

Attachment C

**Draft Display of Goods on the Footway Local
Approvals Policy**

Display of Goods on the Footway



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Introduction

The purpose and title of this policy

This policy is called the ~~Display of Goods policy~~ Display of Goods on the Footway Local Approvals Policy. Its purpose is to set out the circumstances and conditions under which the City will allow goods to be display on the footpath and other similar public spaces.

The aims of this policy

The aims of this policy are to:

- promote activation of the footway;
 - maintain the pedestrian thoroughfare as the primary purpose of the footway;
 - maintain a consistent and predictable clear path of travel for all users;
 - manage neighbourhood amenity through minimising additional visual clutter and other impacts; and
 - ensure access and amenity is maintained by monitoring compliance with the criteria.
-

Scope of this policy

This policy applies to the City of Sydney local government area, except for the areas excluded as identified in Figure 1.

It was adopted by Council on XX Month Year and commenced operation on XX Month Year.

How this policy works

This is a Local Approvals Policy under section 158 of the Local Government Act 1993.

Part 1 – Exempt from approval

Part 1 of this policy sets out the circumstances where a display of goods does not require approval from the City. Where the display of goods meets all the criteria in Part 1 of this policy:

- no approval is required from the City; and
- no fee is payable to the City.

Part 2 – Criteria for approvals

There are no criteria for giving or refusing an approval. If a display does not meet the criteria in Part 1:

- no approvals are available; and
- the display is not permitted.

Part 3 – Other matters for approvals

There are no other matters relating to approvals.

Enforcement of the policy

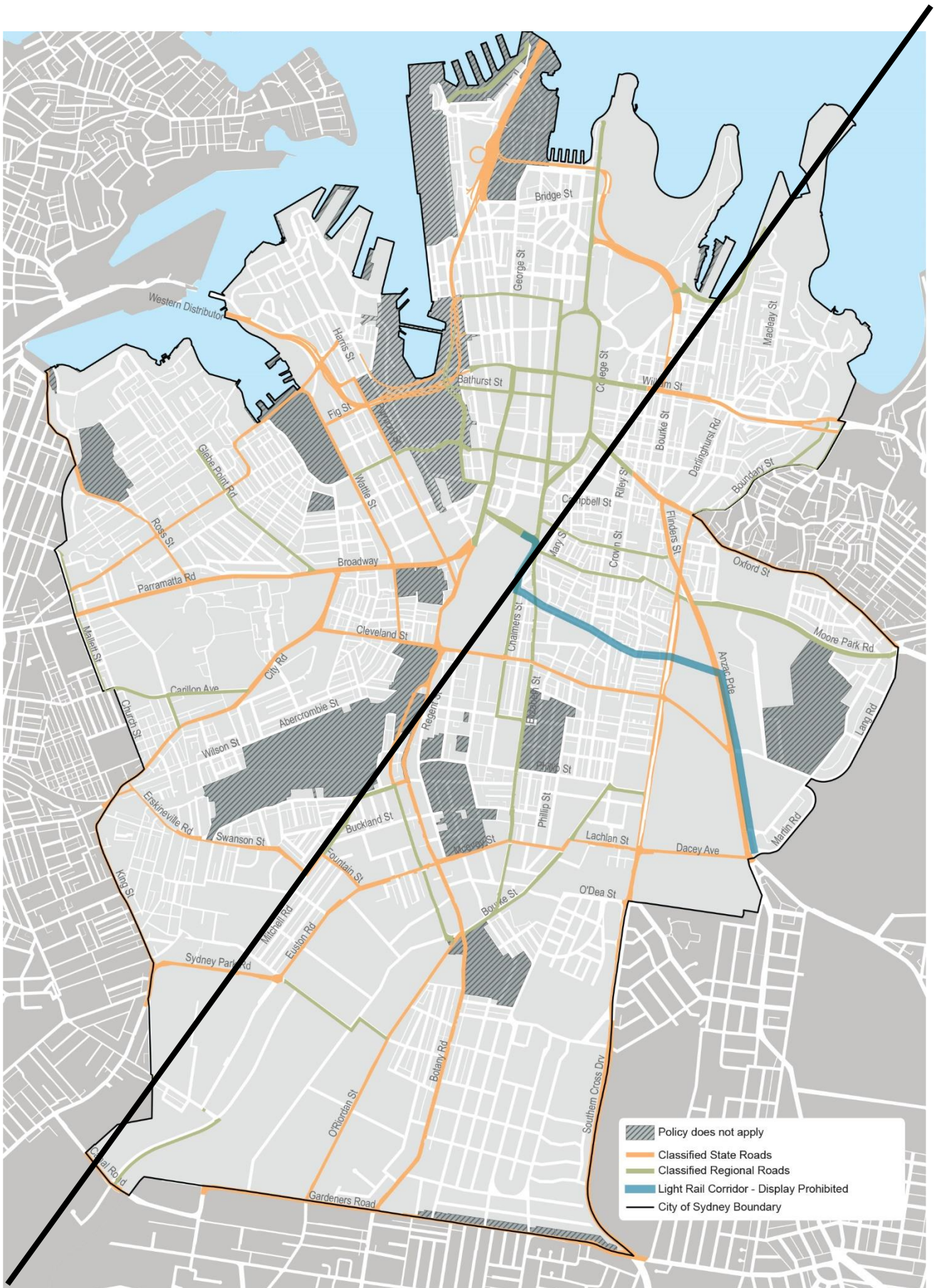
Where a display does not meet the criteria in Part 1 of this policy, it is not permitted.

