Appendix 30

Display of Goods on Footpaths and other uses
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30.1 Main purpose of the Plan
30.2 Secondary Aims
30.3 Where does the Plan apply?
30.4 Implementation – How will Council make it happen?
   30.4.1 Licence Required
   30.4.2 Lease Required
   30.4.3 Matters Considered by Council in Issuing a Licence
   30.4.4 Site Requirements
   30.4.5 Conditions of Licence
   30.4.6 Special Conditions
   30.4.7 Standard Conditions

30.5 Conditions of Licence
   30.5.1 Special Conditions
   30.5.2 Standard Conditions

30.6 Costs

30.7 General Advice
   30.7.1 Signage and Advertising
   30.7.2 Display Items

30.8 Other Footpath Uses
   30.8.1 Raffles and Street Stalls need a licence but pay no fee
   30.8.2 Street Stalls and Raffles are to comply with the performance requirements
   30.8.3 Busking and Spruiking

30.9 Assessment of Applications
   30.9.1 Application Assessment Process
   30.9.2 Unhappy with the assessment of your application?
   30.9.3 Revocation of Licences and Leases
   30.9.4 Other Policies that could affect this Plan
   30.9.5 Review of Plan
30.1 **Main Purpose of the Plan**

The main purpose of the plan is:

- To encourage the display of merchandise and other business facilities on footpaths within the Wagga Wagga Local Government Area;

- To facilitate the provision of active and vibrant street frontages for the use and enjoyment of retailers, shoppers and visitors to the City;

30.2 **Secondary Aims**

- To ensure adjoining business premises are not adversely affected by the display of merchandise;

- To ensure pedestrian flows are not unduly impeded by the occupation of the footpath by merchandise and other goods for display;

- To ensure vehicular movements, particularly those involved in gaining access to properties for the loading and unloading of goods are not impeded by merchandise and other goods for displayed on the footpath and ensure public safety is not compromised;

- To have sufficient controls to enable each application for the use of the footpath to be performance based and considered on its merits.

30.3 **Where does the Plan apply?**

The Plan applies to all Footpaths adjacent to premises used for business or industrial purposes, corner stores, and neighbourhood shops.

30.4 **Implementation - How will Council make it happen?**

30.4.1 **Licence Required**

A licence from council is necessary to display goods on footpaths, conduct raffles and street stalls, busking & spruiking and other like uses.
30.4.2 Lease Required
If the application is approved, the applicant will be required to enter into a Lease with Council in respect of the area of the footpath where goods are to be displayed.

30.4.3 Matters considered by Council in Issuing a Licence
Council will look at each application on its merits and circumstances of the case taking into consideration the following matters:

- Width of footpath
- Number of pedestrians using the footpath
- Vehicular crossings and their usage
- Signage and advertising associated with the displayed goods
- The nature, size, and number of display items
- The location of public utilities and road signs location and nature
- Cluttering affect
- Encroachment of the display on the footpath area
- Clear passage for pedestrian
- Adequate manoeuvring areas
- Accessibility to adjacent premises
- Pedestrian traffic will not be duly or unduly impeded
- Acceptable visual impact
- Non profit status
- Other matters considered relevant

NOTE: Footpath – is defined as that area of land between the property boundary and the face of the kerb adjacent to the road carriageway or the top of the table drain and the adjacent property boundary.

30.4.4 Site Requirements
Approval for the display of goods will only be given where the footpath adjacent to the premises concerned is of adequate width to allow for the unimpeded flow of shoppers and pedestrians.

The Plan relates to those premises having a frontage to the particular street. All structures used for the display of merchandise associated with a particular business are to stand wholly in front of the particular premises selling the merchandise and are not to encroach on the footpath area in front of adjoining premises. The display area could encroach on the footpath area in front of adjoining premises with the approval of adjoining owners.

