

SECTION 1 - INTRODUCTION

BACKGROUND

The Display of Goods and Materials on Public Domain Policy establishes standards and conditions for businesses seeking an approval to display goods or materials within the public domain.

No display of goods or materials within the public domain of a business centre can take place without an approval and Licence Agreement with Council; and must be implemented in full accordance with the conditions of the approval.

OBJECTIVES

The policy aims to:

- Establish *development controls* that inform businesses within the Major, Neighbourhood and Local Centres of the City who are applying for the display of goods and materials within the public domain.
- Establish standards, controls and regulations that support the *social and event activation* of the public domain by ensuring the installation of attractive and visually appealing goods and material displays.
- Advance the *economic activity* of each Centre by supporting the equal opportunity for each business to market and advertise their goods and materials.
- Maintain the *general amenity and social activity* of Fairfield City's public domain area by minimising visual clutter, maintaining inclusive accessibility and sustaining adequate space for these activities.
- Mitigate any *impact on public safety* for users of the public domain including pedestrians, vehicles, workers and local business owners.
- Ensure all businesses have *equitable opportunity* to display goods for business marketing purposes;
- Mitigate any *damage to, or reduction of servicing* public domain assets managed by Government agencies including street furniture, cleanliness of footpaths, street lighting and artworks.

AREA TO WHICH THIS POLICY APPLIES

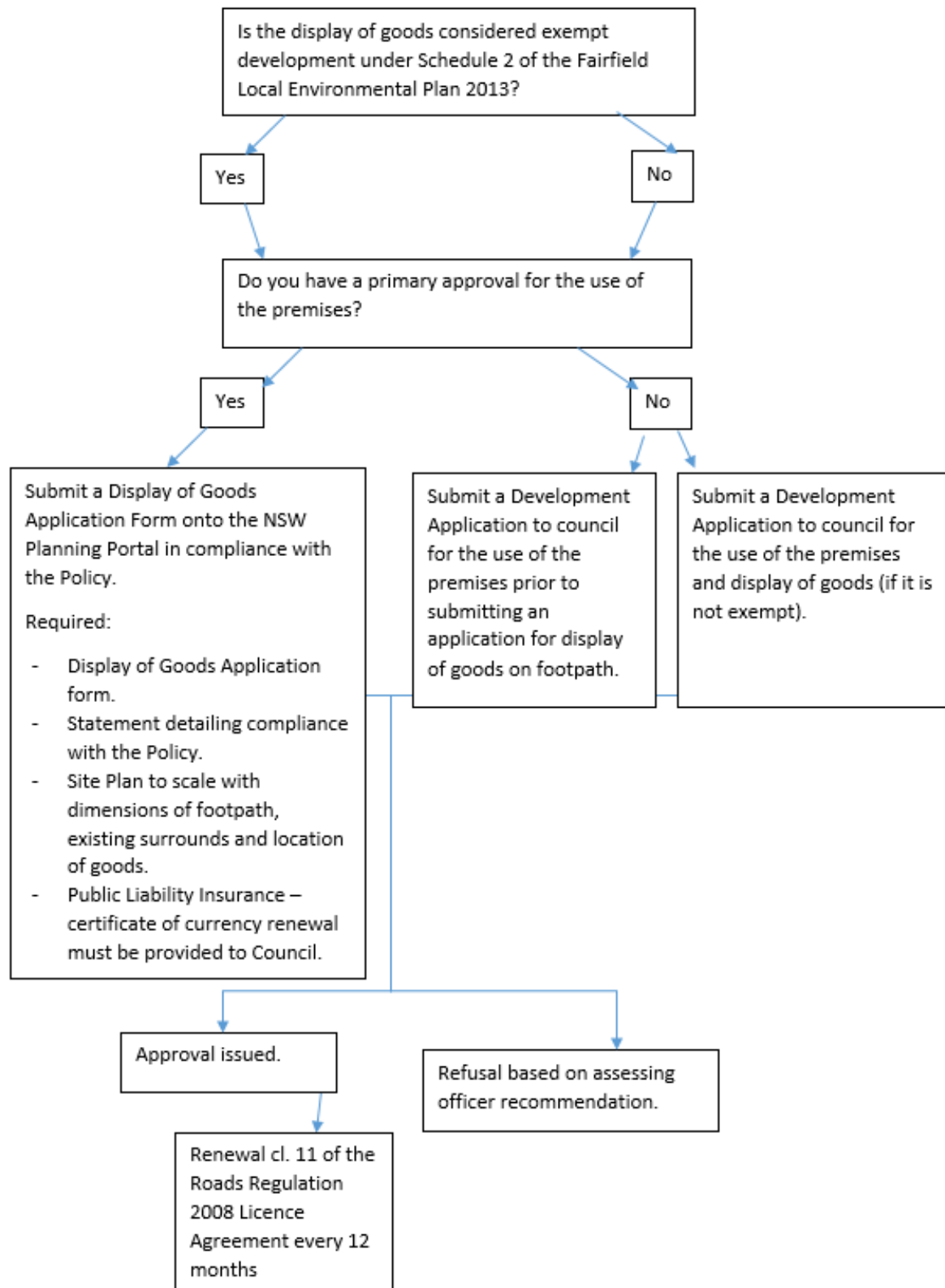
This Policy applies to all public domain areas within the Major, Local and Neighbourhood Centres of the Fairfield local government area, which include publicly owned footpaths, plazas, civic urban spaces, public squares or the like.

