

BUILDINGS AND  
PROPERTY  
POLICY

## BUSINESS USE OF FOOTPATH

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## 1. Introduction

Business use of the footpath is a valuable use of public space. It can improve the look of our streets and adds life and vibrancy to shopping areas. It provides valuable commercial opportunities for businesses by extending the floor space and improving a business' presence within the public domain.

The purpose of this policy is to enable business use of the footpath to ensure a pleasant and safe environment for patrons without compromising the safety or amenity of the public domain or pedestrians.

This policy establishes Council's statements and principles applicable to a range of businesses including cafes and restaurants which meet the definition of 'restaurant' under the Roads Act 1993. It also covers business use of the footpath for the purpose of displaying goods as detailed in s.68 of the Local Government Act 1993.

## 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.

S.125, s.126 and s.127 and, in some cases, s.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 contrary to the Roads Act 1993 or any other relevant legislation. S.68 of the Local Government Act 1993 allows Council to approve the placing of articles on or to overhang the footpath.

## 3. Objectives

The objectives of this policy are to:

- ensure the Disability Discrimination Act 1992, in particular s.23 relating to 'Access to Premises', is considered for all footpath dining locations to ensure the safety and convenient passage of all pedestrians when using public footpaths (particularly those who may have a disability or have restricted mobility).
- ensure clear sight lines are maintained for pedestrians, cyclists and motorists, particularly near pedestrian crossings, bus stops, street corners and intersections;
- ensure adjoining premises are not adversely affected by any business use of footpath areas;
- enhance the economic viability of our local businesses to encourage trading and provide a more vibrant atmosphere for shoppers.

## 4. 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 submitted through a Business Use of Public Footpath Application Form which is available on Council's website [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au) or at the City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne.

The City of Canada Bay reserves the right to reassess and amend approval conditions to ensure compliance with the Business Use of Footpath Policy at any time.

### 4.1 Transfer of Ownership

Business Use of Footpath approval only applies to the premises for which it is issued and is not transferable from one owner to another on the sale or transfer of a business.

Prior to taking over an existing business or commencing a new business the business owner must submit an application to Council and pay any applicable fees. Use of the footpath is not permitted until approval has been granted and all documentation has been finalised.

## 4.2 Renewal of Existing Approval

Business Use of Footpath approvals are renewed annually each financial year. Prior to 30 June each year, it is the responsibility of the approval holder to provide to Council a certificate of currency of public liability insurance, awning structural certification (where applicable) and pay any fees due.

## 4.3 Amendments to Existing Approval

Any changes to existing approvals must be submitted to Council for consent including changes to furniture design, business or company name changes, modification of the approved area or changes to existing awnings.

Any unauthorised additions to awnings or shade structures without permission will be removed at owner's expense.

## 4.4 Fees

Fees are calculated on a per m<sup>2</sup> basis with a minimum approval area of 4m<sup>2</sup>. If the applicant wishes to occupy less than 4m<sup>2</sup> the fee charged will be for 4m<sup>2</sup>.

Fees are charged annually each financial year. If an approval holder elects to pay quarterly then a direct debit authority must be provided to Council. If payment by direct debit is dishonoured twice, all future payments must be made annually within five days of the invoice being issued by Council.

## 5. Locational Requirements for Business Use of Footpath Areas

With the approval of Council, business use of the footpath is permitted immediately adjacent to the shopfront in locations that do not cause an impediment to other footpath users. For corner shops or those with more than one street frontage, a proposal to extend the footpath dining beyond the associated premises is subject to individual assessment and requires the written consent of the adjacent property and business owners.

Council may consider separate approvals 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. Council will assess these applications on a case by case basis and reserves the right to approve or refuse any application.

In some instances a trial period may be granted for a period of 3 or 6 months to monitor pedestrian traffic or congestion problems. Following the trial period Council may vary design, operations and conditions of an approval on renewal. The approval may be revoked if it is deemed by Council to be an unsuitable site.

Business use of footpath areas or use of shade structures may be either prohibited or restricted in locations if they obstruct the clear sight line of pedestrians or motorists.

Existing trees, art work, street furniture, public infrastructure and the width of the footpath may prohibit or limit footpath trading activity.

## 6. Maintaining Footpath Widths

### 6.1 Footpath Dining Zones

To ensure footpath standards are met, Council describes the footpath as comprising three zones:

#### Pedestrian zone

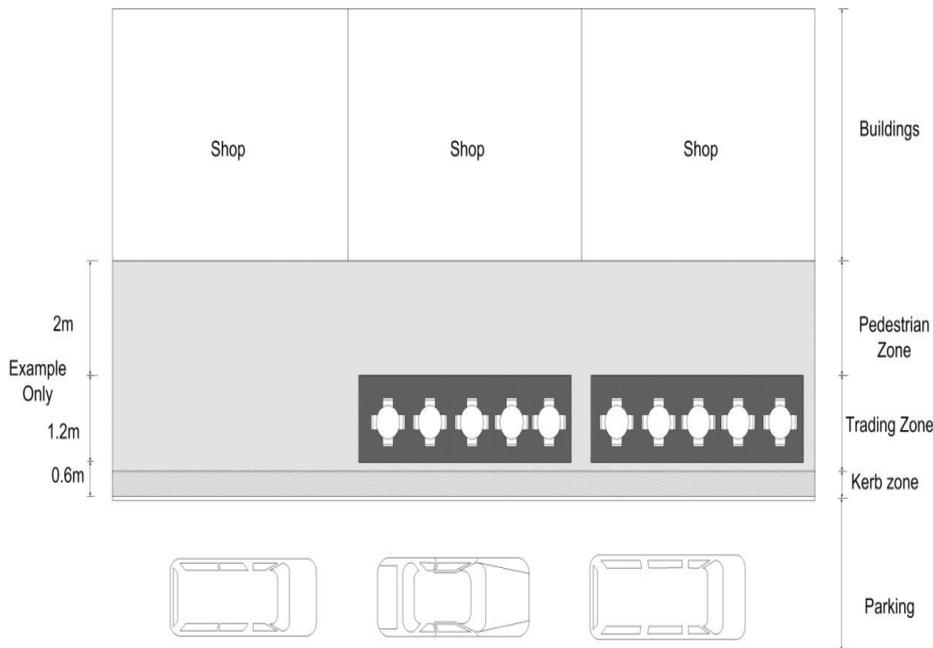
area of the footpath defined by the building line to a distance of at least 2 metres (measured directly from the building line);

#### Trading zone

area that allows for commercial activity between the pedestrian zone and kerb zone;

**Kerb zone**

area between the face of the kerb and the trading zone. (the kerb zone must be a minimum of 600mm).



**6.2 Footpath Access**

To ensure that access and equity objectives are met a minimum width of at least 2 continuous metres for the clear passage of footpath users is required. Note: The minimum width along Majors Bay Road is 2.5 metres.

Council may, on merit, consider a 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 Access Committee.

Areas adjoining bus stops or areas closer than 10 metres from an intersection or pedestrian crossing may be considered for footpath dining only where they do not cause inconvenience to the public. Council’s Traffic and Transport Team will assess applications where pedestrian and driver safety could be of concern and determine if the occupation is appropriate in that location.

**7. Precincts**

For the purpose of this policy the City of Canada Bay has been divided into precincts for the assessment of business use of the footpath reflecting local conditions, opportunities and constraints.

