



Hawkesbury City Council

attachment 1
to
item 222

Draft Windsor Mall Policy

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Hawkesbury City Council
Policy

DRAFT
Windsor Mall Policy

Hawkesbury City Council

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1. TITLE

This Policy is to be known as the Windsor Mall Policy.

2. PURPOSE

Windsor Mall is a pedestrian space in George Street, the main street of Windsor. Main streets are generally within central business districts and are locations for trade and public interaction and as such are part of the public domain. Pedestrian spaces are people places created to improve the utilisation and enjoyment of town centres

The purpose of the Policy is to make Windsor Mall available for a range of activities to promote:

- (a) the use of the Mall;
- (b) Windsor as a town centre,
- (c) the Hawkesbury community; and
- (d) the Hawkesbury as a destination for residents and visitors,

Which will serve to activate and make the Windsor Town Centre more vibrant.

A person seeking to undertake an activity in Windsor Mall must comply with the Policy and any applicable Acts or other laws that apply to the circumstances of the activity proposal. In some circumstances, permission from other consent authorities may be required.

3. SCOPE

The Policy applies to an activity in Windsor Mall, including activities on a profit (commercial) and not-for-profit basis.

4. BACKGROUND

Council first adopted the Windsor Mall Policy at its meeting on 9 September 2008. This approved various activities to be undertaken within the Windsor Mall. The Policy was reviewed in 2012 to include Outdoor Dining and Footpath Trading, the amended Policy was adopted by Council at its meeting on 28 August 2012.

5. GUIDELINES

5.1 Permission for activities in Windsor Mall

A person seeking to undertake an activity in Windsor Mall requires permission in the form of a permit. This is to ensure that:

- (a) all permissions and approvals required under any legislation are obtained in a timely manner; and
- (b) Council is not exposed to any risk.

In certain circumstances, Council's consent as owner of Windsor Mall may also be required when seeking approval under any other legislation that applies to land in Windsor Mall, in relation to an activity application.

5.1.1 Activities not permitted

A person who undertakes an activity not approved or permitted by this Policy may be prosecuted under relevant legislation.



5.2 Obtaining permission for an activity in Windsor Mall

Council will use this Policy to assess any application and its operation in Windsor Mall. It will also be used to monitor activities not in accordance with the Policy.

5.2.1 Application

Before seeking permission to undertake any activity, the applicant is required to:

- (a) consider this Policy and establish which sections apply to the proposal;
- (b) obtain the relevant Application Form
- (c) consider discussing the proposal with Council Officers to address any matters of interest and concern; and
- (d) ensure the activity proposal complies with the Policy.

When seeking permission to undertake an activity, the applicant is required to:

- (a) complete and lodge the relevant Application Form at least **two weeks** prior to the commencement date of the activity, to enable the application to be assessed and processed in a timely manner;
- (b) provide all necessary information, including certificates (eg. insurances) and the like. This may include a risk assessment for the activity;
- (c) pay any relevant application fee as approved from time to time; and
- (d) comply with the Policy.

5.2.2 Major Activity Lead Times

Applications for major events must be lodged in sufficient time to enable Council to properly consider, consult and determine the application having regard to the circumstances of the case.

Any activity that is considered to be a major event, because of its size, scale, attendance and the like may require consultation with adjoining property owners.

An application for a major event shall be lodged at least three months prior to the first date on which the activity is to be undertaken. Any application requiring a street closure shall be lodged at least six months prior to the first date on which the activity is to be undertaken, so that any traffic assessment and determination processes may be completed.

5.2.3 Conditions and terms

The Nominated Officer may attach such conditions to a permit considered appropriate to the circumstances of the application.

Property owners, tenants and Outdoor Dining and Footpath Trading Permit Holders cannot place restrictions on the use of Outdoor Dining and Footpath Trading areas during hours when the business is closed. Such space can be used for community events when the Outdoor Dining and Footpath Trading area is not in use.

If an event holder wishes to use an Outdoor Dining and Footpath Trading area, they will advise the business operator/property owner prior to the event taking place. The results of the consultation are to be provided with the event holders application to Council.

Council reserves the right to refuse an application where the relevant Council Officer believes any permit approval would be contrary to the public interest.

5.2.4 Carrying of permit and availability

A person to whom a permit has been issued must carry or display the permit while undertaking any activity in Windsor Mall. The permit shall also be presented on request for inspection by an authorised Officer of Council and a member of the NSW Police.



5.2.5 Transfer and termination

A permit is not transferable under any circumstances.

Should the Nominated Officer consider it within the public interest to do so, a permit may be terminated, withdrawn or modified at any time in order to comply with the purpose and objectives of the Policy.

Circumstances may arise, which require a permit for all or part of an activity to be held in abeyance, including road works any other special uses (including one-off events) in Windsor Mall.

A Permit Holder can request their permit be cancelled with a pro rata refund being issued (administration fees will apply).

Should a Permit Holder cease to own or lease the premises adjoining their ODFT area, Council will cancel the permit and issuing a pro rata refund being issued (administration fees will apply).

5.3 Amendment of the Policy

Council may amend, vary or add to the provisions of the Policy from time to time.

Council may consider a request to vary the Policy by an applicant. Such variation will be sought via an application, which includes a statement and supporting information that supports the variation proposed.

6.0 WINDSOR MALL

6.1 Where is Windsor Mall

Windsor Mall is located in George Street, Windsor, between Baker Street and Fitzgerald Street. It is paved section of George Street which provides for pedestrian priority. It is a (local) public road, with restricted vehicle access. A map is attached as Attachment 1.

Beneath the surface of Windsor Mall lies the former alignment of that part of George Street.

6.2 Who is responsible for Windsor Mall

Council owns Windsor Mall and is responsible for its management. In managing Windsor Mall Council recognises that it is a key town centre space that should be available for use for both community and business activities.

6.3 What spaces in Windsor Mall are available for activities

The general area of Windsor Mall is available for activities provided for in the Policy. In conjunction with this, specific structures in Windsor Mall are also available for activities, including:

- (a) Stall/ kiosk (1)
- (b) Rotunda (1)
- (c) Wagons (2)
- (d) General Area.

6.3.1 Infrastructure in Windsor Mall

Windsor Mall contains furniture, gardens and the walking surface. Elements include trees, planter boxes, paddle wheel, clock, seats, paving and sandstone. These elements shall not be damaged by an activity in Windsor Mall nor relocated to enable an activity in Windsor Mall.



7.0 ACTIVITIES

7.1 Activities permitted

The activities permitted in Windsor Mall are shown in Table (1).

A permit is required for an activity and authorises a person to undertake the activity (permit holder). A permit may be issued for more than one activity. In some circumstances a permit may constitute a licence or lease.

