



CUMBERLAND  
CITY COUNCIL

# Goods on Display Policy

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	POL-055
<b>Policy Owner</b>	Director Governance & Risk
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## **POLICY STATEMENT**

Council supports and encourages design guidelines and planning controls to assist in establishing the display of goods on footpaths. Whilst Council actively supports local businesses, it is imperative that adequate controls are maintained at all times for the safety of the community. This implementation of this Policy is detailed in the Goods on Display Guidelines.

## **SCOPE**

This Policy applies to the business use of all land within the Cumberland LGA that is affected by the *Roads Act 1993* and/or is managed by Council and sets out the conditions under which Council will issue approvals for goods on display in public areas.

Council is authorised to issue approvals for goods on display under section 125 of the Roads Act, where a proponent wishes to place goods on or over Council land which are located immediately adjacent to the business operator's shop front, which comply with the relevant legislation, and make a positive contribution to the town centres and promote trade.

In determining the appropriateness of whether a location is suitable for goods on display, Council will assess each application against this Policy, and the criteria and requirements detailed in Council's Goods on Display Guidelines.

## **OBJECTIVES**

Goods displayed on Council land will:

- Promote public use and well managed public places;
- Encourage and support local business displaying goods on Council footpaths that does not unduly obstruct pedestrian safety, by providing an active and attractive street frontage that does not compromise safety;
- Maintain the safe pedestrian thoroughfare as the primary purpose of the footpath where sufficient space is available;
- Encourage the fair and equitable use of Council footpaths by all members of the community;
- Ensure that adjoining premises are not unduly affected;
- Ensure that all display areas are kept clean and regularly maintained;
- Monitor compliance with approvals, and undertake enforcement action when appropriate; and
- Consider the appropriateness of applications for approval against Council's adopted Goods on Display Guidelines.

## DEFINITIONS

Term	Meaning
Approved Area	The approved Goods on Display area that the Business Operator must place Goods on Display, as shown on the survey plan included in the Footway Approval Notice.
Business Operator	A business/person applying for or in receipt of a Goods on Display Approval.
Classified Roads	Major arterial roads controlled by the Roads and Maritime Services (RMS) on behalf of the State Government of NSW. A schedule of all classified roads is available on the RMS Website.
Council	Cumberland Council
DCP	Means <i>Cumberland Development Control Plan (DCP) 2021</i>
Development Consent	As defined in the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) means consent under Part 4 to carry out development and includes, unless expressly excluded, a complying development certificate.
Footway/Footpath	Means that part of a road as is set aside or formed as a path or way of pedestrian traffic (whether or not it may be used by bicycle traffic).
LGA	The Local Government Area of Cumberland Council.
<i>Local Government Act 1993</i>	Legal legislation which supports this Policy.
Goods on Display	The use of the public footway by a Business Operator for the purpose of displaying goods/or signage for adjoining business.
Goods on Display (Approval)	An approval issued under Section 125 of the <i>Roads Act 1993</i> , granted by Council in accordance with Council's Goods on Display Policy and Guidelines.
Goods on Display Area	Premises that are subject of Goods on Display Approval.
Policy	This document, and any schedules or annexures to it.
Premises	A property with an appropriate Development Consent to operate that is adjacent to the road where the approved area where Goods on Display will be located.
Public Road	Means: (a) Any road that is opened or dedicated as a public road, whether under the Roads Act or any other Act or law, and (b) Any road that is declared to be a public road for the purposes of the Roads Act.
<i>Roads Act 1993</i>	Legal legislation which supports this Policy.

## LEGAL REQUIREMENTS

In order for an operator to have a goods in display on the footway, NSW Government legislation sets out that following approvals are required:

- All goods on display on the footway requires an approval under the *Roads Act 1993*;
- All goods on display on Community land, such as park or reserve, require approval under the *Local Government Act 1993*;
- All goods on display that are not exempt development will require a development consent under the *Environmental Planning and Assessment Act 1979*; and
- All goods on display that are on Crown land require approval under the *Crown Land Management Act 2016*.

## Other Requirements

The approval will be subject to this Policy, Council's Guidelines and may be granted by the Council on such conditions as determined by the Council.

## GENERAL CONSIDERATIONS

Council will give consideration to how the proposed approval will impact on or benefit the amenity of the surrounding area. Council will have consideration of matters raised in this Policy and the Guidelines, and whether the proposed new goods on display will:

- Ensure that a consistent and clear flow path of travel for all users is maintained on the footway;
- Contribute positively to the social activity of the business centre or area;
- Ensure that only the section of the footpath directly in front of the approved business premises may be used for the display of goods, and goods displayed must relate specifically to the approved business;
- Ensure that trees, signs, rubbish bins, light poles and other existing or proposed obstructions are taken into account in calculating the unobstructed pedestrian route;
- Not conflict with existing and surrounding businesses; and
- Ensure compliance with approved goods on display.

## RELATED LEGISLATION

- *Local Government Act 1993 (NSW)*
- *Roads Act 1993 (NSW)*
- *Crown Land Management Act 2016*
- *Environmental Planning & Assessment Act 1979 (NSW)*
- *Work Health and Safety Act 2011 Food Act 2003 (NSW)*
- *Disability Discrimination Act 1992 (Cth)*

- *Disability Inclusion Act 2014*
- *Smoke Free Environment Act 2000 (NSW)*

## **RELATED DOCUMENTS AND COUNCIL POLICY**

- Goods on Display Guidelines
- Cumberland Development Control Plan (DCP) 2021