



Policy

Commercial Use of Road Reserves

2018

INFORMATION ABOUT THIS DOCUMENT

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E2017/91332		Draft document prepared
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E2018/28846	4 April 2018	Adopted policy published

Further Document Information and Relationships

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

Related Legislation*	Byron Local Environmental Plan 2014 Environmental Planning and Assessment Act 1979 Factories, Shops and Industries Act 1962 Food Act 2003 Local Government Act 1993 Local Government (General) Regulation 2005 Protection of the Environment Operations Act 1997 Road Transport Act 2013 Roads Act 1993
Related Policies	Itinerant Food Vendors Policy 5.4 Footpath Dining Policy 5.54
Related Procedures/ Protocols, Statements, documents	NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



TABLE OF CONTENTS

Contents

1. OBJECTIVES	2
2. SCOPE	2
3. DEFINITIONS	2
4. STATEMENT	3
5. LEGISLATIVE AND STRATEGIC CONTEXT	3
6. LICENSING	5
7. OPERATING REQUIREMENTS – GENERAL	6
8. OPERATING REQUIREMENTS – FOOTPATH DINING	6
9. OPERATING REQUIREMENTS – GOODS & CHATTELS.....	12
10. OPERATING REQUIREMENTS – MOBILE FOOD VENDORS.....	13
11. INSPECTIONS AND PENALTIES	14
12. GARBAGE AND LITTER	15
13. GENERAL REQUIREMENTS.....	15
14. SUSTAINABILITY	16



1. OBJECTIVES

- 1.1 The objective of this Policy is to facilitate the commercial use of road reserves within the Byron Shire. This includes the commercial use of footpaths as well as mobile food vendor industries which take advantage of the economic, cultural and social benefits within the Byron Shire in order to service the local community and tourist population. These objectives are balanced against the protection of the Byron Shire's current retail sector and the maintenance of public health.

2. SCOPE

- 2.1 This Policy is to serve as a guideline to commercial users of footpaths (footpath dining and goods and chattels), mobile food vendors, the local business sector, Council Authorised Officers and the public as to the type of commercial uses of road reserves that are permitted within the Byron Shire. All approvals/licences are issued in accordance with the Roads Act 1993, Food Act 2003 and the Local Government Act 1993. The conditions herein shall apply to all commercial users of footpaths and mobile food vendors operating or intending to operate within the Byron Shire.

3. DEFINITIONS

Commercial use	Means use connected with or engaged with commerce.
Mobile food vendor	Means a person/s who has a vehicle, cart, stall, etc used for the sale of food/drink and which travels from place to place.
Council	Means the Byron Shire Council.
Food and drinks premises	Means a restaurant, café, take-away food and drink premises, a pub and a small bar as per the Byron Local Environmental Plan 2014.
Trading period	Means the time/s a mobile food vendor is open to sell goods or services to customers.
Operator	Means an entity that has obtained a licence under this Policy.
Permitted zone	Means the area an operator is licensed by Council to operate on/in.
Applicant	Means an entity applying for a licence under this Policy.
Vehicle	Means any form of instrument used for conveyance and includes a motor-vehicle, cart, stall, etc.
Set-up stand	Means to set the vehicle, cart, stall, etc in one place and have customers come to the vehicle, cart, stall, etc.

Health Officer	Means a suitably qualified person appointed by the General Manager of Council to undertake health duties within the Byron Shire.
Authorised Officer	Means a person appointed as such by the General Manager of Council.
Trading area	Means the location that the mobile food vendor is present on/in whilst being open to sell goods or services to customers.
Traffic	Means any form of transportation and shall include horses.

4. STATEMENT

- 4.1 Road reserves that are controlled by Council are a public amenity that must be managed effectively.
- 4.2 In assessing applications for approval of the commercial use of road reserves Council must ensure the proposed use is consistent with the amenity of the area; the safe movement of pedestrians; the convenience to surrounding residents and businesses; the safe and equitable access for persons with access disabilities and that the appropriate approval process is formulated that protects the interests of Council and the community.
- 4.3 Council believes that footpath dining areas, goods and chattels areas and mobile food vendors provide a significant contribution to the quality of public spaces and community life by providing an active street frontage that is alive and ever changing.

5. LEGISLATIVE AND STRATEGIC CONTEXT

- 5.1 Activities outlined in this Policy require Council approval under section 68 of the Local Government Act 1993 and sections 125, 126, 127, 138, 139 and 139A of the Roads Act 1993 (where applicable). Unless a relevant approval under the Roads Act has been granted, a commercial user of a road reserve has no lawful right to so occupy the road reserve.
- 5.2 Section 125 of the Roads Act 1993 permits a road authority to approve the use of a footway for dining purposes. The concurrence of the Roads and Traffic Authority is required if the dining area is located on a classified road. Within the scope of this Policy those are the Pacific Highway Main Road No.65 (Bangalow/Lismore Road), Main Road No.545 (Ewingsdale / Jonson / Broken Head Road) and Main Road No.306 (Mullumbimby Road / Argyle Street / Burringbar / Dalley Street).
- 5.3 Use of part of a footpath for dining purposes may only be considered where that use is adjacent to an approved 'food and drinks premises'. Any approvals granted will be subject to any requirements of the Retail Leases Act 1994 and no occupation or use of the area of the approval will be permitted until those requirements, if any, are satisfied.