7.2 Nominated Officer

The Nominated Officer may issue a permit after considering an application for an activity in Windsor Mall, subject to the criteria in Section 4.3.

The Nominated Officer may advise of any other approval that is required in conjunction with an application for an activity in Windsor Mall.

Table (1): Windsor Mall Activities				
Type of Activity	Permitted	Permit required	Where in Mall	Fees
Signage	✓	✓	General area	✓
Busking and street performance	✓	✓	General area	✓
Displays & Promotions	✓	✓	General area, Rotunda	✓ - for profit
				* - not for profit
Entertainment & Events	✓	✓	General area, Rotunda	✓
Fundraising	✓	✓	Area defined - stall	*
Retail	✓	✓	Area defined - wagons	✓
Markets	✓	✓	General area	✓
Outdoor Dining & Footpath Trading	✓	✓	Area defined	✓
Public Research	✓	✓	General area, Rotunda	✓ - for profit
				* - not for profit
Raffles or Lotteries	✓	✓	General area, Rotunda	✓ - for profit
				* - not for profit

7.3 Criteria for each activity

7.3.1 Signage

- (a) Signage meeting the definition of the type of advertisements which is Exempt Development under Hawkesbury Local Environmental Plan, 1979 (i.e. sandwich boards A frame: Council property and public spaces) and banners for the promotion of events of a non-commercial nature only;
- (b) If in conjunction with another activity, in the vicinity of the operation of the activity;
- (c) If to be fixed to adjacent properties and displayed across the Mall only with adjacent property owners consent and at the discretion of Council;
- (d) Sponsorship recognition shall not exceed 20% of the size of a banner; and
- (e) Any other matter considered appropriate.



7.3.2 Busking

- (a) Any collection container for donations is to remain stationary on the pavement;
- (b) Busking shall not interfere with any other approved use or permitted activity in the Mall;
- (c) Buskers shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premises) and established pedestrian travel paths;
- (d) Buskers shall not obstruct or impede access to activities on adjacent properties (e.g. business premises);
- (e) Busking shall be for a maximum period of 6 hours on any one day; Buskers shall not perform in a particular area for more than 30 minutes i.e. rotate and move around;
- (f) Busking permits issued on any one day may be limited;
- (g) Buskers shall have a suitable appearance and dress standard, as deemed by Council Officers;
- (h) Buskers under the age of 18 years must be accompanied by an adult at all times;
- (i) The use of political, religious, racist, sexist, sexually explicit or homophobic material that may be deemed offensive or discriminatory is prohibited as determined by the NSW Anti-Discrimination Act 1977; and
- (j) Any other matter considered appropriate, including consultation requirements.

7.3.3 Displays and promotions

- (a) Displays may be undertaken in the general area of the Mall and the rotunda;
- (b) Displays may include vehicles and boats that are stationary and installed prior to standard trading hours on any day;
- (c) Promotions may only be undertaken within three metres immediately adjacent to the rotunda;
- (d) Displays and promotions shall not interfere with any other approved use or permitted activity in the Mall;
- (e) Displays and promotions shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premise) and established pedestrian travel paths;
- (f) Displays and promotions shall not obstruct or impede access to activities on adjacent properties (e.g. business premises);
- (g) Display material that is likely to detract from the appearance of the Mall may be limited or be required to be to be amended; and
- (h) Any other matter considered appropriate, including consultation requirements.

7.3.4 Entertainment and events

- (a) Entertainment and events may be undertaken in the general area of the Mall and the rotunda;
- (b) Entertainment may be undertaken within three metres immediately adjacent to the rotunda;
- (c) Entertainment and events shall not interfere with any other approved use or permitted activity in the Mall;
- (d) Entertainment and events shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premises) and established pedestrian travel paths;
- (e) Entertainment and events shall not obstruct or impede access to activities on adjacent properties (e.g. business premises);
- (f) Entertainment and events material that is likely to detract from the appearance of the Mall may be required to be limited or be required to be amended;
- (g) Entertainment and events shall not be, or intended to be, conducted for purely political or religious purposes or is or be objectionable in nature; and
- (h) Any other matter considered appropriate, including consultation requirements.

7.3.5 Fundraising

- (a) Fundraising may only be undertaken by an association or charity for the purpose of that association or charity;
- (b) Fundraising shall be based in or within five metres immediately adjacent to the stall;
- (c) Display or sale of goods associated with the fundraising may be approved; and
- (d) Any other matter considered appropriate, including consultation requirements.



7.3.6 Retail

- (a) Wagons may be used only via agreement with an operator;
- (b) Retailing shall not interfere with any other approved use or permitted activity in the Mall;
- (c) Retailing shall be undertaken within or within a three metres immediately adjacent to the wagons;
- (d) Retailing shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premise) and established pedestrian travel paths;
- (e) Retailing shall not obstruct or impede access to activities on adjacent properties (e.g. business premises);
- (f) Retailing material that is likely to detract from the appearance of the Mall may be limited or be required to be amended; and
- (g) Any other matter considered appropriate.

7.3.7 Markets

- ~~(a) Markets may only be undertaken via agreement with an operator for the staging of the markets;~~
- ~~(b) One market operator per day;
Markets only be undertaken on Saturdays or Sundays;~~
- ~~(c) If an activity application is received that would require the sharing of Mall space on a nominated market day, Council will liaise with the market operator in regard to sharing the space and impact on market operations in determining the application;~~
- ~~(d) Markets shall not interfere with any other approved activity or use in the Mall;~~
- ~~(e) Markets shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premise) and established pedestrian travel paths;~~
- ~~(f) Markets shall not obstruct or impede access to activities on adjacent properties (e.g. business premises);~~
- ~~(g) Market material that is likely to detract from the appearance of the Mall may be required to be amended or removed; and~~
- ~~(h) Any other matter considered appropriate.~~

Markets are permitted in Windsor Mall. Please refer to Council's Markets Policy for further information relating to Markets.

7.3.8 Outdoor Dining and Footpath Trading

Development consent granted to Development Application No DA 0214/07 allows Council to regulate designated areas within the Mall for the purpose of outdoor dining and commercial displays.

Notes:

#	Development consent to DA 0214/07 allows for areas within the Windsor Mall to be used for outdoor dining and footpath trading in conjunction with a business undertaken on land adjacent to the Windsor Mall
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7.3.9 Public research

A permit maybe required for public research (including surveys, questionnaires, public opinion and polls) and the Nominated Officer may issue a permit subject to conditions.

7.3.10 Raffles and lotteries

A permit maybe required for raffles and lotteries otherwise permitted by law and the Nominated Officer may issue a permit subject to conditions.

7.4 Criteria for all activities (excluding Outdoor Dining and Footpath Trading)

7.4.1 Activities undertaken without permission or contrary to permit

A person who undertakes an activity not approved or permitted or contrary by this Policy or contrary to a Permit may be prosecuted under relevant legislation.



