

→ OUTDOOR RESTAURANT APPLICATION (for Approval under Sections 125 and 126 of the Roads Act 1993)

The following information is required to apply for an Approval permitting an Outdoor Restaurant to be operated on the footpath under sections 125 and 126 of the Roads Act 1993.

Applicant Details

Name	Surname	Given Names	Mr / Mrs / Other
Postal Address	Number and Street		
	PO Box / DX / Other		
	Suburb / Town	State	Postcode
Contact Details	Phone	Mobile	
	Fax	Email	

Development Consent


This section to be completed by Planning Staff

The above applicant has:	
1	An existing Development Consent to permit the required outdoor restaurant activity, being - DA No
2	Lodged a Development Application requesting consent for the required outdoor restaurant activity, being - DA No
<i>Confirmation from Planning Staff</i>	
Name	Date: / /

PTO

→ **OUTDOOR RESTAURANT APPLICATION**
(for Approval under Sections 125 and 126 of the Roads Act 1993)

Approval Details

Name of Restaurant Owner/Proprietor/Company (if not the Applicant)	
Home Address of Restaurant Owner/Proprietor	
Name of Restaurant	
Restaurant Address	
Detail proposed furniture/structures to occupy the footway	
Total area of footpath proposed to be occupied by above furniture/structures (in square metres)	
Preferred length of Approval required (maximum of 5 years) <i>Please note that a 1 year trial approval period may apply</i>	
Proposed Hours of Outdoor Restaurant Operation	
<i>A brochure or photo of the furniture you intend to use in your outdoor restaurant must be attached</i>	
<i>Applicant Signature</i> 	<i>Date</i> / /

Please Note

Further to this application being accepted and prior to the granting of Approval under the Roads Act 1993, the following will also need to be completed:

- Evidence of appropriate public liability insurance coverage submitted to Council**
- Lodgement of a \$500 Security Deposit**
- Annual footpath rental paid in advance**
- Payment of the preparation of Consent fee pursuant to Council's Fees and Charges**

<i>Confirmation from Property Officer</i> (Confirmed receipt of above information)	
Name	Date: / /

Privacy Notification

The personal information you have supplied on this form assists Wollongong City Council in determining your application. The supply of information is voluntary. If you do not provide all details requested, Council may be unable to process your application. The details you provide are stored at Council Offices and are not made publicly available.

For more information about your privacy please contact Wollongong City Council on 4227 7111.



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1 INTRODUCTION

1. This chapter of the DCP provides objectives and performance criteria for outdoor restaurants and outdoor trading activities on or over public road reserve areas including footpaths, malls and other public domain areas.
2. This chapter of the DCP should also be read in conjunction with the relevant LEP applying to the site.

2 OBJECTIVES

1. The objectives of this chapter of the DCP are:-
 - (a) To ensure that outdoor restaurant activities are restricted to designated road reserve (footway) areas only where safe and accessible paths of travels are maintained for all pedestrians and in particular the frail aged, persons with prams, persons with a visual or mobility impairment and children who require safe, continuous and logical access along footpaths;
 - (b) To promote a high quality visual environment and to ensure that outdoor restaurant activities contribute to the streetscape character of the specific locality;
 - (c) To ensure that outdoor trading / street vending activities are restricted to designated areas where safe and accessible paths of travels will be maintained for all pedestrians on the footpath and in particular the frail aged, persons with prams, persons with a visual or mobility impairment and children who require safe, continuous and logical access along footpaths;
 - (d) To promote the reasonable use of Council road reserve (footway) areas for the display of goods associated with adjoining businesses;
 - (e) To promote a high quality visual environment and to ensure that footway trading activities contribute to the streetscape character of the specific locality;
 - (f) To restrict the proliferation of ad hoc structures and advertising signage upon the road reserve; and
 - (g) To ensure that proposed footpath trading operations do not adversely impact upon the amenity of any adjacent land uses and that management measures are implemented to minimise any such potential impacts.

