

CORPORATE
SERVICES
POLICY

BUSINESS USE OF PUBLIC FOOTPATH

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1. Introduction

This Policy establishes Council's statements and principles when dealing with applications for use of the public footpath. The policy applies to a range of businesses including cafes, restaurants and sandwich shops which meet the definition of 'restaurant' under the Roads Act, 1993. It also covers business use of the public footpath for the purpose of displaying goods as detailed in Section 68 of the Local Government Act 1993 and Street Vending under Sections 137-139 of the Roads Act, 1993.

This policy aims to permit the establishment of business opportunities and to create a more vibrant and cosmopolitan atmosphere in the commercial centres of the City of Canada Bay. The policy will allow the approval of business use of footpath areas, which may include tables, chairs, display units, shade structures, planter boxes and the like to be placed on footpaths within the City of Canada Bay adjacent to businesses where there is adequate footpath width for pedestrian circulation.

2. Legislative Provisions

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council.

Sections 125, 126 and 127 and in some cases Sections 137-139 of the Roads Act 1993 allow Council to approve the use of a footpath for restaurant purposes, as long as using the footpath for this purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Section 68 of the Local Government Act 1993 allows Council to approve the placing of articles on or to overhang the footpath.

Sections 137-139 of the Roads Act, 1993 address legislative requirements for Street Vending activities.

3. Purpose

The purpose of this policy is to enable business use of the footpath in areas adjacent to business premises to ensure a pleasant and safe environment for shoppers and patrons without compromising the safety or amenity of the public domain or pedestrians using the public footpath or adjoining public spaces.

4. Objectives

The objectives of this policy are as follows:

4.1 Access and Equity

- To ensure safety and convenient passage of all pedestrians when using public footpaths;
- To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
- To ensure adjoining premises are not adversely affected by any business use of footpath areas.

4.2 Council and Community Protection

- To protect Council and the public interest while permitting effective use of public footpaths for business purposes;
- To effectively address risk management issues for Council;
- To ensure that business use of public footpaths will not cost the public purse; and
- To ensure that public amenities will not be compromised by the provision of business use of footpath areas.

4.3 Economic

- To enhance the economic viability of our local business by offering permits to use public footpaths for business purposes;

- To encourage trading and enhance our neighbourhood centres by providing a more vibrant and colourful atmosphere for shoppers;
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

5. Applications for Approval

Any businesses seeking to use a public footpath must obtain Council's approval prior to occupation. Permission will only be granted where the objectives of this policy have been achieved.

Applications must be made on a Business Use of the Public Footpath Application form which is available on Council's website www.canadabay.nsw.gov.au or at the Canada bay Civic Centre 1A Marlborough Street, Drummoyne NSW 2047.

6. Locational Requirements for Business Use of Footpath Areas

Business use of footpath areas is permitted, with the approval of Council, on footpaths immediately adjacent to the shop front in locations that do not cause an impediment to other footpath users. For corner shops or those that have more than one street frontage, a proposal to extend the Outdoor Dining beyond the associated premises is subject to individual assessment and requires the written consent of the adjacent business owner of the neighbouring property. Council may consider having separate licences for each part of the footpath together with different permissible operation hours to address the extent of use and minimise impact on the surrounding environment and local amenities.

Business use of footpath areas or use of shade structures may be either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and motorists to observe pedestrian movements.

7. Maintaining Footpath Widths

To ensure that access and equity objectives are met there will be a minimum width for pedestrian circulation as detailed in the precinct guidelines. This will be at least 2 metres continuously maintained for the clear passage of footpath users. Council may on merit of the situation consider variation to this standard where the applicant can show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation is maintained or that agreement has been obtained from the Canada Bay Council Access Committee. Where the remaining width for pedestrian is less than 2 metres, suitable handrails or appropriate barricades shall be installed along the kerbside as per Council's requirements to improve safety for all.

8. Precincts

For the purpose of this policy the City of Canada Bay has been segmented into various precincts for the assessment of business use of the footpath. This segmentation reflects local conditions, opportunities and constraints.