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

Precinct 1	Abbotsford - Great North Road
Precinct 2	Cabarita - Cabarita Road
Precinct 3	Concord - Majors Bay Road
Precinct 4	Concord / Concord West / North Strathfield - Concord Road
Precinct 5	Concord West - Victoria Avenue & Queen Street
Precinct 6	Five Dock - Great North Road, Ramsay Road & Garfield Street
Precinct 7	Drummoyne / Russell Lea / Five Dock - Lyons Road
Precinct 8	Mortlake - Hilly Street, Mortlake Street, Gale Street & Tennyson Road

Precinct 9	North Strathfield - George Street / Bakehouse Quarter
Precinct 10	Wareemba– Great North Road
Precinct 11	Rhodes Town Square & The Pinnacle
Precinct 12	Rhodes; all other areas
Precinct 13	All other areas not specified above

## 8. General Conditions

### 8.1 Footpath Furniture

Footpath furniture includes shade structures, tables, chairs, display stands, heaters, perimeter barricades and planter boxes.

- **Clothing racks are not permitted at any time;**
- A-frame or any other type of freestanding advertising signs are not permitted at any time;
- All furniture must be approved by Council and will be considered on a case-by-case basis;
- Outdoor furniture should be made from high quality materials and enhance the character of the street;
- All outdoor furniture must be temporary and must be removed at the close of business each day;
- No furniture or items are to be fixed to the footpath except for permanent shade structures;
- No part of the footpath is to be used for storage at any time.
- Heating devices must comply with the relevant Australian Standards and be designed in a manner which minimises risk and shall turn off automatically if overturned.



### 8.2 Public Assets

The removal or relocation of any Council assets (for example: rubbish bins, existing street furniture and planter boxes) shall be subject to Council approval and will be at the applicant's cost. The removal or relocation of any public utilities, infrastructure (e.g.: traffic control boxes, Sydney Water drainage, sewerage pits and public telephone boxes) shall not be permitted unless justification on public benefit grounds is made to Council and consent has been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

Proposed footpath changes may be considered by Council to enhance the streetscape. The design and works shall be in consultation with Council and will be at the applicant's cost.

No compensation or refund of approval fees is provided for any inconvenience or loss of trade as a result of works carried out by Council or service providers on Council owned footpaths, plazas and public areas.

The approval holder accepts the condition of the footpath when the approval is issued. At the expiration of the term, the approval holder is to remove and restore the area to Council's requirements. Any cost for restoration by Council will be at the approval holder's expense.

### 8.3 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.

### 8.4 Perimeter Barricades

Moveable planter boxes may be used to physically define the perimeters of the footpath dining area however enclosures are to be kept to a minimum. Barricades, safety rails, bollards, etc., may be permitted if required for safety reasons.

The applicant must obtain Council approval prior to the installation of any safety barriers and must comply with Australian Standards. Bollards and concrete footings are to be installed in accordance with the manufacturer's specifications at no cost to Council.

The use of framed fabric or any other style of low-height barriers must ensure minimal impact on the use, enjoyment and safety of pedestrians and patrons.



Barriers may be considered between adjoining cafe areas to show clear demarcation lines between business activities. Barriers must be removed from the footpath when the business is not open and must not be used as an opportunity for advertising signage promoting products, specials or sales.

Pedestrians must not be forced onto the road carriageway by footpath dining activities or other non-permanent items/structures on the footpath.

### 8.5 Planter Boxes

Planter boxes may be considered where the footpath has been widened for specific business use and not within the pedestrian zone. All planter boxes and plants must be well-maintained by the approval holder, Council reserves the right to order the removal of planter boxes that are not properly maintained.

Where business use of the footpath is approved on the building line suitable solid, high-contrast barriers must be installed on either side of the area being used. The height of any solid barrier is to be between 900 mm and 1.2 metres high. Solid barriers may be in the form of planter boxes containing vegetation to a total height between 900mm and 1.2 metres. Any proposed transparent solid barrier (such as Perspex) must comply with Australian Standards. Planter boxes must be moveable to allow them to be removed during non-trading hours.

### 8.6 Signage/Advertising

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

- **Electric, illuminated or flashing revolving/ rotating signs are prohibited at all times.**
- **No A-frame signs are permitted anywhere on the footpath or within the approved area;**
- Sponsored signage is only permitted on temporary umbrellas and barriers;

- Signage on umbrellas and barriers must relate to the business and may include the business name, an associated corporate name/logo or product. For example, a cafe may have an umbrella sign which advertises the business name OR a coffee manufacturer OR the particular type of coffee sold at the premises;
- Signage on each umbrella or barrier must be the same as all other umbrellas or barriers in the approved area;
- No other signage will be approved on any other structure on the footpath, including furniture;
- Business identification signage for restaurants and cafes on outdoor dining structures is permitted on only two sides of the structure (on each side not facing the street or the business). Signage may be located on the side of the structures within a panel 30cm from the top of the structure across the width of the structure.
- Small menu boards in the approved area are permitted if secured and do not compromise visual amenity or safety of the public.

## 8.7 Safety

Business use of the footpath must not reduce the safe egress of people from the business premises.

Where the footpath is required to be paved, raised, reconfigured, constructed or reconstructed to address WH&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 security deposit set in Council's annual Schedule of Fees and Charges shall not apply and the security deposit shall be determined by Council's delegated staff to appropriately address risks associated with the proposed works and reflect the value of those works.

## 8.8 Access

The applicant must provide access for people with disabilities in accordance with Australian Standards. No business use of footpath approval will be approved adjacent to an accessible parking space.

Clearance of one (1) metre is required from essential public infrastructure at all times for access purposes. This includes electricity boxes, fire hydrants, etc.

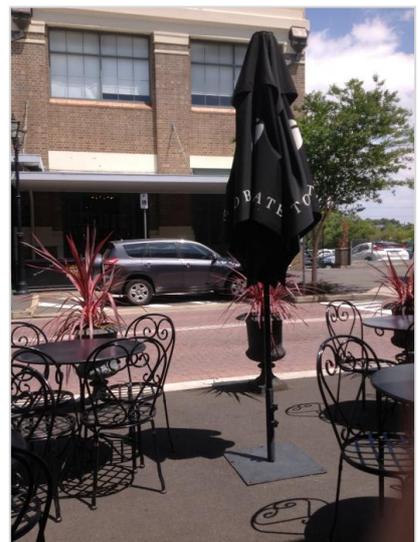
**Under no circumstances are kerbside approvals allowed to place furniture along the building line, even in inclement weather.**

## 8.9 Umbrellas

Umbrellas should only be used where existing shelter such as awnings, verandahs or trees do not provide sufficient sun protection.

Umbrellas and other shade structures must:

- Be secured to ensure that they are capable of withstanding the effects of wind **at all times**;
- Be able to be removed in windy conditions;
- Be removed when the outdoor seating area is not in use;
- Not encroach on, or interfere with, pedestrian movement;
- Be maintained in a sound and aesthetically acceptable condition to Council's satisfaction;
- Only contain advertising if in compliance with section 8.6 of this policy;
- Have an unobstructed vertical clearance of a minimum height of 2 metres;
- Be removed and stored (not on the footpath) outside of business hours;
- Always be located wholly within the approved footpath dining area;
- Be removed immediately if torn or damaged;
- Not be connected together when they are in a row;
- Be manufactured from fire retardant material if heaters are to be fixed to the frame.



### 8.10 Permanent Shade Structures

All sunshade or awning structures require Development Consent – refer to Council’s appropriate planning guidelines. If structures are installed without Council consent they are to be removed immediately at the owner’s costs.

If structures are damaged they are to be repaired immediately or completely removed at the owner’s cost following Council’s instruction.

### 8.11 Bus Zones/Intersections/Pedestrian Crossings

Clearance from bus zones must be maintained at all times to provide direct access from the pedestrian zone when exiting a bus. Approved areas adjoining bus stops must be located at least 10 metres from the bus stop.