FEES AND CHARGES

Fees and charges for the display of items on the footpath are set out in the Annual Fees and Charges, available on Council's website.

APPROVAL PROCESS

What Approvals from Council do I need?



DEFINITIONS

Word/Term	Definition
Bulky Items	Items that are relatively large in size and require more than 1 person to move but no taller than 1.2 metres in height.
Food processing	The transformation of raw ingredients into food, or of food into other forms to produce marketable.
Footpaths	Part of the road corridor that has been set aside for pedestrian and all abilities movement and social and event activation.
Hardware	Any items such as tools, machinery, and other durable equipment.
Organic Materials	Items that include plants, potting mix or soils.
Fashion	Items that include clothing or footwear that are either new or recycled and non-permanent structures for clothing such as mannequins and clothing racks.
Homewares	Items that include furniture such as lounges, desks, chairs, beds.
Hazardous items	Any item (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.
Footpath Licence agreement	A permit given by Council to allow the use of Council owned land.
Public Domain Masterplan	Council endorsed Vision for a Centre that guides the place based strategic priorities, aims and objectives.
Offensive material	Means pornographic products, tobacco products, alcoholic products or any other item or service that is illegal or likely to prove distasteful to the community if displayed in a public place.
Prohibited	The business purpose is not allowed by Council.
Processed or Perishable foods	Perishable foods are those likely to spoil, decay or become unsafe to consume if not kept refrigerated at 4.4 °C or below or frozen at -17.8 °C or below.
White goods	Items of large electrical goods used domestically such as refrigerators and washing machines that are no taller than 1.2 metres in height.
Public infrastructure	Infrastructure used for public use or supportive of pedestrian wayfinding, general amenity, cleanliness and public safety.
Private infrastructure	Infrastructure used for private use such as tables, chairs, mannequins, and shelving.
Manually moveable items	Items that can be moved without creating a public risk by one person that includes white goods, private infrastructure, fashion, organic materials, homewares and hardware
Stacking of goods	To arrange goods in a pile.

LEGISLATIVE CONTEXT

Name
<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979;• Roads Act 1993;• Food Act 2003;• Local Government Act 1993;• Public Spaces (Unattended Property) Act 2021;• Fairfield Local Environmental Plan 2013;• Australian / New Zealand Food Standards Code• Food Act 2003• Food Regulation 2005• NSW Attorney General Caution Guidelines• NSW Ombudsman Enforcement Guidelines• Any relevant Development Control Plan (DCP) for the business centres.