The precincts are listed as follows and described with specifications in Schedule 1:

Precinct 1	Abbotsford Village- Great North Road
Precinct 2	Cabarita - Cabarita Road
Precinct 3	Central Concord - Majors Bay Road
Precinct 4	Concord Road - Concord West/North Strathfield
Precinct 5	Concord West Shopping Village- Victoria Avenue and Queen Street
Precinct 6	Five Dock - Great North Road
Precinct 7	Lyons Road - Drummoyne/Russell Lea/Five Dock
Precinct 8	Mortlake - Hilly Street, Mortlake Street, Gale Street and Tennyson Road
Precinct 9	North Strathfield - George Street/Bakehouse Quarter
Precinct 10	Wareemba Shopping Village - Great North Road

Any business locations that are not included in the abovementioned precincts are to be known as 'all other areas'.

There are general conditions which apply to the above precincts and all other areas that fall outside of these precincts.

These are:

8.1 Outdoor Furniture

Outdoor furniture includes the following items; shade structures, tables, chairs, display stands, heaters, perimeter barricades. The following shall apply:

- Outdoor furniture should be made from high quality materials which enhance the character of the street.
- Each business should adopt a single colour and style for seats and tables in its particular area to provide consistency and identity. Footpath furniture is required to be strong, durable and robust to withstand the wear and tear of outdoor commercial usage.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Outdoor furniture should be safe in its design and not cause any hazards to the patrons, shopkeepers or pedestrians.
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 700mm and a maximum height of 1,000mm and minimum width of 1,000mm and a maximum width of 3,000mm. All display stands should be of high quality design. Clothing racks will not be permitted.
- Furniture must be stackable or foldable or easily dismantled so that it can be removed and stored away when the business is closed.
- No part of the footpath is to be used for storage.
- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.

8.2 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins, existing street furniture and planter boxes, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructures, such as the RTA's traffic control boxes, Sydney Water's drainage /sewerage pits, Telstra's telephone boxes, shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

8.3 Perimeter Barricades

- Outdoor dining areas must be easily accessible from the public footway and must present an open and inviting image to entice participation. Planter boxes may be used to physically define the perimeters of the outdoor dining area. Enclosures should be kept to a minimum. Barricades, safety rails, bollards, etc. may be permitted where required for safety reasons. All traffic safety barriers must be provided in accordance with Australian Standard 3845.
- Bollards are to be placed between planters parallel to the kerb, 0.6m behind the kerb. Bollards and concrete footings are to be installed in accordance with the manufacturer's specifications and recommendations. The licensees are responsible for supply, installation and maintenance of bollards at no cost to Council.
- The use of framed fabric or any other style of low-height barriers, including planter boxes within public domain must be carefully designed and selected to ensure minimal impact on the use, enjoyment and safety of pedestrians and patrons. Barriers may be considered between adjoining cafe, areas to have clear demarcation between business activities. Barriers must be removed from the footpath when the business is not open. Barrier screens must not be used as an opportunity for advertising. Products, specials or sales may not be displayed on the screens. Pedestrians should not be forced onto the road carriageway by outdoor dining activities or other non-permanent items/structures on the footpath.
- Planter boxes may be considered in open areas, such as plazas or footpath widening sections which are separated from the main pedestrian desire lines. The planter boxes must be well-maintained by the licensee. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of

approved high-quality flowers or vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has been widened for specific business use.

- When the business use is approved on the building line (in Precincts 2, 4, 7 and 8 only) suitable solid high contrast barriers should be installed on either side of the area being used for a business purpose.
- The height of any solid barrier should be between 900 millimetres and 1.2 metres in height.
- Solid barriers may be in the form of planter boxes containing vegetation to a total height between 900 mm and 1.2m.
- Any proposed transparent solid barrier (such as Perspex) should comply with AS 1421.1 Access and Mobility and should be clearly marked for the full width with a contrasting line.

8.4 Lighting

- Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards and Council's Development Control Plan - Signs and Advertising Structures.

8.5 Signage/Advertising

The following controls apply to all advertising/signage to be displayed on the footpath.

- Signage is permitted only on umbrellas.
- Only one sign is permitted per umbrella.
- Signage on umbrellas must relate to the business to which they serve. The signage may include the business name, an associated corporate name (logo) or product. For example, a cafe may have an umbrella sign which advertises their business name OR a coffee manufacturer OR the particular type of coffee sold at the premises.
- Signage on each umbrella must be consistent with all other umbrellas on the licensed area.
- No other signage will be permitted on any other structure on the footpath. This includes signage on furniture, barricades or A-frame signs.