An authorised officer of City may issue penalty notices, give orders or initiate court action for non-compliance with this Policy.

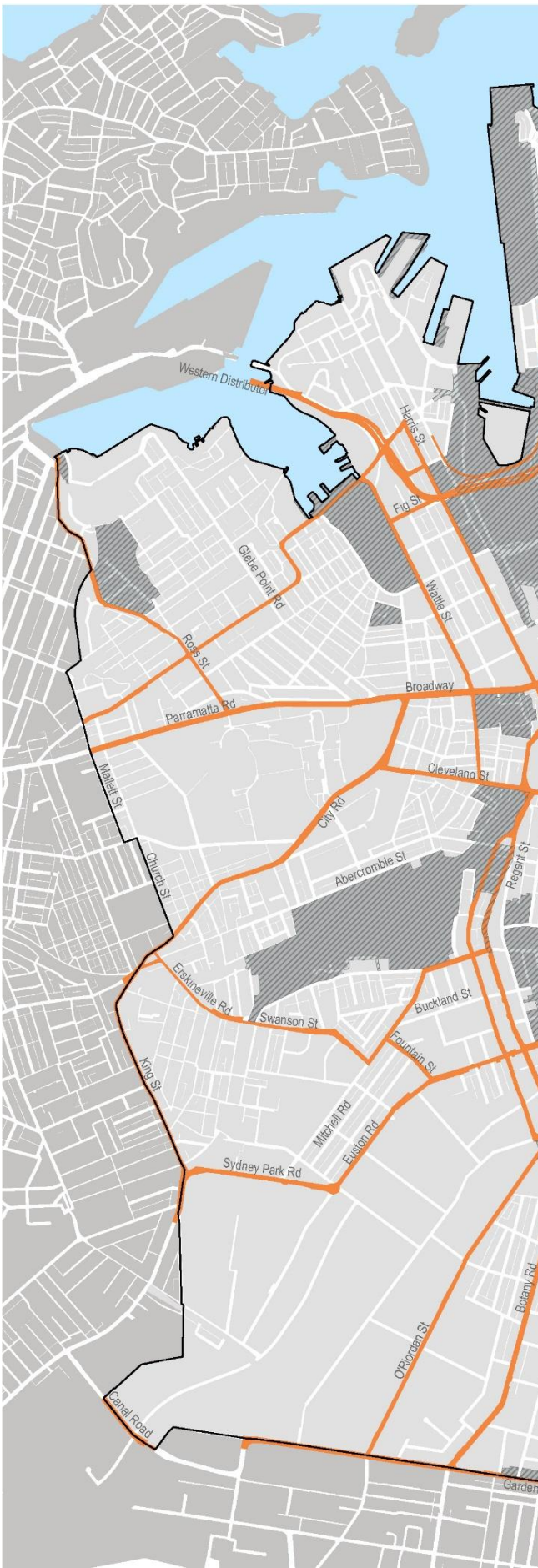
When will the policy be revoked?

Under s165(4) of the Local Government Act 1993, this policy is automatically revoked 12 months after the NSW local government elections, unless the City resolves to do so sooner (s164(3)).

Figure 1 Scope of Policy (Replace)



Display of Goods on the Footway Local Approvals Policy



Key terms

| Term | Meaning |
|----------------------|--|
| Clear path of travel | <p>The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as:</p> <p><i>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.</i></p> |
| Display of goods | <p>The display of goods for sale, associated with a lawfully operating retail outlet which does not involve spruiking or sales activity from the footway.</p> |
| Exempt development | <p>Development which does not need development consent under the Environmental Planning and Assessment Act 1979, but which may still need some other approval.</p> |
| Footway | <p>That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.</p> |

Part 1 - Exempt from approval

This part (Part 1) sets out the circumstances under which operators using the footway to display goods from an adjacent shop are exempt from approvals.

The following criteria meet or exceed standards set under AUSTROADS Guide to Road Design Part 6A: Paths for Walking and Cycling, Section 5 Design Criteria.

A display is exempt from approval if it meets the following criteria.

1.1 Areas where displays are prohibited

Displays are prohibited in:

- The Light Rail Corridor as shown in Figure 1; and
- Central Sydney as shown on Figure 2.

1.2 Clear path of travel for pedestrians

The display should be located to allow for a consistent and predictable clear path of travel along the whole of the street block.

The clear path of travel should be at least 2 metres wide, except in a signposted 'shared zone' where the clear path of travel should be at least 4 metres wide.

An example of a clear path of travel is shown in Figure 3.

1.3 Location of the display

The display should generally be located against the building line of the shop.

The display cannot be located outside an adjacent premises.

When located on the building side, the display must leave:

- an unobstructed accessway into the shop; and
- unobstructed access to any fire exit, fire door, or pathway to a fire exit or fire door.

1.4 Kerbside displays

The display can only be located on the kerbside:

- if the road is not a ~~state or regional~~ classified road as defined under the Roads Act 1993;
- if existing business uses on the street block, such as outdoor dining, are already located towards the kerb; and
- if it is set back 0.6 metres from the kerb to enable unobstructed access for car passengers.

When located on the kerbside, the display must:

- occupy no more than 60% of the total street frontage of the shop; and
- have regular breaks of 1.2 metres.

This is to allow unobstructed access to the kerb.

1.5 Clearances around the display

In addition to the clear path of travel for pedestrian traffic, the display should maintain clearances in all directions around the following items:

~~The display should be placed to maintain the following clearances around it (measured from the nearest point of the display to the nearest point of the identified item):~~

- ~~– 1 metre from any service object including fire hydrant, utility pit, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like;~~
- ~~– 1 metre from pedestrian and signalised crossings, kerb ramps, any landscaped area, street tree pit or grate;~~
- ~~– 2 metres from the corner alignment of the building at street intersections (as shown in Figure 3). This is to allow for a clear line of sight from the intersection; and~~
- ~~– 3 metres from bus zones, public transport access points and taxi stands.~~

1.6 Display structure – dimensions

The goods should be display on a structure or stand:

- ~~– no more than 0.6 metres deep, when measured perpendicular to the shopfront or building line;~~
- ~~– with the lowest 60 millimetres being solid and of a contrasting colour to the pavement (allowing it to be detected by pedestrians with low vision or using a cane); and~~
- ~~– no more than 1.2 metres high (including the goods) to allow views between the road, the footway and the building (as shown in Figure 4).~~

1.7 Display structure – design

The display structure is to be designed:

- ~~– to keep the street tidy and free of clutter;~~
- ~~– to be durable and weather resistant;~~
- ~~– to prevent goods being blown about by wind;~~
- ~~– so as not to compromise trolleys, shopping baskets, crates or packing boxes;~~
- ~~– without electrical power, lighting, heating or refrigeration; and~~
- ~~– without mirrored or reflective surfaces.~~

Sandwich boards and advertising A-frames are not permitted.

~~1.8 Display size – kerbside~~

~~When located on the kerbside, the display should must:~~

- ~~— occupy no more than 60% of the total street frontage of the shop; and~~
- ~~— have regular breaks of 1.2 metres.~~

~~This is to allow unobstructed access to the kerb.~~

~~1.9 Display size – building side~~

~~When located on the building side, the display must leave:~~

- ~~— an unobstructed accessway into the shop; and~~
- ~~– unobstructed access to any fire exit, fire door, or pathway to a fire exit or fire door.~~

1.8 Goods on display

The goods on display:

- are to be normally found for sale in the adjacent shop; and
- are to comply with any regulations ensuring the display of items is free from contamination, for example the Food Act 2003 for displays containing food.

The display must not contain the following goods for sale:

- furniture or white goods;
- sharp, dangerous, or protruding items (for ~~instance~~ example, uncovered hardware items);
- goods that may damage or stain the pavement (for example, oils or dyes);
- perishable foods (including meat, fish shellfish, poultry, dairy or cooked rice) other than fresh fruit and vegetables;
- restricted literature or goods, where restricted means publications classified Category 1 restricted, Category 2 restricted or RC under the Classification (Publications, Films and Computer Games) Act 1995.