### 8.12 Intersections/Corners

Trading within 10 metres of an intersection is prohibited to ensure adequate sight lines for vehicles, cyclists and pedestrians.

### 8.13 Roller Blinds/Clear Plastic Dropdowns

The use of clear plastic roller or drop down blinds may be considered subject to Council's approval. The enclosures must:

- be manufactured of a high quality marine grade clear plastic. Black mesh may be considered if there is no obstruction of sight lines;
- be securely fitted and installed to the pavement or base of the structure to withstand the effects of wind conditions (method of securing to the pavement must be shown on the application);
- have a minimum of one side open at all times;
- be regularly maintained to a reasonable standard;
- not be located near any heating devices;
- not undermine the strength of the structure to which they are attached;
- be removed if blinds are torn or damaged and replaced as soon as possible.

### 8.14 Delineation of Approved Area

Approved areas are delineated by pavement tactiles (metal studs as shown) fixed in the corners and are installed and maintained by Council. All furniture must be located within the defined trading zone at all times.



### 8.15 Display of Goods

Display stands must be located within the approved trading zone and must be removed when the business is not operating.

Display stands must be of a high quality design:

Height:	minimum 700mm : maximum 1,000mm
Width:	minimum 1,000mm : maximum 3,000mm

Wheels on display stands must be lockable. All goods must be secured so they cannot be displaced by wind.



## 9. Public Liability

A business use of the footpath approval will only be valid where adequate insurance cover is provided by the business owner. To ensure protection from claims that may arise the business operator must:

- provide evidence of public liability insurance for not less than \$20,000,000 at all times during the term of the approval;
- 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 approved;
- At least 2 weeks prior to the expiry date, provide Council with a certificate of currency of insurance renewal for each annual approval period.

## 10. Awning Certification

Where a building awning projects over the footpath or other Council land, certification confirming the structural integrity and safety of the awning for a period of 5 years must be provided from a suitable qualified structural engineer.

Under s.142 of the Roads Act 1993 the owner of the building is responsible for the awning structure, its maintenance and ensuring it remains in a satisfactory state of repair.

All maintenance of the awnings should be carried out in accordance with the Association of Consulting Structural Engineers of NSW Practice Note No.18 (or its replacement if superseded), where the process by which an engineer is able to certify an existing awning is described.

Where the business use of footpath approval holder is not the owner of the building it is still a requirement of Council that structural certification is provided to ensure that the footpath dining area is safe for the public to occupy.

For new business use of footpath applications Council will require the structural certification of the building awning prior to any approval. For existing approval holders, further certification will be required each five (5) years to ensure the structure remains in a safe state of repair.

## 11. Approval and Rental Cost

An agreement must be entered into between the business operator and Council and includes the provision for an annual rental fee charged per square metre. The approval is for a period of seven (7) years and may be varied or revoked at any time at the discretion of Council.

A security deposit is required to be paid at the time the agreement is entered into. The deposit amount will be increased for applicants installing permanent shade structures. The deposit is refundable at the conclusion of the agreement on the basis that no damage has been caused to Council land and all fees are up to date.

Council's schedule of fees and charges are reviewed annually. Refer to Council's Customer Service Centre or Council's web site at [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au) for current fees.

Following the granting of an approval and payment of the appropriate fees, a display notice will be issued to the operator. This display notice summarises the use, hours of operation and approved area. The notice must be prominently displayed in the front window of the business to which it refers.

## 12. Termination

The Council may terminate the approval if:

- the approval fee, or part thereof, is in arrears for more than 14 days (whether or not the Council has demanded payment);
- any other fee owed to Council is in arrears for more than 14 days, for example food inspection fees;

- the approval holder breaches the approval and does not remedy the breach within 14 days of receipt of written notice from the Council;
- in Council's opinion, the road safety or traffic circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to s.68 of the Local Government Act 1993 or s.125 of the Roads Act 1993 is either revoked by Council or lapses.

The approval holder may terminate the approval by:

- providing 30 days' notice in writing.

Following a complaint or breach of an approval termination of an agreement is:

1. Council will issue a verbal warning;
2. If issue is not resolved to the satisfaction of Council, a written warning will be issued;
3. If issue is still not resolved, approval will be terminated.

Should the approval be terminated due to any of the reasons outlined, the termination will be put into effect for a period of at least 12 months. This does not apply to new applications lodged by new business operators at the same address.

In certain circumstances and where appropriate, Council may terminate the approval without notice, effective immediately.

## 13. 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 is required:

- If disposable crockery and cutlery is used then a waste bin must be made available within the premises (not on the footpath);
- Waste generated by businesses using the footpath must not be placed in public bins;
- Food and drink must not be prepared in the area approved for outdoor eating;
- The footpath dining area and the pedestrian zone must be kept clean at all times and any spilt food, liquid or other material likely to cause injury shall be removed immediately by the approval holder;
- 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 patrons may be adversely affected;
- Noise - amplified music is permitted in business use of footpath areas providing it is recorded music, played at not more than 5dBA above background noise level, the business is approved to do so (APRA or PPCA) and complies with the Protection of the Environment Operations Act -Noise Provisions.

## 14. Maintenance and Cleaning

The approval holder is required to comply with all health and maintenance aspects of being a food and beverage business, including the conditions of the Business Use of Footpath Approval. Specific requirements are:

- ensure the furniture in the approved area is clean and well maintained;
- where outdoor dining areas adjoin nature strips or garden areas, operators must ensure that all waste generated from their premises and by their customers (including cigarette butts) is promptly removed;
- litter generated by footpath trading must be picked up and deposited in business's bins kept within the premises;
- ensure the pavement is kept clean at all times.
- if pressure cleaning is required to remove grease/oil food spills from the footpath this is the responsibility of the approval holder;
- environmentally safe cleaning methods must be used at all times.

## 15. Smoking

Smoking is NOT permitted in any area which is covered or substantially enclosed as defined in the Smoke-free Environment Act 2000.

The Smoke-free Environment Act 2000 came into effect from 6 July 2015 in all commercial footpath dining areas across NSW. No smoking is permitted in any footpath dining area where food is served.

## 16. Enforcement and Compliance

Enforcement is permitted 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 approval. These offences incur penalties determined by state legislation.

The Council's Law Enforcement Team monitors the operation of footpath approvals and ensures the conditions of the approval are met.

## 17. Selling and Consumption of Liquor

The selling of any alcoholic or intoxicating liquor is only permitted on the footpath area if the appropriate licence from the NSW Government has been obtained.

Council, in its absolute discretion (within the agreement), reserves the right to prohibit the sale or consumption of alcohol within the approved area should it be considered 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.

## 18. Policy Implementation and Review

- **Adoption:** Council originally adopted this policy on 15 November 2005.
- **Implementation:** The policy has been effective since 16 November 2005.
- **Review:** The policy will be reviewed every 5 years.
- **Responsibility:** Council's Technical Services and Operations Division is responsible for the implementation and review of the policy.

## 19. Approval Process for Footpath Dining

### Step 1 Preliminary Consultation

- Discussion with Council's Buildings and Property Team;
- Buildings and Property Team will investigate and confirm suitability of site.

### Step 2 Prepare Application

- Complete Business Use of Footpath Application Form (available on Council's website [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au))
  - Consult and obtain consent of the owner of the premises (landlord or principal leaseholder)
  - Refer to the Business Use of Footpath Policy for detailed requirements
  - Supply all requested documentation (if all information is not supplied application will not be processed)

### Step 3 Lodge Application

- Lodge application with Council and pay application fee;
- Buildings and Property Team assess application.

