

**DISPLAY OF GOODS ON FOOTPATHS
LOCAL APPROVALS POLICY**

Adopted: xx

045354.2023

DISPLAY OF GOODS ON FOOTPATHS LOCAL APPROVALS POLICY

DIRECTORATE: Planning and Compliance

BUSINESS UNIT: Community Standards

1. PURPOSE OF POLICY

The purpose of this policy is to set out of the requirements under which goods will be allowed to be displayed on footpaths.

2. AIM OF POLICY

- Ensure the safety and enjoyment of all users of public spaces;
- Ensure that access and paths of travel within designated public spaces are maintained particularly with regards to the needs of people with disabilities;
- Ensure that the impact to the environment is minimised; and
- Promote business, growth and opportunities with the local community through the activation and management of public spaces.

3. SCOPE OF POLICY

This policy applies to land covered by the *Roads Act 1993* and/or owned by Council.

4. OPERATION OF THE POLICY

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

Part 1 - Exempt from Approval

Where the display of goods meets the requirements set out in this Policy, no approval is required from Council.

Part 2 - Criteria for Approvals

Where the display of goods does not meet the requirements as set out in this Policy, the display is not permitted.

Part 3 – Other Matters for Approvals

There are no other matters relating to approvals.

5. ENFORCEMENT OF THE POLICY

Where the display does not comply with the requirements of Part 1, it is not permitted. Council officers may take enforcement action including issuing of fines.

6. REVOKING OF THE POLICY

Under Section 165(4) of the *Local Government Act 1993*, this policy is revoked 12 months after New South Wales (NSW) Local Government elections unless Council resolves to do so earlier.

7. PART 1 REQUIREMENTS TO DISPLAY GOODS

Display of goods on the footpath is only permitted if it meets the following requirements:

Minimum Footpath Width

- A clear and unobstructed pedestrian corridor of 2.0 metres minimum must be maintained; and
- The display area must not extend more than 0.6 metres away from the shop front boundary of the respective business.

Location of Display

- The display of goods must be located outside the shopfront and are not permitted to be displayed away from the shop front, adjacent to the kerb/roadway at any time.
- Goods not to obstruct access into the shop;
- Goods not to obstruct access to any fire exit or fire door;
- Be one metre from any service object including fire hydrant, utility pit, public seat/bike rack, pay phones, rubbish bins and the like;
- Be two metres from the corner of building and street intersections;
- Be three metres from bus zones and taxi stands; and
- Goods are only permitted to be displayed on paved footpath.

Display Structure, Dimensions and Design

- Be no more than 0.6 metres deep;
- Be no less than 0.5 meters high;
- Be no more than 1.2 metres high (including the goods);
- Goods must be displayed on stands that are purpose built and capable of holding the items on display and are safely secured, to ensure stability in wind gusts – all display stands must be fully enclosed down to ground level on all sides to assist pedestrians who may be visually impaired and rely on the use of a walking stick;
- Cardboard, foam or polystyrene boxes, pallets, milk crates, shopping trolleys and other such articles are not deemed suitable for display purposes; and
- Premises with dual street frontages are only permitted to display goods on one street frontage.

Goods on Display

- Are to be of a kind normally found for sale in the shop;
- Not to emit noise or vibration that could cause annoyance, for example operating radios or electronic toys; and
- Are to comply with any legal requirements directed to ensuring the display of items is free from contamination, for example the *Food Act 2003* for displays containing food.

Goods that are not Permitted

- Furniture or white goods;
- Sharp, dangerous, or protruding items (for 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; and
- Goods that may not be lawfully sold or publicly exhibited or which may only be sold subject to restrictions under the Classification (Publications, Films and Computer Games) *Enforcement Act 1995* such as publications classified Category 1 restricted, Category 2 restricted or RC under that Act.

Hours Permitted for the Display

- The display must be removed from the footway outside the approved operating hours of the shop.

Use of Display

The display is not to be used for;

- Conducting sales transactions; and
- Spruiking, broadcasting or amplified sales messages on the footway.

Maintenance of the Display

The display structure:

- Must not be attached to the footway, street furniture or other 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.

Insurance

- The operator of the display must have a current public liability policy covering the display, with a minimum value of \$20 million;
- The policy must indemnify Liverpool City Council against any public liability claims within the area between the front property boundary of the shop and the kerb line for the full frontage of the shop; and
- Proof of currency must be kept on the premises and produced on demand by any authorised officer.

Removal of Display

A display is not exempt from approval and Council can request the goods display be 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; or
- The footway is needed to support pedestrian flow.

Attachment A provides an example of a display that meets the clear path of travel and required clearances of this policy.

8. PART 2 - CRITERIA FOR APPROVALS

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

9. PART 3 – OTHER MATTERS FOR APPROVALS

There are no other matters relating to approvals.

10. RELEVANT LEGISLATIVE REQUIREMENTS *(where applicable)*

Local Government Act 1993

RELATED POLICIES & PROCEDURE REFERENCES

Goods on Display Guidelines – Cumberland City Council

Commercial use of Footways Guidelines – Canterbury Bankstown Council

Display of Goods on Footway – City of Sydney Council

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

This date is the date the policy is adopted by Council resolution.

REVIEW DATE

The policy must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.

VERSIONS

The current and previous version of the policy should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
New				

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Governance
Legal
Transport Management
Safety and Insurance

ATTACHMENTS

Appendix
Attachment A - (diagram)

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APPENDIX

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Attachment A: Example of a clear path of travel and required clearances