In the case of an activity being undertaken contrary to a permit, repeated breaches will result in the termination of the permit by the Nominated Officer. Generally, a 3-strikes rule shall apply.

7.4.2 Fees

An application fee and/or an activity fee may be charged for any activity in Windsor Mall in accordance with the adopted Fees and Charges in Council's Management Plan. A security deposit or bond to cover the possibility of damage to Council property or assets may apply.

Notes:

- # The application fee must be lodged with the application.
- # An activity fee, including rental fees, will be paid after a permit is issued and in accordance with any conditions of a permit.

7.4.3 Insurance

- (a) Any damage or injury caused to a member of the public arising from an activity for which a permit has been issued will be the responsibility of the permit holder.
- (b) A permit holder will be required to have a minimum **\$20 million** public liability insurance policy for the activity undertaken in Windsor Mall. Evidence of the insurance policy cover must be provided with the application or at time to be determined.

Notes:

- # The insurance policy shall include a statement that clearly states Council is indemnified in respect to the activity.

7.4.4 Operation of permit

A permit may include conditions that address the general operation of an activity, including hours of operation, dates, times and duration. A permit will be limited to not more than 12 months. An application to renew a permit may be lodged up to three months before the permit expiry date.

7.4.5 Clean and tidy

A permit holder is responsible for maintaining the operating area free of waste and shall leave it in a clean and tidy condition. Cleaning costs will be met by the permit holder.

7.4.6 Damage to infrastructure

A permit holder is responsible for any damage to infrastructure in Windsor Mall from undertaking the activity and this extends to any person involved in the activity at any time. Such damage does not extend to fair wear and tear. Damage costs will be met by the permit holder.

7.4.7 Food

- (a) Permitted

Food that is:

- fresh produce (including but not limited to herbs, vegetables, fruit and nuts);
- noncommercial processed produce;
- noncommercial packaged cakes, biscuits and/or bakery items;
- noncommercial nuts, seeds and grains;
- noncommercial preserves and condiments;
- served by an adjacent food premises which is in possession of a permit.

Food sold in conjunction with an activity shall comply with the Food Act, 2003, Food Regulations 2004, other food safety standards and any other related legislation or policies.



(b) Not Permitted and Exceptions

Food and beverages which are of a takeaway and/ or immediate consumption nature are not permitted in conjunction with an activity unless the activity is undertaken by a food premises operator in accordance with a permit or the food premises operator is operating from premises adjacent to Windsor Mall and forms part of an activity.

Where there is doubt, the vendor will be required to provide Council with documentation which outlines the nature of their business. The final decision will rest with Council.

7.4.8 Amplification of sound (Public address systems)

Amplification of sound is allowed in conjunction with any activity, but it must not be to a point that it is considered to be "offensive noise" as defined under the Protection of the Environment Act, 1998. Details of the proposed amplification of sound shall be supplied with an application.

The use of microphones and amplification with any activity may be limited if it is deemed to be loud by a Police Officer, Compliance Enforcement Officer or Environmental Health Officer.

7.4.9 Maintaining good relations

(a) With other activities and uses

Windsor Mall is a place in which a variety of activities may take place at any given time. It is also a central business district in which trade takes place on a daily basis. The permit holder is responsible for maintaining good relations with other activities undertaken in Windsor Mall and with traders on adjacent properties. Likewise, traders on adjacent properties shall maintain good relations with activities in Windsor Mall.

(b) With visitors and patrons

Pedestrians and visitors in Windsor Mall shall not be harassed by advertising, religious, political or commercial messages in any way.

7.5 Criteria for outdoor dining

A person/company lodging an application for an ODFT permit will be required to provide a copy of their lease or letter from the landlord allowing them to apply for the ODFT permit.

7.5.1 Outdoor Dining area assessment criteria

Outdoor dining on Council owned land will only be permitted where:

- i) the premises meets the relevant standards, controls and policies that apply to the establishment of outdoor dining activities on the land;
- ii) the premises have development consent to operate as a food premise, and are registered with Council as a food premise;
- iii) the premises includes washing-up facilities; and
- iv) non-disposable eating utensils are provided in the outdoor dining area of the premises or appropriate receptacles for the collection of disposable eating utensils are provided.

7.5.2 Suitable locations for Outdoor Dining areas

All outdoor dining areas should:

- i) maintain a minimum unobstructed footpath width of 1.8 metres at all times between the outdoor dining area and the food premise.



Note: Council may consider outdoor dining areas located away from the road kerb or other locations where the applicant can demonstrate that the dining area will have no adverse impact on pedestrian flow (including people with disabilities), car parking, vehicular movement and other traffic flows. In the event that the outdoor seating is to be located adjacent to the building, a 500mm high solid-to-ground barrier with a colour contrasting with the pavement (e.g. planter box or canvas frame) must be erected around the furniture.

- ii) Council will only permit an extension of an Outdoor Dining Area to be situated beyond the front of the applicant/permit holder's business, if the extension is directly linked to the current activity approval and;
- if the owner of the adjoining premises conducts a business from them, that owner consents to the extension, or
 - if the owner of the adjoining premises does not conduct a business from them, the owner of the business conducted from the adjoining premises consents to the extension. Consent will also be required from the owner of the premises for the extended area.

The permit holder must discontinue using the extension of an Outdoor Dining Area and (at their own cost) remove all structures and other improvements (whether or not moveable) if the owner of the adjoining premises or the owner of the business conducted from adjoining premises (as the case may be) withdraws consent to the extension for any reason.

Note: If the applicant wishes to use adjoining land for the purpose of outdoor dining, this land must also be zoned for business use.

7.5.3 Allocation of seating space

The allocation of seating space is subject to the following controls:

- i) no furniture shall be located within 5.0 metres of any road corner, bus stop or taxi stand;
- ii) no other goods or materials other than those that have been permitted by the Council shall be placed on footpaths;

7.5.4 Outdoor furniture

Outdoor furniture to be used by an establishment must be approved by Council and should adhere to the following guidelines.

- i) outdoor furniture must be commercial grade and of adequate strength and durability to withstand most external weather conditions and outdoor commercial usage;
- ii) furniture must be of a high quality, i.e. powder coated, polished aluminium, brushed or stainless steel, natural or painted timber are preferred. Domestic-style furniture is not permitted as it is not generally considered to be high quality, aesthetically pleasing or durable. All furniture must be of a high aesthetic quality that enhances the existing streetscape;
- iii) outdoor furniture belonging to an establishment should be of single colour and style to provide consistency and identity;
- iv) furniture must be of a colour that does not show dirt or grime easily;
- v) furniture for all establishments is to be kept in a clean, hygienic and safe condition at all times;
- vi) umbrellas are to be securely anchored, however permanent anchoring is not permitted;
- vii) all furnishings are the responsibility of the proprietor;



- viii) all furnishings are to be removed from the public domain and stored elsewhere outside of trading hours.

