



WAVERLEY
COUNCIL

Draft

Display of Goods on the Footpath Policy and Guidelines



Department	Urban Planning, Policy & Strategy
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Table of Contents

1. Introduction	4
1.1 Who can apply?	4
1.3 Classified Roads	4
1.4 Change of operator	5
1.5 Notification of applications	5
1.6 Fees and Charges	5
2. Application requirements	6
2.1 Application form	6
2.2 Plans	6
2.2.1 Site plan	6
2.2.2 Footpath display area plan	6
2.3 Furniture Details	7
3. Design requirements	8
3.1 Location	9
3.2 Furniture and Accessories	12
3.2.1 Goods on display	14
3.2.2 Advertising, logos and signage	14
4. Terms and Conditions of Operation	15
4.1 Use of the display	15
4.2 Hours of operation	15
4.3 Other conditions of approval	15
5. Definitions	17

1. Introduction

This Policy is for businesses in the Waverley local government area seeking to utilise the footpath outside their premises for the display of goods.

Businesses seeking to utilise the footpath outside their premises must have a valid approval issued by Council. Council issues approvals for the use of the footpath (under section 68 of the *Local Government Act 1993*, and section 138-143 of the *Roads Act 1993*) via an [application form for Display of Goods on the Footpath](#).

Displays on the footpath must comply with the criteria set out in this Policy, and the business must also pay an annual fee for the use of the footpath.

It is the business operator's responsibility to ensure this Policy is being complied with when displaying goods on the footpath. Council reserves the right to issue removal notices and fines when these conditions are breached.

1.1 Who can apply?

To be eligible to apply for a goods display, you must be the owner or operator of a lawfully established shop or business adjacent to the footpath.

1.3 Classified Roads

Under Section 138 of the *Roads Act 1993*, the display of goods on classified roads (being state or regional roads) must be referred to Transport for NSW for approval.

Classified roads in Waverley include Bondi Road and Old South Head Road, Curlewis Street, Penkivil Street, Bennett Street, Birrell Street, Bronte Road, Carrington Road and Macpherson Street. Refer to [Transport for NSW's Road Network Classification Map](#) for details.

Applications are referred to Transport for NSW by Waverley Council after being lodged.

1.4 Change of operator

Approvals for goods displays are held by the operator of the business, rather than the business or the property. This means that when there is a change of operator for a business with approval for the display of goods, the approval is no longer valid. The new operator will need to get a new approval for the display of goods.

1.5 Notification of applications

Public consultation of applications can help identify problems that could arise during operation.

Depending on the size and nature of your goods display, notification may be required in line with Council's [Community Engagement Strategy](#).

It is always a good idea to inform your neighbours of your application, regardless of whether notification is required.

1.6 Fees and Charges

Application fees and rental fees are payable in accordance with Council's Fees and Charges Policy. A summary of the fees payable can be found on the [application form](#).

Once your application has been received, you will be contacted to pay the Application Fee. It is requested that the fee be paid within 48 hours of receiving the invoice. Council will not start the assessment process until the fees are paid.

Once your application has been approved, you will be contacted to pay the annual leasing fee for the use of the footpath. As per the standard conditions of approval, your permit is not active unless your annual leasing fee has been paid.

2. Application requirements

This section details the documents required to submit your Display of Goods on the Footpath application.

You will need:

1. Completed Display of Goods on the Footpath application form
2. Site plan
3. Furniture details

2.1 Application form

Your premises must have existing development consent or certificate to operate. This is also known as a Development Application (DA) or Complying Development Certificate (CDC) approval. Citing the approval number on the application form is sufficient.

2.2 Plans

Two drawings (or plans) are required:

- A site plan
- A footpath display area plan

2.2.1 Site plan

A site plan is a location plan showing the property in relation to the street and the nearest cross street. Site plans are not required to be drawn to an architectural standard and can be sourced from freely available digital maps like Google maps, Apple maps, SIX maps, or similar.