SECTION 2 – APPROVAL CONDITIONS

DURATION

The licence agreement will be issued for 12 months and will require a renewal application for any further 12-month period. The current approvals must be placed at the shop front at eye level adjacent to the goods on display and be visible for Compliance or other Council officers to identify. Expiration of approval will require lodgement of a new application with the associated use.

PUBLIC LIABILITY INSURANCE

- Public risk insurance to the minimum value of \$20,000,000 (twenty million dollars) must be taken out by the applicant noting Fairfield City Council as an interested party;

Note: Failure to comply with these conditions will automatically terminate Council approval.

TERMINATION

In the event that an approval lapses, terminates or is withdrawn, the applicant shall immediately remove all goods and materials and associated private infrastructure from the public domain and reinstate and remedy all affected areas.

COMPLIANCE

Council's enforcement officers will always seek to build a professional working partnership through its liaison with businesses displaying goods and materials within public domain areas.

Should businesses fail to comply with requirements set out in their licence and the Policy, enforcement officers may action matters dependant on severity of breaches; such as, referral to conditions of the footpath licence, issuing verbal or written warnings in an effort to seek compliance or legal enforcement through issuing of penalty infringement notices or orders.

CLEANLINESS

The public domain footpath area and its immediate surrounds are to be maintained and cleaned by the owner of the footpath licence on a regular basis throughout the trading day. The licenced area and its surrounds are to be left in a tidy condition at the end of the trading day with all private infrastructure, goods and materials removed from the footpath. This includes sweeping or high pressure cleaning as requested by Council throughout the footpath licence period.

SECTION 3 –DEVELOPMENT CONTROLS

PERMISSABLE ITEMS

The following items are identified as permissible items to be displayed on Council public domain:

- Outdoor dining facilities (see separate policy);
- Any goods/ materials presented for sale with the exception of processed and perishable foods;
- Fruit and vegetable stalls;
- Manually movable items (that complies with all development controls).

NOTE: Any items not listed as prohibited will be assessed upon merit and must comply with the development controls, standards and legislation specified in this policy.

PROHIBITED ITEMS

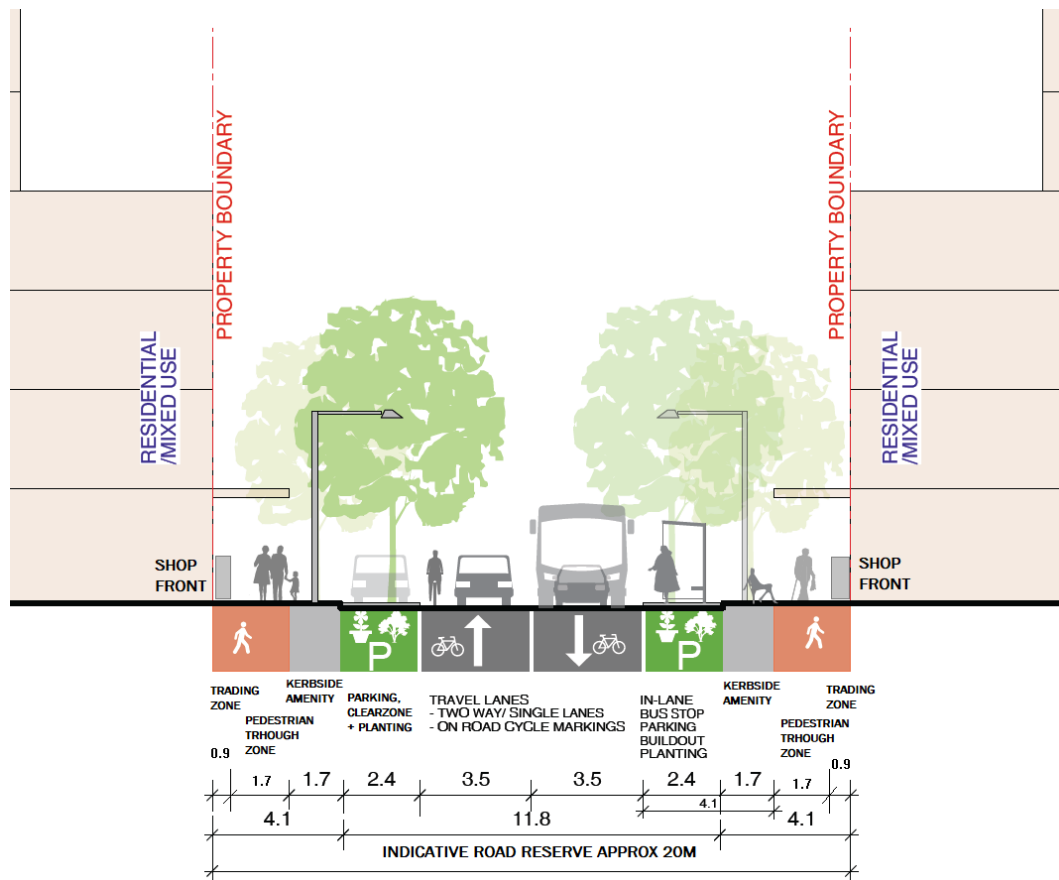
The following items are **prohibited** on Council public domain:

