



# FOOTPATH TRADING AND COMMUNITY FUNDRAISING GUIDELINES

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## 1 Introduction

Lismore City Council has an adopted '*Approvals and Use of Land Owned or Managed by Council*' Policy. This guideline has been made under that policy to assist staff, community groups, businesses and residents in understanding the assessment and operational framework for footpath trading and community fundraising. The aim of this guideline is to recognise the importance of community fundraising and a variety of activities on Council's footpaths while recognising the importance of having a structured policy framework in place to minimise complaints, criticism and other issues relating to the ambience and amenity of public spaces.

## 2 Objectives

The objectives of this guideline are to:

- support Councils Policy '*Approvals and Use of Land Owned or Managed by Council*'.
- support footpath trading and community fundraising to enhance the vibrancy, vitality, diversity and ambience of public spaces
- provide certainty and self-regulation to footpath trade and community fundraising within a clearly understood, fair and transparent operating framework
- maintain existing levels of public amenity
- minimise complaints, criticism and other problems associated with busking and spruiking
- facilitate regulated use of public spaces
- recognise the importance of footpath trading for promotional purposes and community fundraising, and
- ensure that footpath trading and community fundraising are carried out in a safe and equitable manner.

## 3 Scope

The '*Approvals and Use of Land Owned or Managed by Council*' Policy applies to all land under the management control of Lismore City Council and is designed to identify the minimum requirements in relation to seeking approval for footpath trading and community fundraising.

The information contained in these Guidelines sets out Council's general requirements regarding applications for the use of footpaths for the use, display and/or sale of goods and community fundraising purposes in the Lismore City Council area.

## 4 Definitions

The following definitions are provided to assist in understanding the requirements of the Policy and Guidelines.

**Footpath trading** – means the occasional use of public footpath or road reserve areas for promotional purposes on an occasional basis and includes the displaying goods for sale to the public.

**Community fundraising/activities** – means BBQ's or tables/chairs set up for the raising of funds or raising community awareness.

**Footway** - means that part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic (referred to in these Guidelines as "footpath")).

## 5 Application

Community fundraising is considered to be a “minor event” and as such a one page application form accompanied by evidence of public liability insurance is to be submitted to council for approval prior to the use of any public footpath for this purpose.

All applications are to include the following information:

- a) Applicant’s name, address and telephone number.
- b) Full address and property description of the property to which the application relates.
- c) A description of the type of goods to be displayed on the footpath, including the hours of trading.
- d) A plan showing the location and dimensions of the area to be used for the display or sale of goods and indicating footpath width, location of shop entrance, awning columns, etc.
- e) Consent of the owner/tenant of the property outside which the activity is proposed (if owner is not the same as the applicant).

## 6 Assessment Guidelines

In assessing an application for the display of goods for sale on the footpath, the following matters will be considered:

- a) Any goods or structures used in conjunction with the display or sale of goods shall not extend beyond the length of the shop frontage. The front entrance of the shop should be kept unobstructed at all times.
- b) There will at all times be a minimum width of 2 metres between the shop frontage of the building and the promotion/stalls on the footpath to provide a continuous accessible path of travel. The siting of the promotional stalls are not to create obstruction, restrict, or impede the free use of the footpath by pedestrians.
- c) No structure used for the display of goods shall be fixed to the footpath and all structures/goods displayed on the footpath must be removed upon close of trading. Any temporary structures are to be erected in accordance with good building purposes, be structurally adequate and in accordance with the requirements of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part 2 Exempt and Complying Development Division 3 Temporary Uses and Structures Exempt Development Code* or alternatively obtain the appropriate approval.
- d) Footpaths should be kept clean and tidy at all times. If this requirement is not observed and it is considered necessary, Council may direct that the footpath to be pressure cleaned at the cost of the applicant of the premises.
- e) Any damage caused to Council’s footpath as a direct result of trading activities shall be the responsibility of the respective applicant. Any repair works necessary will be carried out by Council at the applicant/owner/s expense.
- f) The area is to be cleaned and left in a tidy condition upon completion of the event. All waste generated at the event and activities ancillary to the event must be appropriately managed to prevent any littering and to ensure no other nuisances are caused.
- g) The owner or applicant shall indemnify Council against all claims of public liability and shall maintain public risk policy for a sum of not less than \$10 million, with an insurance company approved by Council.
- h) Amplified music or other noise generation associated with the trading activity is not to adversely impact upon the amenity of the street.
- i) Food prepared for sale during the promotion shall meet the requirements of the NSW Food Authority “*Guidelines for food businesses at temporary events*”.
- j) Compliance at all times with the requirements of the Work Health and Safety Act 2011.
- k) The hours of operation for conducting footpath trading shall be in accordance with the approved hours of operation for the relevant business and where operating hours are not specified then they shall be 8am to 6pm Monday to Friday and 8.00am to 5.00pm on Saturday.
- l) Organisations that conduct fundraising on commission or that have no demonstrable benefit or direct connection with local organisations or community groups will not be permitted to conduct community fundraising activities in the Lismore LGA.

## **7 Licence fee**

A licence or lease fee in accordance with Lismore City Council Fees & Charges will apply. Exemptions from the lease fee will apply in the following circumstances only:

- a) where the applicant is a registered charity or a non-profit organisation (note: consent of the owner of the premises fronting the footpath will still be required); or
- b) where the footpath trading is conducted as part of a special event relating to the promotion of the village or the area in general sponsored by Council.

## **8 Signage**

Any sign displayed in conjunction with goods for sale on the footpath shall comply with the provisions of Council's Development Control Plan Chapter No 9 (Signage) and may require separate consent. Approved portable signs must be located within the allocated area on the kerb side of the footpath adjacent to the relevant business, 600mm in from the kerb, and at least 2.4m from the shopfront. No obstacle or sign is to be placed against the shopfront.

## **9 Approvals**

Approvals will be issued generally on an annual basis for a maximum period of 12 months and will expire one year from the date of issue unless an extension of this time is requested and specified in the application form. A new application should be lodged at the conclusion of the lease period should the applicant wish to renew their lease.

Applicants will be notified in writing of the outcome of the application and conditions may be attached to the relevant approval. Where an application is not approved the reasons for refusal will be provided by Council. Lease fees must be paid prior to the use of the footpath area commencing.