### Step 4 Determination of Application

- Assessment completed;
- Determination of application.
- Implementation of approved proposal:
  - Security deposit to be paid
  - Invoice to be paid
  - Approval documentation to be signed and returned to Council
  - Public liability insurance certificate of currency supplied to Council
  - Engineer's certificate supplied to Council

### Step 5 Approval

- A display notice will be issued which is to be displayed in the front window of the premises.



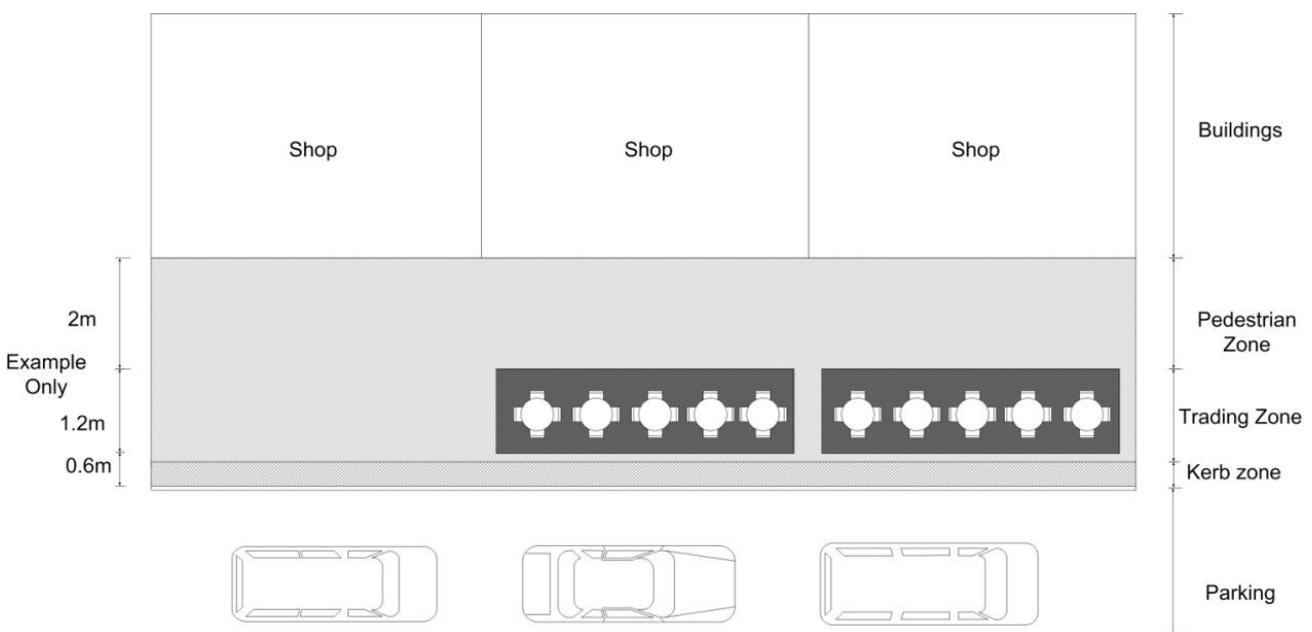
## 20. Schedule 1

### 20.1 Precinct Descriptions

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

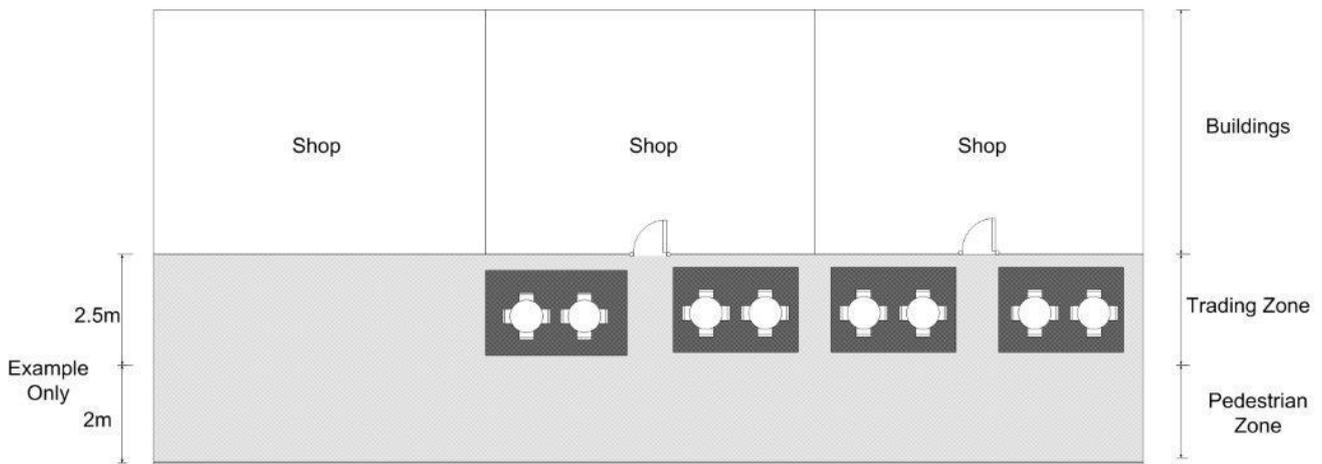
#### 20.1.1 Precinct 1 - Abbotsford - Great North Road

	Assessment principle
<b>Area to be occupied</b>	<p>Items of furniture must be <b>located adjacent to the kerbside of the footpath.</b></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 specially designed and fenced garden areas.</p> <p>Occupation should not cause inconvenience to pedestrians.</p>
<b>Location to be occupied</b>	A distance of <b>600mm from kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum width of public access along the footpath is 2 metres and must be left in a clear and consistent zone along the building line.
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> <li>• Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



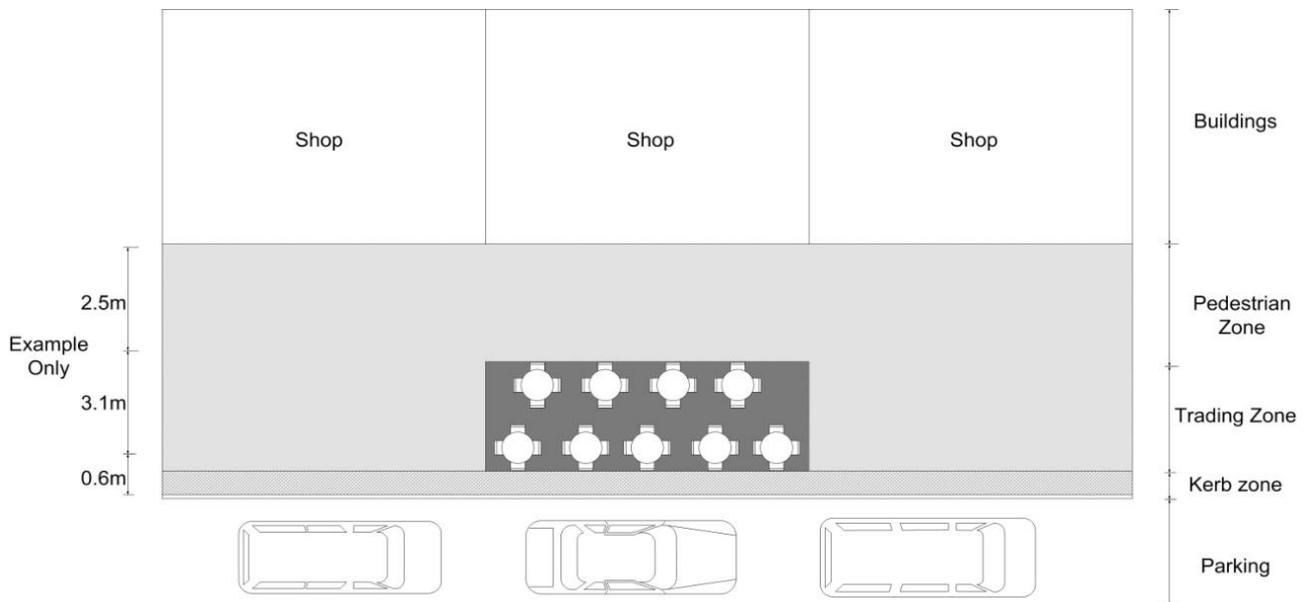
20.1.2 Precinct 2 - Cabarita - Cabarita Road

