

# Display or storage of goods on footpath - Guidelines

The use of footpaths to display or store goods provide a contribution to the quality of public spaces and community life by providing an active street frontage that is alive and ever-changing.

## Introduction

### Who can store and display goods on the footpath?

Council supports local businesses promoting trade by displaying goods on Council footpaths. It is important that adequate controls are always maintained for the safety of the community, while providing an active and attractive street frontage.

### Where these guidelines apply

These guidelines apply to all applications to store or display goods on Council owned or operated road reserves or footpaths within the town centres.

### How to use these guidelines

These guidelines:

- Are to be read alongside Council's [Commercial Use of Road Reserves Policy](#);
- Provide information for the public and proprietors seeking to use the footpath for storage purposes under the Roads Act for footpaths; or the Local Government Act 1993 for other public spaces; and
- Provide guidance for Council in determining applications for use of the footpath and other public spaces.



## Contents

<b>Introduction .....</b>	<b>1</b>
Who can store and display goods on the footpath? .....	1
Where these guidelines apply .....	1
How to use these guidelines .....	1
Key terms .....	3
What approvals are required? .....	4
Compliance with approval .....	4
Revoking, suspending, or amending an application .....	4
Application requirements .....	5
Storage or display on a footpath plan .....	5
<b>Operating Requirements .....</b>	<b>5</b>
Layout, circulation, safety and convenience .....	5
Advertising and signs .....	6
Signage .....	6
Fees to occupy the public space .....	7
<b>Annexure 1 – 2023/24 Fee Schedule .....</b>	<b>8</b>
<b>Annexure 2 – Byron Bay Precincts .....</b>	<b>9</b>
<b>Annexure 3 – Site Plan Drawing .....</b>	<b>10</b>

# Display or storage of goods guideline

## Key terms

Term	Meaning
<b>Advertising</b>	Includes any static or portable device, design, structure, erection, handbill, poster, placard, notice, signboard or sign of any kind whatsoever of the nature of an advertisement.
<b>Authorised Officer</b>	Means a person appointed as such by the General Manager of Council.
<b>Goods</b>	Includes any wares, merchandise, timber, stage, scaffolding, metal, fluid and any other article, substance or material whatsoever.
<b>Licensed area</b>	Means the area an operator is licensed by Council to operate on/in.
<b>Operator</b>	Means the entity that has obtained a licence under this Policy.
<b>Pedestrian corridor</b>	The area of the footpath maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous assessable path of travel as defined by the Australian Human Rights Commission.
<b>Public footpath</b>	The part of the road reserve that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
<b>Sell</b>	Means barter, offer to attempt to sell, receive for sale, have in possession for sale, expose for or on sale, send, forward or deliver for sale or cause or permit to be sold or offered for sale.

In considering footpath use applications, Council must ensure:

- the proposed use is consistent with the amenity of the area,
- the safe movement of pedestrians,
- the convenience to surrounding businesses; and
- the safe and equitable access for persons with access disabilities.
- An appropriate approval process that protects the interest of Council and the community is a requirement.

## What approvals are required?

All applications for storage or display on a footpath require approval to use the public land.

Most applications will not need development consent. It will be exempt development (see Key Terms). Approval for storage or display on a footpath is issued under Section 138 of the Roads Act 1993.

If construction works are required, separate approval may be required.

Approvals are valid for **five** years, subject to compliance with conditions imposed. Including payment of licence fees for the duration of the approval.

If you are unsure which approvals you need, contact Council's Development Support Officers on 02 6626 7025 or email [DSO@byron.nsw.gov.au](mailto:DSO@byron.nsw.gov.au).

## Change of operator

Legislation requires approvals for applications for storage or display on a footpath must be given to the operator of the business, and not to the business or the property.

This means, that when the operator of a business changes, the approval is no longer valid. The new operator will need to get a new approval to continue using the footpath area.

## Compliance with approval

Operators must display the approval notice for storage or display on a footpath area in a prominent position and make it available to authorised Council officers on request. It will clearly show the footpath area approved.

Authorised Council officers may order the removal of any items on the footpath that are not part of the approval, or otherwise permitted under another approval or policy of Council.

## Revoking, suspending, or amending an application

Applicants should be aware that Council can revoke, suspend, or amend an approval for storage or display on a footpath if:

- the conditions of the approval are breached, including non-payment of licence fees.
- the footpath is needed for public works.
- the footpath is needed for a special event.
- the footpath is needed to manage an increase in pedestrians.

