show dimensions, your building, doors, kerb lines and any other relevant features.



**COOTAMUNDRA-
GUNDAGAI** REGIONAL COUNCIL

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