

Planning and Development

OUTDOOR TRADING



Overview

Council land is regulated by **Local Government Land By-Law 2 of 2016**. In addition, Council has an **Outdoor Trading Policy** to manage competing needs and interests of pedestrians and business owners and encourages outdoor trading that:

- improves the usage, quality and image of the towns
- is designed to enhance and protect the character of its surrounding streetscape and built form
- does not affect or cause concern accessing or passing through the area taking into consideration the safety of pedestrians and customers at all times

To sell goods or establish an outdoor dining (licensed or unlicensed) area on Council land (e.g. footpaths, reserves, car parking bays) requires an Outdoor Trading Approval.

A clear and unrestricted public access walk through of no less than 1.5 metres in width, is retained at all times, along the footpath and across the entire frontage of your business/area. (Refer diagram, reference c).

Altering an existing Outdoor Trading Approval

A business wishing to alter an existing Outdoor Trading Approval will be required to lodge an Outdoor Trading Application form showing the alterations. Subject to the alterations being approved, your permit agreement will be altered and the permit fees may be adjusted accordingly.

Sale of Business with Existing Outdoor Trading Approval

Approvals are issued to the business owner. When a business is sold, the existing Outdoor Trading Approval is not transferred to the new business owner. The new business owner will need to lodge a new Outdoor Trading Application.

Installation of Permanent Fixtures

Further information can be found in Council's Outdoor Trading Policy. Please contact Council's Development Services Department to discuss your business specific situation as Development Approval maybe required.

'A' Frame or Sandwich Board Sign

Council allows each business premise one (1) moveable 'A' frame or sandwich board sign without a permit. Further information can be found in Council's **'Moveable Signs By-law 4 of 2016'**.

Cost

Once an Outdoor Trading Application has been received, Council will issue the business owner an invoice for the associated fees and charges which are charged per square metre of the area being utilised.

The fees and charges are payable every three (3) years.

The current fees and charges are available on the Council website.

Term of Consent

The Outdoor Trading Approval is valid for three (3) years from the date of approval but can be cancelled at any time for a breach of approval is found.

A copy of the Outdoor Trading Permit ('permit') must be retained on the premises at all times and provided on request to any Authorised Officer of the Council.

The permit holder must allow an Authorised Officer access to the outdoor cafe area at any time with or without notice and provide any documents when requested by an Authorised Officer. It is the responsibility of the permit holder and their employees and agents to comply with these terms and conditions at all times and to report any change in circumstances or potential breach of the conditions.

It is the responsibility of the permit holder to comply with all laws including local laws and all other legal requirements relevant to the operation of the outdoor cafe and to ensure that employees and agents also comply.

The permit holder must, at its own expense, comply with all other legal requirements concerning the outdoor trading area and all activities upon it, and obtain and keep in force all necessary licences, permits and authorities which may be required to use the outdoor trading area.

The permit holder is at all times responsible for the good order, conduct and behaviour of patrons using the outdoor trading area.

The permit holder must maintain a Public Liability insurance policy for a minimum of ten million dollars (\$10,000,000) stating Copper Coast Council as an interested party.

Specific Application Information Required:

Please read the Outdoor Trading Policy before completing your application.

- Outdoor Trading Application form – completed and signed.
- Current copy of Public Liability Insurance (Certificate of Currency) for a minimum of \$10 million in the business name, listing coverage of footpath trading, noting Copper Coast Council as an interested party against any claims
- Photographs of site
- Detailed site plan to scale (See diagram below)

EXAMPLE

OUTDOOR TRADING SITE PLAN

- Verandah Posts
- ▨ Footpath minimum 1.2m from inside of verandah post
- Outdoor Trading Area