1.9 Permitted hours for the display

The display must be removed from the footway outside the approved operating hours of the adjacent shop, or between 10pm and 7am the next day, if the shop is approved to trade between 10pm and 7am the next day.

1.10 Use of the display

The display is not to be used for:

- conducting sales transactions;
- spruiking or broadcasting or amplified sales messages on the footway, or from within the shop so they can be heard on the footway; or
- for advertising, except where it relates to the items on display.

1.11 Maintenance of the display

The display structure:

- must not be attached to the footway, street poles, or any other street furniture or infrastructure with metal bolts, padlocks, chains or the like;
- must not damage the surface of the footway, including when it is being moved at the start and end of trading;
- is to be kept clean and tidy; and
- is to be kept in good repair and free of broken elements.

1.12 Insurance

The operator of the display must have a current public liability policy covering the display, with a minimum value of \$20 million. For displays on a classified road, the insurance policy must note the interests of Transport for NSW.

1.13 Removal of display

The road authority (the City ~~and or~~ TfNSW Transport for NSW) can request the goods display be removed if:

- the conditions of ~~the approval~~ this policy are breached;
- the display is compromising public safety or public access;
- the footway area is needed for public works;
- the footway area is needed for a special event;
- the footway area is needed to manage an increase in pedestrians;
- the footway is needed for the installation of construction hoardings and scaffoldings; or
- the footway is needed to support pedestrian flow.

Figure 3 Example of a clear path of travel and ~~corner~~ required clearances

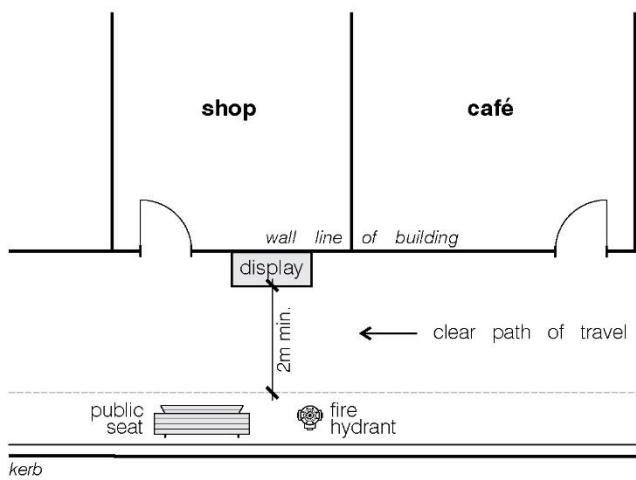
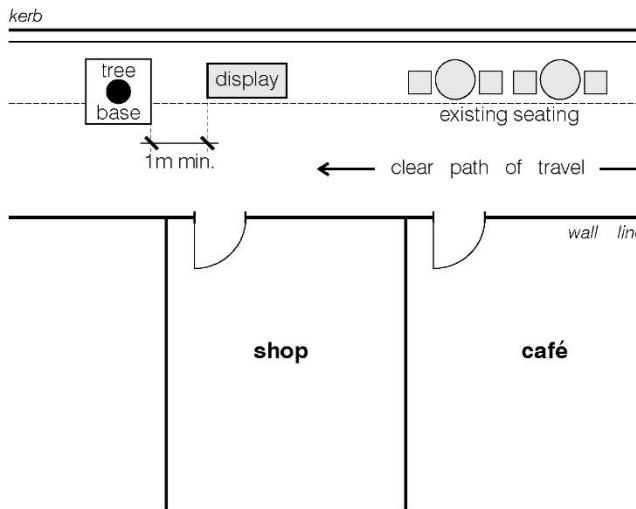
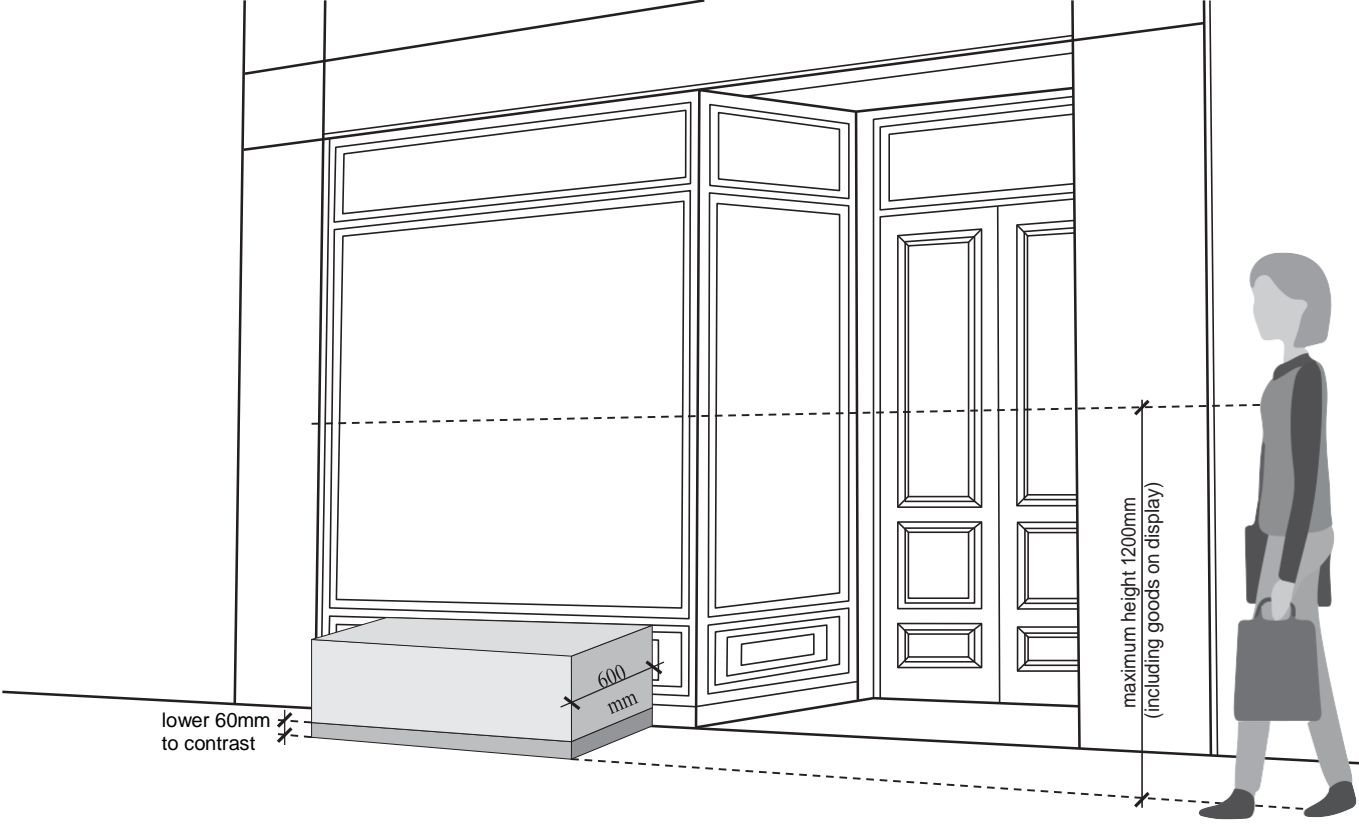


Figure 4 Display dimensions – simple example



Part 2 - Criteria for approvals

There are no criteria for giving or refusing of an approval.

If the display does not meet the criteria under Part 1, it is not permissible, and no approval will be granted.

Part 3 - Other matters for approvals

There are no other matters relating to approvals.

Appendix A

~~State and Regional~~ Classified Roads – Kerbside displays are not permitted.

An up to date list of classified roads is available on the Transport for NSW website at rms.nsw.gov.au

| | | |
|---|---------------------------------------|---------------------------------------|
| Abercrombie Street (section) | Dacey Avenue | Minogue Crescent |
| Albion Street | Elizabeth Street, <u>Waterloo</u> | Missenden Road (Section) |
| Anzac Parade | Erskineville Road | Mitchell Road (Section) |
| Bayswater Road | Euston Road | Neild Avenue |
| Booth Street | Fig Street | O’Riordan Street |
| Botany Road | Flinders Street | Oxford Street (<u>section</u>) |
| Boundary Street | Fountain Street | Parramatta Road |
| Bourke Street (Section) | Foveaux Street | Pier Street |
| Bridge Road | Gardeners Road | Pymont Bridge Road (<u>section</u>) |
| Broadway | Gibbons Street | Regent Street |
| Burrows Road (Section) | Glebe Point Road (Section) | Ross Street (<u>section</u>) |
| Carillon Avenue | Harris Street (Section) | South Dowling Street |
| Chalmers Street | Henderson Road (Section) | Swanson Street |
| City Road | Huntley Street | Sydney Park Road |
| Cleveland Street | King Street | The Crescent |
| Collins Street (Section) | Lachlan Street | Wattle Street |
| Copeland Street | Lee Street | William Henry Street |
| Cowper Wharf Roadway | McEvoy Street | Wyndham Street |
| Crescent Street | McLachlan Avenue | |