2.2.2 Footpath display area plan

A dimensioned plan drawn to scale (1:50 or 1:100) that shows:

- a) Width of the shop/building frontage of your premises and location of openings such as doors and windows
- b) Width of the footpath and size and location of features such as trees, public utilities, parking restrictions, bins, street furniture, crossings, traffic lights and drains/pits
- c) Location and distance of the kerb from your premises
- d) The proposed location and dimensions of the footpath goods display, clearly showing the area of the footpath taken up by the goods display in square metres. Ensure dimensions are shown from a point on the premises that can be measured. This area measurement will be used when calculating the annual leasing fee for the use of the footpath.

e) Consideration of the design requirements for goods displays (in the next section).

2.3 Furniture Details

A photo, brochure, or manufacturer's details of the goods display (whether it be a shelf, table, plinth or the like) proposed to be used, including any accessories.

Furniture details provided must show that the proposed display satisfies the design requirements in the next section.

3. Design requirements

This section covers the design requirements for the display of goods on the footpath to be addressed in your footpath display area plan and application.

When applications are assessed, consideration will be given to:

- Convenience and safety of pedestrian movement
- Safety of vehicular movement
- Impact on residential amenity
- Whether the application contributes to and improves local amenity and the public domain
- Impact on the natural environment including existing trees, significant views and items of heritage significance.

Goods displays on the footpath can make a significant contribution to the quality of public spaces by providing active street frontages. However, goods displays might not be appropriate in all locations due to safety and amenity issues.

How to read this section:

The Design requirements are separated into 'Objectives' and 'Controls'.

Applicants are expected to meet the controls set out in the design requirements and demonstrate compliance in their application.

Where an applicant can't meet the controls set out in the policy, Council will consider variations to the controls on a case-by-case basis where a proposal can demonstrate that it still achieves (or improves upon) the objectives.

3.1 Location

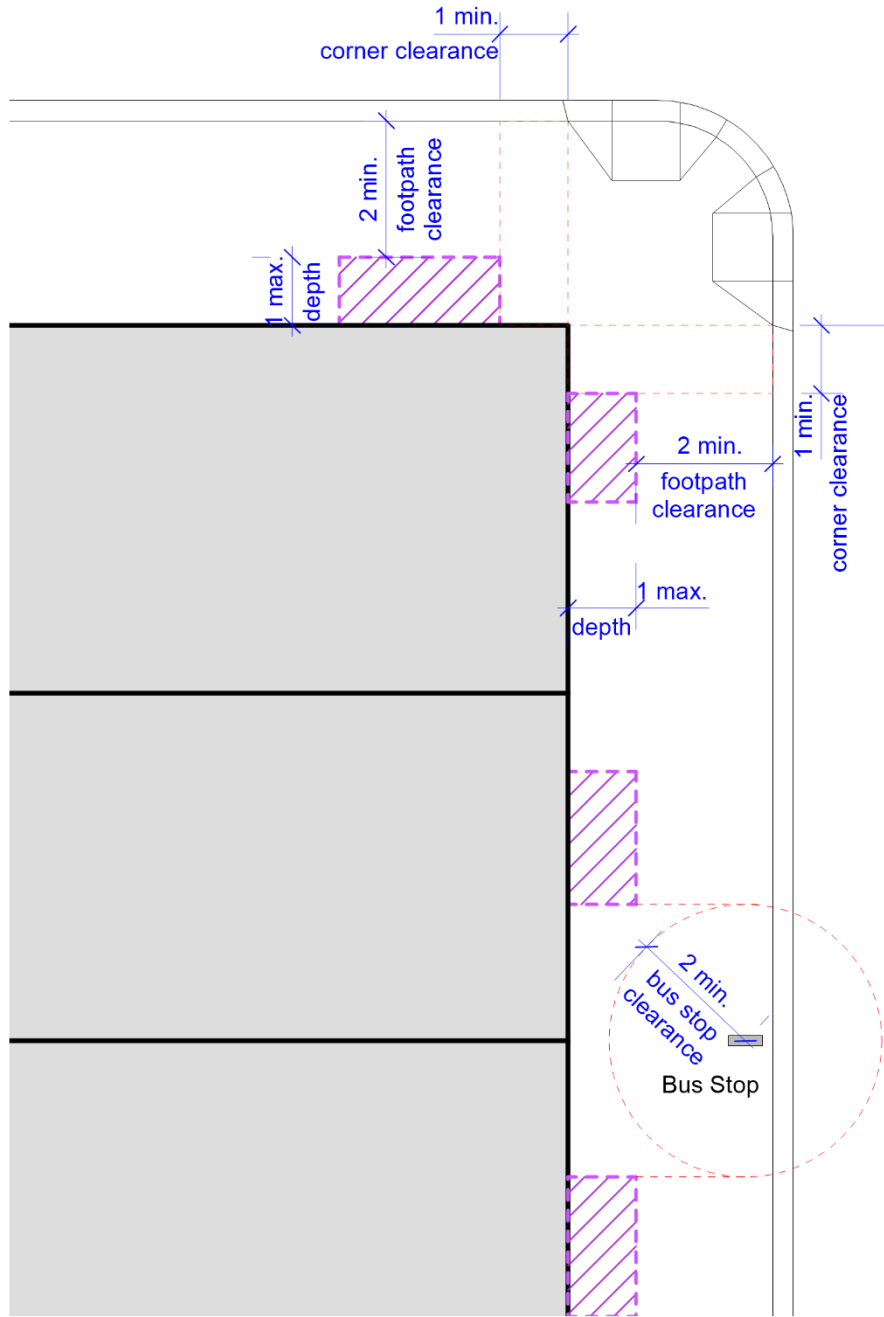
Objectives:



1. **To ensure pedestrian footpath movements are maintained, as well as the safety of pedestrians and shop staff.**
2. **To ensure that the display of goods on the footpath contributes to and improves the local amenity and the public domain.**

Controls:

- a) The standard location for goods displays is against the shop front. Where this location would interrupt a continuous path of travel for pedestrians, or otherwise on merit, Council will consider kerb side displays or other alternative locations.
- b) Where a footpath is extended (at a street corner or otherwise) there may be opportunities for display locations other than the standard location above which Council will consider on merit.
- c) Where the display of goods is adjacent to the kerb, the following setbacks from the kerb apply:
 - i. 0.6m standard minimum setback when next to normal parking conditions, including the edge of a cycleway,
 - ii. 1m when next to a loading zone,
 - iii. 1.5m when next to an accessible parking spot.
 - iv. 2m when next to a public transport stop, bus zone, taxi zone or PUDO zone.
- d) Goods displays should be kept clear of street corners to allow adequate visibility and sight lines for traffic and pedestrian safety. A minimum 1m setback from the corner of the building is required. Displays that wrap around the corner of the building will be considered on merit.
- e) The minimum width of a clear, unobstructed pedestrian footpath is 2m. This distance is exclusive of street furniture, bus stops, accessible parking spaces, parking meters, telephone boxes or the like.
- f) In addition to the clear path of travel for pedestrian traffic, the display should maintain clearances in all directions around the following items:
 - i. 0.5m from any tactile ground service indicators.
 - ii. 0.5m from any utility pits, vents, drains.
 - iii. 1m from any service object including fire hydrant, public seat, bike rack or ring, pay phones, parking meters, fixed rubbish bins and the like.
 - iv. 1m from pedestrian and signalised crossings, kerb ramps, driveways, any landscaped area, street tree pit or grate.
- g) Goods displays should not take up more than 60% of the frontage width of the shop front