Note: Examples of furniture that meet the criteria of this Policy may be found in Attachment 3.

7.5.5 Heating structures

Any proposal to use heating structures within outdoor dining areas will be assessed on merit with consideration given to the type, number and location of heating structures proposed. Particular attention will be given to the safety of the diners and the public.

All gas heating structures must adhere to *Australian Standard 4565 - Radiant Gas Heaters for Outdoor and Non-Residential Indoor Use*.

7.5.6 Lighting

Any outdoor dining area licensed to operate outside daylight hours must be adequately lit to Council's satisfaction to ensure the safety and amenity of patrons and the general public. Lighting of any outdoor dining area must be:

- i) in the form of down lights or the like;
- ii) be directed away from the roadway;
- iii) contained to the outdoor dining area only and
- iv) turned off outside the operating hours of the premises.

7.5.7 Advertising and signage

Advertising on outdoor dining furniture or footpath trading activities that is associated with the café/restaurant or retail premises is permitted by Council in accordance with the following guidelines:

- i) the third party advertising of one advertiser only may appear on the furnishings of the area;
- ii) details of third party advertising on outdoor dining furnishings must be submitted to Council with the application for a permit.

7.5.8 Toilet facilities

Toilet Facilities must be provided in accordance with the provisions and standards of the Building Code of Australia.

If additional toilet facilities are proposed, a Development Application for such works must be lodged for consideration by Council. The use of the public area must not commence until such time as the necessary consent is obtained from Council and the facilities are constructed and operational. Any sanitary facilities, associated with the toilets, are the responsibility of the permit holder.

7.5.9 Smoke free dining areas

Whilst the Smoke Free Environment Act does not currently pertain to open outdoor dining areas, permit holders are encouraged to operate the dining area as a smoke free area, noting that relevant legislation will come into force in 2015 which will prevent smoking within commercial outdoor dining areas and will be enforceable by law.

7.6 Criteria for Footpath Trading

A person/company lodging an application for an ODFT permit will be required to provide a copy of their lease or letter from the landlord allowing them to apply for the ODFT permit.



7.6.1 Footpath trading activity locations

The space directly in front of the retail premises is allocated to that shop. Footpath trading activities must be established in accordance with the following guidelines:

- i) supervision of trading activities/goods must be possible from the shop;
- ii) no footpath trading activity shall be located within 5.0 metres of any road corner, bus stop or taxi stand;
- iii) the footpath trading activity is not to extend beyond the side property boundaries of the premises;
- iv) the footpath trading activity is not to obstruct access to the premises;
- v) the footpath trading activity is not to create litter, rubbish or other form of degradation of the footpath;
- vi) footpath trading activities (including display stands) may not be anchored;
- vii) the lodged application must show the intended location of display stands and structures;
- viii) the footpath trading is must be located directly in front of the premise to which it relates unless written consent from the adjoining owner or proprietor is provided.

7.6.2 Merchandise displayed within Footpath Trading area

The following types of merchandise may not, under any circumstances, be displayed on footpath areas:

- Liquor
- Drugs
- Tobacco
- Unpackaged food (excluding whole fruits or vegetables and/or permissible foods as outlined in clause 4.4.7 (a))
- Gases (e.g. Liquid Petroleum Gas (LPG) canisters)
- Corrosives (e.g. car batteries)
- Oxidising materials (e.g. paint stripper)
- Dangerous goods (e.g. knives, axes)
- Explosives (e.g. boat flares)
- Flammable liquids

Note: This list is not exhaustive. Council reserves the right to order the removal of any merchandise considered to be a risk to the health and safety of the public and environment at any time.

7.6.3 Display of goods on footpath

When displaying goods on a footpath:

- i) packaged food must be kept at least 750mm above the footpath;
- ii) all goods must be displayed on stands, racks or in containers above the level of the footpath, unless goods to be displayed are designed in a manner intended to allow for placement on the ground;
- iii) white goods may not be displayed on the footpath;
- iv) no advertising using amplification or persons calling to the public may be undertaken in association with the display of goods;



- v) no food may be cooked, processed or prepared for consumption within the leased area of footpath.

7.6.4 Display stands

When using display stands on footpath areas to present goods, the following conditions apply:

- i) all goods are to be presented on display stands approved by Council;
- ii) display stands are to be aesthetically pleasing, durable, well finished, secure, with a minimum 500mm solid-to-ground at the base;
- iii) materials and finish of display stands must be weather-resistant;
- iv) edges and corners must be finished so as not to cause any injury to a passer-by;
- v) all display stands are to be custom made and/or designed for the goods being displayed;
- vi) all goods on display must be adequately secured to the display stand on which they are presented.

8 PUBLIC HEALTH AND SAFETY

Each permit holder is responsible for the cleanliness and tidiness of the area they are permitted to use. Where outdoor dining is permitted, tables must be cleaned of food scraps immediately after customers leave so as not to attract birds or vermin. All debris must be swept up and disposed of appropriately by the permit holder.

Note: Debris must not be swept into the gutter. This action constitutes a pollution offence for which penalties may be incurred.

Where waste receptacles are provided on the footpath for the collection of disposable eating utensils it is the responsibility of the applicant to ensure that the receptacles are covered so as not to attract birds or vermin, are cleaned to ensure no odours are produced, and are removed after close of business. All waste from the receptacles must be disposed of by the applicant in the approved waste collection facility associated with the premises.

Note: Waste from receptacles must not be disposed of by the applicant in Council provided street litter bins.

9.0 VEHICLE ACCESS TO WINDSOR MALL

There is no unauthorised vehicular access to Windsor Mall, except where provided below:

9.1 Emergency and service vehicle access

The following vehicles are allowed in Windsor Mall at any time, while involved in day-to-day operations:

- (a) Emergency Services Vehicles;
- (b) Public Utility Service Vehicles;
- (c) Council Vehicles undertaking authorised work; and
- (d) Armoured Guard Services to banks.

9.2 Activities in Windsor Mall vehicles access

Services and delivery vehicles to activities in Windsor Mall may access the area and stand to load/ unload for a maximum time of 45 minutes:

- (a) On Thursday from 9pm to Friday 10am; and
- (b) On other days, between 6pm and 9.30am;



(c) Access outside times in shown in (a) and (b) above, in accordance with an approved activity.

9.3 Adjacent properties to Windsor Mall use of loading zones

Services and delivery vehicles requiring making deliveries to properties adjacent to Windsor Mall may access the loading zones sign posted and located near the Windsor Mall at:

- (a) The north-western side of the pedestrian crossing on Baker Street;
- (b) The south-eastern side of the pedestrian crossing on Fitzgerald Street; or
- (c) In the Macquarie Street Carpark, behind 146 George Street, Windsor.