Where Council needs to revoke, suspend or amend an approval, the approval holder will be given notice of Council's intention and will be given opportunity to make representations to Council.

# Display or storage of goods guideline

## Application requirements

To apply, go to the website

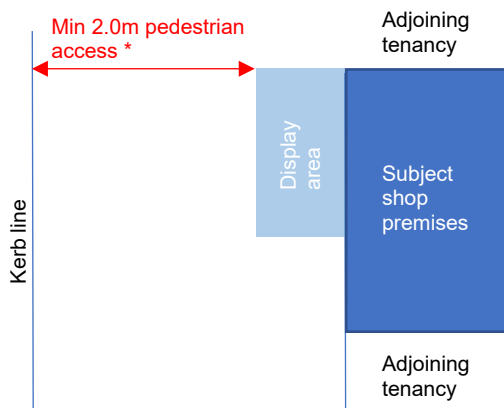
[www.byron.nsw.gov.au/footpathstorage](http://www.byron.nsw.gov.au/footpathstorage).

Upload the required documents to support an efficient application assessment. The following documents are required:

- Completed online application form.
- Colour photos of the site and the surrounding area.
- Colour photos or a manufacturer's brochure showing displays, etc.
- A suitable plan of the storage or display area.
- Certificate of Currency for Public Liability Insurance, with a minimum \$20,000,000 noting 'Byron Shire Council as an interested party.
- Certification from a structural engineer stating any proposed in-ground structures is compliant (where relevant).

## Storage or display on a footpath plan

The plan accompanying the application should be easily understood and allow Council officers to assess the application for storage or display on a footpath application efficiently and effectively. A sample plan is provided below:



The plan for storage or display on a footpath area must be to scale and with clearly marked dimensions, showing:

- the width of the pavement and the proposed storage or display area;
- layout of the storage or display on a footpath area, including its width, and also umbrellas, barriers and the like;
- clearances around the footpath display or storage area from trees, the kerb, street furniture, street signs and the like;
- location of all existing street fixtures, including benches, parking meters, trees, poles, bike parking rings, bins and the like;
- location of transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any); and
- location of all doorways and service openings.
- A blank grid is provided at [Annexure 3](#) to draw your plan.

## Operating Requirements

### Layout, circulation, safety and convenience

Footpath areas are to provide a safe and enjoyable experience for customers, while keeping footpaths safe and accessible for all pedestrians.

#### Provisions:

1. The ground surface must be sufficiently level to support an orderly layout and safe use of the goods and chattels displayed.

2. Approval will only be issued if pedestrians can clearly and easily negotiate the footpath when goods are in place. In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation, subject to the following:
  - For town centres, excluding precincts one and two in Byron Bay, the minimum distance specified in clause 9.1.2, may be reduced at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the operator can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the goods and chattels are in place. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.
3. The pedestrian corridor must be continuous with the frontage of the property and/or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street/lane. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.
4. The visually impaired normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the operator's cost.

The tiles should be placed on the property boundary/frontage and also on the edge of the display areas. Pavement hazard markings should be provided at the ends of display areas to provide delineation to the display areas for the visually impaired and to assist in defining the leased area.

5. The available depth of a goods display area depends on the width of the footpath.
6. The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

## Advertising and signs

### Provisions:

Only the name or logo of the operator's business may be placed on any item on the road reserve. It must appear only once on each item and be to Council's satisfaction.

No other advertising on any item on the road reserve or the licensed area is permitted without specific approval by Council.

### Signage

This relates particularly to "A" frame signs but includes all signage on public land. An amendment to Byron Shire Council's Development Control Plan 2014, now means that advertising structures are only permissible on Council land for community events and/or community notices.

All non-community-based signage is not allowed on Council Road reserves (including footpaths).

If you have a community-based sign, please contact Council's Event Team at [events@byron.nsw.gov.au](mailto:events@byron.nsw.gov.au) for formal approval and they will advise where signage is permissible. The signage may only be put up 14 days prior to the event and must be removed within 48 hours after the event.



## Fees to occupy the public space

All applications are subject to an administration fee that must be paid prior to your application being assessed.

We will review your application when it is submitted and invoice you for these fees once, we have the required information.