3 OUTDOOR RESTAURANTS

3.1 Approval Process

1. The proposed use of any public road reserve (footway) area for the purposes of an outdoor restaurant will require the lodgement of a Development Application, prior to the commencement of any such use.
2. In the event that formal development consent is ultimately granted for the proposed outdoor (footway) restaurant pursuant to the provisions of the Environmental Planning & Assessment Act 1979, a condition of the consent will be imposed requiring the separate lodgement of an application with Council in accordance with the requirements of Section 125(a) of the Roads Act 1993. If the outdoor restaurant is proposed upon a classified road, the formal concurrence from the NSW Roads & Traffic Authority will also be required as part of the Roads Act application.
3. All costs associated with the lodgement of the Development Application and the separate application for licensing under the Roads Act shall be met by the intended licensee.

4. In the event that the Development Application and the separate Road Act 1993 license are ultimately approved for the proposed outdoor restaurant, the proprietor of the business to which the outdoor restaurant relates will be required to provide appropriate insurance coverage to indemnify Council against any public liability claim that may arise from the use of the footpath area. The public liability risk insurance policy will be required to be maintained throughout the life of the outdoor dining operation and shall have a minimum \$10 Million public liability insurance coverage, at all times. A Certificate of Currency must be submitted to Council annually. Requirements for insurance coverage may also change on an annual basis depending on advice from Council's Insurance Broker.
5. Any Roads Act licence approval for an outdoor restaurant activity will be subject to a limited 12 month trial period initially. Council at this time will re-assess the performance of the operation and whether pedestrian movement along the road reserve (footpath) area was satisfactorily maintained in the opinion of Council, throughout the initial 12 month period in order to determine as to whether a further licence will be granted.
6. Under the Roads Act 1993, the maximum term in which Council may grant a license for the use of a part of the road reserve (footpath) for the purposes of an outdoor restaurant is 7 years.
7. Any licence approval will also be subject to a condition requiring that any damage caused to Council's footpaths shall be rectified at the full cost by the operator. Any such repair work will be undertaken in accordance with the requirements of Council's City Works Division. The failure by the business operator to adhere to undertake any repair work in accordance with the requirements of Council's City Works Division may result in the licence being cancelled immediately and / or penalty infringement notices being imposed.
8. The rental fee for the use of a part of the footpath for the purposes of an outdoor restaurant shall be at the market value and will be determined through independent valuation.

3.2 Location & Access Requirements for Outdoor Dining Areas

1. The area available for outdoor (footway) restaurant will be determined by the available width of the public road reserve (footpath) area and any existing or proposed street furniture or landscaping.
2. Outdoor restaurants will only be approved on the kerbside of the footway.
3. Outdoor restaurants should be generally restricted to directly in front of the premises to which the outdoor restaurant relates to. In certain circumstances, Council may permit an outdoor restaurant not directly in front of the premises to which it relates where the adjoining land use is not a food or beverage related business and where in the opinion of Council, the proposed location will not pose any significant adverse amenity impacts upon adjoining land uses or for the use of the remaining footway area, within the immediate vicinity of the proposed outdoor dining area.
4. The creation of outdoor seating on both sides of the pedestrian footway area will generally not be supported, except in exceptional circumstances where:-
 - (a) It can be demonstrated that pedestrian movement through the centre of the footway is safe for all pedestrians and in particular the frail aged, children and persons with visual or mobility impairment or
 - (b) The pedestrian footway is purpose built and safely directs all pedestrians including persons with a visual or mobility impairment towards the centre of the footway such as Crown Street mall.
5. Outdoor restaurants will only be acceptable in situations where:-

