

Item 9.

Post Exhibition - Display of Goods on the Footway Local Approvals Policy

File No: S060627-02.026

Summary

Outdoor goods displays can support strong local business, maintain life to our high streets and foster shopping precincts as destinations. Council policies seek to provide a safe and comfortable environment for all users of footways and public spaces, noting a well-managed footway promotes both equitable access and creates places and streets that are amenable and attractive for all visitors.

The Display of Goods on the Footway Local Approvals Policy (the LAP) allows retailers to display goods on the footpath outside their premises without seeking development consent or approval from Council or Transport for NSW (on classified roads).

The LAP aims to:

- (a) promote the activation of the footway by permitting the display of goods
- (b) maintain the pedestrian thoroughfare as the primary purpose of the footway
- (c) maintain a consistent and predictable clear path of travel for all users
- (d) manage neighbourhood amenity through minimising additional visual clutter and other impacts
- (e) ensure access and amenity is maintained by monitoring compliance with the criteria

The current LAP came into force on 19 December 2022. Under section 165(4) of the Local Government Act 1993, the LAP is automatically revoked 12 months following local government elections. As a result, the current LAP will be automatically revoked on 14 September 2025. For the policy to remain in force it must be re-adopted by Council before that date.

Under section 162 of the Local Government Act 1993, the Departmental Chief Executive of the Office of Local Government must provide consent for any local approvals policy that provides an exemption from obtaining an approval. This consent must be received prior to the LAP being adopted.

The draft LAP was largely unchanged from the previous version, with minor amendments to reflect recent and future changes to the Sydney Local Environmental Plan 2012 and to more closely align with the terminology of the Local Government Act 1993.

The draft LAP was publicly exhibited from 20 March to 8 May 2025. It was available for review via Sydney Your Say, the consultation was included in the April edition of the Sydney Your Say e-newsletter, and email notifications of the consultation were sent to 29 contacts in chambers of commerce and disability groups. No submissions were received. As a result, the LAP is unchanged following public exhibition.

Recommendation

It is resolved that:

- (A) Council endorse the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment A to the subject report, for submission to the Office of Local Government with a request for the consent of the Departmental Chief Executive for the adoption of the Policy in accordance with section 162 of the Local Government Act 1993;
- (B) authority be delegated to the Chief Executive Officer to adopt the Display of Goods on the Footway Local Approvals Policy subject to consent of the Departmental Chief Executive under section 162 of the Local Government Act 1993; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Display of Goods on the Footway Local Approvals Policy, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication or address requirements of the Office of Local Government in granting their consent under section 162 of the Local Government Act 1993.

Attachments

Attachment A. Display of Goods on the Footway Local Approvals Policy

Background

1. The Display of Goods on the Footway Local Approvals Policy (the LAP) aims to promote the use of the footway for the display of goods to support local business activity where it is safe. Displaying goods is balanced with ensuring that pedestrian thoroughfare is maintained as the primary purpose of the footway.
2. Prior to the implementation of the LAP, a display of goods often required a development application and, where located on a classified road, the approval of Transport for NSW.
3. In 2020, Council approved a Planning Proposal to make displays of goods exempt development under the Sydney Local Environmental Plan 2012. By enacting a Local Approvals Policy under section 168 of the Local Government Act 1993, and a General Consent under section 138 of the Roads Act, the LAP makes it possible for businesses to have a display of goods on the footway in front of their premises without submitting an application.
4. The LAP sets the criteria for when approval is not required. If the criteria are not met then the display cannot be placed on the footpath. The criteria for placement in the footway include maintaining a predictable and consistent clear path of travel, establishing clearances around common obstacles, requirements for the nature of goods on display, and the size, design and maintenance of the display structure. Displays of goods on the footway are not permitted in Central Sydney. Should non-compliance with the LAP be observed, City Rangers can instruct removal.