- 5.4 A mobile food vendor's operation, including their vehicle, cart, stall, etc, must be in accordance with the requirements of the Food Act 2003, the Local Government Act 2003, the Road Transport Act 2013, the Roads Act, the Protection of the Environment Operations Act 1997, the Factories Shops and Industries Act 1962 (if required) and regulations thereunder.
- 5.5 All commercial users of road reserves must comply with the requirements of the following legislation (where applicable):
- Building Code of Australia
 - Byron Local Environmental Plan 2014
 - Byron Shire Development Control Plan 2014
 - Environmental Planning and Assessment Act 1979
 - Factories, Shops and Industries Act 1962
 - Food Act 2003
 - Local Government Act 1993
 - Local Government (General) Regulation 2005
 - Protection of the Environment Operations Act 1997
 - Retail Leases Act 1994
 - Road Transport Act 2013
 - Roads Act 1993
 - Work Health and Safety Act 2011
 - NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

6. LICENSING

- 6.1 Licensing assessment conditions:
- 6.1.1 Mandatory requirements as outlined in this Policy;
 - 6.1.2 Requirements specific to categories of licences as outlined in this Policy;
 - 6.1.3 Development of competitive local business and industry;
 - 6.1.4 Environmental protection and sustainability; and
 - 6.1.5 Quality cuisine / products to service the local community and tourist population.
- 6.2 All applicants must be approved and licenced by Council before operating on road reserves within the Shire.
- 6.3 All application fees (as specified in Council's fees and charges) must be paid by applicants prior to Council processing their application.
- 6.4 Applicants intending to utilise a road reserve to provide footpath dining must apply for a footpath dining licence.
- 6.5 Applications intending to utilise a road reserve to display/sell goods and chattels must apply for a goods and chattels licence.
- 6.6 Applicants intending to utilise a road reserve as a mobile food vendor must apply for a relevant mobile food vendor licence.
- 6.7 All approval fees (as specified in Council's fees and charges) must be paid by applicants prior to Council issuing a licence.
- 6.8 Council licences are not transferable.
- 6.9 The approval period for all commercial activities on road reserve licences shall be for a maximum period of two (2) years).
- 6.10 Licence fees are to be paid quarterly, or annually, in advance.
- 6.11 Applicant's mobile food vendor details must match ABN, licensee and licenced vehicle, cart, stall etc details.
- 6.12 Employees of applicant mobile food vendors must be nominated on the licence application form. A separate mobile food vendor licence must be obtained for each vehicle, cart, stall etc.
- 6.13 Two (2) categories of mobile food vendor licences shall exist pursuant to this Policy:
- Class 1 licence: selling food/drinks (that do not require a kitchen) with a maximum stopping time to trade of 15min on/in road reserves within the Byron Shire. i.e. a Mr Whippy Van.
 - Class 2 licence: selling food/drink (that may/may not require a kitchen) with allowance to trade during a permitted trading period within a specified permitted zone. i.e. a taco van.

- 6.14 All mobile food vendor licences will be issued via an Expression of Interest process.
- 6.15 Class 2 mobile food vendor licences shall each exclusively operate at only one (1) of the sites displayed in the maps related to this policy (see link at: TBA).
- 6.16 A class 2 mobile food vendor applicant must indicate their preferred site in their Expression of Interest.

7. OPERATING REQUIREMENTS – GENERAL

- 7.1 All relevant insurances and licences must be in place at the time of issuing a licence. The holder of an licence is to indemnify Council, in writing, against any action taken against it by persons injured or suffering loss by the use of the road reserve. Council will not accept liability for damage to or loss of property from a road reserve.
- 7.2 All licence holders must obtain and maintain for the period of their licence a Certificate of Currency for Broadform Public Liability insurance, with a minimum of \$20,000,000, noting 'Byron Shire Council' as an interested party.
- 7.3 Operators must comply with the Protection of the Environment Operations Act 1997 which contains provisions relating to pollution, including prevention of offensive noise, smoke and odour and controls of illegal waste water discharges.
- 7.4 Amenity of any area must not be adversely impacted by the commercial activities of an operator.

8. OPERATING REQUIREMENTS – FOOTPATH DINING

- 8.1 Layout, Circulation, Safety and Convenience
 - 8.1.1 The ground surface must be sufficiently level to support an orderly layout and safe use of the required furniture. The diagrams included in this policy show different opportunities for locating and aligning footpath dining areas in typical urban situations. As per the attached diagrams there must be a maximum of one chair per square metre.
 - 8.1.2 Approval will only be issued if pedestrians can clearly and easily negotiate the footway when table and chairs are in place. In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation, subject to clause 8.1.3 below.
 - 8.1.3 For town centres, excluding precincts one and two in Byron Bay (as attached), the minimum distance specified in clause 8.1.2, may be reduced at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the operator can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the tables and chairs are in place. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.