- Processed and/or are perishable foods products (including meat, fish, shellfish, poultry, sweets, dairy or cooked rice);

- Fragile, breakable and hazardous items such as glass bottled liquids, crockery and glass homewares;
- Hot or heated items that cause burn or scalding;
- Offensive material;
- Permanent structures;
- Bulky items that includes items that require more than one person to manually handle. This includes lounges, desks and bed mattresses;
- Hardware items;
- A-frame signs;
- Trolleys, milk or timber crates and the use of forklifts;
- Private Waste bins or storage receptacles.
- Private seating areas that have not been approved as part of outdoor dining footpath licence
- Bird feeding locations within or adjacent to footpath licenced area.

SITE LOCATION

(See next page.)



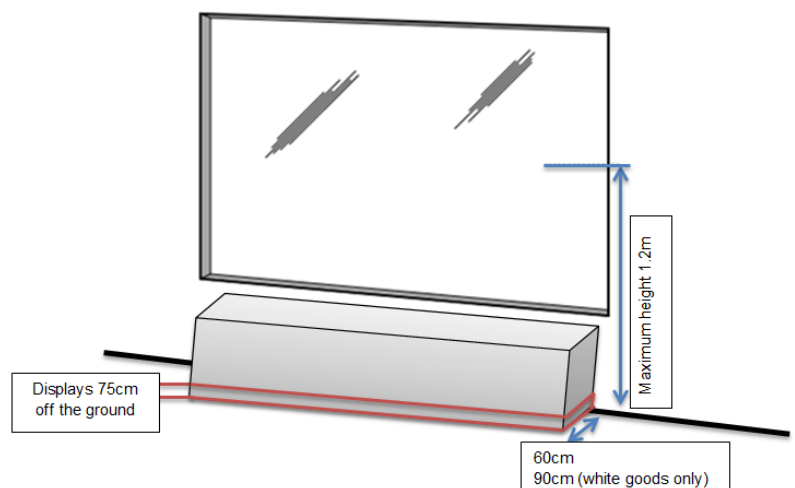
Shop Front	<ul style="list-style-type: none"> Display of goods is restricted to only to one frontage of the premises and shall not extend to neighbouring properties. This includes corner sites with two frontages. An unobstructed access way to the entrance of the premises.
Trading Zone	<ul style="list-style-type: none"> Footpaths used for trading purposes. Structures and goods are allowed a maximum depth of 900mm from the building line to the footpath, and must have a stable base. The maximum height of display of goods is restricted to 1.2 metres and must have a stable base to ensure goods cannot be dragged over or fall by wind.
Pedestrian Through Zone	<ul style="list-style-type: none"> Unobstructed clearway for pedestrian through zone of a minimum of 2mts or as required for each Centres Public Domain Plans, except Cabramatta Town Centre that requires 3 metres.