Attachment 4 to this Policy is a map showing the locations of the current and potential future loading zones.

10.0 MISCELLANEOUS USE OF WINDSOR MALL

10.1 Skateboards

The use of bicycles, skate boards, roller blades, roller skates and the like are prohibited in Windsor Mall.

10.2 Alcohol free zone

Windsor Mall is an Alcohol Free Zone unless exclusions have been applied for within a specified area and granted by way of a Council resolution. Activities requiring the service of alcohol, on a temporary basis, need to be approved by Council and will be subject to a resolution to temporarily suspend the Alcohol Free Zone.

10.3 Closed circuit television (CCTV) cameras

Windsor Mall is monitored by CCTV cameras for crime prevention purposes. The monitoring and recording of footage is the responsibility of Windsor Police and the release of any of the information captured by the cameras is at the discretion of Windsor Police.

11. ROLES AND RESPONSIBILITY

Authorised Officer	Roles & Responsibilities
Council Officers	<ul style="list-style-type: none"> • Follow Policy guidelines in Part 5 when assessing application made under this Policy.
Manager Property and Strategy	<ul style="list-style-type: none"> • Review Policy at appropriate times and within 12 months of an Ordinary Local Government Election. • Determine applications made under this Policy



12. DEFINITIONS

In this Policy, the following definitions apply:

Activity means an activity organised by an individual, business entity, community group or community entity.

Busking means an approved person/s seeking donations for street performance activities, including playing a musical instrument, singing, giving a recital, magicians, juggling, puppetry, mime, plays, acrobatics, living sculptures, dance acts or other activities as approved by Council.

Consent Authority means Hawkesbury City Council.

Council means the Hawkesbury City Council.

Display means an exhibition, which involves the visual presentation of information.

Food Premises means the café, restaurant or take away food shop to which the footpath dining area is annexed.

Footpath means the part of a road that is set aside or formed as a path or way for pedestrian traffic, as identified on Attachment 2.

Footpath Trading Activity means the display of goods for sale on Council footpath areas.

Fundraising means the soliciting or collection of public money by any association or charity for the purpose of that association or charity.

Nominated officer means an officer appointed by the General Manager for the purpose of the policy;

Non Commercial means a product which is not commercially manufactured by a business, other than a home-based business or industry.

Outdoor Dining and/or Footpath Trading Permit means the permit which must be held by the proprietor of the premises if they wish to carry out business operations, including serving of food, on Council's footpath areas.

Outdoor Dining on Private Land means a dining establishment that is situated on privately owned land.

Permission means the written approval of an application by Council in the form of a permit or licence;

Permitted Area means the site of the footpath area for which a permit for commercial activity, including serving of food, has been granted.

Policy means Hawkesbury City Council Windsor Mall Policy

Promotion means a publicly conducted activity by one or more persons to advertise a commercial product, business or activity.

Renewal Date means the anniversary date of the commencement of the permit. The permit must be renewed each year before this date.

Takeaway food means food, snacks, meals or light refreshments (and drinks) prepared and sold in a state ready for immediate consumption.

Third Party Advertising means any advertising other than that which identifies the subject premises itself.



13. RELATED DOCUMENTS

Legislation

- Local Government Act, 1993 (NSW)
- Road Acts, 1993 (NSW)
- Environmental Planning and Assessment Act, 1979 (NSW)
- Food Act 2003 (NSW)
- Hawkesbury Local Environmental Plan
- Hawkesbury Development Control Plan

Related policies

- Council's Code of Conduct

14. ATTACHMENTS

Attachment 1 - Map of Windsor Mall

Attachment 2 – Plan of area permitted for Outdoor Dining and/or Footpath Trading - DA0214/07

Attachment 3 – Recommended Outdoor Dining Furniture and Footpath Activities

Attachment 4 – Aerial map of loading zones

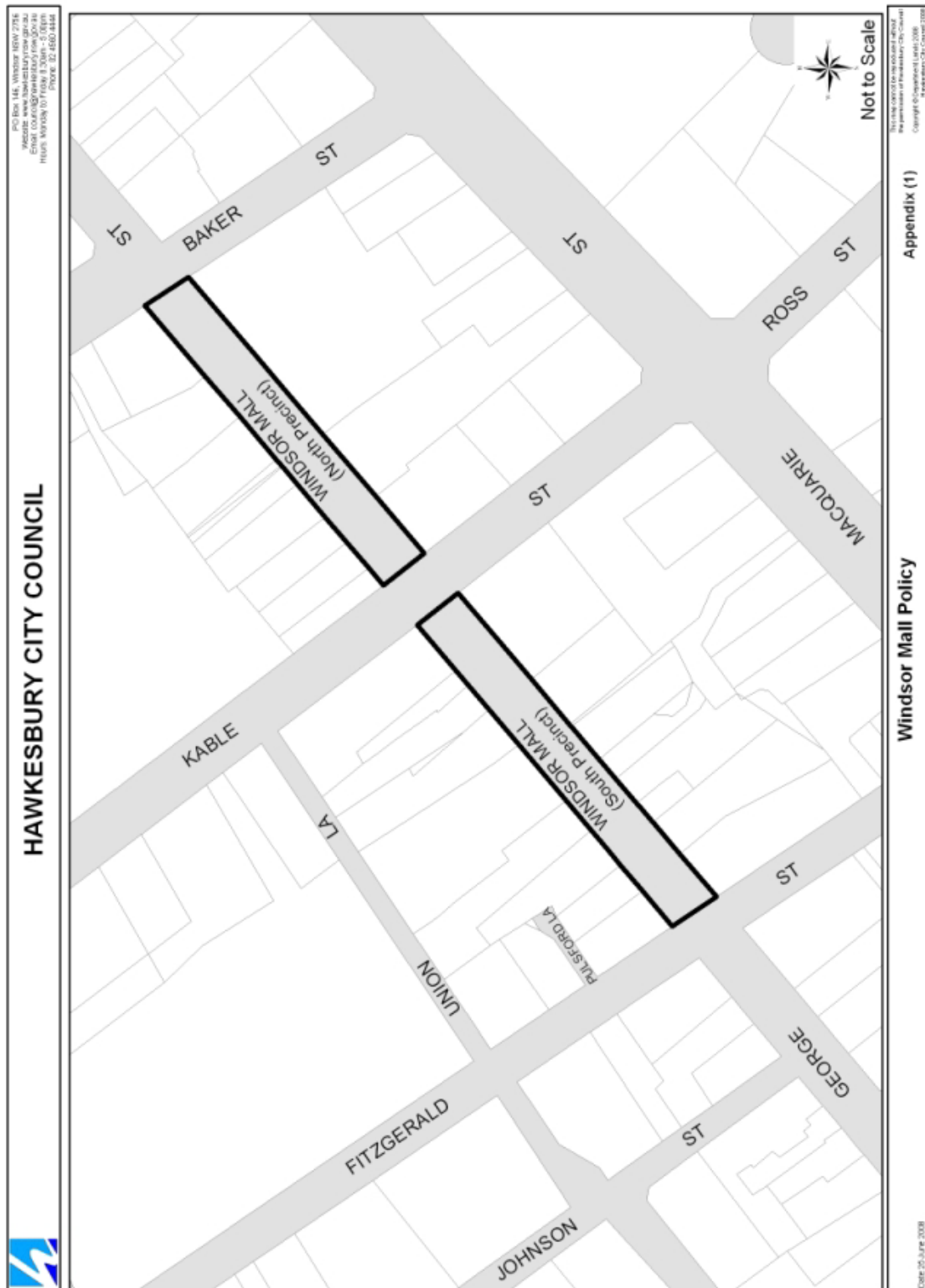
Attachment 5 – Application Forms.