- 8.1.4 The pedestrian corridor must be continuous with the frontage of the property and / or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street / lane. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.
- 8.1.5 The visually impaired normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the operator's cost. The tiles should be placed on the property boundary / frontage and also on the edge of the dining areas. Pavement hazard markings should be provided at the ends of dining areas to provide delineation to the dining areas for the visually impaired and to assist in defining the leased area.
- 8.1.6 The available depth of a footpath dining area depends on the width of the footpath. The minimum practical depth for a footpath dining area is 1 metre, which will allow for two chairs per table. Where the proposed footway restaurant area extends outside the confines of the associated refreshment room, concurrence of the adjoining shop owner is required, and details are to be supplied indicating that normal trading of the adjoining premises will not be adversely affected, ie, advertising, display areas and public access.
- 8.1.7 At street intersections, a setback of at least 10.0 metres from the kerb in the opposing street applies. The dining area will only be approved where the defined seating area is more than 10 metres from the approach side and more than 5 metres from the exit side of a pedestrian crossing.
- 8.1.8 Safety for kerbside diners from vehicle impacts must be provided by the use of bollards set into the footpath pavement or other methods to achieve the same level of safety. Bollard spacing is not to exceed 1200mm, and they must be located 600mm clear of the kerb and gutter (900 mm where there is angle parking) to allow sufficient space for people to alight from parked vehicles.
- 8.1.9 Diners should be clear of the bollards such that deflections in the bollards, as a result of vehicle collisions, would not impact on the people seated adjacent. A minimum clearance of 200mm should be provided between diners and bollards (essentially equating to 800mm or 1100mm setback from the kerb for actual diners.)
- 8.1.10 Where a dining area is located adjacent to the kerb a walk through area must be provided for motorists that may park adjacent to this area and wish to

access the footpath. Walk through areas should be provided at minimum spacings of 6.0 metres (average vehicle length 5-6m), such that on average a person alighting from a vehicle only needs to travel a distance of 3.0metres before an accessway through the seating area is available.

8.1.11 Where existing street furniture, planter boxes, utility poles etc restricts pedestrian traffic adjacent to the building the pedestrian corridor is to be located away from the building / property alignment.

8.1.12 The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

8.2 Style, Materials and Colours

8.2.1 The style, layout, and orientation of furniture should be chosen according to the extent and shape of the available space so as not to tempt patrons to move furniture beyond the boundaries of the licensed area.

8.2.2 Footpath furniture should make a positive contribution to the street environment. A furniture style that is practical and elegant and integrates well with the surroundings is encouraged. The use of domestic moulded plastic / resin furniture is not permitted. All furniture items will be subject to Council's approval. A furniture style guide is attached to this policy.

8.2.3 If safety rails, bollards or similar permanent elements are required, their location, selection and design will be subject to Council's approval.

8.2.4 Operators are encouraged to select furniture that is compatible with the design and quality of the style range included in this document. Favourable consideration may also be given to well designed, creative and individual alternatives, provided that they are consistent with the contents of this policy.

8.2.5 Tables, chairs, and umbrellas may be powder coated, or polished aluminum, brushed, or stainless steel, natural or painted timber, or canvas. Suitable colours include natural, camel, terra cotta, brunswick green, blue or black. Surfaces such as tabletops must minimise reflective glare.

8.2.6 Planters are recommended in terra cotta, concrete, or reconstituted stone in natural, sandstone or terra cotta colour, or powdercoated, brushed, or stainless steel or timber in natural earth colours.

8.3 Existing Streetscape Elements

8.3.1 Whenever possible, a footpath dining area should visually relate to and be physically aligned with existing features and permanent elements of the

streetscape and landscape such as, trees, bollards, etc. as shown in the diagrams included in this document.

8.4 Enclosure

- 8.4.1 Footpath dining areas should enrich the pedestrian experience and public life. It is important that they present an open inviting image and are easily accessible.
- 8.4.2 Subject to Council's approval, planters may be used to physically define the perimeters of a footpath dining area to prevent pedestrian conflict and ensure the patrons' safety. Enclosure should be kept to a minimum.
- 8.4.3 Retractable awnings will be considered subject to a minimum clearance distance of 2.6 metres from the pavement.
- 8.4.4 Drop blinds are not permitted.
- 8.4.5 Umbrellas are permitted to provide for shade and shelter in exposed locations. Umbrellas and other shade structures must be adequately secured against the effects of wind. Umbrellas must not project beyond the table and seated area if less than 2.6 metres above the footpath.

8.5 Furniture structure

- 8.5.1 The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement. Public safety and comfort must be considered. Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users. Any umbrellas must have mechanisms to ensure that they are at all times securely fixed to withstand wind and they must be removed or closed in extremely windy conditions.

8.6 Management – Furniture and Plantings

- 8.6.1 The operator is responsible for the provision of all required furniture to Council's satisfaction.
- 8.6.2 All furniture and plantings of an footpath dining area must at all times be maintained in a physically sound and aesthetically acceptable condition to Council's satisfaction, and all of the licensed area must present a clean, well maintained image as specified in the conditions of the licence and approval.
- 8.6.3 All outdoor furniture not permanently fastened to the footpath is to be removed from the licenced area upon the completion of each day of trading. It should be noted that no outdoor furniture, barrier or structure is to be permanently fastened to the footpath without the prior approval of Council.



Any holes made in the pavement, as approved by Council, must be stoppered when not in use.

- 8.6.4 Unless the operator's licence is renewed the operator must restore the licenced area to its condition immediately before the grant of the licence and not later than one month after the expiration of the licence.

8.7 Health Considerations, Table Service and Alcohol

- 8.7.1 All food must be stored and prepared within the approved food preparation area of the approved food and drinks premises.

- 8.7.2 All outdoor furniture, other facilities and the pavement shall be kept clean at all times. The operator is to steam clean the footpath at his/her expense when deemed necessary by Council.

- 8.7.3 Table service is mandatory.

