

MANAGEMENT DOCUMENT



Cowra
Council

Footpath Trading

Commencement Date

Council Department Environmental Services

Contact Officer Director – Environmental Services

Revision Required Every 4 years

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Responsible Officer
1	13 December 1999 – 225/1999	Director-Environmental Services
2	Director-Corporate Services 1 July 2013 (Increase of Public Liability Insurance to \$20)	Director-Corporate Services
3		
Version	Manex Meeting Date	Responsible Officer
3	27 June 2018	Director-Environmental Services
4	23 June 2020	Director-Environmental Services
5	5 June 2025	Director-Environmental Services

I. Overview

Cowra's CBD is the driver of economic viability of many businesses and industries. Council understands that business signage is critical for advertising and streetscape activation. Kendal Street is the main shopping precinct and has highly interactive shop frontages and a wide and newly renovated footpath. It is a pedestrian orientated public area and provides an attractive and vibrant place to do business and shop.

Council's aim is to encourage public interaction with shops and industries including outdoor dining as a place to congregate, socialise and to sit and relax. Outdoor cafes and signage should complement and enhance the existing streetscape.

This policy identifies how business can integrate into the streetscape in a way that does not compromise existing street activities, pedestrian and traffic circulation and safety. Well designed and maintained urban environment are essential for improved community safety and access.

The Footpath Trading Policy approval process is designed to follow the State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes 2008, subdivision 20A – Footpaths – outdoor dining specifications by granting approval under both Section 125 of the Roads Act 1993 and approval under Section 68 of the Local Government Act 1993, where necessary.

Council has two options of application for a Footpath Trading permit, either via:

- Cowra Council's Footpath Trading permit application form, following the requirements below and completing the Site Plan & Elevations Plan templates to your site's requirements. This application can be submitted to Council either electronically via email to council@cowra.nsw.gov.au or hard copy via the Customer Service Centre. Or,
- The NSW Planning Portal.
 - If your application does not include outdoor dining furniture, you will only need to undertake a Sec 68 Application via the Portal.
 - If your application does include outdoor dining furniture, you will need to apply for both a Sec 68 and Section 125 of the Roads Act 1993 approval via the Portal.

Where relevant, the permit issued will be adjusted to suit one or both approval processes.

Any proposed street furniture that does not comply will require the lodgement of a development application for determination outside of this policy.

The following is a list of the requirements for a Footpath Trading permit:

- (a) The use of the footpath for the display or placement of furniture, items or signs will only be permissible upon submission of an Application for Footpath Trading and the approval for five years maximum of Council in each case. Signage, furniture or other items that do not comply with the requirements of this document will require Development Consent and may need a lease agreement with the Council. Other signs may require Development Consent depending upon the provisions of Cowra Local Environmental Plan 2012 applicable at the time of application.