Central Business District (CBD)
In general, Council will not consider applications where footpaths are less than 3.6 metres in width or where a minimum of 2.5 metres cannot be maintained for the clear passage of pedestrians in the Central Business District (CBD) of the City. (Refer to Figure 30.1)
Outside Central Business District (CBD)

For areas outside of the CBD, applicants must demonstrate the proposed display of goods will not have a cluttering effect along the particular road or street and ensure there is adequate width for pedestrians. In this regard, this Plan prohibits the sale of vehicles on footpaths.

Trees, street furniture, light poles and any other structures which limit footpath width will need to be taken into consideration in order to achieve these minimum footpath width requirements. The location of display tables and the like will have to ensure there are adequate manoeuvring areas around any seating located on the footpath to ensure they are accessible for the elderly, the disabled, parents with prams and so forth.

A-frame signs must be placed so the footpaths remain uncluttered and access and egress from businesses and vehicles are unimpeded. Large signs directed at drivers are inappropriate as their size and scale of lettering leads to cluttering and ineffectiveness. In this regard, no A-framed sign shall be greater than 1.2 metres in height.
Any structures used for the display of goods must stand back at least 1 metre from the back of kerb to ensure they do not interfere with either car doors opening or the front overhang of vehicles. Applicants must ensure movable structures and signs are adequately secured and anchored to withstand high winds (reference can be made to the Building Code of Australia and Australian Standard AS1170).

If these minimum site requirements cannot be met but the applicant can demonstrate to Council that pedestrian traffic will not be duly impeded, Council may consider granting approval for a trial period of six (6) months. After this time Council will make a further assessment of the site taking into account issues such as the impact of the facility on pedestrian movements, complaints received, and visual impact.

The Plan only applies to movable structures taken out onto the footpath during normal business hours. If goods are to be displayed on the footpath during evening hours, adequate lighting, to an Australian Standard of illumination in a shopping centre, must exist in the vicinity of the structure. Permanent structures could damage existing infrastructure and impede cleaning/maintenance of the footpaths.

### 30.5 Conditions of Licence

#### 30.5.1 Special Conditions

Council may place any conditions on a licence it considers necessary and relevant to achieve the aims of this plan.

#### 30.5.2 Standard Conditions

**Cleanliness**

The applicant is responsible for ensuring the area occupied by the display of goods and its immediate surrounds are cleaned on a regular basis throughout the trading day and at the end of each trading day. Structures themselves are to be cleaned and maintained to a high standard. Structures will be removed if they are unsightly or in a dilapidated condition.

All food displayed shall be displayed in accordance with the standards prescribed by Council with regard to the preparation and sale of food. In this regard, you are advised to contact Council’s Department of Community Services for further information pertaining to food covering, food labelling and the like.

**Conduct of Business**

All reasonable care should be taken to ensure that the conduct of businesses, persons associated with raffles, street stalls and buskers do not give rise to any nuisance or offensive noise. In this regard, spruiking, and outdoor broadcasting will be permitted but will be subject to the

**Public Indemnity Insurance**
Applicants are to produce a current, fully paid, public risk policy to the minimum value of $10 million, with the policy noting the interest of Wagga Wagga City Council. The policy must include a goods sold/supplied extension and indicate it is for the footpath area where the goods are being displayed.

### 30.6 Costs

The costs involved are in the form of fees. These fees cover the cost to Council of assessing each application as well as the ongoing costs to Council of site inspections throughout the year to ensure compliance with this plan.

**Application Fee**
The fee is listed in the Fees section of Council’s Management Plan, which is updated annually.

In addition, an application for a licence is to be made annually.

**Licence Fee**
The fee for this licence is listed in the Fees section of Council’s Management Plan, which is updated annually. Prices are based on per square metre of display area or part thereof, (including GST).

### 30.7 General Advice

#### 30.7.1 Signage and Advertising
Details of any proposed signage are to be included within the initial application to Council. Signage must be contained wholly within the front of the premises in the area where goods are displayed and should relate only to goods and services available from within the premises.