DRAFT



HAWKESBURY CITY COUNCIL POLICY
DRAFT Windsor Mall Policy

Attachment 1 - Map of Windsor Mall

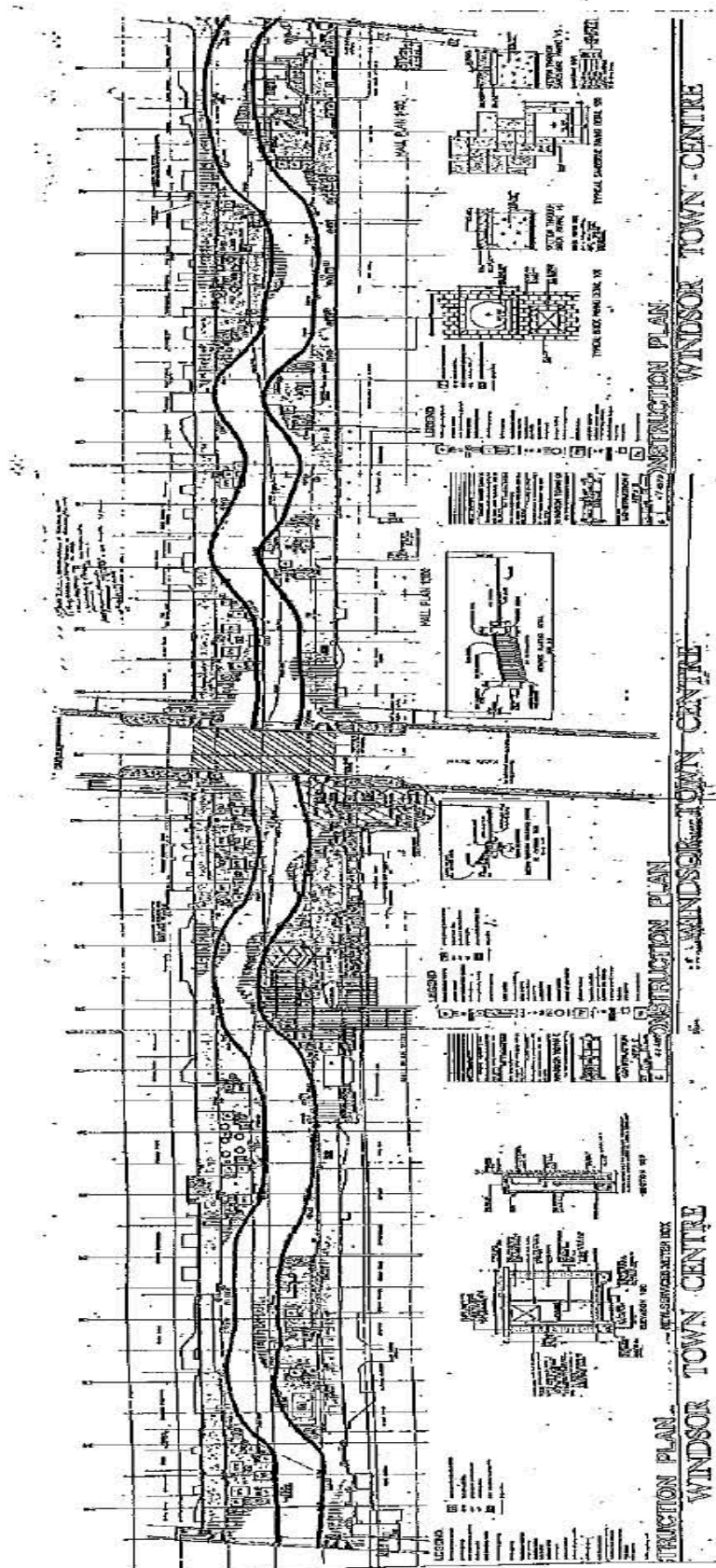




HAWKESBURY CITY COUNCIL POLICY


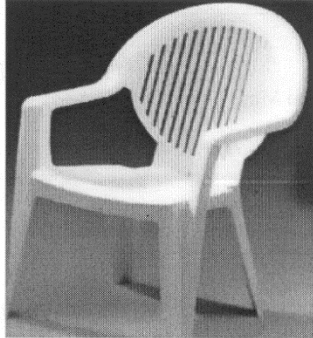



DRAFT Windsor Mall Policy

Attachment 2 - Plan of area permitted for Outdoor Dining and/or Footpath trading - DA0214/07


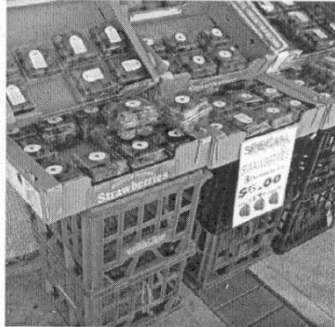




Attachment 3 - Recommended Outdoor Dining Furniture and Footpath Activities

Permissible	Reason	Prohibited	Reason
	Commercial grade plastic. Easily cleaned, will not show dirt. Easily removed for storage.		Low grade plastic. Intended for domestic purposes. Not easily maintained. Has a poor aesthetic quality.
	Attractive commercial grade timber. Easily removed for storage. Easily maintainable.		Low-grade plastic. Intended for domestic purposes only. Poor aesthetic quality.
	Strong furniture in an attractive style. Designed for commercial outdoor use.		