Approval will be subject to a condition that an annual licence fee must be paid for the use of the footpath.

The fee is set out in Council's fees and charges and will be due annually at the rate applicable for that year. Fees will be invoiced quarterly.

Where fees are unpaid, approval to use the footpath will be revoked or suspended until such time as the fees are paid.

The application and licence fees for applications for storage or display on a footpath are outlined in [Council's Fees & Charges](#). Application fees for display or storage of goods are currently charged at 50% of the listed fee. The rates can change each financial year.

# Display or storage of goods guidelines

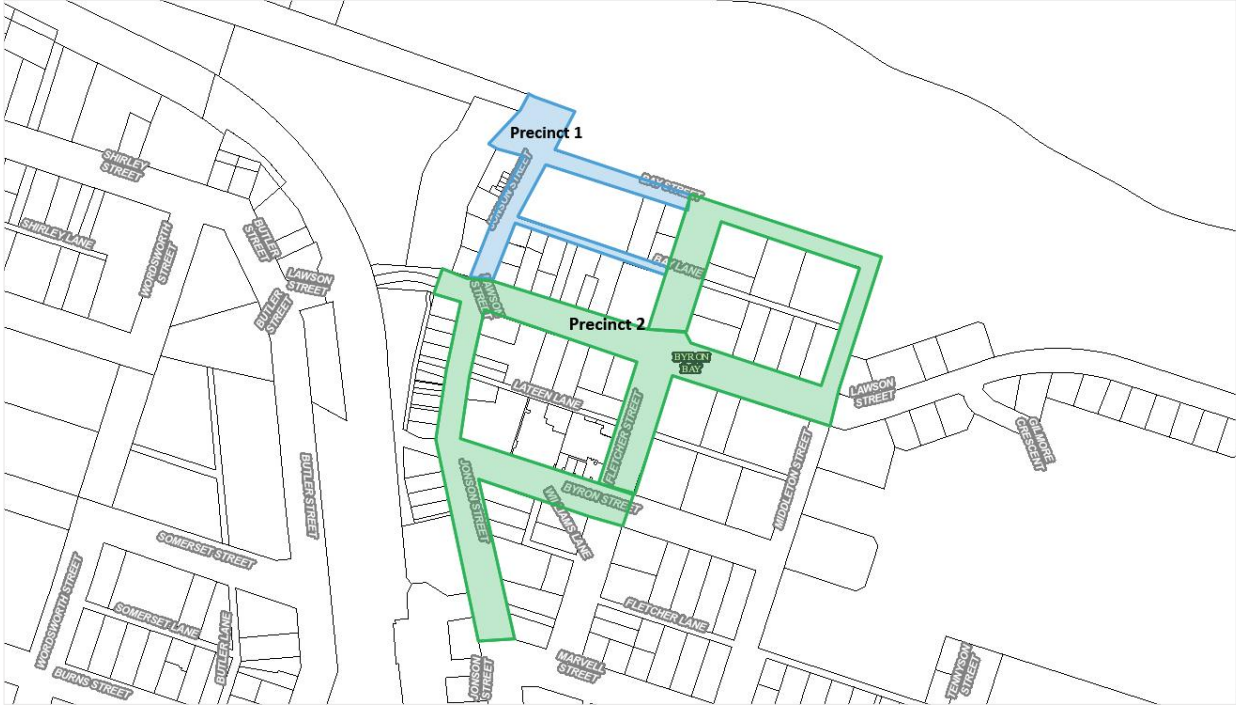
## Annexure 1 – 2023/24 Fee Schedule

Display or Storage or Goods - Licence fees	Annual price per m <sup>2</sup>
Bangalow	\$274.00
Brunswick Heads <i>(Brunswick Terrace, Fingal, Park and Mullumbimbi Streets block)</i>	\$232.00
Byron Bay – Precinct 1 and 2 <i>(Jonson Street from Lawson Street to Bay Street, Bay Street from Jonson Street to Middleton Street, Fletcher Street from Bay Lane to Bay Street, Lawson Street from railway line to Middleton Street, Byron Street from Jonson Street to Fletcher Street, Jonson Street from Marvell Street to Lawson Street, Fletcher Street from Byron Street to Bay Lane, Middleton Street from Lawson Street to Bay Street)</i>	\$622.00
Byron Bay – remaining properties	\$389.00
Mullumbimby	\$187.00
Remainder of Shire	\$187.00