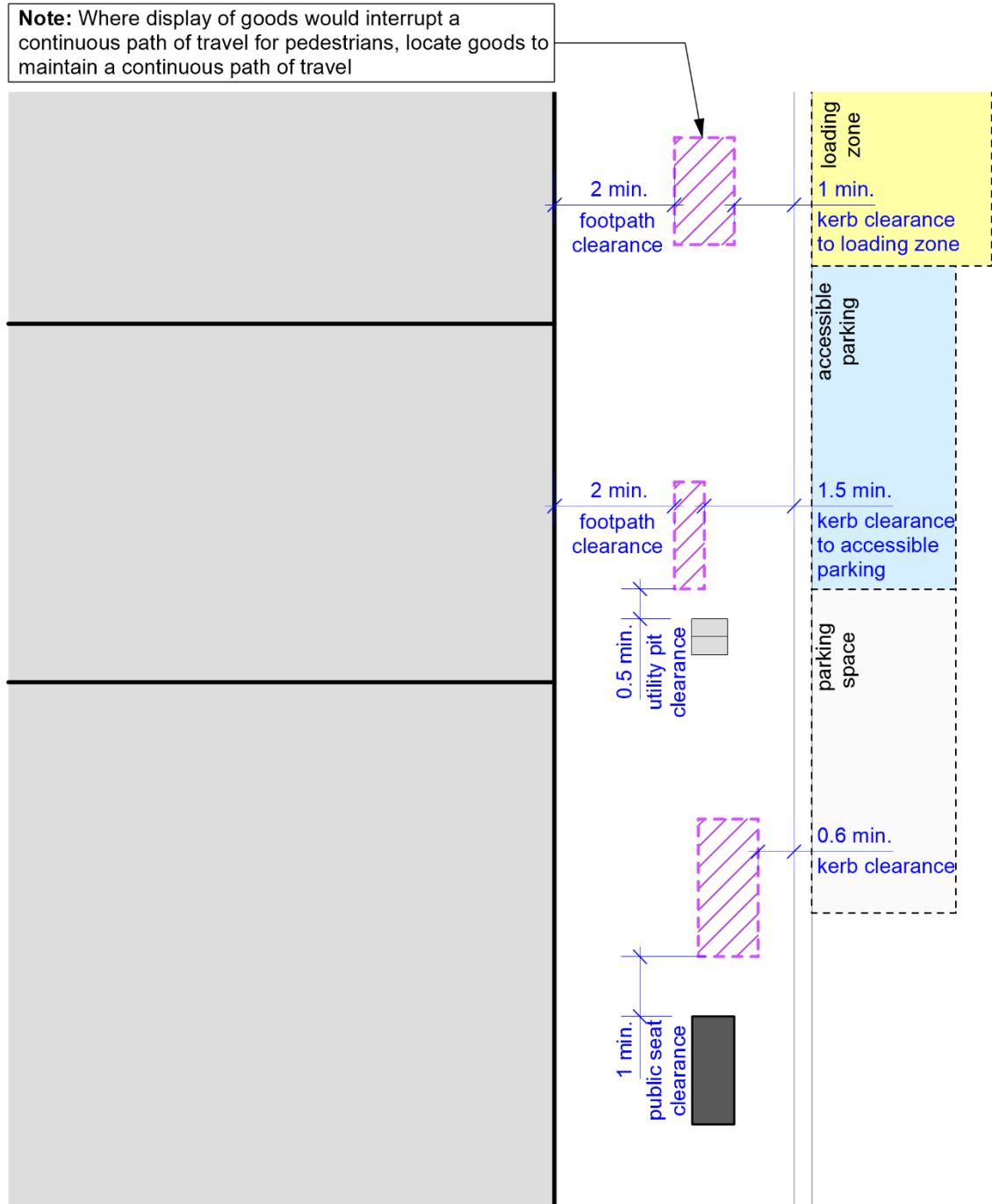
**Figure 1 - Kerbside Display of Goods
Example Clearances Required**





