



**Item No:** 2.14  
**Title:** For Public Exhibition - Draft Central Coast Outdoor Trading Specification  
**Department:** Environment and Planning

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28 November 2023 Ordinary Council Meeting

Reference: F2004/00550 - D15825517  
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## Recommendation

### ***That Council:***

- 1 Endorses the Draft Outdoor Trading Specification (Attachment 1) for public exhibition concurrently with the draft Local Approvals Policy for not less than 42 days.***
- 2 Receives a further report following public exhibition that considers submissions received and any changes made to the Specification to respond to matters raised in those submissions.***
- 3 Notes that, should the Outdoor Trading Specification be adopted:***
  - a. The following existing policies will be revoked:***
    - i. Guidelines for Business Use of Public Footpath Policy A5.09.2010 (former Gosford Shire Council)***
    - ii. Policy for Outdoor Eating Areas WSC020 (former Wyong Shire Council).***
  - b. Transitional arrangements will be applied so that over time, all Outdoor Trading Areas, including those delivered by Council, are aligned with the Outdoor Trading Specification.***

## Report purpose

The purpose of this report is to present the *Draft Outdoor Trading Specification* to Council and seek endorsement for public exhibition.

## Executive Summary

Central Coast Council encourages the use of public places and the road reserve for outdoor trading as a means of stimulating business growth and to create vibrant local communities. This is achieved through the enhancement of the amenity of the public domain and promotion of social activity. However, there is significant inconsistency among outdoor

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trading areas, including their structures and impact of those structures on the public domain, across the Central Coast and within individual town centres.

Council processes applications for outdoor dining and outdoor vending within the road reserve and in public places across the local government area (LGA). Approval can also be sought for temporary and fixed structures associated with outdoor dining and outdoor vending. Currently outdoor trading areas and structures are assessed under *Guidelines for Business Use of Public Footpath Policy A5.09.2010* (former Gosford Shire Council) and the *Policy for Outdoor Eating Areas WSC020* (former Wyong Shire Council).

The Specification is intended to supersede the existing policies and result in a single document that achieves consistent and high-quality outcomes for outdoor vending and outdoor dining, including their ancillary structures, across the LGA. Additionally, the policy has adopted the principals of Council's *Universal Design Guidelines* to meet the needs of the broadest range of users in our community, to the extent reasonably possible.

### **Background**

Across the Central Coast and within individual town centres, there is significant inconsistency among outdoor trading areas across the LGA. This has resulted in outdoor trading areas and their associated structures, having numerous adverse impacts including privatisation of the public domain (through the installation of side barriers and security grills, for example), poor and inconsistent presentation and amenity, the blocking of natural sunlight and the obstruction of the public footpath. Terrigal town centre, for instance, has structures of varying design, colour and height with some structures having security grills installed.

### **Current Status**

Currently there are two policies that apply to Outdoor Trading Areas and structures:

- *Guidelines for Business Use of Public Footpath Policy A5.09.2010* (former Gosford Shire Council) and
- *Policy for Outdoor Eating Areas WSC020* (former Wyong Shire Council).

These two documents are proposed to be revoked should the Specification be adopted.

### **Report**

The Specification will apply to outdoor dining and street vending, including any temporary or fixed structures, within the road reserve or on public land managed by Council across the LGA. It will not apply to private land nor public land managed by the NSW Government.

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The Specification:

- Provides clear direction to applicants on the requirements for outdoor trading areas, including any associated fixed and temporary structures.
- Promotes the implementation of Council's *Universal Design Guidelines* to meet the needs of the broadest range of users in our community, to the extent reasonably possible.
- Facilitates the creation of a vibrant atmosphere in appropriate areas.
- Facilitates improvements to the vitality, amenity, and economic viability of appropriate areas.

Where fixed structures are to be provided, the Specification requires vergola type structures, which have been included in the Specification based on engagement with business owners.

### **Consultation**

Internal consultation has been conducted with relevant sections including Environment and Public Health, Community Programs, Engineering Services, Events and Placemaking, Water Assessment and Governance.

Additionally, an on-site meeting occurred at Terrigal with representatives from the Access and Inclusion Reference Group to inform the drafting of the Specification based on their lived experience.

Engagement with business owners has been undertaken by relevant internal stakeholders in relation to the preferred outdoor trading structure type. Feedback from this consultation has informed the drafting of the Specification.

### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

The recommendations in this report will not entail additional costs to Council. The Specification is aimed at creating a more streamlined and efficient process, which will improve efficiency with limited resources following Council's recent restructure.

## Link to Community Strategic Plan

Theme 1: Belonging

### Goal A: Our community spirit is our strength

B-A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

### Goal B: Creativity, connection and local identity

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

### Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

## Risk Management

The Specification will achieve superior outcomes to what is currently being delivered, including in context of accessibility for the broadest range of users as reasonably possible.

## Options

- 1 Endorse the draft Specification for public exhibition. This will achieve a consistent approach to the delivery of outdoor trading areas, including associated structures, across the Central Coast. The result will be improved certainty for applicants, improved efficiencies for Council staff in the assessment of applications, and improved outcomes for pedestrians and the community through the delivery of high-quality public domain outcomes. **This is the recommended option.**
- 2 Resolve not to endorse the Specification. Not recommended. This option would result in the ongoing application of Council's existing policies, which have contributed to the inconsistency that is being delivered in outdoor trading areas across the Central Coast.

## Critical Dates or Timeframes

If Council resolves to support the recommendations in this Report, the Specification will be publicly exhibited for a period of not less than 42 days.

## Attachments

- 1  Draft Outdoor Trading Specification Provided Under Separate Cover D15870381