8.6 Safety

- The business use of the footpath area shall not in any form reduce the safe egress of people from the business premises.
- Adequate fire safety measures contained on site shall be certified prior to operation.
- Where the footpath is required to be paved, raised, reconfigured, constructed or reconstructed to address OH&S issues, slope or uneven surface conditions, works shall only be carried out in accordance with Council's specifications, supervision and approvals. In such situations, the minimum bond set in Council's yearly Schedule of Fees and Charges shall not apply and the bond shall be determined by Council's delegated staff to appropriately address risks associated with the matter at hand.

8.7 Access

- The applicant must provide access in accordance with AS1428 for people with disabilities.
- No business use of the footpath will be permitted adjacent to an accessible parking space for people with disabilities.

9. Public Liability

Permission for business use of the footpath will only be valid where adequate insurance cover is provided by the business. This compliance is required to ensure meeting the objective of the policy, i.e. protecting Council and the public interest while permitting effective use of the public footpath for business purposes. To ensure protection from claims that may arise as a result of business use of the footpath area the business operator must:

- Take out public liability insurance for the sum of not less than \$20,000,000 (twenty million dollars) at all times during the term of the licence. This is to include a cross liability clause, in the sum of not less than \$20,000,000 or any higher amount specified by Council throughout the term of the licence on advice of Council's insurers.
- Take out a public liability insurance policy which must specifically state that it is to indemnify the City of Canada Bay 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 or area licensed.
- Provide a copy of this current policy to Council prior to occupation of the footpath and validation of the licence.

- Provide Council with a copy of the current public liability insurance each time the licence is renewed annually. Proof of currency must be kept on the premises and produced on demand by any authorised Council Officer.

10. Licence Agreement and Rental Cost

A licence agreement must be entered into between the business operator and Council. The licence agreement, which must be signed by the applicant, includes the provision for an annual rental fee per square metre.

The fees payable are reviewed and set by Council each year as part of its Schedule of Fees and Charges. Applicants need to inquire at Council's Administration Centre as to current fees applicable or on Council's web site at

www.canadabay.nsw.gov.au

Following the approval of the licence and payment of the appropriate fees, a Display Notice will be issued to the operator. This Display Notice, which summarises the use, hours of operation and licensed area, must be prominently displayed in the front window of the business to which the Display Notice refers. Failure to exhibit the "Display Notice" will result in a fine.

11. Termination

A licence can be terminated at any time by either party with four weeks notice.

The licence cannot be transferred from one user to another. Should a business be sold the new business operator must make a new application to Council for permission to use the footpath.

The Council may re-enter the licensed area and terminate the licence if:

- Any part of the Licence Fee is in arrears for 14 days (whether or not the Council has demanded payment);
- The Licensee breaches this Licence and does not remedy the breach within 14 days of receipt of written notice from the Council;
- In the Council's opinion, the road safety or traffic circumstances in regard to the licensed area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council or lapses.

Should the licence be terminated due to any of the reasons outlined above, the termination will be put into effect for a period of at least 6 months. This rule will not apply to fresh applications lodged by new business operators.

12. Conduct of Business

To ensure that the operation of business use of footpath areas does not intrude upon the amenity of neighbouring shops and streets the following requirements need to be met:

1. Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area licensed for outdoor eating.
2. The business operator shall not sell or serve or permit to be sold any alcoholic or intoxicating liquor in or from the business licensed area without the appropriate liquor license obtained from the State Licensing Authority.
3. The business use of footpath area and area between the shop premises shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury shall be removed immediately by the applicant/operator.
4. The hours of operation for any business use of footpath area must be the same as or less than the approved hours of operation of the associated business. The hours of operation for the business use of footpath areas may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected.
5. Furniture must be removed from the footpath and stored within the building outside business operation hours. Furniture is not permitted to extend past the area that has been licensed from Council for the purpose of a business.
6. Noise - Amplified music is permitted to business use of footpath areas, providing it is recorded music and played at not more than 5dba above background noise level and properly licensed. Any amplified music or noise generated

from the use of the footpath area is to comply with the Protection of the Environment Operations Act Noise provisions and be approved by Council.

13. Smoking

Smoking is NOT permitted in any area which is covered or substantially enclosed as defined in the Smoke-free Environment Act 2000. The designated smoking area associated with footpath dining must have at least 3 sides open; this includes areas which have plastic drop down sides.