Permissible	Reason	Prohibited	Reason
	One Third party advertiser only.		The stand is not designed to suit the product and may be unstable
	Stands are solid-to-ground and designed to display the products for which they are being used		The stand is not designed to suit the product and may be unstable

DRAFT



Attachment 4 – Aerial map of loading zones



Proposed Loading Zones



Attachment 5 - Application Forms

Hawkesbury City Council

366 George Street (PO Box 146) Windsor NSW 2756 DX 8601 WINDSOR
Phone: (02) 4560 4444 Facsimile: (02) 4587 7740 Email: council@hawkesbury.nsw.gov.au



application/renewal/modification form for use of windsor mall

FORM 1

(See also: FORM 2 - Application for Busking in Windsor Mall
FORM 3 - Activity and Safety Feedback)

Office Use Only

App. No.	
Date	
Receipt No	
App. Fee	

Application is hereby made under Section 68 of the Local Government Act 1993 to use a portion of the Windsor Mall as a trading/activity area.

1. APPLICANT DETAILS

Applicant(s) Name

Business Name

Business Address Post Code

Postal Address (if different to above) Post Code

Telephone (H) (W) (M)

Email Fax

Preferred method of contact: Telephone Email Mail Fax

2. DESCRIBE ACTIVITY (Attach separate sheet if needed)

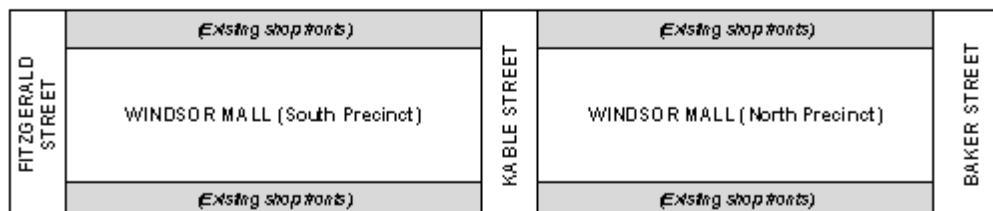
Type of business and product sold or event/activity proposed:

Is the business registered "Not for Profit"? YES NO

ACN: ABN:

Operating Framework: COY INC Association Partner Sole Trader

3. SPECIFIC AREA WITHIN WINDSOR MALL PROPOSED FOR USE (Mark location with a box -)



Describe the space

Approximate Street No. Ref.

Eg. In front of or near which shops?



Hawkesbury City Council



4. ACTIVITY REQUESTED (Tick applicable box/boxes)

<input type="checkbox"/> Signage	<input type="checkbox"/> Entertainment / event	<input type="checkbox"/> Marketing
<input type="checkbox"/> Busking (Use separate form)	<input type="checkbox"/> Fundraiser	<input type="checkbox"/> Other - resource
<input type="checkbox"/> Display / Promotion	<input type="checkbox"/> Retail	<input type="checkbox"/> Raffle etc.

5. INSURANCE DETAILS

Public Liability Insurer Policy Number

Policy Validity dates From / / To / /

Liability Limit (Value) - Min requirement \$10 million. \$
(Please attached copies)

6. BOOKING DETAILS

Proposed commencement date of activity

Proposed last date of activity

Proposed time of activity each day

Frequency (tick applicable box):

<input type="checkbox"/> Every day	<input type="checkbox"/> One off event as listed
<input type="checkbox"/> Once a week	<input type="checkbox"/> Other
<input type="checkbox"/> Once a month	

When do you require entry access? Day/Date Time

When will you conclude activity and exit? Day/Date Time

7. TEMPORARY STRUCTURES IN WINDSOR MALL AREA

(a) (i) Are you intending to use a temporary structure on the footpath? YES NO
If NO, go to Item 8. If YES, continue.

(ii) Are you intending to use kiosk on rotunda? YES NO

(b) What type of temporary structure is it?
Eg. Stall, A-Frame, table, stand, furniture

(c) Is the temporary structure to be used within the above (specified) Windsor Mall activity? YES NO

(d) Do you already have approval for the structure? YES NO
If YES, provide Approval No.
If NO, have the necessary the documents been lodged? YES NO (If NO, contact Council for the necessary forms etc.)

(e) (i) Are you proposing to erect a banner which may be attached to buildings? YES NO
If YES, please provide evidence of the Owners permission to erect a banner on the private property.

(ii) Are you proposing to erect a banner which may be free standing? YES NO

February 2012



Hawkesbury City Council



8. ATTACHMENTS

- (a) A colour photograph of the area proposed to be used for trading purposes.
- (b) A colour photograph, or brochure showing the temporary structure to be placed on the footpath (See Q7).

I/We agree to comply with all relevant conditions and procedures as detailed in this approval and Hawkesbury City Council's Windsor Mall Policy.

I/We hereby indemnify Hawkesbury City Council against all claims that may arise whether from negligence or otherwise as a result of my/our footpath trading activities within the road reserve at the location specified in this approval.

All applications shall be executed as indicated below by the applicant or in the case of joint applications, by each applicant.

In the case of a Corporation (including Incorporated Association):

- 1. By signature of two persons authorised by the Corporation to bind it in contract.

In the case of a Firm (including a firm trading under a business or trade name and partnership):

- 1. By signature of each proprietor of the firm; or
- 2. In the case of firms having more than five proprietors, by signature of proprietors authorised to bind the firm in contract. In the latter case, evidence of the authority of those proprietors to bind the firm may be required by the Principal.

Applicant(s) Signature

Print Name(s) Date

Witness Signature

Print Name Date

WHAT DO YOU NEED TO RETURN TO COUNCIL?

- The completed and signed application / renewal / modification form.
- Current Certificate of Insurance for Public Liability (minimum value \$10,000,000) with the co-insurance clause.
- Your payment for fees as per Council's Fees and Charges.
- Any drawings, photographs and supporting documentation.
- Owners permission to erect banner on private property
- Drawing of banner/A-Frame

Privacy Notice

Council is bound by the provisions of the Privacy and Personal Information Protection Act 1998, in the collection, storage and utilization of personal information provided in this form. Accordingly, the personal information will only be utilised for the purposes for which it has been obtained and may be available for public access and/or disclosure under various NSW Government legislation.



Hawkesbury City Council

366 George Street (P.O. Box 146) Windsor NSW 2756 DX 8601 WINDSOR
Phone: (02) 4560 4444 Facsimile: (02) 4587 7740 Email: council@hawkesbury.nsw.gov.au



application for busking in windsor mall

FORM 2

Office Use Only	
App. No:	
Date:	
Receipt No:	
App. Fee:	
Determination	

Terms and Conditions:

- Any collection container for donations is to remain stationary on the pavement.
- Busking shall not interfere with any other approved use or permitted activity in the Mall.
- Buskers shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (e.g. business premises) and established pedestrian travel paths.
- Buskers shall not obstruct or impede access to activities on adjacent properties (e.g. business premises).
- Busking shall be for a maximum period of 4 hours on any one day.
- Buskers shall not perform in a particular area for more than 30 minutes i.e. Rotate and move around.
- Busking permits issued on any one day may be limited.
- Buskers shall have a suitable appearance and dress standard.
- Buskers under the age of 18 years, must be accompanied by an adult at all times.
- Buskers may be required to audition for a permit, and will not be approved where busking is, or may be, intended to be conducted for purely political or religious purposes, or is or may be objectionable in nature.
- Any other matter considered appropriate, including consultation requirements. (eg shopkeepers, other mall users)
- This permit is not transferable.

