



Display of Goods Policy

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Responsible Officer:	Manager – Property & Projects
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Policy Statement

1 Introduction

Footway Approvals are issued by Council for the purposes of outdoor dining and the display of shop goods on the public footpath.

The display of shop goods may only occupy an area of footway adjacent to an approved restaurant or other approved premises, where the use of such footway is directly related to the operation of the business. The operations must be conducted in accordance with the conditions of the relevant Activity Approval, or any relevant Acts.

The operator of the business wishing to occupy the footway must enter into a Footway Approval agreement with Council. The footway operation must be conducted in accordance with the conditions of the Footway Approval, including payment of rental fees.

Display of shop goods on the footway requires approval under Section 68 (E) 2 of the Local Government Act 1993. Permanent structures are not permitted.

2 Objectives

The objectives of this Policy are to ensure that any activity on Council footway:

- Contributes positively to the streetscape and the social activity of the business centre;
- Provides attractive and safe surroundings in which people may enjoy food and refreshments;
- Does not adversely affect surrounding properties; and
- Does not obstruct pedestrian traffic.

3 Area to Which the Policy Applies

This Footway Approval Policy and Procedures covers all of the Woollahra Council Local Government area. It applies to all footway areas where goods are displayed.

Procedures

4 Local Government Act Approval for Display of Goods

Approval to use Council's footway for the display of shop goods is given under Section 68 (E) 2 of the Local Government Act, 1993. The Act states that a person may only carry out an activity as specified in table Part E "Public Roads" with prior Council approval. Part 2 of the table describes the activity as "expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road, or outside a shop window or doorway abutting the road, or overhang an article beneath an awning over the road".

5 Footway Approval Application

Display of Goods

An Application for a Footway Display of Goods is required to be lodged at the Customer Services Desk prior to obtaining a Display of Goods Approval. Council reserves the right not to enter into a Display of Goods Approval.

An Approval Holder is exempt from paying Council's legal fees for the preparation of the Display of Goods Approval Agreement provided Council can easily obtain an ASIC Search to confirm the validity of the Approval Holder's company details via the ASIC website. Should this information be not readily available or free from ASIC and similar government websites then the search fee is payable by the Approval Holder.

An application for Display of Goods Approval must be accompanied by dimensioned drawings, to scale 1:100 or 1:50, indicating as applicable, the proposed location and arrangement of all sample tables or shop good display stands.

In assessing an Application for a shop goods display, environmental impacts, including but not limited to, the following matters will be considered:

Visual Quality

- The area is to be attractive when viewed in conjunction with the streetscape and make use of good quality and uniform pattern structures or furniture.
- Any display structure (rack, shelf or similar) must be portable, such that it can be removed out of trading hour.

Location and Access

- Display of shop goods must not impact adversely on adjacent commercial or residential premises. Where an application is for an area of footway adjoining or in front of commercial or residential premises not associated with the applicant's premises, the applicant must obtain written evidence that the owners and/or occupiers of the adjoining premises do not object to the application. Council will, as part of the assessment process, notify adjoining premises of the application and consider any representations received.
- Where appropriate, Council may require as a condition that the footway be resurfaced and/or regarded to make it suitable for the proposed use. Such work, if required, will be carried out by the applicant to Council specification at the applicant's cost.
- Trees, signs and light poles and other existing or proposed obstructions must to be taken into account in providing an unobstructed pedestrian route.
- However, in situations where very low counts of pedestrian traffic can be demonstrated and the footway has a width of not less than 2.5 metres, approval may be given, provided that a minimum width of 1.5 metres for unobstructed passage of pedestrian traffic can be maintained. In such cases, information must be supplied to Council indicating the existing or projected pedestrian flows in and around the subject area.
- In respect of shop good displays on the footway, a depth of more than 0.75 metre will not be permitted and the display area must be directly adjacent to the shopfront.

6 Rent

For Display of Goods Approval the 2018 Fee Schedule per square metre by location is:

Commercial Centre	As at 20/2/18 (exc. GST)
Darling Point	\$510
Bellevue Hill	\$510
Edgecliff	\$552
Vaucluse	\$510
Watsons Bay	\$597
Paddington	\$540
Rose Bay	\$574
Woollahra	\$597
Double Bay	\$617

Please note the fees are adjusted annually to CPI.
See Council's List of [Fees and Charges](#) for current fee schedule.

7 Health and Safety Requirements

The Footway Approval will contain health and safety conditions. Council is committed to ensuring the health and safety of users of footway display of shop goods. Failure to comply with these requirements may result in fines and/or termination of the Footway Approval.

8 Conduct of Business

The Footway Approval holder is responsible for the orderly conduct of the business and ensuring that the requirements of the Food Act and any other applicable legislation are fully met in the serving or display of food at outdoor tables. The Footway Approval holder will also be held responsible to ensure good conduct of patrons and that noise is kept to a minimum. Failure to meet these conditions may result in fines and/or termination of the Footway Approval.

- No music will be permitted.
- Lighting for evening use is to be erected only with development consent and is to be so installed as to avoid nuisance to neighbouring premises.
- Planter boxes, umbrellas, railings or other structures must be portable, and must be removed out of trading hours.
- Planting must be regularly maintained, kept free of litter and weed growth and renewed as directed by Council.
- Goods display structures (racks, shelves or similar) must be portable, and must be removed out of trading hours.

Cleaning: The area must be cleaned daily to remove litter, grease and food stains. If grease stains occur, steam cleaning must be carried as directed by Council

9 Cancellation of Footway Approval

Council reserves the right to terminate or amend the Footway Approval by agreement:

- In the event of reasonable complaint in regard to the behaviour of patrons or conduct of the business;
- For breach of any condition of the Footway Approval, particularly repeated breach;
- Upon conviction of the applicant for any offence under the Food Act or any other statutory requirements and/or
- If applicable conditions of development consent are not complied with.

10 Access to Footway Approval Area

The Footway Approval will contain a condition which allows any servant or agent of Council and of any Statutory Authority, to enter the area which has been approved for occupation, in order to carry out necessary works including excavation without any right of compensation to the Footway Approval holder.

The Footway Approval holder may be directed to take any direction, including suspension of trading on the Footway Approval area during the currency of any works program or for any other reason upon direction of an authorised Council officer.

11 Commercial Signage

The use of "A" Frame advertising structure is not permitted under Council's Local Environmental Plan 2014.

An "A" frame relates to the advertising and signage of a business, and has no relevance to the display of goods of a business.

Policy Amendments

Date	Responsible Officer	Description
12 March 1979	Manager, Property & Projects	Adoption of Policy by Council
May 1986	Manager, Property & Projects	Amendment
Jan 1990	Manager, Property & Projects	Amendment
Feb 2001	Manager, Property & Projects	Amendment
April 2004	Manager, Property & Projects	Amendment
April 2009	Manager, Property & Projects	Amendment
June 2011	Manager, Property & Projects	Amendment
March 2012	Manager, Property & Projects	Amendment
June 2012	Manager, Property & Projects	Amendment
Feb 2014	Manager, Property & Projects	Amendment
Nov 2014	Manager, Property & Projects	Amendment
Feb 2015	Manager, Property & Projects	Amendment
April 2017	Manager, Property & Projects	Amendment
June 2017	Manager, Property & Projects	Amendment
June 2018	Manager, Property & Projects	Amendment