Any proposed signage must have regard to and be compatible with Council’s urban design guidelines, which may be in place for shopfronts in the main street area, and in the City’s Conservation Area.

#### 30.7.2 Display Items
All display items will need to be subject to Council’s approval. The style and specifications for display items will need to be submitted to Council for consideration with the initial application.
Council will permit A-Frame signs, display tables and display barrows which are used for advertising a particular product or service. Full details need to be submitted with the application for approval showing sizes, location and frequency of displays, relationship to the particular business and so forth.

Council will monitor the implementation of this plan for the first 12 months to assess whether or not there is a need to incorporate particular themes or styles.

30.8 Other Footpath Uses

30.8.1 Raffles and Street Stalls need a Licence but pay no fee

Raffles and Street Stalls will require a licence from Council to assist Council in coordinating the footpath usage to avoid conflicts in time and location.

Council will continue to approve Street Stalls and Raffles to be conducted in the City’s Central Business District. These are to be conducted for the benefit of recognised charitable institutions; organisations for public benefit and registered sporting organisations, which have a local Committee or Auxiliary, based within the Wagga Wagga Local Government Area.

Having regard to the non profit nature of Raffles and Street Stalls, there is no Council application fee for conducting these activities on footpaths.

30.8.2 Street Stalls and Raffles are to comply with the following performance requirements:

(i) Notices must be displayed prominently on all street stalls/raffles identifying the organisation conducting the stall/raffle and the organisation or object to which the proceeds will be applied;

(ii) The conduct of street raffles is prohibited on any roadway, median strip or on any intersection;

(iii) All food displayed for sale shall be displayed in accordance with the standards prescribed by Council with regard to the preparation and sale of food. In this regard, you are advised to contact Council’s Department of Community Services for further information pertaining to food covering, food labelling and the like;

(iv) The maximum overall length of any street stall must not exceed six (6) metres;

(v) In instances whereby different organisations request similar locations at the same time and on the same day, stall positions will be allocated in order of priority of written application received;

30.8.3 Busking and Spruiking

Busking, spruiking and accompanying activities are permitted within parks, gardens and on footpaths, with the exception of the western side of Baylis Street between Morrow Street and the Wollundry Lagoon in the vicinity of Victory Memorial Gardens.
Individually conducting busking activities:

(i) shall carry out their busking in conformance with the provisions of the Local Government Act, 1993 and the protection of the Environment Operations Act, 1997; i.e. don’t be a nuisance or offensive to the general public by way of poor location, noise level or material used

(ii) shall comply with all reasonable directions given to them by Council’s Rangers and Police Officers;

(iii) shall be permitted to seek monetary donations from individual members of the public provided such donations are offered by the public in a voluntary capacity.

30.9 Assessment of Applications

30.9.1 Application Assessment Process

All applications will be assessed and determined by the Director of Environmental Services

30.9.2 Unhappy with the assessment of your application? - Ask for reconsideration – challenge the assessment

Most of the matters (performance criteria) used in the assessment require subjective assessment and rely on the judgement of the Director of Environmental Services. Should there be a challenge of that assessment the matter will be referred to the CBD/Main Street Advisory Committee for determination. If any applicant is still in dispute of the determination of the committee the matter will be put before Council for determination.

30.9.3 Revocation of Licences and Leases

The licence and lease will be revoked if there is a failure to comply with the plan requirements, licence and lease conditions.

30.9.4 Other Policies that could affect this Plan

This Plan should be read in conjunction with:

- Outdoor Eating Policy” for the Central Business District
- The “Design Report” for the Baylis Street Upgrade prepared by Environmental Partnerships in November 1997, and
- The “Main Street Study – Fitzmaurice St Precinct” prepared by Freeman Collett and Partners in October 1994.

30.9.5 Review of Plan

Council will be monitoring the impact of this Plan for the next 12 months to assess whether or not any changes to the Plan are required.