

# USE OF FOOTPATH BY COMMERCIAL PREMISES

TS150



**NARRANDERA SHIRE COUNCIL POLICY**

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# USE OF FOOTPATH BY COMMERCIAL PREMISES

<b>Policy No:</b>	<b>TS150</b>
<b>Policy Title:</b>	<b>Use of Footpath by Commercial Premises</b>
<b>Section Responsible:</b>	<b>Technical Services</b>
<b>Minute No:</b>	<b>12/190</b>
<b>TRIM File No:</b>	<b>ED/45-3</b>
<b>Next Review Date:</b>	<b>As required</b>

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## **Background**

There has been a practice over time for businesses to place displays and items upon the footpath outside the business premises. In some cases this occurs daily and in some cases it is for a particular discrete period or event. The use of the public footpath in this way requires approval from Council even where Council may not have enforced this requirement. The public footpath is for the benefit and safety of pedestrians as well as other approved uses. This policy seeks to provide guidance for the shared use of the public footpath while recognising that businesses and the community may benefit from the practice of placing items upon the footpath from time to time.

## **Objective**

1. To provide standards where approvals are granted for the placement of items and goods associated with the business premises upon the public footway.
2. To ensure the conditions of shared footpath use satisfies safety and amenity for users of the public footway.
3. To ensure that businesses indemnify Council against claims arising from their activities in public areas.
4. To make our towns and villages more livable and friendly and add life to the urban environment.
5. To enhance social interaction.
6. To provide footpath trading activities that contribute positively to the streetscape.

## **Policy Statement**

### **Legislative Provisions**

The Local Government Act 1993, Section 68, provides that approval is to be obtained for the use of and placement of articles upon the public road and footway.

## Application

This policy applies to commercial premises within the towns and villages of Narrandera Shire.

Compliance with this policy does not guarantee approval should circumstances of the case require an alternative consideration. Council may revoke an approval where circumstances warrant this action. Council may impose conditions of approval over and above those listed below in section four (4) and based on the circumstances of the case.

## Requirements

1. The applicant shall provide a justification of the need to place items (other than tables and chairs for dining purposes) or goods upon the footway
2. The items or goods must relate to the nature of the items and goods normally sold or displayed within the business premises
3. The following Application and fee structure requirements apply:
  - For festivals or similar events separate conditions and application procedures may apply. You should consult with Council's staff for advice in the individual case.
  - For individual premises to place furniture or display items/goods, the following must be supplied to Council:
    - Application fee as set out in Council's Fees and Charges
    - A "Footpath Trading Activity Permit" Application form
    - A certificate of Currency of Public Liability Insurance (minimum \$20 million)

4. Conditions of Approval:

### Items on the Footway

- Shall not obstruct the use of the footpath by pedestrians, or vehicles parking legally on the roadway outside the premises
- Shall ensure a minimum clear, unobstructed width ("pedestrian lane") of two (2) metres
- Shall be no closer than 600mm\* from the line of the kerb,
- Shall be in good order and positioned and supported so as not to become a safety hazard
- Shall be removed from the footpath at the end of trading each day and the footpath be left clean and tidy
- Shall not utilise garden beds, parking delineators or pedestrian refuges that are provided as part of main street improvements
- Shall not interfere with the operations of the adjoining premises or vehicle movements.

### Insurance

- Applicants are to provide a Certificate of Currency (CoC) for their Public Liability Insurance indicating a coverage for at least \$20 million and which includes a statement indemnifying Council against any claims which may arise as a result of the use of the footpath by the business. It is the business owner's responsibility to ensure that the abovementioned CoC is provided on an annual basis to Council.

### **Determination of Applications**

Where applications comply with the Council policy, determination will be by delegated authority by the General Manager. ,

### ***Variation***

***Council reserves the right to review, vary or revoke this policy.***

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### **Policy History**

Adopted	20 August 2002
Reviewed	18 August 2009
Reviewed	19 June 2012
Reviewed	25 September 2012
Adopted	