- (a) The public space is wide enough to accommodate the outdoor dining area whilst still maintaining a clear 1.5 metre wide pathway of travel for all pedestrians, including those who use mobility aids along the full length of the proposed licence area;
 - (b) The ground surface of the outdoor restaurant area is suitably constructed and sufficiently level to accommodate the required number of table and seating and enable the area to be used safely and without inconvenience to pedestrians or vehicles; and
 - (c) There is no unreasonable hazard to pedestrians, diners or vehicular traffic.
6. Any proposal for an outdoor restaurant must guarantee a continuous 1.5 metre wide unobstructed pedestrian path of travel along the footway and be exclusive of any obstruction or street fixtures (eg seats, bench, tree, rubbish bin, electricity pole etc), in order to provide continuous unobstructed access for pedestrians including pedestrians using wheelchairs or other mobility aids.
7. The placement of outdoor seating shall be on the kerbside of the footway area and not directly adjacent to the building line of the building.
8. Outdoor restaurants shall be located a minimum distance of 600 millimetres from the kerb edge, in order to provide a suitable safety buffer for passengers to alight from and access parked motor vehicles.
9. No furniture is permitted within 3 metres of any bus stop or taxi stand to allow for adequate pedestrian circulation and queuing.
10. The outdoor dining area is to remain visible from the main food premises at all times, to maintain staff surveillance over the dining area.
11. Outdoor seating arrangements shall not obstruct access to public infrastructure or utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.
12. All outdoor dining areas are to be setback to maintain unobstructed vehicular sight lines in accordance with Part 5 of the AustRoads Guide to Traffic Engineering Practice.
13. Outdoor seating shall be prohibited adjacent to any bus stop, taxi stand or any disabled parking space within the adjoining road reserve.
14. Outdoor dining areas or outdoor trading areas shall be clearly defined by way of a suitable framed barrier, tactile markers and / or pavement line marking in order to clearly delineate the licence area boundaries. The barrier or marked treatment to delineate the approved licence area will be subject to Council approval as part of the licence approval under the Roads Act 1993.

Figure 1 shows the required location and setback requirements for outdoor seating upon a footway area (ie outdoor restaurant seating is located on the kerbside rather than abutting the building line).

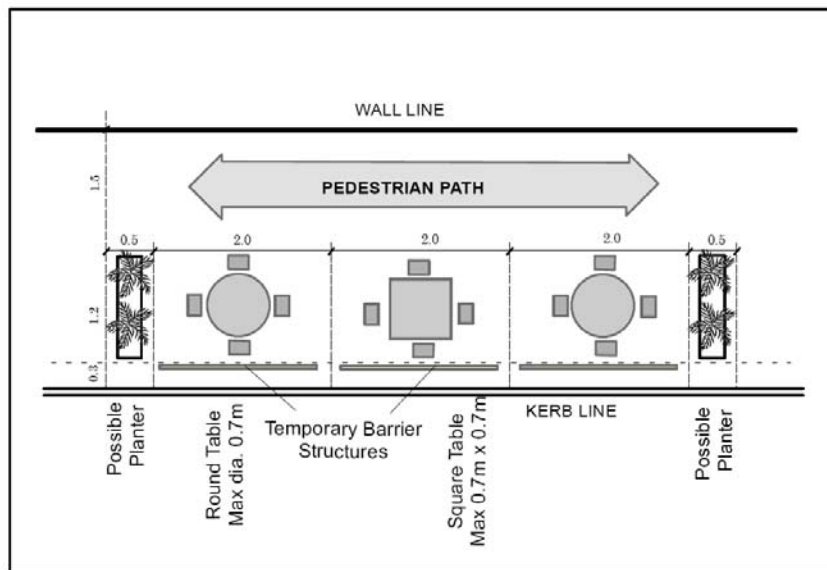


Figure 1: Location and Minimum Setback Requirements for Outdoor Seating

- As part of the Development Application, the applicant is required to submit a site plan (ie at an accurate 1:50 or 1:100 scale) which shows the proposed outdoor restaurant table and seating arrangement in relation to the business shopfront and the proposed setback distance to both the pedestrian footway and the road carriageway.