-  Designated Display of Goods Area
-  Clearance Zone

Note
All dimensions are in metres

**Figure 2 - Kerbside Display of Goods
Example Clearances Required**



-  Designated Display of Goods Area
-  Clearance Zone

Note
All dimensions are in metres

3.2 Furniture and Accessories

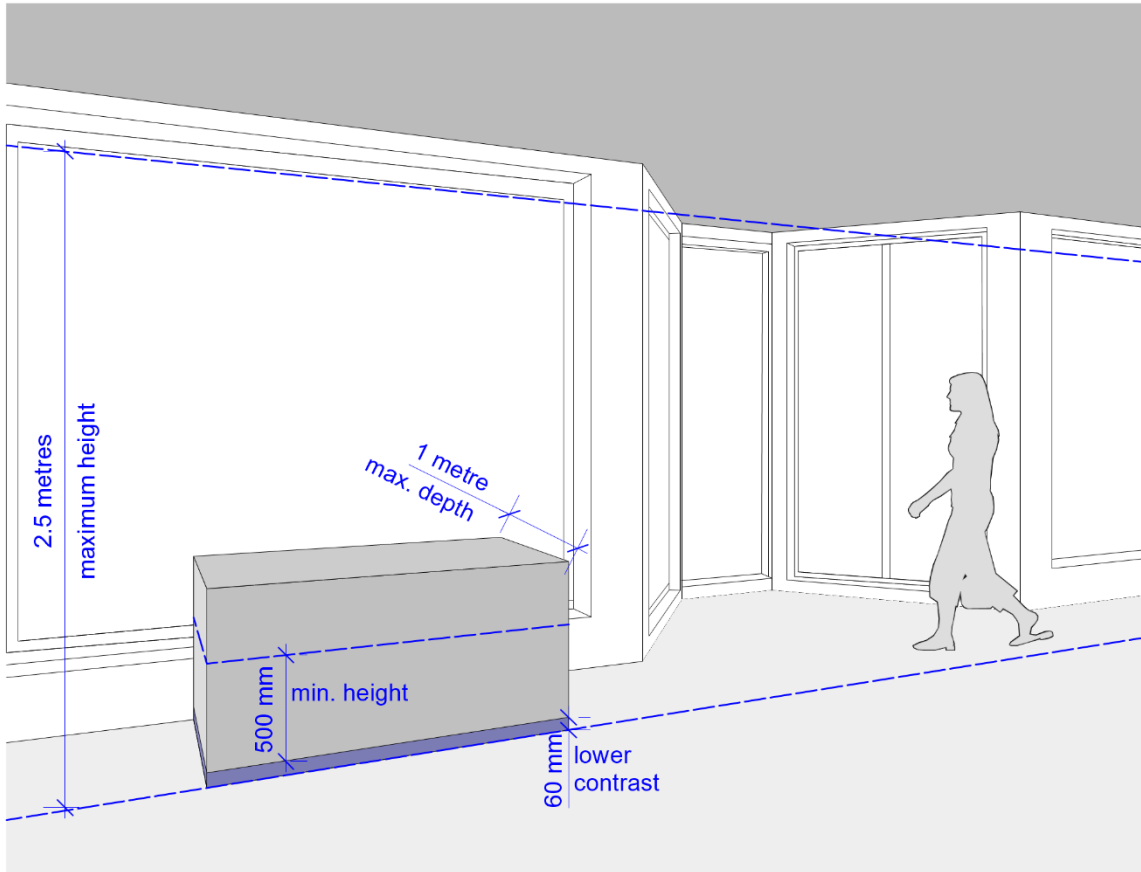
Objective:

1. To ensure all furniture and accessories are high-quality and an appropriate design.

Controls:

- a) Dimensions of goods displays should be:
 - i. No more than 1m deep, as measured perpendicular to the shopfront or building line.
 - ii. No less than 0.5m high to avoid being a tripping hazard.
 - iii. No more than 2.5m high (including the goods) when located against the shop front.
 - iv. No more than 1.2m high (including the goods) when located kerbside or elsewhere.
 - v. The lowest 60 millimetres of the display should be solid to be detectable by a cane.
- b) The design of the goods displays should be:
 - i. Safe, strong, durable, high-quality, waterproof and purpose-built.
 - ii. A high contrast colour in comparison to its surroundings to assist pedestrians with low vision (consider adding reflective tape to the edges of your display).
 - iii. Secure, to prevent goods being easily knocked over or blown about by wind.
 - iv. Without mirrored or overly reflective surfaces that may distract pedestrians or drivers.
 - v. Without electrical or battery powered elements, including but not limited to heating or refrigeration, sound amplification, or lighting.
 - vi. Coherent in design, as to not dominate the shop front or the footpath.
- b) All displays and must be well maintained, clean and tidy at all times. Displays should be free of clutter and without protruding elements. Council reserves the right to require replacement of inappropriate and/ or hazardous furniture as a permit requirement.
- c) Shopping trolleys, shopping baskets, packing crates or cardboard boxes are prohibited.
- d) All furniture and accessories must be stored away from footpath outside the approved hours of operation (unless specific approval has been granted).
- e) Displays must not be attached to the floor, street poles, or any street furniture with metal bolts, padlocks, chains or similar.
- f) Displays must not damage the footpath in any way, including when being moved or removed. Operators will be held responsible for any damage caused to the footpath by displays.