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must be <b>located on the building line of the footpath adjacent to the approved businesses only</b>. The reason for building line occupation is to ensure that access to pedestrian crossings, bus stops and street furniture can be maintained in this small neighbourhood centre.</p> <p>Areas adjoining bus stops or areas closer than 10 metres from an intersection or corner shall not be occupied except where special designed and fenced garden areas are installed.</p> <p>Occupation should not cause inconvenience to pedestrians.</p>
<b>Pedestrian access</b>	<p>Minimum public access along the footpath is 2 metres and must be left in a clear and consistent lane along the kerb line.</p>
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> <li>• Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



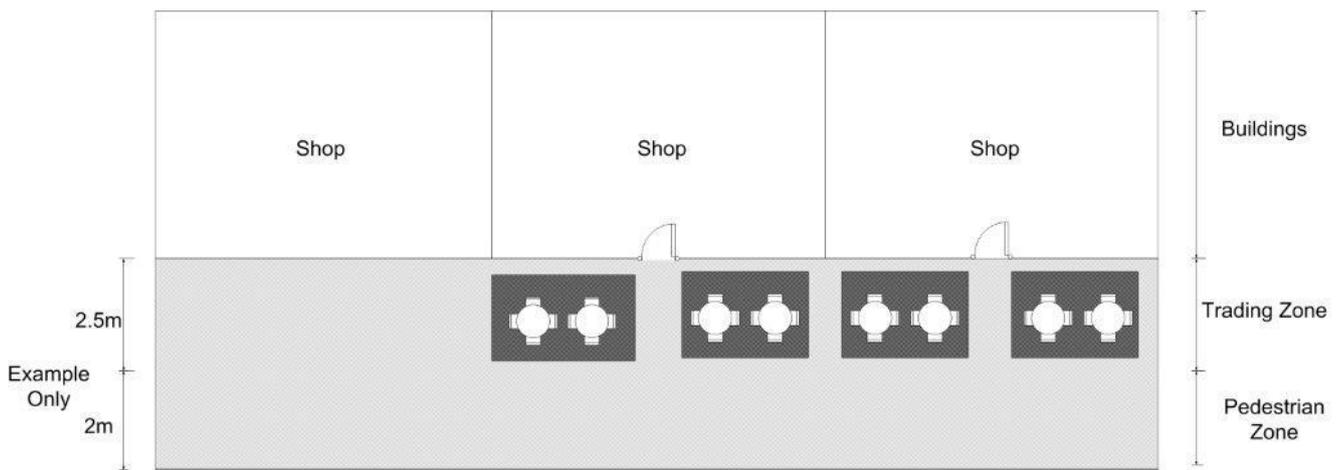
20.1.3 Precinct 3 - Concord - Majors Bay Road

	Assessment principle
<b>Area to be occupied</b>	Items of furniture must be <b>located adjacent to the kerbside of the footpath</b> . 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. Occupation should not cause inconvenience to pedestrians.
<b>Location to be occupied</b>	A distance of <b>600 mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum <b>width of 2.5 metres along</b> Majors Bay Road must be maintained from the building line.
<b>Shade structures</b>	<b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. . As a guide, the following applies: <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul> Structures in the specially designed widened bays: <b>must be approved by Council</b>



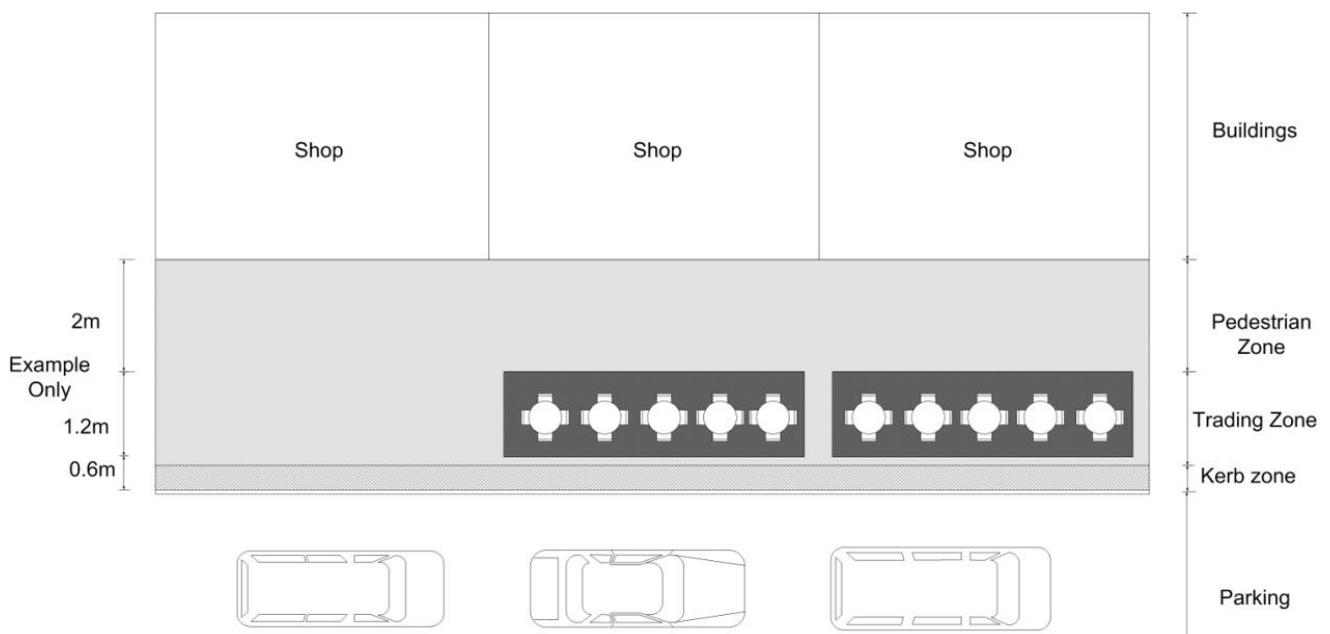
20.1.4 Precinct 4 - North Strathfield and Concord West - Concord Road

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must only <b>be located on the building line of the footpath adjacent to the premises of the approved business.</b></p> <p>The reason for building line occupation is to ensure safety at peak traffic times when Concord Road becomes a clearway and is used heavily by vehicles travelling at 60 km per hour.</p> <p>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 are installed.</p> <p>Occupation should not cause inconvenience to pedestrians.</p>
<b>Pedestrian access</b>	<p>Minimum public access along the <b>footpath is 2 metres</b> and must be left in a clear and consistent lane along the kerb line.</p>
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> <li>• Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