14. Enforcement and Compliance

Enforcement can be taken under the Roads (General) Regulation 2000 in relation the placement of obstructions on the footpath, or Section 125(1) and 121B of the Environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the licence. These offences incur set penalties set by State legislation.

15. Selling and Consumption of Liquor

The selling of any alcoholic or intoxicating liquor is only permitted in the public/footpath area if the appropriate licence from the State Liquor Licensing Authority has been obtained. However, Council at its absolute discretion (within the footpath Licence Agreement) reserves a right to prohibit selling or consuming alcohol within the licensed area should Council be of an opinion that such activities would detrimentally affect the use of the footpath by the general public or generate negative publicity regarding the Business Use of Public Footpath Policy and public amenities.

16. Standard Conditions

The following are standard conditions that are applied to approvals for business use of the footpath:

1. This approval is for the use of the footpath adjacent to xxxxxxxxxxxxxx for the term of twelve (12) months. The standard requirements, terms and conditions contained in the licence are to be the conditions of the approval. The term of approval may be extended yearly at Council's discretion.
2. This approval is subject to the applicant and its guarantors if the applicant is a company, entering into a licence attached to this approval which when executed by the applicant, any guarantors and Council will constitute a licence to occupy and use the approved footpath area.
3. The Licensee must pay to the Council on or before the Commencement Date the Bond by a bank cheque or bank guarantee. The Council may use the Bond to make good the cost of remedying any breach of this Licence by the Licensee. The Licensee must replace any amount used by the Council within 14 days of demand.
4. The requirements, terms and conditions contained in the licence are conditions of this approval including the provision of paying licence fee by one full payment of cash or cheque upfront or paying the licence fee quarterly by direct debit. A failed direct debit may incur an administration fee in accordance with Council's Schedule of Fees and Charges.
5. Tables and chairs are not to be placed outside the approved area under any circumstances.
6. The outdoor furniture shall not pose any potential safety hazard, especially with sharp edges or moving parts, to passers-by, patrons, or employees. The furniture shall be firmly secured to avoid risk of moving and falling over in windy conditions or other circumstances. The furniture shall be removed in high wind conditions.
7. The outdoor furniture shall be stackable, foldable or easily dismantled so that it can be removed and stored away.
8. Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day. As such the area and its surrounds shall be maintained in a clean, tidy and hygienic state.
9. Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor eating areas. The selling of any alcoholic or intoxicating liquor is only permitted in the public/footpath area if the appropriate licence from the State Liquor Licensing Authority has been obtained.
10. No business or financial transactions shall be carried out on the footpath. Such activities shall be carried out wholly within the confines of the premise. This does not include the giving and taking of bills, and associated tips and change.
11. No part of the footpath shall be used as a permanent storage place for any item/s.

12. Where possible, the applicant must provide access in accordance with AS 1428 for people with disabilities to 20% of furniture used for outdoor seating.
13. No advertising signs (including menu boards) are permitted on the footpath area without Council's consent.
14. Any aluminium furniture shall have a powder coated or polished finish.
15. Food - Only pre-packaged food stored above 700mm above the footpath which is NOT potentially hazardous as defined by the Food Standards Code may be placed on the footpath area.
16. Noise - Amplified music is permitted in business use of footpath areas, providing it is recorded music and played at not more than 5dba above background noise level and properly licensed. Any amplified music or noise generated from the use of the footpath area is to comply with the Protection of the Environment Operations Act - Noise provisions and be approved by Council.
17. Smoking is NOT permitted in any area which is covered or substantially enclosed as defined in the Smoke-free Environment Act 2000. The designated smoking area associated with footpath dining must have at least 3 sides open; this includes areas which have plastic drop down sides.
18. This approval includes the hire of an awning from Council for a separate hire fee, if required. This awning remains the property of the City of Canada Bay Council.

17. Policy Implementation and Review

- Adoption: Council adopted this policy on 15 November 2005
- Implementation: The policy has been effective from 16 November 2005
- Review: The policy will be reviewed annually.
- Responsibility: Council's Corporate Services Department is responsible for the implementation and review of the policy.

18. Schedule 1

18.1 Precinct Descriptions

For the purpose of this policy the City of Canada Bay has been segmented into various precincts for the assessment of business use of the footpath. This segmentation reflects local conditions, opportunities and constraints.

