



LITHGOW CITY COUNCIL

5. COMPLIANCE

Policy 5.4

FOOTPATHS – USE OF PUBLIC FOOTPATHS FOR
RESTAURANT SEATING AND DISPLAY OF GOODS

Version 2

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5.4 FOOTPATHS - USE OF PUBLIC FOOTPATHS FOR RESTAURANT SEATING AND DISPLAY OF GOODS

- OBJECTIVES:**
- i) To encourage the establishment of outdoor seating areas in accordance with clearly documented guidelines.
 - ii) To control the display of goods for sale/display on the footpath/road reserve areas.

POLICY:

That Council under the authority of the Roads Act, 1993, permit the use of public footpaths for outdoor eating areas in association with an adjoining restaurant or other food premises and for the display of goods by an adjoining shop.

1. Restaurant Seating

- (i) Persons wishing to install and operate facilities for outdoor eating on public footpaths shall be required to hold a Public Liability Policy of at least \$10,000,000. Council is to be supplied with a certified copy of the insurance policy at least annually (and upon request). Such a policy is to have Council's interest noted.
- (ii) The maximum lease period will be three (3) years for restaurant seating.
- (iii) An agreement shall be entered into between the Proprietor and Council to embody the conditions which may be imposed pursuant to section 125 of the Roads Act, 1993. The agreement is to contain provisions indemnifying Council against any claims resulting from the placement or use of the outdoor furniture.
- (iv) The area subject to the agreement shall be clearly marked. For the period of the agreement, the fees will be charged at the rate as determined in the Fees component of the Council's Management Plan.
- (v) The proprietor will be responsible for all legal costs associated with the agreement.
- (vi) Placement of outdoor eating furniture on major pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 2.0 metres.
- (vii) All other pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 1.5 metres.
- (viii) All footpath eating areas adjacent to streets shall retain a minimum clearance to the kerb of 600mm.
- (ix) The proprietor shall be responsible for the disposal of litter and cleaning of the footpath occupied by the outdoor eating area.

- (x) Placement of chairs and tables shall be confined to the area of footpath adjacent to the restaurant premises. Before consideration would be given to areas not adjacent to the restaurant, the written consent of the adjoining owner and tenant must be obtained by the proprietor (to use the adjoining footpath frontage).
- (xi) No advertisements will be permitted to be placed within the agreed outdoor eating area or in the adjoining footpath area unless the written prior approval of the Council has been obtained.
- (xii) Outdoor eating furniture shall not restrict the access to public seating facilities. The Council may in certain circumstances agree to the relocation of such facilities at the expense of the proprietor. No interference or use of the facilities will be permitted without the approval of the Council.
- (xiii) The proprietor shall be responsible for removal of chairs, tables, umbrellas, etc, from the footpath at the close of daily trading.

2. Goods on footpaths and obstructing resources or public access areas.

- (i) Council does not permit the obstruction of pedestrian accesses / crossings by goods displayed on footpaths, road reserves or other community/public areas unless Council has issued express permission in writing with agreement to cover a maximum of three (3) years.
- (ii) There will be clear identification of the area in which goods can be displayed in any agreement Council enters into with an applicant.
- (iii) All display areas, if consent is given, shall be a minimum clearance for pedestrian traffic of 1.5m.
- (iv) All goods on footpaths shall be required to preserve a minimum clearance of 600m from the kerb.
- (v) The proprietor shall be responsible for the goods and any insurance issue arising from goods obstructing access.
- (vi) The proprietor shall be responsible for the removal of all goods on a daily basis at the close of trading.
- (vii) The proprietor will pay all costs associated with the creation of an agreement to permit the use of the footpath/road reserve for the sale/display of goods.

- (viii) The applicant/proprietor must indemnify the Council from any liability arising from the agreement to a minimum of \$10,000,000. Council is to be supplied with a certified copy of the insurance policy at least annually (and upon request). Such a policy is to have Council's interest noted.

Maintained by Department:	Development	Approved by:	Council		
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