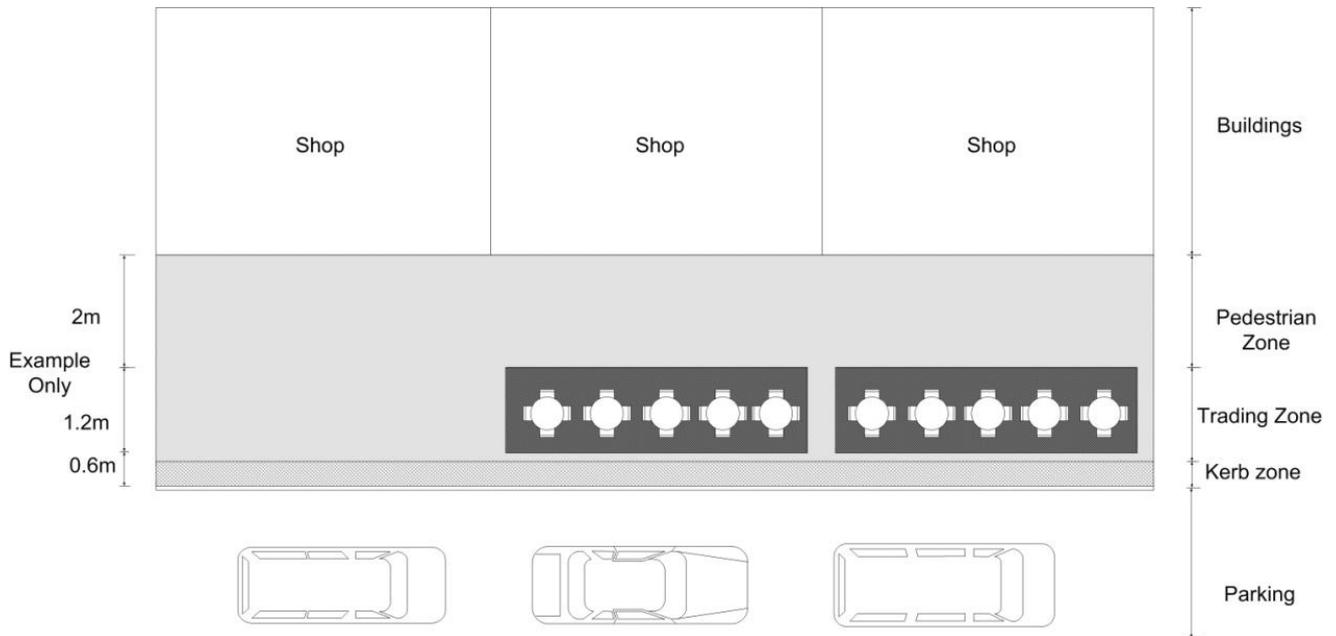
20.1.5 Precinct 5 - Concord West - Victoria Road and Queen Street

Assessment principle	
<b>Area to be occupied</b>	Items of furniture must be <b>located adjacent to the kerbside of the footpath</b> . There are special designated footpath dining areas which can be accessed by any local business. Occupation shall not cause inconvenience to pedestrians. Areas closer than 5 metres from an intersection or corner shall not be occupied except where specially designed and fenced garden areas have been installed.
<b>Location to be occupied</b>	A distance of <b>600mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum public access along the footpath is 2 metres and must be left in a clear and consistent lane along the building line.
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> <li>• Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible. For any attachment to the awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



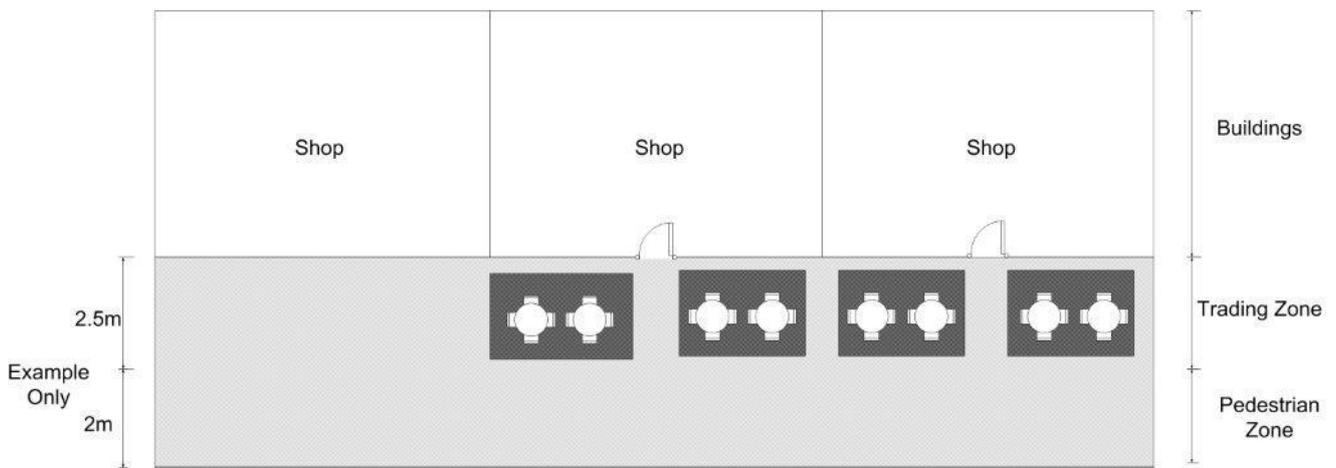
20.1.6 Precinct 6 - Five Dock - Great North Road, Ramsay Road and Garfield Street

Assessment principle	
<b>Area to be occupied</b>	Items of furniture must be <b>located adjacent to the kerbside of the footpath</b> . 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. Occupation should not cause inconvenience to pedestrians.
<b>Location to be occupied</b>	A distance of <b>600mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum public access <b>along the footpath is 2 metres</b> . An area of 2 metres must be left in a clear and consistent lane along the building line.
<b>Shade structures</b>	<b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. . As a guide, the following applies: <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



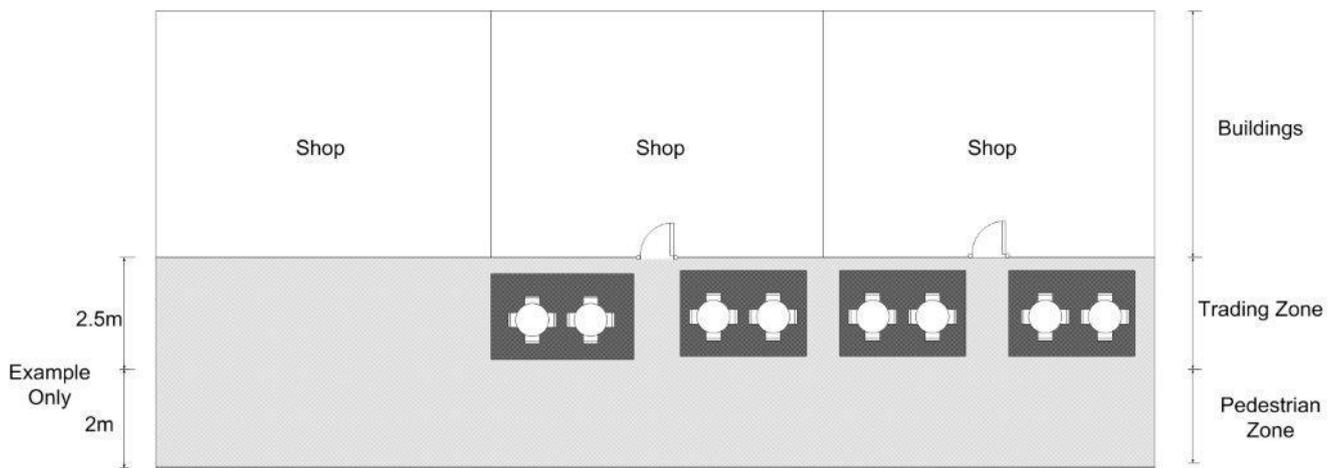
20.1.7 Precinct 7 – Drummoyne / Russell Lea / Five Dock - Lyons Road