- (b) Furniture, items and signs can only be placed on a footpath where a minimum width of 2 metres for pedestrian movement is maintained.
- (c) Ensure that the furniture, items for sale and signs are stable and when there are strong winds the furniture, items and signs are to be stored inside the shop.
- (d) The submission of evidence of public liability insurance to a minimum amount of \$20 Million to cover the placement of furniture, items or signs on the footpath at the front of the business premises. Evidence is to be submitted annually on the renewal of the document. The document is to cover all items on the footpath associated with the business.
- (e) The placement of any furniture, item or sign must not adversely affect any grassed footpath area by causing the grass to die or dirt patches to appear. The owner will be responsible for the maintenance of the area of footpath used, to keep it clean, watered or mown as the case may be. Council may consider and must approve the special treatment of the area proposed to be used, on the request and at the expense of the applicant.
- (f) The furniture, items and signs are to be removed from the footpath when the shop is closed.
- (g) In regards to outdoor dining furniture, if it is under an awning, the awning must comply with the requirements set out in the *Building Code of Australia*, Volume I, BIP1 and BIP2.
- (h) Any furniture, item or sign is not to be constructed in a manner that provides sharp edges, points or in some similar manner be particularly dangerous to pedestrians and users. Any furniture is to be clean and maintained. A brochure/photograph of the type of furniture proposed to be used is to be provided.
- (i) A maximum of two free standing advertising signs are permitted per shop front subject to the remaining requirements of this Policy. The sign(s) must be placed only on the immediate street frontage of the business and may consist of an A-frame and/or a small vertical banner (e.g. tear, feather or rectangular) design. Only one of each type of sign is permitted.
- (j) A-frame signs must not exceed 1 metre in height by 700mm in width.
- (k) Vertical banner signs must comply with the following design requirements:
 - Maximum flag size of 2m x 1m with a maximum total height including stand of 2.5m.
 - No more than 600mm wide below 2m high.
 - The banner must be constructed of carbon fibre or similar flexible material and attached to a weighted base so that it can be displayed without toppling over in windy conditions.
 - Vertical banners must not be anchored into the footpath or attached or placed against other structures e.g. buildings, trees, poles, rubbish bins etc.
- (l) An Application for Footpath Trading must be accompanied by the plans and documentation specified on the application form including a copy of current public liability insurance, a copy (either electronic or hard copy) of a dimensioned Site Plan and a copy (either electronic or hard copy) of a dimensioned Elevation Plan of the proposed signage and/or furniture. Some illustrative examples of a Site Plan and signage plans are included in Appendix A. The Site Plan should include:
 - (a) width of access for pedestrians

- (b) frontage of the site, size of the area proposed to be used for dining purposes
 - (c) location of proposed furniture and details of other street furnishing such as trees and details of existing obstructions e.g. Rubbish receptacles, hydrants etc.
- (m) An annual renewal fee will apply to this approval in accordance with Council's Revenue Policy for the relevant financial year. Council's Revenue Policy can be accessed at: <http://cowracouncil.com.au/index.php/accordion-3>
- (n) The approval may be revoked by the Council if:
- i. The applicant has breached a term or provision of the approval;
 - ii. The conduct of the business on the approved area causes undue inconvenience or disruption to pedestrian or vehicular traffic or to the occupiers of adjoining or adjacent premises;
 - iii. Any applicant requires revocation; or
 - iv. The business ceases to operate.
- (o) A notice of revocation shall be in writing and forwarded to the applicant at the address shown in the application.
- (p) No compensation or damages shall be payable by the Council to the applicant or any other person or corporation in the event that revocation of the approval occurs.
- (q) The approval lapses at the end of its term, or, if the business subject to the approval ceases prior.

Appendix A – Footpath Trading form, including example site plan, site plan template, frame and vertical banner sign elevations

Application for Footpath Trading

Part F, Section 68 of Local Government Act 1993
Sec 125 Approval to use road for food and drink
premises Roads Act 1993 No 33

1. Applicant Details

Mr <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Mrs <input type="checkbox"/>	Other:
Name				
Postal Address				
Daytime Telephone		Fax		Mobile
E-mail				
Applicant(s) signature				

2. Premises Details

Premises Name		
Name of Centre/Arcade		
Street/Rural Address No	Street/Road Name	
Suburb or Town		
Lot No	Section No	DP No

3. Details of Structures

Items to be set up eg. table, sign, display
Location of Structure(s) (as per lodgement requirements – please attach a site plan, example also provided). If proposed outdoor dining, enter the area in square meters & proposed patron capacity of the outdoor dining area.

4. For proposed outdoor dining areas only

Do you intend to operate the outdoor dining area as a licensed premises? If yes, indicate if you hold a current liquor licence for the venue and if yes again, you must enter your liquor licence number.
Enter the proposed days and hours of operation for the dining area

Lodgement Requirements:

1. Council will assess the application in accordance with the requirements of Section 68 of the Local Government Act 1993 and where relevant for proposed outdoor dining, Sec 125 Approval to use road for food and drink premises Roads Act 1993 No 33.
2. For activities carried out on Council owned or controlled land, a copy of current public liability insurance cover for a minimum of \$20 million indemnifying applicant organisations against claims for injury to person or damage to property.
3. Application forms must be accompanied by two (2) copies of site plan showing:-
 - a. the location of the proposed area;
 - b. showing location, types and dimensions of all things to be located on the footpath
4. Council may within twenty one (21) days of receipt of the application request an applicant to provide it with more information that is reasonably necessary to enable the proper determination of the application in accordance with Section 86 of the Local Government Act 1993.
5. The application must be accompanied by the appropriate fee paid in accordance with Section 80 of the Local Government Act 1993 and Councils Management Plan.
6. Council will acknowledge receipt of valid applications in accordance with Section 84 of the Local Government Act 1993.
7. Unclear or illegible applications will be rejected in accordance with Section 85 of the Local Government Act 1993.

Declaration:


I hereby acknowledge that I am duly authorised by the business to complete this application and to accept the terms and conditions of Council's Footpath Trading/Dining Policy and I confirm that I have read and understand the contents of this application.

Name
Applicant(s) signature

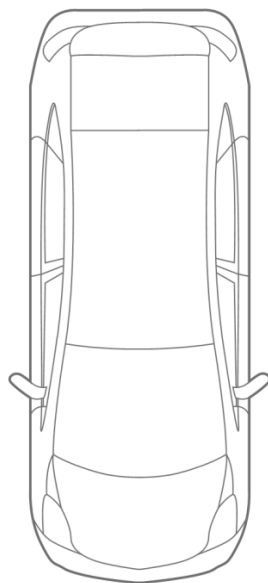
Note: To assist, Council has an example site plan, a site plan template and example sign elevations. Please see following pages.

Office Use Only

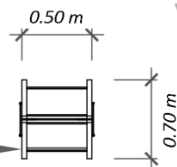
Application No:	Register: 119
Receipt Link (A/C):	Fee:
Receipt:	Date:

 Minimum width of 2m
for pedestrian movement

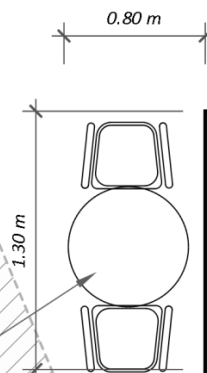
0 1.0m 2.0m
SCALE 1:50 @ A4



Proposed A-Frame Signage

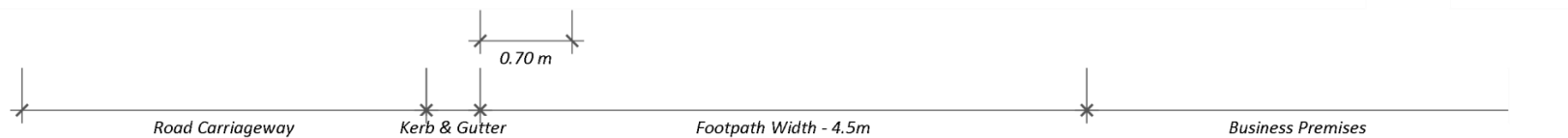


Proposed Footpath
Dining Furniture



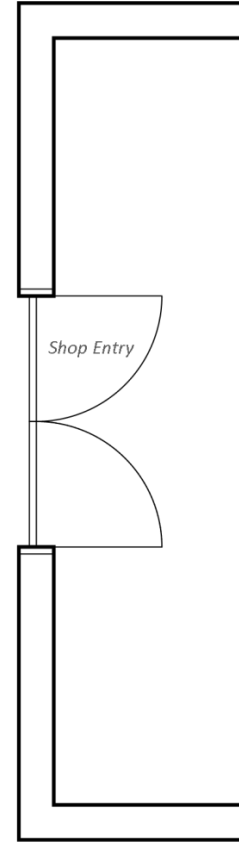
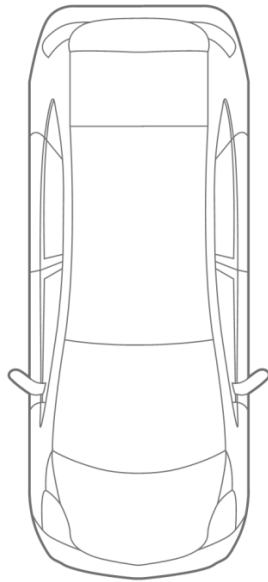
Shop Entry

Shop Frontage - 6.0m

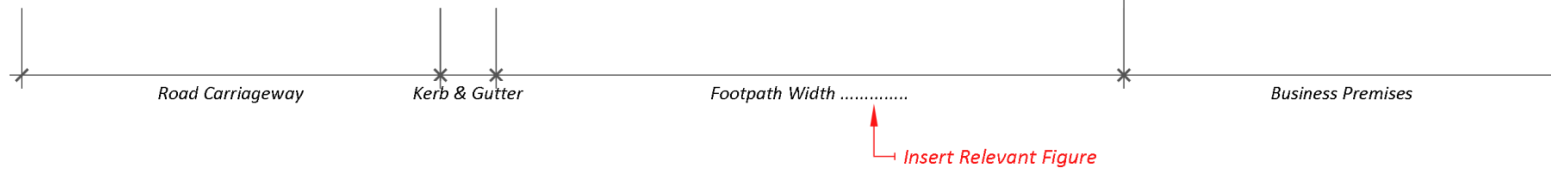


APPENDIX A - EXAMPLE SITE PLAN

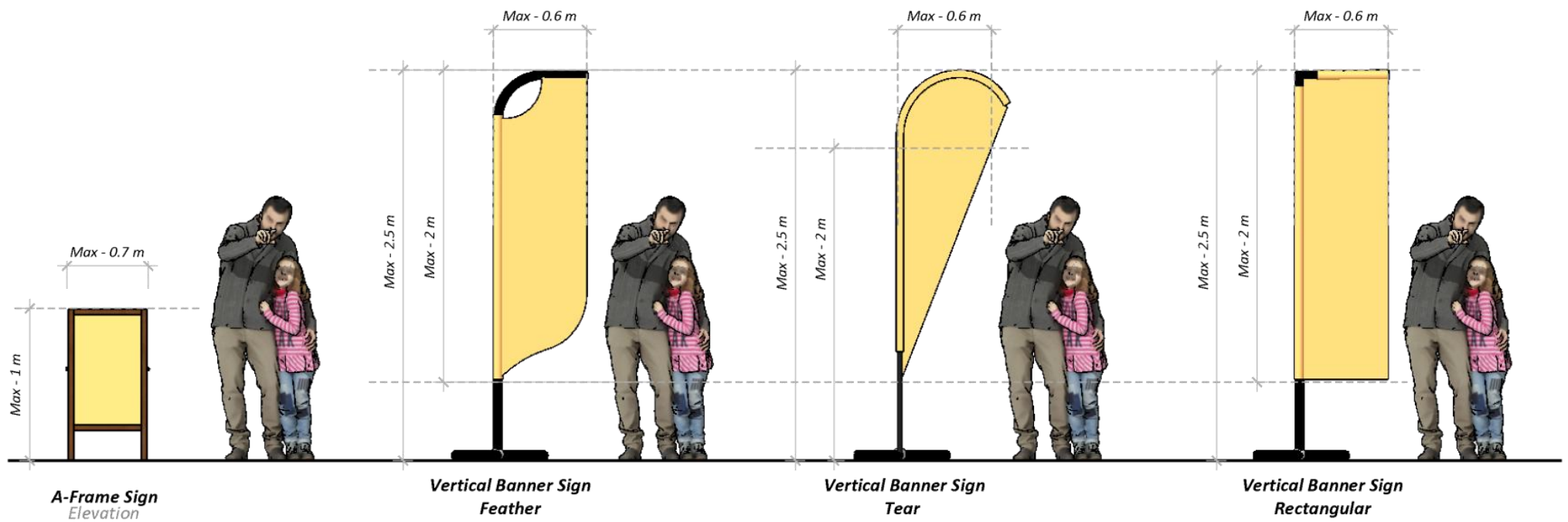
0 1.0m 2.0m
SCALE 1:50 @ A4



Shop Frontage
Insert Relevant Figure



SITE PLAN TEMPLATE



EXAMPLE A-FRAME AND VERTICAL BANNER SIGN ELEVATIONS