	<ul style="list-style-type: none"> Inclusion of an Outdoor Dining or Goods and Materials licenced area within this zone that does not minimise the 2 or 3 mts pedestrian through zone or meets the objectives of the Centres Public Domain Plan
Kerb Zone	<ul style="list-style-type: none"> Area used for public infrastructure, landscaping/street trees, artworks and access from vehicle parking to Pedestrian Through Zone. Minimum 1.5 metres of unobstructed access from the kerbside lane to the Pedestrian Through Zone or any public amenities including fire door exist, street trees, telegraph poles, rubbish bins, street furniture, Telstra pits or the like.

AMENITY AND PUBLIC SAFETY

The display structure must:

- Be of average height scale, that is no higher than 1.2 metres from street level and be moveable by only 1 person.
- Be constructed of one object when height of display exceeds 900mm.
- Displays and goods on the public domain be robust, wind resistant and stable to avoid potential risk to the public.
- Ensure the footpath licenced area and adjacent pedestrian through zone is clean, free of clutter and windblown rubbish and the close of business each day.
- Maintain visual attractiveness by complimenting the adjacent and/or nearby licenced footpath areas and pedestrian through zone as well as the objectives of the centres Public Domain Masterplan.
- Have smooth-faced sides and no sharp corners.
- Include rubber deflection devices along the shopfront wall boundary at each end of the



licenced area to guide all abilities access.

- No stacked goods on the public domain, as this poses a risk to public safety.
- Loading and unloading of goods within the public domain for the purpose of restocking is not permitted during operating hours of the day. Restocking during trading hours are to be conducted wholly within the site.

FRUIT AND VEGETABLE DISPLAYS

Fruit and vegetables displays on footpaths will be permitted subject to compliance with the Food Act 2003, Food Regulation 2005, Australian / New Zealand Food Standards Code.

- Displays must be kept more than 75cm off the ground;
- Solid container shall be used for the storage of fruit and vegetables and have no openings;
- A wash basin with hot and cold water must be in close proximity to the footpaths;
- Processed or perishable foods sold on footpaths is prohibited;
- No washing or spraying of fruit and vegetables;
- Licence holder's responsibility to ensure that any waste from the fruit and vegetables, is removed from the footpath;
- Storage and display private infrastructure for fruit and vegetables shall not be loaded from/onto the footpath area;
- No washing down of the display area;
- Fruit and vegetables within a Footpath Licenced areas must display signage in English of the product name and the country of origin;
- Must provide a shade cover over the food and vegetable goods and materials and provide a barrier against the weather;
- Waste must be disposed of in allocated waste bins this includes scrap to ensure cleanliness of the public domain;
- Fruit and vegetable display and goods must manage odour emitting from the premises & prohibit the use of wastewater; and

- Pallets and forklift use on public domain is prohibited.

GENERAL DISPLAY, STUCTURE AND MATERIALS

All display private infrastructure structures and/or materials must demonstrate their contribution to the Centres Public Domain Vision particularly relating to visual attractiveness and activation, support for inclusiveness and all-abilities access, movement of pedestrians and mitigation of public safety risk.

A display on a footpath licence area must comply with the following provisions:

- All structures must be of impervious and non- absorbent materials that do not pose as a risk in terms of hygiene and contamination. For example, the use of stainless steel display units;
- The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape this can be achieved by using one style and colour scheme for the furniture;
- No advertising of an item other than the operation of business is allowed to be placed within the public domain;
- All structures must not cause damage to the existing footway or other public infrastructure. The operator is responsible for any damage caused to third parties;
- No entertainment or amplified music shall be permitted within the public domain of Fairfield City, without the consent of Fairfield City Council. Music and entertainment requires a separate application to be lodged with Council.

