

# FOOD DELIVERY SERVICE POLICY

## PURPOSE

Cumberland City Council values pedestrian safety and is committed to encouraging responsible cycling, especially with the increase in food delivery services utilising bicycles and electric bicycles throughout the local government area. Whilst most food delivery cyclists are responsible, there are some who do not behave responsibly in public areas. This can cause conflict within the community, particularly in open space areas where there may be competing uses.

## SCOPE

This policy applies to food delivery cyclist only.

### **The Roads Act 1993**

The *Roads Act 1993* addresses the rights and responsibilities of carrying out various activities on public roads.

### **Road Rules 2014**

Under the Regulation, there are requirements for the rider of a bicycle that rides on a footpath or shared path. There are exemptions for postal workers who ride bicycles in the course of their business and for those riding bicycles under 16 years of age and is under the supervision of an adult. The enforcement provisions for offences under these clauses of the Regulation are held by NSW Police.

### **Local Government Act 1993**

The *Local Government Act 1993* addresses the actions of a person who, in a public place within the area of a Council, fails to comply with the terms of a notice erected by the Council. The enforcement provisions for offences under these sections of the Act are held by Authorised Council staff.

## DEFINITIONS

**Authorised Person** – an employee of a council generally or specially authorised by the council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used, or a Police Officer.

**Bicycle** – means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and includes:

- a) a pedicab, penny-farthing and tricycle, and

- b) a power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under section 7 of the [Motor Vehicle Standards Act 1989](#) of the Commonwealth other than one that has an internal combustion engine or engines,

But does not include –

- c) a wheelchair, wheeled recreational device, wheeled toy, or  
d) any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating), other than a vehicle referred to in paragraph (b), or  
e) any vehicle that has an internal combustion engine or engines.

**Footpath** – means an area open to the public that is designated for, or has a one of its main uses, use by pedestrians.

**Pedestrian** – includes:

- a) a person driving a motorised wheelchair that cannot travel at over 10 kilometres per hour (on level ground), and  
b) a person in a non-motorised wheelchair, and  
c) a person pushing a motorised or non-motorised wheelchair, and  
d) a person in or on a wheeled recreational device or wheeled toy.

**Public Land** – means any land (including a public reserve) vested in or under the control of the Council, but does not include:

- a) a public road, or  
b) land to which the [Crown Land Management Act 2016](#) applies, or  
c) a common, or  
d) a regional park under the [National Parks and Wildlife Act 1974](#).

## **POLICY STATEMENT**

Cumberland City Council recognises that there needs to be a balanced approach taken for the use of bicycles by food delivery services and ensuring that pedestrian safety remains paramount. The Cumberland City Council *Food Delivery Service Policy* intends to achieve this by:

- Educating food delivery services and businesses who use these delivery methods, to ensure that they are aware of the legislation regarding the use and occupation of public land.
- Promote the importance of pedestrian and bicycle safety alike.
- Reducing the number of complaints received relating to food delivery riders cycling on footpaths, posing a risk to pedestrian safety.
- Monitoring compliance with the *Road Rules 2014* and *Local Government Act 1993*, using enforcement sanctions where appropriate.

## **PRINCIPLES**

This policy has been developed with reference to the *Roads Act 1993*, *Road Rules 2014* and *Local Government Act 1993*.

## REQUIREMENTS

### 1. BUSINESS EDUCATION STRATEGY

Education and awareness of all food delivery services and businesses who use these delivery methods is the key to achieving pedestrian safety and community harmony. Council will implement ongoing, effective, and community sensitive education strategies to encourage and reinforce responsible cycling for food delivery services.

NSW Police and Council regulatory officers are the 'front line' of this community education strategy. Council Officers will raise awareness of company and individual's responsibilities, including but not limited to legislative requirements and penalties for bicycle riders who use a Council footpath area illegally.

**Council Officers will educate and inform the community about the use of Council land through:**

- Writing to all food delivery services and businesses who use these delivery methods, to educate those persons using a bicycle for food deliveries of the provisions of the *Road Rules 2014*;
- Erecting notices on public land at prominent locations in town centres, prohibiting the use of bicycles being ridden by food delivery services;
- Regularly monitoring public land, providing information the use of bicycles for food delivery services and their obligations under the Acts and associated Regulations;
- Providing information on Council's website;
- Providing information materials at Council's Customer Service Counter on the road rules for bicycle riders.

### 2. ROAD RULES FOR BICYCLE RIDERS

It is against the law for bicycle riders to ride on footpaths, unless they are:

- Under 16 years of age
- An adult 18 years or older supervising a child under 16 years old
- Under 18 years old and riding with an adult who is supervising for a child under 16 years old
- On a footpath that is shared use by bicycle riders and pedestrians
- On a designated bicycle path

### 3. PENALTIES BEING ISSUED

Riders who do not follow the *Road Rules 2014* and / or *Local Government Act 1993* may incur a Penalty Notice. Some offences that may result in a Penalty Notice include:

- If you ride a bicycle negligently, furiously and recklessly
- If you carry more persons than permitted
- If you do not ride in a bicycle lane
- If you are over 16 years of age and ride on a footpath (not supervising child on a bike)
- If you don't keep left to any oncoming traffic

- If you move into the path of a driver or pedestrian
- If you do not stop or proceed before allowed at traffic lights
- Not wearing a bicycle helmet
- Fail to comply with the terms of a notice erected by Council.

## RELATED LEGISLATION

*Roads Act 1993 (NSW)*

*Road Rules 2014 (NSW)*

*Local Government Act 1993 and associated Regulation (NSW)*

## AUTHORISATION & VERSION CONTROL

<b>Policy Owner</b>	<i>Manager Health and Regulatory Services</i>
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