**Figure 3 - Kerbside Display of Goods
Example Dimensions**



3.2.1 Goods on display

Controls:

- a) Goods on display must be goods that are normally found for sale in the adjacent shop.
- b) Any goods on display 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.
- c) The following goods are prohibited:
 - i. Furniture or whitegoods.
 - ii. Sharp, dangerous or protruding items (e.g. hardware items).
 - iii. Goods that may damage or stain the pavement (e.g. oils, dyes, hardware items).
 - iv. Perishable foods other than fruits and vegetables (e.g. fish, shellfish, poultry, or dairy).
 - v. Goods that emit noise or vibration that could cause annoyance, for example operating radios or electronic toys.
 - vi. 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.

3.2.2 Advertising, logos and signage

Controls:

- a) Only the name and/or logo of the tenant is permitted on goods displays or any other element. No third-party advertising is permitted.
- b) Any signage attached to the goods display must be directly associated with the product on display (e.g. price tag, product description). Advertising is not permitted.
- c) Any signage attached or otherwise associated with a goods display must comply with all relevant design requirements above.

Where an applicant can't meet the controls set out in the Policy, Council will consider variations to the controls on a case-by-case basis where a proposal can demonstrate that it still achieves (or improves upon) the objectives.

4. Terms and Conditions of Operation

To ensure that the display of goods contributes positively to the urban environment, appropriate management matters must be considered including hours of operation, health and safety.

Incidents of non-compliance are noted on the operators file and will be taken into consideration by Council when requesting to vary or renew their footpath seating permit.

The following terms and conditions apply to the operation of the display of goods on the footpath:

4.1 Use of the display

Displays are not to be used for:

- a) Conducting sales transactions.
- b) Spruiking.
- c) Amplified sound emission, from speakers, radios, or otherwise.
- d) Advertising.

4.2 Hours of operation

- a) Goods displays must be removed at least half an hour before the approved general operational hours of the establishment.
- b) In addition to the above, the display of goods is not to occur outside of the following hours:
 - In Low and Medium Density Residential Zones (R2 & R3):
7:00am to 8:00pm - 7 days a week
 - In Local and Commercial Centres (E1 & E2) as well as Mixed Use (MU1) zones:
6:00am to 9:00pm - 7 days a week

4.3 Other conditions of approval

- a) Generally, approval for the display of goods on the footpath will be granted for 2 years with checks made for compliance regularly throughout the approval period. Council may elect to approve for a lesser period of time, where it is of the opinion that the use of the footpath may cause detrimental impact to the amenity of the area.
- b) The road authority (Council or the State Government) can request that displays be temporarily removed if:
 - the conditions of 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.
 - the footway is needed to support pedestrian flow.
- c) A permit may be cancelled, revoked or amended if:
- The proprietor fails to comply with the permit conditions.
 - There are changed conditions affecting the display area in its particular location, such as increased risk to health and safety.
 - The footpath is needed for public works.
 - Permit holders are issued three or more infringement notices for the same or similar breach of policy.
- d) Where the Council needs to cancel, revoke or amend an approval, the approval holder will be given notice of Council's intention and will be given an opportunity to respond.
- e) If payment of rent is not received by Council, the approval is considered to have lapsed until payment is received. In the interim, an infringement notice may be issued for obstructing the footpath without approval.
- f) Operators are required to keep their approved footpath display area plan in clear view so Waverley Council Officers can easily check for compliance at any time. Appropriate locations are in the front window, or close to the front of the premises.
- g) Tenants are required to pay a rental bond as determined in the agreement with Council.
- h) Where a permit is suspended, relocated, amended and/or cancelled, neither the permit holder nor any other persons shall be entitled to any payments, compensation or damages of any kind from Waverley Council.

5. Definitions

Term	Definition
<i>Footpath</i>	A paved area, generally adjacent to a road way, that is open to the public and designated for use by pedestrians.
<i>Clear path of travel</i>	The area of the footpath maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel.