



Sydney2030/Green/Global/Connected

CITY OF SYDNEY  

# Display of Goods on the Footway

## Local Approvals Policy

# Controlled Footways

## 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. Its purpose is to set out the circumstances and conditions under which Council will allow goods to be displayed on the footway 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:

- Darling Harbour;
- Barangaroo; and
- Circular Quay and the Rocks.

It was adopted by Council on XX XXXX and commenced operation on XX XXXX.

## 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 Council. Where the display of goods meets all the criteria in Part 1 of this policy:

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

### 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 Council 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 Council resolves to do so sooner (s164(3)).

Figure 1 – showing the area of Central Sydney



**Key terms**

| Term                        | Meaning  |
|-----------------------------|--|
| <b>Clear path of travel</b> | <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> |
| <b>Display of goods</b>     | <p>The display of goods for sale, associated with a lawfully operating retail outlet which does not involve spruiking or sales activity.</p>   |
| <b>Exempt development</b>   | <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>   |
| <b>Footway</b>              | <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>   |

## 01

# 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.

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

## 01.1 Central Sydney

The display must not be in Central Sydney, as shown on **Figure 1**.

## 01.2 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 2**.

## 01.3 Location of the display

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

**The display cannot be located outside an adjacent premises.**

The display can only be located on the kerbside if existing business uses on the street block, such as outdoor dining, are already located towards the kerb.

## 01.4 Clearances around the display

The display should be placed to leave 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, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like;

- **1 metre** from any landscaped area;
- **0.8 metres** from any street tree pit or grate – measured from the outside of the pit or grate; and
- **2 metres** from the corner alignment of the building at street intersections (as shown in **Figure 2**). This is to allow for a clear line of sight to the intersection.

The display should be located to allow:

- unobstructed access to public transport stops, public transport access points, and taxi stands; and
- for passengers to have unobstructed access to the kerb when disembarking from public transport.

## 01.5 Display structure – dimensions

The goods should be displayed on a structure or stand:

- no more than 600 mm deep, when measured perpendicular to the shopfront or the building line;
- with the lowest 60 mm 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 3**).

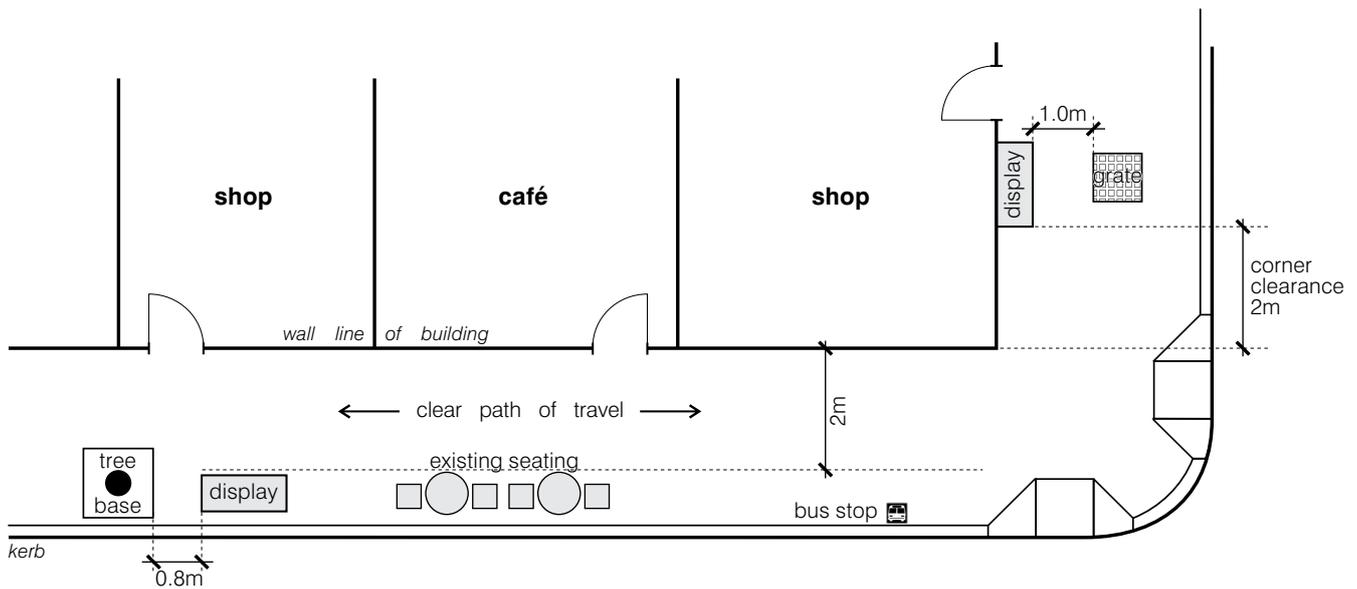
## 01.6 Display structure – design

The display structure ~~should~~ **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 comprise 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.**

Figure 2 – example of a clear path of travel and corner clearance



**01.7 Display size - kerbside**

When located on the kerbside, the display should:

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

This is to allow unobstructed access to the kerb.

**01.8 Display size – building side**

When located on the building side, the display should 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.

**01.9 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)

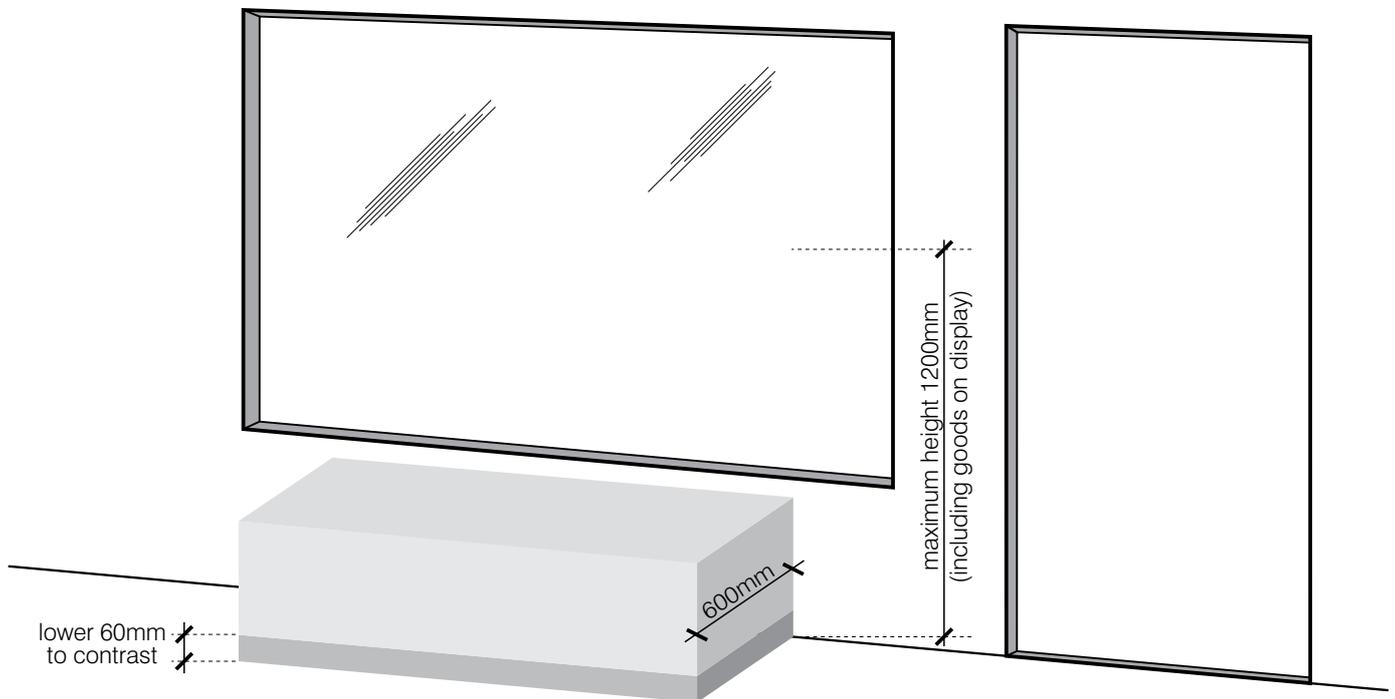
The display must not contain the following goods:

- furniture or white goods;
- sharp, dangerous, or protruding items (for instance, 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; and
- restricted literature or goods, where restricted means publications classified Category 1 restricted, Category 2 restricted or RC under the (Cth) Classification (Publications, Films and Computer Games) Act 1995.

**01.10 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.

Figure 3 – display dimensions



**01.11 Use of the display**

The display is not be used for:

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

**01.12 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.

**01.13 Insurance**

The operator of the display must have a current public liability policy covering the display, with a minimum value of \$10 million.

# 02

## Criteria for approvals

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

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

# 03

## Other matters for approvals

There are no other matters relating to approvals.





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*city of villages*