The policy is due for review

5. On 27 June 2022, Council adopted a Display of Goods on the Footway Local Approvals Policy that came into force on 19 December 2022. Under section 165(4) of the Local Government Act 1993, the LAP is automatically revoked 12 months after local government elections. Following local elections on 14 September 2024, the existing LAP will be revoked on 14 September 2025. In order to remain in force, the LAP must be re-adopted by Council prior to this date.
6. Minor amendments were made to the draft LAP to maintain consistency with recent proposed amendments to the Sydney Local Environmental Plan 2012 (the Sydney LEP). On 11 December 2023, Council approved a Planning Proposal for public exhibition of a suite of Policy and Housekeeping Amendments to the Sydney LEP. This proposal included the reintegration of a number of areas previously excluded from the Sydney LEP, including the former Carlton United Brewery site on Broadway (Central Park), Harold Park, Glebe Affordable Housing Project, certain Redfern Waterloo Authority Area sites, and sites fronting Gardeners Road, Rosebery. The LAP will apply to these sites upon their reintegration and amendments to the text and maps have been inserted to make this clear.
7. There have also been minor changes to provide greater clarity and to align language and terminology more closely with the Local Government Act 1993. In the LAP, found at Attachment A, changes are shown with deletions in red strikethrough and new text in red underline.

No amendments were made following public exhibition

8. The draft LAP was placed on public exhibition from 20 March to 8 May 2025, in accordance with the requirements of section 160 of the Local Government Act and section 77 of the Local Government (General) Regulation 2021.
9. A Sydney Your Say webpage was created containing key information on what the policy is for, the proposed amendments and the draft LAP for download. The community was able to give feedback via email or by using an online survey. The matter was also included in the April 2025 edition of the Sydney Your Say e-newsletter sent to 5,122 subscribers. Separately, 29 contacts from chambers of commerce and disability groups were contacted via email to inform them of the public exhibition, and providing a link to the Sydney Your Say page.
10. The webpage was visited 302 times and the draft LAP was downloaded 34 times. No submissions were received. As a result, the LAP remains unchanged following public exhibition.

Key Implications**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

11. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - The policy promotes the activation of the footway supporting thriving streets. The criteria ensures that the footway remains safe, and amenity is maintained.
 - (b) Direction 5 - A city for walking, cycling and public transport - The activation of the footway supports pedestrian thoroughfare and clearance controls ensures footways remain suitable for walking.
 - (c) Direction 8 - A thriving cultural and creative life - The display of goods makes streets more lively and attractive destinations while allowing businesses to contribute to the cultural and creative life of the city.

Risks

12. City staff have considered the LAP and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered. The LAP is within the risk appetite as it includes criteria to address safe and equitable pedestrian access on the footway. The LAP also requires business with goods displays on the footway to hold a public liability insurance policy for at least \$20 million.

Social / Cultural / Community

13. Footway uses have the potential to impede movement of people with disability and people who are blind or have low vision. The LAP requires a minimum 2 metre clear path of travel which is to be provided in a predictable pattern consistent with footway uses along the length of the street. The LAP requires clearances from tactile ground service indicators, service objects, pedestrian and signalised crossings, and bus zones, public transport access points and taxi stands. The LAP also requires shelving to have a solid base of a contrasting colour for people who are blind or have low vision.

Economic

14. The policy supports businesses displaying goods on the footway, encouraging local business activity and contributing to a lively and attractive streetscape. Footway displays are important for attracting customers and fostering a vibrant retail environment.

Relevant Legislation

15. Local Government Act 1993
16. Local Government (General) Regulation 2021
17. Roads Act 1993
18. Sydney Local Environmental Plan 2012

Critical Dates / Time Frames

19. The current LAP came into force on 19 December 2022 and will be automatically revoked on 14 September 2025. Section 162 of the Local Government Act 1993 requires the Departmental Chief Executive in the Office of Local Government to give consent to the LAP. This consent must be received before the Chief Executive Officer can adopt the LAP.

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