- 8.7.4 Where a footpath dining area is approved in association with licensed premises, liquor may not be supplied or consumed in the open air without approval from the licensing Court and Council. Where it is intended to serve alcohol and the area requiring approval forms part of an Alcohol Free Zone, an adjustment to the Alcohol Free Zone is required through a formal procedure including public advertising and an additional fee for service will be charged.

8.8 Toilet Facilities

- 8.8.1 It is a requirement that toilet facilities be made available to patrons in accordance with the Building Code of Australia.

8.9 Advertising and Signs

- 8.9.1 Only the name or logo of the footpath dining area may be placed on any item of furniture. It must appear only once on each item and be a minor element of the furniture design, to Council's satisfaction. No other advertising on any outdoor furniture or the licensed area is permitted without specific approval by Council.

8.10 Delineation of Dining Areas

- 8.10.1 The boundaries of the footpath dining area as approved, are to be marked. In most cases corner markers will suffice. In complex locations, it may be necessary to use additional markers along the boundary alignment.

- 8.10.2 In paved areas, pavement markers, e.g. self adhesive tactile tiles, metal studs or stone inserts installed flush with the paved surface can be used. Where it is necessary to consider people with visual impairment the delineation of boundaries must be by the use of self adhesive tactile tiles.

- 8.10.3 In areas with a grass, gravel or similar surface, pavement markers are not feasible, and existing or new landscape elements such as trees, light poles, bollards, etc. can be used instead.
 - 8.10.4 The markers must remain in place throughout the duration of the license, and all furniture, including umbrellas, planters and plants must be kept strictly within the boundaries of the licensed area.
 - 8.10.5 Subject to Council's approval, planters may be used to physically define the perimeter of a footpath dining area to prevent pedestrian conflict and ensure the patron's safety. The planter boxes must be removed from the area outside the hours of operation, unless it can be demonstrated that they will not interfere with the flow of pedestrian traffic.
 - 8.10.6 The area may be delineated by the use of approved temporary screen barriers. Barriers are to be no more than 1m high, extend to a minimum clearance of 100mm above ground level, not be of a solid structure and include a fabric infill. They must be removed from the area outside the hours of operation. All in-ground structures will require an engineer's certificate.
- 8.11 Lighting
- 8.11.1 Any footpath dining area licensed to operate outside daylight hours must provide adequate lighting, to Council's satisfaction, to ensure the safety and amenity of patrons and the general public.
- 8.12 Purpose Built Dining Areas
- 8.12.1 In some cases the operator may wish to undertake streetscape works to accommodate a footpath dining area. Such works may include footpath widening, paving, street tree planting, pedestrian lighting, etc. Any such works require a specific development approval by Council. Any carparking spaces lost must be compensated for by the payment of Section 94 contributions.
- 8.13 Exclusions Outside Town Centres
- 8.13.1 Council may approve picnic style tables, and or benches, located outside general stores not within a town centre, where Council is of the opinion that the facility will provide a genuine community benefit. No licence agreement or fee will be payable, however this approval is at the absolute discretion of Council and subject to the proprietor of the general store providing written agreement to maintain the furniture. Any such approval is not an approval within the meaning of Section 125 of the Roads Act 1993 and does not give

the proprietor of the general store any rights to exclusive use of such furniture as it is located on a public road.

8.14 Fee Structure

8.14.1 Fees are determined on an annual basis in conjunction with Council's Management Plan and budget. The fees set by Council are based on a number of factors, including:

- Market rental assessments;
- Pedestrian traffic;
- Affordability; and
- Social impact.

9. OPERATING REQUIREMENTS – GOODS & CHATTELS

9.1 Layout, Circulation, Safety and Convenience

- 9.1.1 The ground surface must be sufficiently level to support an orderly layout and safe use of the goods and chattels displayed.
- 9.1.2 Approval will only be issued if pedestrians can clearly and easily negotiate the footway when goods and chattels are in place. In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation, subject to clause 9.1.3 below.
- 9.1.3 For town centres, excluding precincts one and two in Byron Bay (as attached), the minimum distance specified in clause 9.1.2, may be reduced at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the operator can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the goods and chattels are in place. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.
- 9.1.4 The pedestrian corridor must be continuous with the frontage of the property and / or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street / lane. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.
- 9.1.5 The visually impaired normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the operator's cost. The tiles should be placed on the property boundary / frontage and also on the edge of the display areas. Pavement hazard markings should be provided at the ends of display areas to provide delineation



to the display areas for the visually impaired and to assist in defining the leased area.

9.1.6 The available depth of a goods and chattels display area depends on the width of the footpath.

9.1.7 The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

9.2 Advertising and Signs

9.2.1 Only the name or logo of the operator's business may be placed on any item on the road reserve. It must appear only once on each item and be to Council's satisfaction. No other advertising on any item on the road reserve or the licensed area is permitted without specific approval by Council.

9.3 Fee Structure

9.3.1 Fees are determined on an annual basis in conjunction with Council's Management Plan and budget. The fees set by Council are based on a number of factors, including:

- Market rental assessments;
- Pedestrian traffic;
- Affordability; and
- Social impact.

10. OPERATING REQUIREMENTS – MOBILE FOOD VENDORS

10.1 Mobile food vendors' vehicles, carts, stalls, etc must have received a health clearance certificate.

10.2 A mobile food vendor's vehicles, carts, stalls, etc., must be made available for inspection by a Council Health Officer for a health clearance certificate which is required to obtain approval. A fee for the inspection (as specified in Council's fees and charges) will apply.