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must only be <b>located on the building line of the footpath adjacent to the premises of the approved business.</b></p> <p>The reason for building line occupation is to ensure safety at peak traffic times when Lyons Road becomes a clearway and is used heavily by vehicles travelling at 60 km per hour.</p> <p>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 are installed.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
<b>Pedestrian access</b>	<p>Minimum public access along <b>the footpath is 2 metres</b> and must be left in a clear and consistent lane along the kerb line.</p>
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• Where footpath awnings do not exist over the area proposed for a café, removable or temporary shade structures such as outdoor umbrellas are permissible.</li> <li>• Where footpath awnings do not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible. For any attachment to the awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



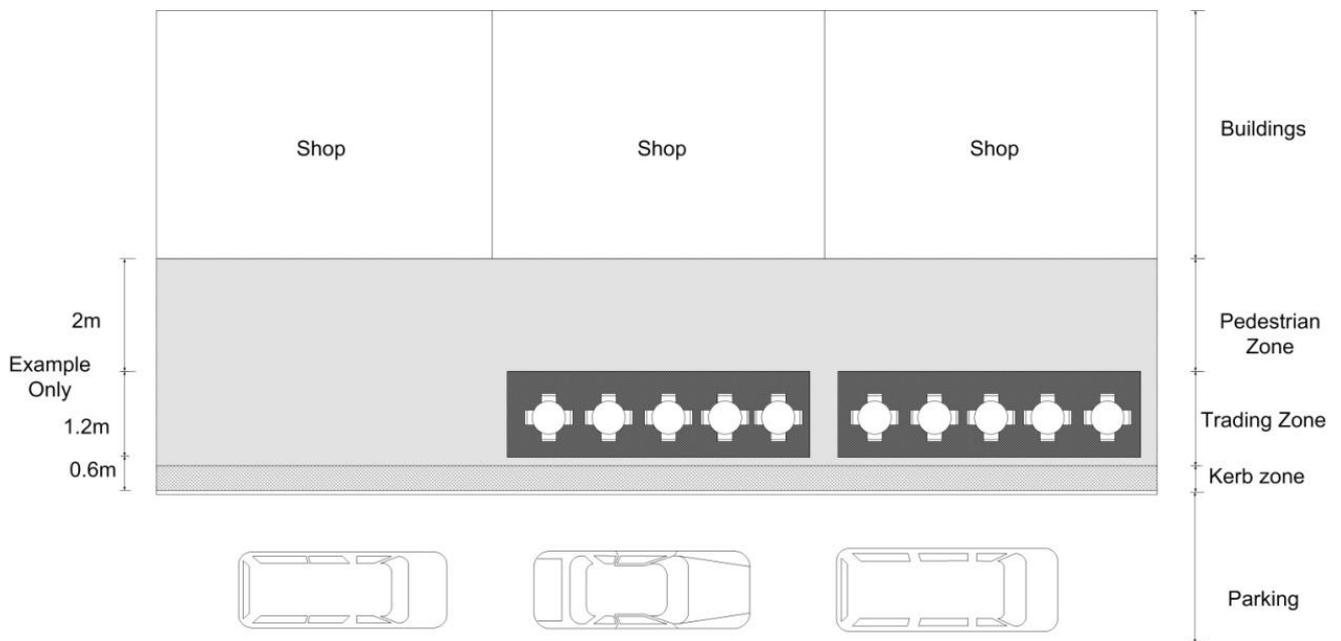
20.1.8 Precinct 8 - Mortlake - Gale, Mortlake and Hilly Streets and Tennyson Road

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must only be <b>located on the building line of the footpath adjacent to the premises of the approved business.</b></p> <p>The reason for building line occupation is to ensure that access to pedestrian crossings, bus stops and street furniture can be maintained in this small neighbourhood centre.</p> <p>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 are installed.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
<b>Pedestrian access</b>	<p>Minimum public access along <b>footpath is 2 metres</b> and must be left in a clear and consistent lane along the kerb line.</p>
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information.</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape or and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• For any attachment to the existing building awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> <li>• Where a building awning does not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible. For any attachment to the awning, development consent will need to be obtained.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



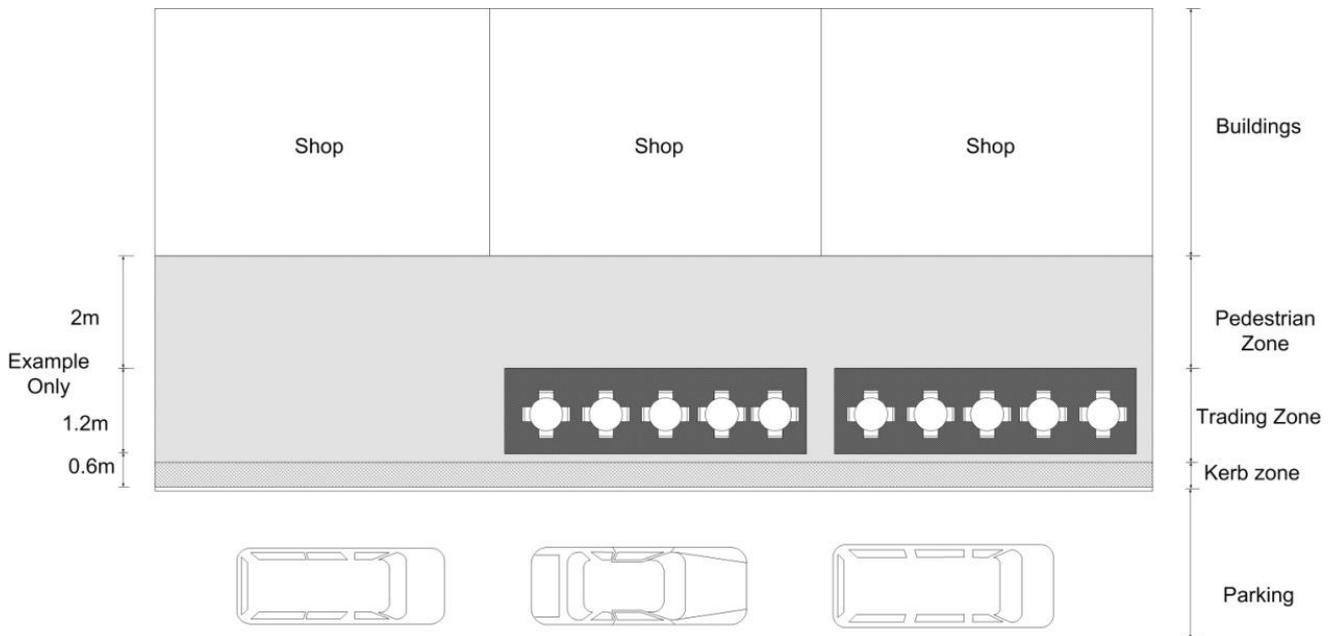
20.1.9 Precinct 9 - North Strathfield - George Street / Bakehouse Quarter

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must be <b>located adjacent to the kerbside of the footpath</b>.</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> <p>Occupation should not cause inconvenience to pedestrians.</p>
<b>Location to be occupied</b>	A distance of <b>600mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum public access along the <b>footpath is 2 metres</b> and must be left in a clear and consistent lane along the building line.
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• Where a building awning does not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