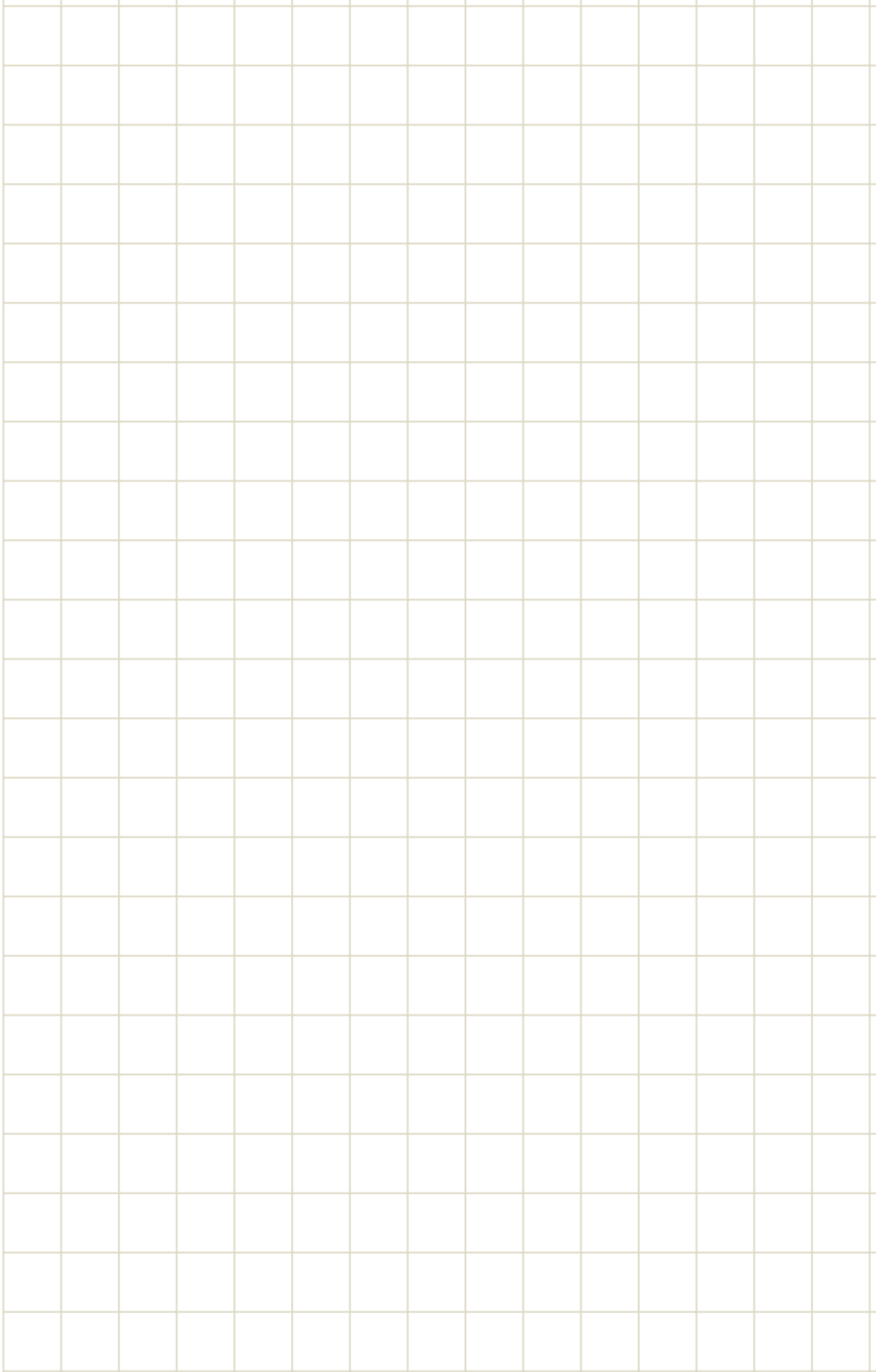
# Display or storage of goods guidelines

## Annexure 2 – Byron Bay Precincts



# Display or storage of goods guidelines

## Annexure 3 – Site Plan Drawing



Scale: 1:100 Examples: 1cm = 1m (Each square is 1cm x 1cm)