10.3 Mobile food vendors' vehicles, carts, stall, etc (and towing vehicles, if applicable) must be registered as per the requirements of the Road Transport Act 2013.

10.4 Mobile food vendors' vehicles, carts, stalls, etc must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

10.5 Mobile food vendors shall not operate outside of the permitted trading period outlined on their licence.

10.5.1 Class 1 licence:

- Class 1 mobile food vendors shall not operate outside of the permitted zones outlined on their licence or in/or parks, reserves and beaches within the Shire.
- Class 1 mobile food vendors shall not operate within 200m of a food outlet selling a similar food product if that outlet is open (this distance is measured in a straight line from the closest point of the mobile food vendor vehicle, cart, stall, etc to the main entrance of the food outlet).
- Class 1 mobile food vendors are not permitted to "set-up stand".
- Class 1 mobile food vendor licences shall display a red Council sticker in a prominent place on their vehicles, carts, stalls etc at all times.

10.5.2 Class 2 licence:

- Class 2 mobile food vendors shall only operate within their specified permitted zone.
- Class 2 mobile food vendor licences shall display a green Council sticker in a prominent place on their vehicles, carts, stalls, etc at all times.

10.6 A class 2 mobile food vendor's vehicle, cart, stall, etc must have an adequate supply of potable water stored in food grade water storage containers and suitably protected against contamination for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes. Details of the supply of potable water and the cleaning process used for the storage tanks must be included in the application.

10.7 A mobile food vendor's vehicle, cart, stall, etc must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

10.8 No animal is to be used as part of the vehicle, cart, stall, etc.

10.9 No additional flashing or rotating lights, except that required under the Road Transport Act 2013, are permitted.

10.10 No alcohol is to be served or sold by mobile food vendors.

11. INSPECTIONS AND PENALTIES

11.1 Regular inspections will be carried out by Council's Authorised Officers to ensure compliance. A fee will be charged if the operator does not comply with the relevant terms of this Policy and/or their licence.



- 11.2 The penalties for failure to obtain an approval or failure to comply with a relevant licence are set out in the Local Government Act 1993 and regulations thereunder. Council reserves the right to decide legal remedy for breaches of this Policy.
- 11.3 Authorised Officers may take enforcement action for non-compliance with this Policy, the operator's licence conditions and related legislation.

12. GARBAGE AND LITTER

- 12.1 All garbage and trade wastes must be disposed of in a manner acceptable to Council's Health Officers.
- 12.2 Operators are responsible for all waste materials generated. Garbage generated within the road reserve is not to be disposed of at public garbage bins but is to be collected and contained until disposal at a nominated location can occur. Waste materials (including food packaging) must be collected in bins or suitable receptacles, bagged or contained, stored within a vehicle, cart, stall, etc and disposed of at the costs of the approval/licence holder.
- 12.3 Suitable garbage receptacles with close fitting lids are to be provided in all vehicles, carts, stalls, etc.
- 12.4 Road reserve areas must be left in a clean and tidy condition at the end of each trading period.
- 12.5 Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain by an operator.
- 12.6 Operators are encouraged to recycle.
- 12.7 Any person littering or polluting is liable for penalties under the Protection of the Environment Operations Act 1997.

13. GENERAL REQUIREMENTS

- 13.1 An operator's licence may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this Policy, in an operator's licence or if a reasonable complaint is received by Council.
- 13.2 An operator's licence may be cancelled by Council at its discretion if an operator ceases trading, or does not trade for a period longer than six (6) months.
- 13.3 A business or a vehicle, cart, stall, etc or the type of food/product sold on the road reserve cannot be altered without consulting Council's Authorised Officers for approval.
- 13.4 Illegal, dangerous or offensive goods are not to be sold by operators.
- 13.5 No third-party advertising, direct soliciting or collecting of donations will be permitted by operators.

- 13.6 Amplification equipment is not to be used by operators without Council's permission.
- 13.7 Operators shall not obstruct traffic, pedestrians, entrance ways to shops or laneways.
- 13.8 Banners, signs, bunting and the like are not permitted to be erected without approval.
- 13.9 Operators must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.
- 13.10 Operators shall comply with the requirements of this Policy and conditions of licences.
Licences must be available to be shown on demand by an Authorised Officer.

14. SUSTAINABILITY

14.1 Social

- 14.1.1 Supports commercial activities on road reserves, taking advantage of the cultural and social benefits within the Byron Shire, to service the local community and tourist population.

14.2. Economic

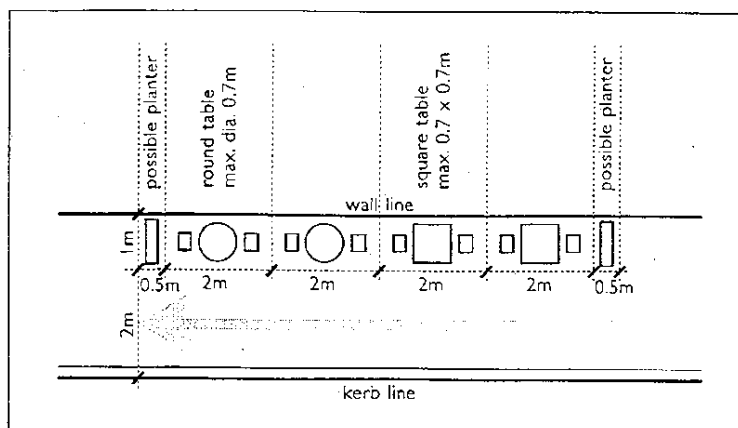
- 14.2.1 Provides a methodology for Council to approve and collect revenue for the use of Council's road reserves for commercial benefit.