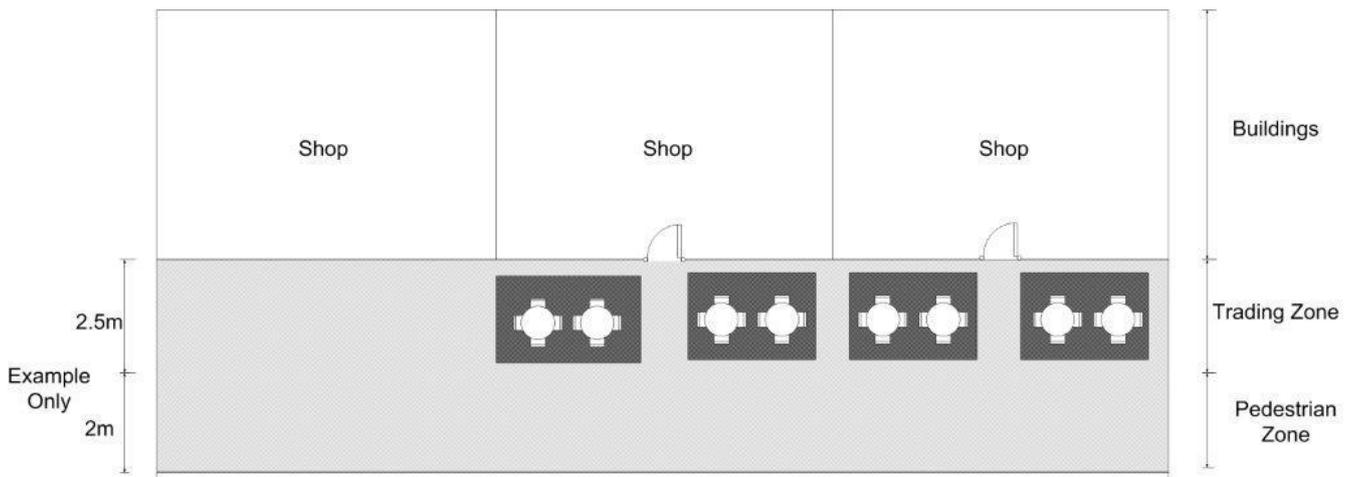
20.1.10 Precinct 10 - Wareemba - Great North Road

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must be <b>located adjacent to the kerbside of the footpath</b>.</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> <p>Occupation should not cause inconvenience to pedestrians.</p>
<b>Location to be occupied</b>	A distance of <b>600mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum public access along the <b>footpath is 2 metres</b> and must be left in a clear and consistent lane along the building line.
<b>Shade structures</b>	<p>All shade or awning structures require Development Consent – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> <li>• Where a building awning does not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</li> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



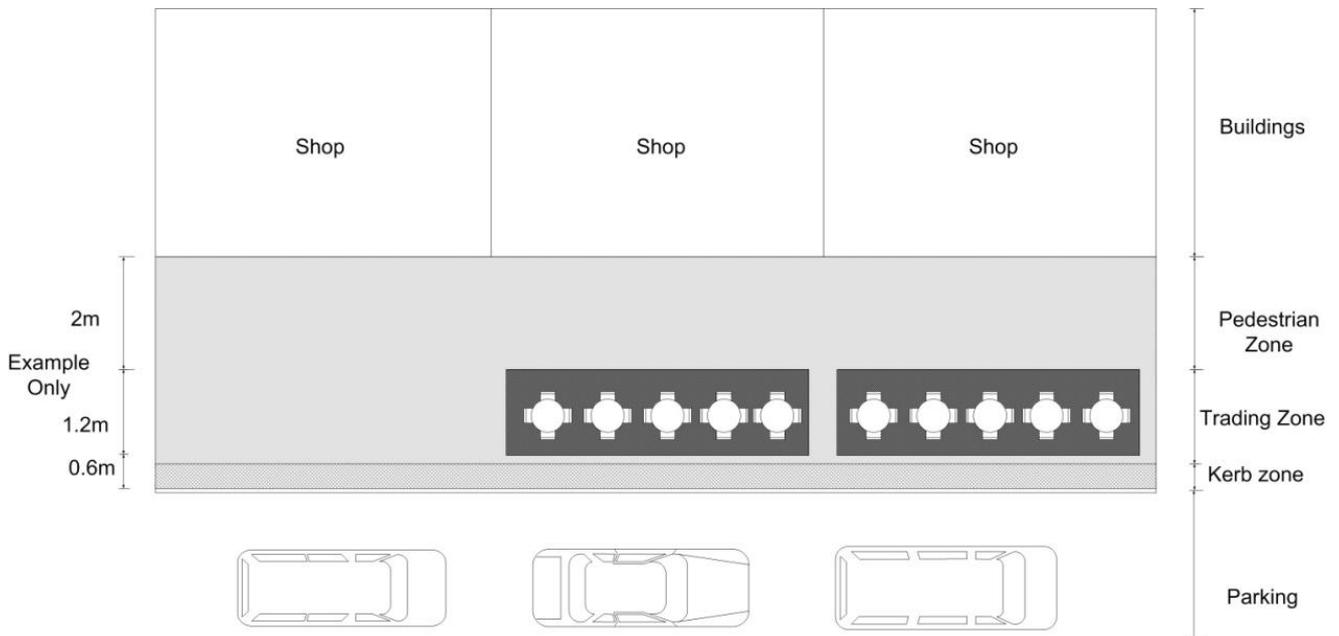
20.1.11 Precinct 11 – Rhodes Town Square & the Pinnacle

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must only be <b>located on the building line of the footpath adjacent to the premises of the approved business.</b></p> <p>The reason for building line occupation is to ensure that access for pedestrians walking through the Town Square is clear and consistent.</p> <p>Occupation shall not cause inconvenience to pedestrians.</p>
<b>Location to be occupied</b>	Items of furniture must only be located on the building line.
<b>Shade structures</b>	Due to the severe wind conditions in the Town Square no umbrellas or shade structures are to be used for the Business Use of Footpath area.



20.1.12 Precinct 12 – Rhodes, all other areas

Assessment principle	
<b>Area to be occupied</b>	<p>Items of furniture must be <b>located on the kerbside of the footpath.</b></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>
<b>Location to be occupied</b>	A distance of <b>600mm from the kerbside</b> must be kept clear at all times.
<b>Pedestrian access</b>	Minimum public access along the <b>footpath is 2 metres</b> and must be left in a clear and consistent lane along the building line.
<b>Shade structures</b>	<p><b>All shade or awning structures require Development Consent</b> – refer to Council’s appropriate planning guidelines for further information. .</p> <p>As a guide, the following applies:</p> <ul style="list-style-type: none"> <li>• The colour chosen for the shade structure should be compatible with the surrounding streetscape and outdoor furniture for the subject establishment.</li> <li>• Shading structures must not cause significant overshadowing of the footpath or reduce the amenity of the public domain by creating a large enclosed space.</li> </ul> <p>Where an awning does not exist over the area proposed for business use, removable or temporary shade structures such as outdoor umbrellas are permissible.</p> <ul style="list-style-type: none"> <li>• The unobstructed vertical clearance should be a minimum height of 2 metres and a maximum height of 2.3 metres.</li> </ul>



Business use of Footpath

### 20.1.13 Precinct 13 – All Other Areas

#### Assessment principle

Any area not included within these precinct descriptions will be assessed individually depending on location and accessibility.

Please note that in certain locations throughout Canada Bay Business Use of Footpath is not permitted.

Any person looking to lodge an application should consult with Council's Buildings and Property Team prior to lodging the application.