3.3 Outdoor Furniture

- The placement of outdoor furniture (tables, chairs, planter boxes etc) must take into account suitable access arrangements for people with a disability, particularly patrons using wheelchairs and people with a vision impairment disability. Therefore, suitable manoeuvring arrangements are provided around tables and chairs for patrons using wheelchairs.
- All outdoor furniture including tables, chairs, planter boxes, barriers and menu boards shall be contained within the boundaries of the outdoor dining area.
- The business operator is responsible for ensuring patrons maintain their outdoor furniture within the boundaries of the license area. The licence holder is to ensure that all staff routinely supervise patrons, in order to ensure that all tables and chairs are contained wholly within the confines of the licensed area, at all times.

Note: The failure of the business operator to ensure all approved tables and chairs are contained within the boundaries of the licensed outdoor dining area may result in Council issuing Penalty Infringement Notice(s) to seek compliance with this requirement. Council may also take such breaches into account as part of its annual license review of the outdoor restaurant.

- Outdoor furniture or structures shall not be permanently fastened to the footway without the formal approval of Council.
- A single style of furniture (seats, tables and umbrellas etc) shall be used by the food establishment, in order to maintain a cohesive visual pattern.

6. All furniture must be of a high structural and aesthetic quality. Seats and tables may be of timber, aluminium, stainless steel or powder coated construction. The use of moulded plastic furniture is not acceptable.
7. All furniture must be suitable for use in a corrosive coastal environment.
8. All furniture must be well maintained in the interest of public safety.
9. All furniture must be waterproof and weather resistant and be easily cleaned.
10. Planter boxes may be installed to assist in the delineation of the boundaries of the licensed area and to help maintain safe pedestrian access for visually impaired pedestrians. The maximum height of any planter box shall be 1 metre above footpath level. Groundcovers or shrubs within the planter box must be maintained by the business operator to prevent any intrusion into the pedestrian footway area.
11. The design of any planter box must also be flush with the pavement surface, in order to minimise any potential trip hazards for people with a vision impairment disability.

3.3.1 Umbrellas and Other Shade Structures

1. Umbrellas and other shade structures are to be positioned wholly within the outdoor dining area and shall not encroach upon the airspace of the remaining pedestrian footway so to prevent any potential cause of injury to pedestrians.
2. Umbrellas or other shade structures are to appropriately secured or anchored to withstand all wind conditions.
3. Umbrellas must not overhang any road carriageway and must have a minimum clearance height of 2.1 metres.
4. New fixed building awnings or drop down blinds may be supported subject to a minimum clearance height of 3 metres from the footpath.

3.3.2 Heating Devices

1. Heating devices are to be positioned wholly within the defined outdoor dining area and satisfactorily secured to prevent any injury to patrons or pedestrians.
2. All heating devices are to comply with the requirements of Australian Standard AS 1596 (Storage and Handling) and must be appropriately certified.
3. Any heating device must be contained wholly within the designated outdoor dining area and be placed away from any entrance / exit point or tables and chairs. All heating devices shall also be setback a minimum distance of 500 mm from the boundaries of the licenced outdoor dining area, in order to prevent any potential hazards for all patrons, especially patrons with a vision impairment disability.

3.4 Tactile Ground Surface Indicators (TGSIS) Delineating the Boundaries of the Outdoor Restaurant Area

1. Tactile Ground Surface Indicators (TGSIs) are used to warn people who are blind or vision impaired that they are approaching a hazardous situation.
2. In the event that the outdoor restaurant is ultimately approved, a condition of consent will be imposed requiring the installation of Tactile Ground Surface Indicators (TGSIs) around the

perimeter of the approved outdoor restaurant seating area. In this regard, all outdoor restaurant furniture must be restricted to within the approved outdoor restaurant seating area, as delineated by the TGSIs.

Note: Australian Standard AS 1428.4 specifies technical details such as size, location and luminance contrast for TGSIs.

3.5 Lighting of Outdoor Dining Areas

1. The provision of suitable lighting is required for any night-time outdoor dining area in order to maintain suitable safety and security for patrons.

3.6 Car Parking

1. The provision of additional car parking spaces may be required, depending upon the number of seats associated with the proposed outdoor dining area and / or where Council is of the view that there is a lack of on-street car parking available to cater for the increased patronage to the subject business.