14.3. Governance

- 14.4 Provides guidelines for the approval and use of activities deriving a commercial benefit from the use of road reserves and the opportunity to review insurance, safety and maintenance requirements.

Footpath design

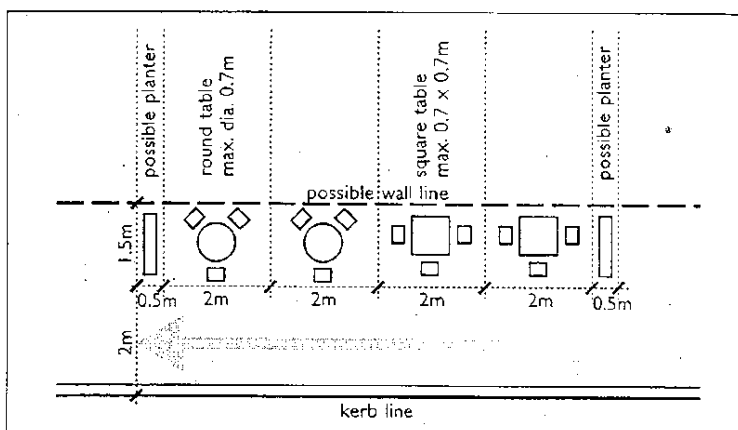
Diagram 1



Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

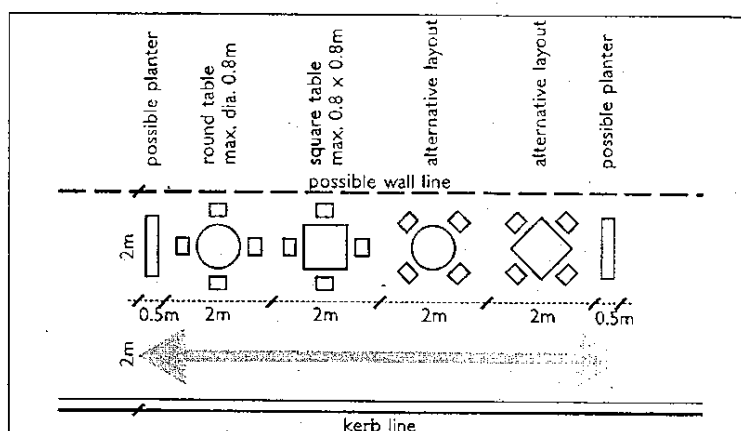
Diagram 2



Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

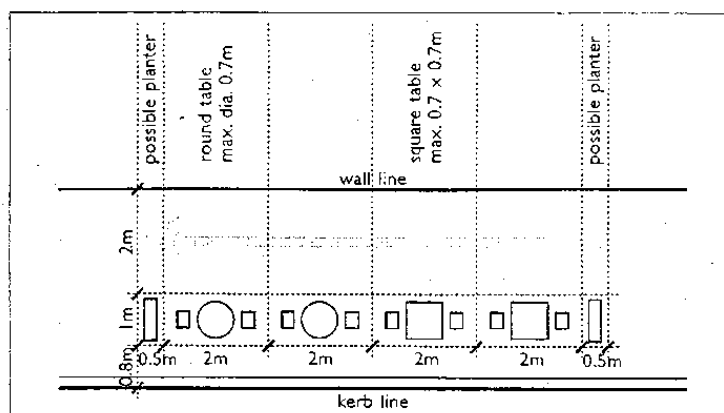
Diagram 3



Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

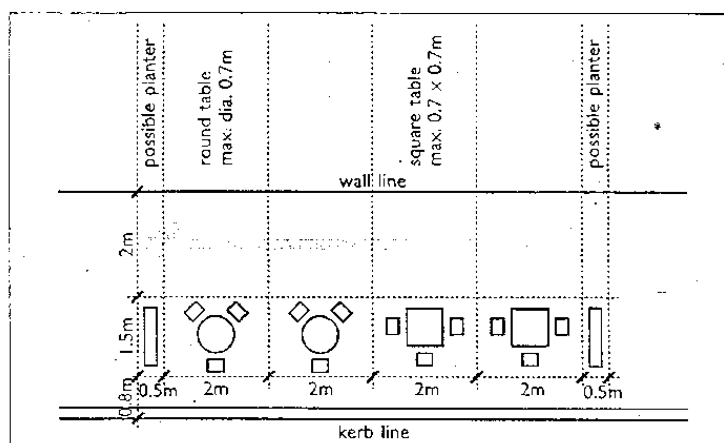
Diagram 4



Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

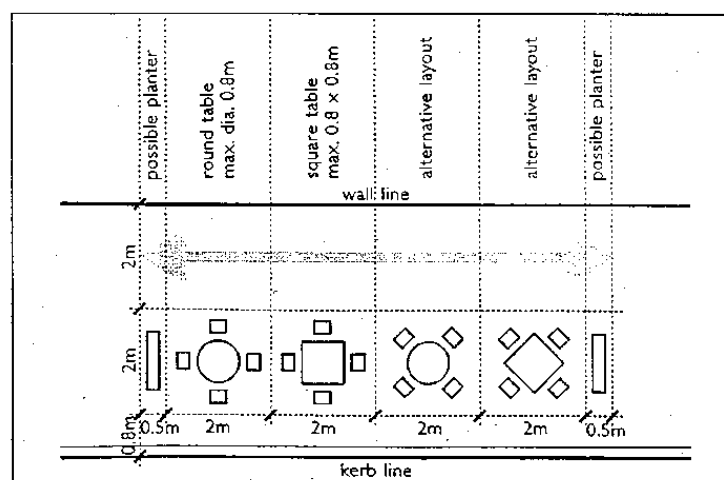
Diagram 5



Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 6

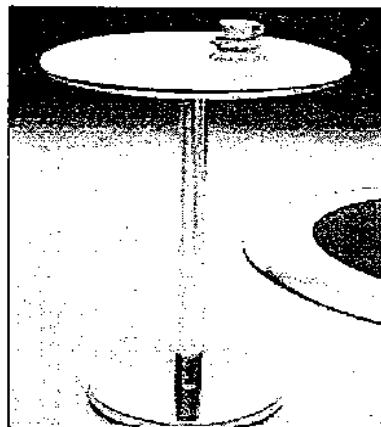
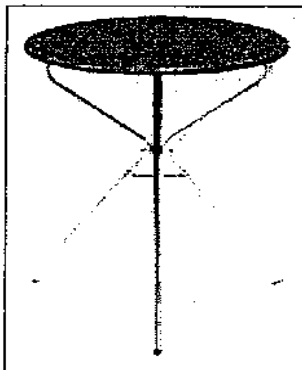
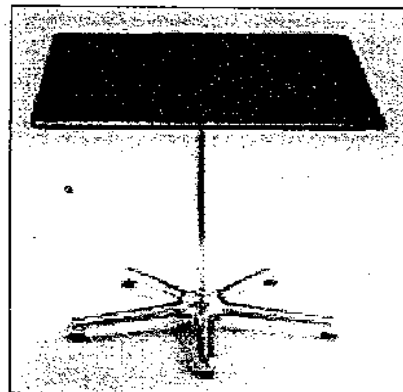
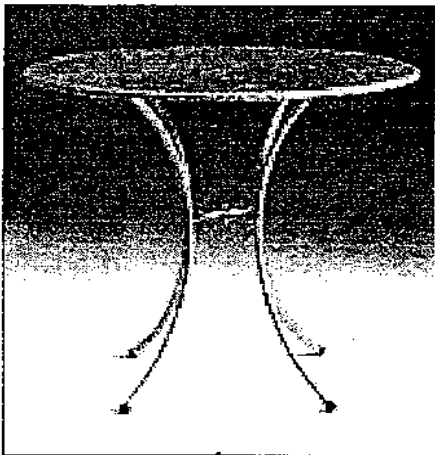
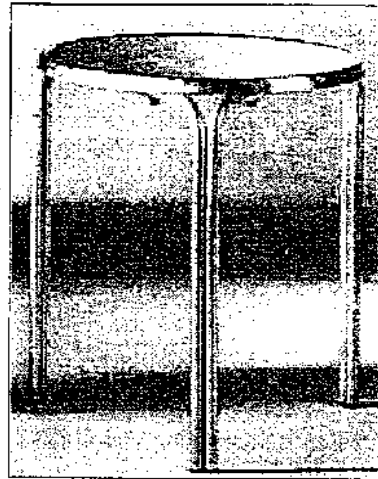
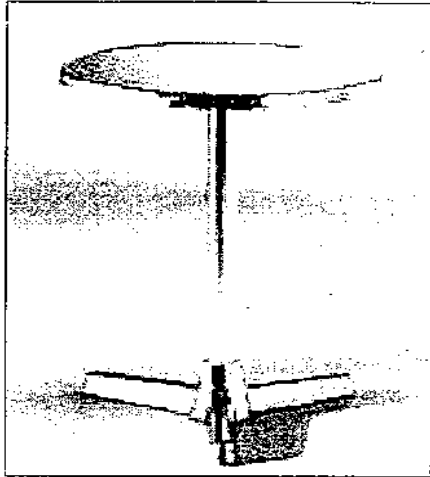