18.1.1 Precinct 1 - Abbotsford Village - Great North Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas adjoining bus-stops or areas closer than 10m from an intersection or corner shall not be occupied except specially designed and fenced garden areas.</p>
Location to be occupied	A distance of 600mm from kerbside must be kept clear at all times.
Pedestrian Access	Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the building line.
Shade Structures	<p>Businesses may erect temporary shade structures that must be removed at the close of business daily.</p> <p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip and do not require attaching to the footpath. For any attachment to the awning, development consent will need to be obtained.</p> <p>The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m.</p>

18.1.2 Precinct 2 - Cabarita - Cabarita Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the building line of the footpath adjacent to the licensed businesses only. The reason for building line occupation is to ensure that access to pedestrian crossing, bus stops and street furniture can be maintained in this small neighbourhood centre.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
Pedestrian Access	<p>Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the kerb line.</p>
Shade Structures	<p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip or require any attachment to the footpath. All shade structures must be approved by Council. Detailed descriptions are required on application.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment. • Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • For any attachment to the awning, development consent will need to be obtained. • The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m. <p>Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</p>

18.1.3 Precinct 3 - Central Concord - Majors Bay Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas adjoining bus-stops or areas closer than 10 metres from an intersection or corner shall not be occupied except in specially designed and fenced garden areas.</p>
Location to be occupied	A distance of 600 mm from the kerbside must be kept clear at all times.
Pedestrian Access	Minimum width of 2.5m along Majors Bay Road must be maintained from the building line.
Shade Structures	<ul style="list-style-type: none"> • All shade structures in the specially designed widened bays must be white umbrellas as has been the established practise in the area. • Shade structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • Umbrellas shall be anchored to the footpath in the specially designed widened bays. The anchoring device must be approved by Council and: <ul style="list-style-type: none"> - be constructed of marine grade stainless steel or similar durable, structural grade material. - be permanently fixed into the footpath and - must not provide a trip hazard if/when the umbrella is in storage. • The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m. • Transparent plastic walls are permitted to hang down from a maximum of three (3) sides of the shade structure. <p>In other sites (i.e. not widened bays) the business can erect temporary shade covers that must be removed at the close of business daily.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment. • Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • Attaching a shade structure to the overhead awning is generally not permissible. Council may consider shade structures that are partially attached to the overhead awning, where the applicant can show that the amenity of the footpath, including the amount of solar access to the footpath, is not significantly decreased. For any attachment to the awning development consent will need to be obtained.

18.1.4 Precinct 4 - Concord Road - North Strathfield and Concord West

	Assessment Principle
Area to be Occupied	<p>Items of furniture must only be located on the building line of the footpath adjacent to the premises of the licensed business.</p> <p>The reason for building line occupation is to ensure safety at peak traffic times when Concord Road becomes a clearway and is heavily used by vehicles travelling at 60 km per hour.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
Pedestrian Access	<p>Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the kerb line.</p>
Shade Structures	<p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip or require any attachment to the footpath. All shade structures must be approved by Council. Detailed descriptions are required on application.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment. • Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • For any attachment to the awning, development consent will need to be obtained. • The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m. <p>Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</p>

18.1.5 Precinct 5 - Concord West Shopping Village - Victoria Road and Queen Street

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath. There are special designated footpaths dining areas which can be accessed by any local business.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas closer than 5m from an intersection or corner shall not be occupied except where specially designed and fenced garden areas have been installed.</p>
Location to be occupied	<p>A distance of 600mm from the kerbside must be kept clear at all times.</p>
Pedestrian Access	<p>Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the building line.</p>
Shade Structures	<p>Business can erect temporary shade covers that must be removed at the close of business daily.</p> <p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip and do not require attaching to the footpath. For any attachment to the awning, development consent will need to be obtained.</p> <p>The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m.</p>

18.1.6 Precinct 6 - Five Dock - Great North Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas adjoining bus-stops or areas closer than 10 metres from an intersection or corner shall not be occupied except where specially designed and fenced garden areas have been installed.</p>
Location to be occupied	A distance of 600mm from the kerbside must be kept clear at all times.
Pedestrian Access	Minimum public access along the footpath is 2m. An area of 2m must be left in a clear and consistent lane along the building line.
Shade Structures	<p>Designated Awning Sites:</p> <p>In designated awning sites Council will not grant a Business Use of Footpath Licence without a valid awning hire agreement in place.</p> <p>Other Sites</p> <p>In other sites the business can erect temporary shade covers that must be removed at the close of business daily.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment. • Shade structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • Attaching a shade structure to the overhead awning is generally not permissible. Council may consider shade structures that are partially attached to the overhead awning, where the applicant can show that the amenity of the footpath, including the amount of solar access to the footpath, is not significantly decreased. For any attachment to the awning development consent will need to be obtained.