3.7 Hours of Operation

1. The hours of operation of the outdoor dining area or outdoor trading activity will be restricted by Council to the hours of operation of the main business to which the outdoor activity relates. Council may further restrict the hours of operation of any outdoor dining area where in the opinion of Council, there is a potential for adverse noise or amenity impacts on surrounding sensitive land uses such as residential dwellings in the immediate locality.

3.8 Advertising

3.8.1 Footpath Advertising Signage

1. Only one (1) advertising sign will be allowed per licence area. The sign must relate to the business to which the outdoor dining area relates. No third party or general advertising is permitted.
2. The advertising sign will only be permitted within the approved licence boundaries of the outdoor dining area. A-frame signage will not be permitted.
3. The maximum size of an advertising sign shall be 900mm x 600mm. The sign must be located so that pedestrian access is unimpeded, at all times. The advertising sign must be situated contained within the boundaries of the outdoor trading area and be a minimum of 500mm distance away from the pavement tactile marking, which delineates the licence boundaries of the outdoor dining area.
4. The advertising sign must be located at least 600mm from the kerb where there is parallel parking or at least 750mm from the kerb where there is perpendicular or angled parking.
5. Each sign shall be of a rigid construction or where made of fabric shall have a frame capable of withstanding strong winds commonly occurring in the locality to prevent any blow over.
6. Details of the proposed advertising signage are to be included with the Development Application for the proposed outdoor dining area operation or alternatively, a separate Activity Application in accordance with Section 68 Part E2 of the Local Government Act 1993 will be required for the advertising sign. Landowner's consent will be required to be obtained for the Development Application or the Activity Application. In most cases, Council will be the owner of the land.

7. The advertising sign will also require annual licensing under the Roads Act 1993. The licensee of the outdoor dining area will be responsible for the annual licensing renewal of the sign. Upon licensing of the sign, Council will issue a registration disc for affixing onto the approved sign. The registration disc must be affixed to the approved sign at the time of installation of the sign.

3.9 Operational Management

3.9.1 General Operational Requirements

1. The day to day management of the outdoor dining area is the responsibility of the licensed operator.
2. The licensee of an outdoor dining area shall ensure a copy of the Development Consent & the current licence under the Roads Act 1993 is prominently displayed on the front window of the business to which the outdoor dining area relates. This will enable Council officers to check the approval without any disruption to the business.
3. Council will provide the licensee of the outdoor dining area with appropriate Council tags to identify the exact number of approved tables and chairs. The Council tags will be required to be affixed to each approved table and chair to allow easy identification by Council officers as to the approved status of each table and chair. The licensee shall also ensure that the Council tags are affixed to replacement tables and chairs upon their commencement of service.

Note: In the event that additional tables or chairs are installed without approval, the licensee may be issued with a Penalty Infringement Notice(s) in order to seek the removal of the unauthorised tables and chairs. This breach may also result in the cancellation of the licence.

3.9.2 Amplified Music

1. The use of amplified music to an outdoor dining area will generally only be permitted between 9.00 am to 6.00 pm weekdays and 10.00 am to 4.00 pm on weekends and public holidays for restaurants within or in close proximity to any residential area.
2. Music is generally protected by copyright. Accordingly, if an outdoor restaurant proposes to use pre-recorded music, then appropriate licensing may be required to be obtained.
3. Recorded music is generally protected by two types of copyright, so if any recorded music is proposed, appropriate licensing may need to be obtained from both APRA and the Phonographic Performance Company of Australia (PPCA).

Note: Further information concerning licensing requirements may be obtained from Australian Performing Rights Association (APRA) via telephone number (02) 9935 7900 or via the website at: www.apra.com.au.

The Phonographic Performance Company of Australia (PPCA) may also be contacted via telephone number (02) 8569 1111 or via the website at: www.pcca.com.au/licensing.htm for licensing requirements for recorded music.