WHITE GOODS

The display of White goods, furniture or electrical products on footpaths must be off the ground, greater than 5cm but less than 20cm off the ground and displayed in one single row. It is not permitted to stack furniture or exceed the 90cm width restriction from the shop front.

NOISE

- Acoustic and amplified recordings is not permitted in the public domain. If the music relates to a use for a café it should be submitted with the development application.

- Permanent or temporary outdoor Music and entertainment in the licenced area requires a separate application to be lodged with Council.
- Spruiking is not permitted specifically in a footpath licenced area or within an adjacent pedestrian through zone.

EXEMPT DEVELOPMENT

The following items are considered exempt from obtaining a licence agreement subject to obtaining a Local Approval from relevant Fairfield City Council Place Manager prior to the activity occurring; examples include:

- Distributing newspapers and pamphlets, collecting charitable donations, undertaking health promotions, busking and entertainment, community service activation.

For further information, contact Council's Place Manager on 9725 0222.

SECTION 4 - GOVERNANCE

RESPONSIBILITY

Policy Owner	Strategic Planning
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VERSION CONTROL AND CHANGE HISTORY

Version Number	Approval Date	Approved by	Amendment
01	11 March 2003	Council	Date effective 09 April 2003
02	13 August 2019	Council	Date effective 04 September 2019
03	06 December 2022	Council	Date effective 06 December 2022

The management of Council reserves the right to cease, modify or vary this Policy and will do so in accordance with Council's established consultation processes.

REVIEW DATE

Council will review this policy every three years or more often if required.

AUTHORISATION

This policy was amended by Council Resolution on 11 March 2003 in Council Outcomes Committee reference No. A187940.

This policy was amended by Council Resolution on 13 August 2019 in Council Outcomes Committee reference Item No. 74.

This policy was amended by Council Resolution on 06 December 2022 in Council Outcomes Committee reference Item No. 137.

SECTION 5 – APPENDIX A

How to Obtain a Footpath Licence Agreement

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How to Obtain a Footpath Licence Agreement

These steps should be followed when applying for a licence;

1. Obtain an 'Application for Approval' form from Council
2. Supply
 - Name, address and phone number of business,
 - Name, address and phone number of applicant,
3. Prepare plans of a scale 1:100 of shop and intended use of area to be licensed.

Plans must show:

- The dimensions and boundaries of the proposed use of footpath.
 - The kerb line of the street.
 - The width of the business premises frontage and location of entrances.
 - The width of the existing footpath adjacent to the business premises frontage and the remaining width of the footpath after allowing for goods on display.
 - The location of pedestrian or vehicular entrances, which serve the adjoining premises or adjacent areas.
 - The location of any public utility structures such as power poles, bus stops, trees, street furniture, signposts or other items, which are adjacent to the site.
 - The area to be covered by public liability insurance. This will include the permitted goods on display area and the connecting area to the shop through which goods are delivered.
4. Details of the items to be displayed on the footpath and details of any the shelving. This includes display structures.
 5. The applicant must provide photographs for each aspect of the footpath.
 - A photo showing the minimum of width of unobstructed footpath under Section 3.4 of this Policy.
 6. Supply a copy of a "Certificate of Currency" (example next page) from the Insurance Company under which the business is covered.
 - The certificate must show: Public Liability \$20m and Fairfield City Council as "interested party".

On receipt of all above documents, Council will then assess the application. The Licence Agreement will be issued if the development application is approved.

EXAMPLE OF “CERTIFICATE OF CURRENCY”

ABC

Australian Insurance

CERTIFICATE OF CURRENCY

Policy type: Business Cover Insurance

Policy number:

Term:

Insured(s):

Interested Party: Fairfield City Council

Situation: Shop

Nature of Business:

Sum Insured: Public Liability \$20,000,000.00

Issued by:

Signed:.....