Footpath cafe adjacent to the respective indoor premises or freestanding

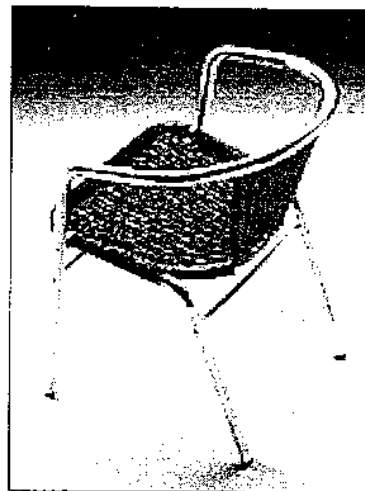
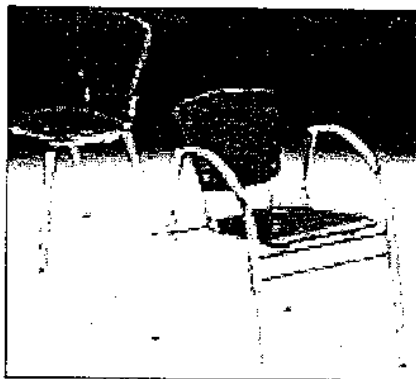
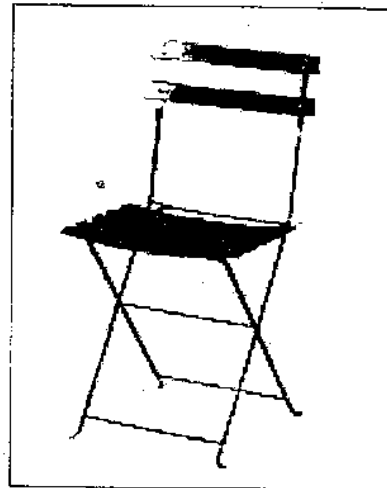
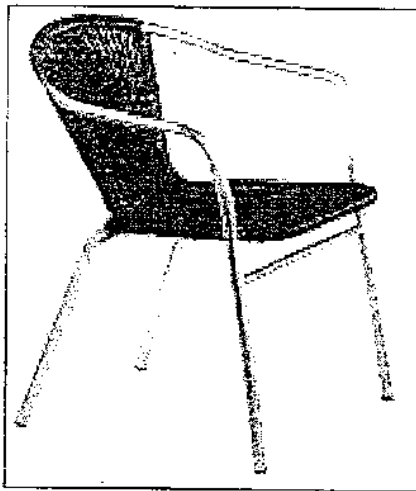
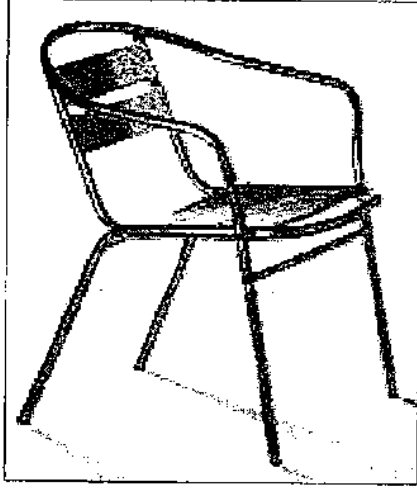
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Furniture Style Guide

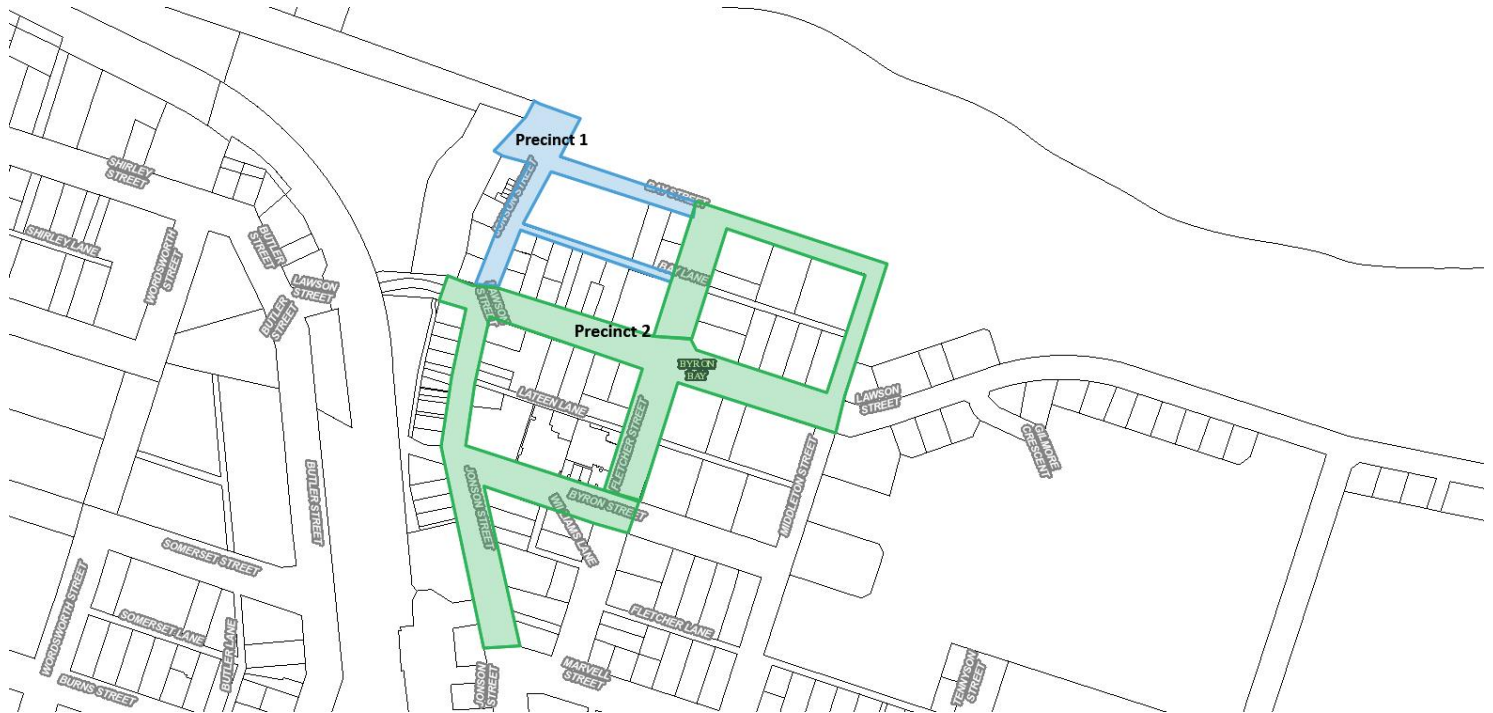
Tables (illustrative only)



Chairs (illustrative only)



Byron Bay Precincts



Brunswick Heads Precincts