3.9.3 Outdoor Dining Area Cleanliness

1. The outdoor dining area (chairs, tables and other fixtures) must be maintained in a clean and tidy condition, at all times.
2. Only 'assistance animals' in accordance with the Disability Discrimination Act 1992 will be allowed within any outdoor dining area.

3. The management and staff of the food establishment are responsible for undertaking regular litter patrols within a minimum 50 metre radius of the outdoor dining area to collect and dispose of any litter.
4. The management and staff of any outdoor dining area are also responsible for the immediate removal and cleaning up of any broken glass, spills (especially oil or fat spills) or the like from the footpath.

3.9.4 Removal of Non-fastened furniture at the end of each Trading Day

5. Any outdoor furniture (not permanently fastened to the footway) is to be removed from the outdoor dining area by the business operator upon the completion of each trading day.

4 OUTDOOR TRADING ACTIVITIES / STREET VENDING

4.1 General

1. Outdoor trading (street vending) activities will only be permitted in certain parts of Wollongong Mall road reserve (ie between Keira Street and Church Street) where in the opinion of Council there is sufficient footway width, to ensure satisfactory pedestrian access for all users along the mall, including people with a disability.
2. Outdoor trading (street vending) activities will generally not be supported upon any other footpath or road reserve in the city, except for one-off charity market days organised and run by charitable organisations. This will dependent upon whether the footway / road reserve is of sufficient width (in the opinion of Council), to maintain satisfactory pedestrian access for all users, including people with a disability and parents with strollers.
3. Any market event (organised and run by a charitable organisation) will also be subject to the requirements of the Retail Markets chapter in Part C of the DCP.

4.2 Approval Process

4.2.1 Local Government Act 1993

1. Part E2 of Section 68 of the Local Government Act 1993 states that approval is required to *“Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road”*.
2. Any proposed outdoor trading or street vending activity within the section of Wollongong Mall between Keira Street and Church Street will require the lodgement of an Activity Application under Section 68 of the Local Government Act 1993.
3. Any market day organised and run by a charitable organisation will require the lodgement of a Section 68 Activity Application by the charity organisation.
4. In the event that the Activity Application is ultimately approved, Council may approve the use of part of the footway for the outdoor trading or street vending activity within Wollongong Mall for a maximum period of up to 5 years.
5. For charity market events, the approval will be limited to the period to which the market is to be run.

4.2.2 Roads Act 1993

1. The applicant will also need to obtain separate approval from Council under the Roads Act 1993 for any outdoor trading / street vending activity.
2. Under Section 138 of the Roads Act 1993, certain works and structures cannot be erected and / or undertaken without the consent of the appropriate roads authority. Council is the roads authority for all roads except freeways and the Northern Distributor. In the case of a classified road, consent is required from both Council and the NSW Roads and Traffic Authority. The general terms of the consent are determined by Section 139 of the Roads Act. Section 139A of the Roads Act allows the roads authority to issue a consent which imposes conditions permitting the use of a structure within the road reserve and located within a built up area for the purpose of selling any article or service and requiring the payment of rent (thereby permitting street vending). Under the Roads Act 1993, Council can only grant a licence for a street vending activity upon a part of a public road reserve for a maximum term of up to 7 years.
3. The Roads Act 1993 also contains provisions regarding the revocation of consents, extension and transfer of street vending consents and other consents under this Part, specifies matters to be taken into consideration, the maintenance of works and structures etc. Council may, in some circumstances, need to enact these provisions in relation to street vending activities.
4. The Roads Act (section 139F) also specifies that when considering whether to grant consent to a street vending activity within a non-built up area, Council must comply with the 'Guidelines for the Control and Operation of Street Vending 1993' as issued jointly by the NSW Roads & Traffic Authority and the NSW Department of Local Government. These guidelines define 'street vending' as:-

"The setting up or use within the road reserve of any box, stall, stand, barrow or stationary vehicle, other than a roadside stall or mobile vending vehicle defined hereunder for the purpose of offering for sale any goods or for the pursuit of any business, calling or employment".