Complete this form and submit to:
 Hawkesbury City Council, 366 George Street (P.O. Box 146), Windsor NSW 2756
 Email: council@hawkesbury.nsw.gov.au
 For further information please contact Hawkesbury City Council on (02) 4560 4444

Buskers Name: _____ Age (if under 18): _____
 If under 18 parental / guardian consent is required. See below.

Buskers Address: _____ Postcode _____

Phone No. on which the Busker can be easily contacted: _____

Date/s on which you intend to busk: _____

Time/s you intend to busk on the above date/s: _____

Name of Act or Group: _____

Name/s of Person/s busking: _____

Description of Performance: _____

Do you intend to use amplification equipment? If yes, provide details: _____

I/we undertake to comply with all conditions and requirements of Hawkesbury City Council's Windsor Mall Policy, and Terms and Conditions, as set out above.

I/we hereby indemnify Hawkesbury City Council in respect of any claims for injury, loss or damage by any third party arising from the operation of the applicant during the activities subject of this agreement.

I/we understand that Council may withdraw or limit the approval at any time.

Application Date: Applicant's signature:
 If under 18 parental / guardian consent is required.

Name of Parent / Guardian:

Signature of Parent / Guardian:

Privacy Notice
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February 2012



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activity and safety feedback - use of windsor mall

FORM 3

Council encourages the use of Windsor Mall for the purpose of contributing to a pleasant safe and enjoyable environment. The maintenance of equipment and the safety of Windsor Mall are important for you and any future user. Council would appreciate you taking the time to provide your comments.

1. What type of activity did you conduct? _____

2. Were the desired outcomes achieved? No Yes (any comments?)

3. Were there any safety hazards you identified? No Yes (please describe)

4. Did any incidents or accidents occur? No Yes (please describe)

5. Any other comments:

Your name	<input type="text"/>		
Your address	<input type="text"/>		
Date/s of use	<input type="text"/>	Time of use	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>
Email	<input type="text"/>		

Please include me on Hawkesbury City Council's consultation list. I am happy to be contacted by Council at any time to see if I am interested in participation in a focus group or other community consultation.

Yes (Tick Yes if you consent, otherwise leave blank)

Please complete this form and return to: Hawkesbury City Council
366 George Street (PO Box 146), Windsor NSW 2756

Email: council@hawkesbury.nsw.gov.au OR Fax: (02) 4587 7740

Thank you

Privacy Notice

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February 2012



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Phone: (02) 4560 4444 Facsimile: (02) 4587 7740 Email: council@hawkesbury.nsw.gov.au



application/renewal/modification form for footpath trading

Office Use Only

App. No.	
Date	
Receipt No.	
App. Fee	

Application is hereby made under Section 88 of the Local Government Act 1993 to use the portion of the footpath shown on the attached plan as a trading area.

APPLICANT DETAILS

Applicant(s) Name

Business Name

Business Address

 Post Code

Postal Address (if different to above)

 Post Code

Telephone (H) (00) (M)

Facsimile No.

Type of business and product sold

INSURANCE DETAILS

Public Liability Insurer Policy Number

Policy Validity dates From / / To / /

Liability Limit (Value) - Min requirement \$10 million. \$

OPERATION DETAILS

Proposed Days of Operation

Proposed Hours of Operation



Hawkesbury City Council



<p>DIMENSIONS OF PART OF FOOTPATH PROPOSED</p> <p>Measurements requested to be used for the trading area</p> <p>Length (m) <input style="width: 60px;" type="text"/> Width (m) <input style="width: 60px;" type="text"/> Total Area (m²) <input style="width: 60px;" type="text"/></p> <p>Current Condition of Footpath <table border="1" style="width: 100%; height: 40px; border-collapse: collapse;"><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table></p>						
<p>OTHER TEMPORARY STRUCTURES IN THE FOOTPATH TRADING AREA</p> <p>Are you intending or already using another type of temporary structure on the footpath? <input style="width: 60px;" type="text"/></p> <p>If NO go to next boxed section. If YES, continue.</p> <p>What type of temporary structure is it? <table border="1" style="width: 100%; height: 60px; border-collapse: collapse;"><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table></p> <p>Is the temporary structure to be used within the above specified footpath trading area? <input style="width: 60px;" type="text"/></p> <p>Do you already have approval for the structure <input style="width: 60px;" type="text"/></p> <p>If YES state Approval No. <input style="width: 150px;" type="text"/></p> <p>If NO have the necessary documents been lodged? <input style="width: 60px;" type="text"/> <i>(If NO contact Council for necessary forms etc.)</i></p>						
<p>ATTACHMENTS</p> <ol style="list-style-type: none"> 1. Two copies of a dimensional drawing (A4 size) indicating frontage of the site and size of the area proposed to be used for trading purposes. 2. A colour photograph of the site frontage and area proposed to be used for trading purposes. 3. A colour photograph or brochure detailing the furniture intended to be placed on the footpath. 						

February 2012



Hawkesbury City Council



I/We agree to comply with all relevant conditions and procedures as detailed in this approval and Hawkesbury City Council's Outdoor Dining and Footpath Trading Policy.

I/We hereby indemnify Hawkesbury City Council against all claims that may arise whether from negligence or otherwise as a result of my/our footpath trading activities within the road reserve at the location specified in this approval.

All applications shall be executed as indicated below by the applicant or in the case of joint applications, by each applicant.

In the case of a Corporation:

1. With the Common Seal including the Australian Company Number affixed in the manner provided in its Memorandum and Articles of Association; or
2. By signature of two persons authorised by the Corporation to bind it in contract. In such circumstances a copy of the authorisation duly executed under the Seal of the Corporation must be submitted with the application.

In the case of a Firm (including a firm trading under a business or trade name and partnership):

1. By signature of each proprietor of the firm; or
2. In the case of firms having more than five proprietors, by signature of proprietors authorised to bind the firm in contract. In the latter case, evidence of the authority of those proprietors to bind the firm may be required by the Principal.

Applicant(s) Signature:

Print Name(s) Date

Witness Signature

Print Name Date

WHAT DO YOU NEED TO RETURN TO COUNCIL?

- The completed and signed application / renewal / modification form.
- Current Certificate of Insurance for Public Liability (minimum value \$10,000,000) with the co-insurance clause.
- Your payment for fees as per Council's Fees and Charges.
- Any drawings, photographs and supporting documentation.