18.1.7 Precinct 7 - Lyons Road - Drummoyne/Russell Lea/Five Dock

	Assessment Principle
Area to be Occupied	<p>Items of furniture must only be located on the building line of the footpath adjacent to the premises of the licensed business.</p> <p>The reason for building line occupation is to ensure safety at peak traffic times when Lyons Road becomes a clearway and is heavily used by vehicles travelling at 60 km per hour.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
Pedestrian Access	<p>Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the kerb line</p>
Shade Structures	<p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip or require any attachment to the footpath. All shade structures must be approved by Council. Detailed descriptions are required on application.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment. • Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • For any attachment to the awning, development consent will need to be obtained. • The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m. <p>Where footpath awnings do not exist over the area proposed for a cafe removable or temporary shade structures such as outdoor umbrellas are permissible.</p>

18.1.8 Precinct 8 - Mortlake Village - Gale, Mortlake and Hilly Streets and Tennyson Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must only be located on the building line of the footpath adjacent to the premises of the licensed business.</p> <p>The reason for building line occupation is to ensure that access to pedestrian crossing, bus stops and street furniture can be maintained in this small neighbourhood centre.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
Pedestrian Access	<p>Minimum public access along footpath is 2m and must be left in a clear and consistent lane along the kerb line.</p>
Shade Structures	<p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip or require any attachment to the footpath. All shade structures must be approved by Council. Detailed descriptions are required on application.</p> <p>The following applies:</p> <ul style="list-style-type: none"> • The colour chosen for the shade structure should be compatible with the surrounding streetscape or and outdoor furniture for the subject establishment. • Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • For any attachment to the awning, development consent will need to be obtained. • The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m. <p>Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</p>

18.1.9 Precinct 9 - North Strathfield - George Streets/Bakehouse Quarter

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas adjoining bus-stops or areas closer than 10 metres from an intersection or corner shall not be occupied except where specially designed and fenced garden areas have been installed.</p>
Location to be occupied	A distance of 600mm from the kerbside must be kept clear at all times.
Pedestrian Access	Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the building line.
Shade Structures	<p>Business can erect temporary shade covers that must be removed at the close of business daily.</p> <p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip and do not require attaching to the footpath. For any attachment to the awning, development consent will need to be obtained.</p> <p>The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m.</p> <p>Where the footpath has a width of 6.5 m or more, permanent shade structures may be considered, if approved:</p> <ul style="list-style-type: none"> • Shade structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space. • Umbrellas shall be anchored to the footpath. The anchoring device must be approved by Council and: <ul style="list-style-type: none"> - be constructed of marine grade stainless steel or similar durable, structural grade material. - be permanently fixed into the footpath and - must not provide a trip hazard if/when the umbrella is in storage. • Transparent plastic walls are permitted to hang down from a maximum of three (3) sides of the shade structure. <p>The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</p>

18.1.10 Precinct 10 - Wareemba - Great North Road

	Assessment Principle
Area to be Occupied	<p>Items of furniture must be located on the kerbside of the footpath.</p> <p>Occupation shall not cause inconvenience to pedestrians. Areas adjoining bus-stops or areas closer than 10m from an intersection or corner shall not be occupied except where specially designed and fenced garden areas have been installed.</p>
Location to be occupied	A distance of 600mm from the kerbside must be kept clear at all times.
Pedestrian Access	Minimum public access along the footpath is 2m and must be left in a clear and consistent lane along the building line.
Shade Structures	<p>Business can erect temporary shade covers that must be removed at the close of business daily.</p> <p>Shade covers attached to existing store structures can be considered if they do not block the sight lines adjoining business or services, do not impede access and egress from the shopping strip and do not require attaching to the footpath. For any attachment to the awning, development consent will need to be obtained.</p> <p>The unobstructed vertical clearance should be a minimum height of 2m and a maximum height of 2.3m.</p>