The guidelines state that examples of 'street vending' activities include:-

- Sale of fruits and vegetables from barrows on a footpath;
 - Sale of newspapers from a stand on a footpath;
 - Sale of food or drinks from a stall or a stationary vehicle near a tourist area, sporting complex or the like;
 - Sale of goods from a box, stall or stand located in a kerbside lane or on the side of a road.
5. The Roads Act requires that structures associated with the street vending activity must be maintained and if the structure affects the surface of the road (including the footpath) then the road surface must be maintained so as to allow a smooth passage of traffic.
 6. All costs associated with the lodgement of the Activity Application and the separate application for licensing under the Roads Act shall be met by the applicant / intended licensee.
 7. In the event that the outdoor trading activity is ultimately granted a licence for approval under the Roads Act 1993, the proprietor of the business to which the outdoor trading activity relates will be required to provide appropriate insurance coverage to indemnify Council against any public liability claim that may arise from the use of the road reserve by the business. The public risk insurance policy will be required to be maintained throughout the life of the outdoor dining or trading operation and shall have a minimum \$10 Million public liability insurance coverage, at all times. A Certificate of Currency must be submitted to Council annually. Requirements for

insurance coverage may also change on an annual basis depending on advice from Council's Insurance Broker.

8. Any approval for an outdoor trading activity will be subject to a limited 12 month trial period. Upon the expiration of this period, Council will re-assess the operation in the context of its suitability given the priority for maintaining satisfactory pedestrian access along the footpath.
9. Under the Roads Act 1993, the maximum term in which Council may grant a license for the use of a part of the road reserve (footpath) for the purposes of an outdoor trading activity is 5 years.
10. Any licence approval will also be subject to a condition requiring that any damage caused to Council's footpaths shall be rectified at the full cost by the operator. Any such repair work will be undertaken in accordance with the requirements of Council's City Works Division.
11. For community organisation or charity stall events, the relevant charity organisation will be responsible for the lodgement of the Activity Application and the Roads Act licence application. Once formal consent and Roads Act approval has been granted, the relevant charity organisation will be responsible for the regulation and management of all street stalls within the market event.
12. The charity organisation is responsible for obtaining Public Liability insurance coverage for at least \$10 Million. Council is to be noted as an interested party on the insurance policy. A Certificate of Currency must be submitted to Council annually. However, the requirements for insurance may change on an annual basis depending on advice from Council's Insurance Broker.
13. Rental for the use of the footpath area for the display of merchandise by a not for profit community based / charity groups will be in accordance with Council's adopted Annual Fees & Charges.

4.3 Location & Access Requirements for Footpath Trading Areas within Wollongong Mall

1. Any application for an outdoor trading activity within the section of Wollongong Mall (between Keira Street and Church Street) will be determined on the basis as to whether there is sufficient width along the public road reserve (footpath) area for all pedestrian users. This determination will take into account existing or proposed street furniture or landscape features in the mall.
2. Outdoor trading activities within the section of Wollongong Mall (between Keira Street and Church Street) will only be approved directly in front of the premises to which the trading activity relates.
3. An outdoor trading activity within the Wollongong Mall will generally only be acceptable in situations where:-
 - (a) The public space is wide enough to accommodate the outdoor trading activity whilst still maintaining a clear 3 metre wide pathway of travel within the footway for all pedestrians, including those who use mobility aids along the full length of the proposed licence area;
 - (b) The proposed merchandise display area is located towards the kerbside of the footpath, instead of the area of footpath directly abutting the business shopfront;
 - (c) The proposed display area shall have a minimum kerbside clearance of 0.6 metres to allow passengers of vehicles to enter and alight from parked motor vehicles without obstruction; and
 - (d) The proposed display area is orderly and will not adversely impact the streetscape character or amenity of the locality.

4. Any footpath display area for a “one –off” charity market event must guarantee a continuous 1.5 metre wide unobstructed pedestrian path of travel along the footway and be exclusive of any obstruction or street fixtures (eg seats, bench, tree, rubbish bins, electricity poles etc), in order to provide continuous unobstructed access for pedestrians including pedestrians using wheelchairs or other mobility aids.
5. Display areas on both sides of the pedestrian footway area will generally not be supported, except in exceptional circumstances where existing street furniture or existing landscaping on the footpath ensures safe and continuous pedestrian paths of travel along the middle section of the footway area.
6. Notwithstanding the above provisions for footpath trading, Council reserves its right to deny footpath trading where the footpath is considered relatively narrow or where the footpath is subject to very high pedestrian volumes and Council is of the opinion that the proposed display area may adversely prejudice pedestrian movement along the footway area.

4.4 Display and Storage of items

1. The display of merchandise shall be restricted to the approved licensed area. The approved licensed area is to be marked by Tactile Ground Surface Indicators (TGSIs) which clearly define the exact boundaries of the display area.

Note: It is the responsibility of the business operator to ensure that all items on display are contained wholly within the boundaries of the licensed trading area, at all times. The failure of the business operator to ensure all display items and fixtures are contained within the boundaries of the licensed outdoor trading area may result in Council issuing Penalty Infringement Notice(s) to seek compliance with this requirement.

2. The footpath display area is to remain visible from the premises, at all times.
3. All merchandise is to be appropriately secured to minimise loss during wind gusts. Additionally, display stands must be appropriately anchored or secured to ensure stability during wind gusts.
4. The display of merchandise and other material should be orderly to minimise any potential adverse visual impact upon the streetscape. No shopping trolleys or shopping baskets shall be used on the footpath for merchandise display purposes.
5. Display areas shall not obstruct access to public infrastructure or utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.
6. No protruding or sharp objects are to be displayed upon the footpath.
7. Any food products must be displayed in appropriate display containers at a minimum 750mm height above the footpath level and in accordance with relevant food hygiene requirements.
8. All display areas are to be setback to maintain unobstructed vehicular sight lines in accordance with Part 5 of the AustRoads Guide to Traffic Engineering Practice.
9. Display areas are not permitted adjacent to any bus stop, taxi stand or any disabled parking space within the adjoining road reserve.

4.5 Tactile Ground Surface Indicators (TGSIS) delineating the boundaries of the Street Vending (Footpath Trading) display area

1. Tactile Ground Surface Indicators (TGSIs) are used to warn people who are blind or vision impaired that they are approaching a hazardous situation.
2. In the event that the street vending (footpath trading) operation is ultimately approved, a condition of consent will be imposed requiring the installation of Tactile Ground Surface Indicators (TGSIs) along the front perimeter of the approved display area.

Note: Australian Standard AS 1428.4 specifies technical details such as size, location and luminance contrast for TGSIs.

4.6 Advertising Signage

1. No advertising signage (including A-frame signs) will be permitted on the footway area.

4.7 Operational Management

4.7.1 General Operational Requirements

1. The day to day management of the outdoor trading activity is the responsibility of the licensed operator.
2. The licensee of the approved footpath trading activity shall ensure a copy of the Development Consent & the current licence under the Roads Act 1993 is prominently displayed on the front window of the business to which the footpath trading activity relates. This will enable Council officers to check the approval without any disruption to the business.
3. Council will provide the licensee of the footpath display area with appropriate Council tags to identify the exact number of approved display stands. The Council tags will be required to be affixed to each approved display stand to allow easily identification by Council officers as to the approved status of each display stand. The licensee shall also ensure that the Council tags are affixed to replacement display stands upon commencement of service.

4.7.2 Display Area Cleanliness

1. The display area must be maintained in a clean and tidy condition, at all times.
2. The licence holder shall also be responsible for the immediate removal of any broken glass, spills (especially oil or fat spills) or the like from the footpath.

4.7.3 Removal of Non-fastened Displays at the end of each Trading Day

1. Any displays (not permanently fastened to the footway) are to be removed from the license area by the business operator upon the completion of each trading day.