



City of Ryde

# **Footpath Activity Policy**

Effective 7 November 2006

## **1 Policy Statement**

This policy applies to the footpath areas adjacent to public roads situated within Business zones in the City of Ryde.

The basic tenet of this policy is to encourage the use of footpath areas for activities, which add vitality, vibrancy and streetscape character to shopping center precincts within the City and which do not prejudice public health and safety. These activities include outdoor cafés and restaurants, street markets and the like,

The use of footpath areas for the storage and display of merchandise associated with adjoining shops and commercial premises and for the use of the footpath areas for the display of A-frame advertising signs is strictly prohibited under the terms of this policy.

## **2 Policy Objectives**

The objectives of this policy area:

- To encourage uses that add vitality and interest to the streetscape character of shopping centers within the city.
- To provide attractive surroundings for outdoor dining and refreshment.
- To ensure that surrounding properties are not adversely impacted upon by footpath activities, either visually or by the conduct and nature of those activities.
- To ensure that adequate, sheltered and safe space is available for use of footpath areas for general pedestrian circulation.
- To ensure that pedestrian and traffic safety is not compromised by footpath activities.
- To ensure that footpath areas are maintained in a manner conducive to the maintenance of public health standards, public access and the attractiveness of the area as a civic space.

## **3 Visual Quality**

Any activity, installation, furnishing or enclosure on footpath areas should:

- Be attractive and complementary with the streetscape;
- Use quality and uniform patterned designs of a type to be approved by Council;

- Use landscape elements, such as trees, shrubs and planter boxes, designed in accord with any established landscape character and should be regularly maintained to Council's satisfaction;
- Use lighting, where required, which does not adversely affect surrounding properties;
- Be kept in good order, repair and condition at all times.

Specific requirements for outdoor dining and outdoor cafes are contained in the Outdoor Dining Policy which was adopted by the Council on 7 November 2006.

#### **4 Pedestrian Access**

Footpath access should be maintained to facilitate public pedestrian access. In this regard, an area between 2 to 3 metres wide should be provided for this purpose.

The footpath area should be sheltered, and must provide for safe pedestrian circulation.

Issues which Council must take into account in determining applications will include:

- The relationship to the proposed activity to surrounding land uses;
- Pedestrian desire lines and pedestrian linkages with the Centre;
- The impact of the reduction of width of the footpath on the capacity of the footpath to provide the required pedestrian capacity; and
- The details of a pedestrian survey that will need to be undertaken in respect of each proposal.

Specific requirements for outdoor dining and outdoor cafes are contained in the Outdoor Dining Policy which was adopted by the Council on 7 November 2006.

#### **5 Traffic**

It is imperative that the safety of pedestrians and motorists using the road adjacent to where the footpath activity is to be conducted is not prejudiced by the activity.

Specific requirements for outdoor dining and outdoor cafes are contained in the Outdoor Dining Policy which was adopted by the Council on 7 November 2006.

#### **6 Advertisement and Signs**

Details of any advertisement, sign or poster to be placed, displayed or exhibited in relation to the activity are to be submitted to and approved by Council prior to their installation or construction.

A-frame signs are strictly prohibited.

## **7 Amplified Music and Noise**

No amplified music is to be installed or used in connection with footpath activities without the prior approval of Council.

Approval will only be given in circumstances where no nuisance is caused to occupiers of surrounding properties.

Any noise created by the activity should be managed and controlled to a degree that there is no adverse impact on the occupiers of surrounding properties or on the amenity of the area generally.

Specific requirements for outdoor dining and outdoor cafes are contained in the Outdoor Dining Policy which was adopted by the Council on 7 November 2006.

## **8 Limitations on the Use of Footpath Areas**

The use of the footpath area will, generally, be limited to the area situated directly in front of the property, which provides the base for the footpath activity.

Consideration may be given to extending the use of the footpath area situated in front of adjoining premises, but only when the written consent of the owner and the occupier of the adjoining premises is submitted with the application. Any changes to the adjoining owner and occupier will require the applicant to seek new consents. If these consents are not obtained the area will be reduced to the footpath area immediately in front of the property, which provides the base for the footpath activity.

Applicants should discuss any proposals within areas such as the Eastwood Plaza with the relevant Management Committee or with the local Chamber of Commerce.

The views of these groups should be forwarded to Council with the application for approval.

## **9 Health Requirements**

Public health standards, specified by Council's Group Manager – Environment and Planning and the Property Services Unit, are to be observed in connection with the conduct of any activity.

These requirements should be discussed with officers from the Environmental Planning and Property Services units prior to the lodgement of the application.

## **10 Compliance with Requirements of the Approval**

All work required to be carried out under the terms of Council's approval will need to be completed to Council's satisfaction prior to the commencement of the activity.

## **11 Roads Act Approval Details**

The area of the footpath to be used for an activity under the terms of this policy will need to be approved by Council in accordance with S. 125 of the Roads Act, 1993.

The term of any approval will be limited to a maximum 3 year period that is subject to conditions of approval and at a rental, as determined by Council.

All costs associated with the approval will be borne by the Approval Holder.

The approval will include a provision indemnifying Council against any claims arising from the area subject to the approval.

No construction or structure is to be carried out or erected on the area subject to the approval without the prior approval of Council.

The approval will provide for the right of access to the area subject to the approval by service authorities to maintain their services and mains.

Use of the area subject to the approval by any persons(s) other than the Approval Holder will be prohibited.

All outgoings relating to the area subject to the approval are to be paid by the Approval Holder.

The number and design of the chairs and tables to be used in the area subject to the approval will need to be approved by Council.

## **12 Insurance**

Public liability insurance is to be taken out in the names of the Approval Holder and Council for an amount of cover not less than \$20 million or as varied by Council.

## **13 Details to be Submitted with Applications**

An application is required to be submitted to and approved by Council for any footpath activity.

The application should be completed on a Development Application form and will be considered by Council as an application for approval under the terms of both the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

An application fee of \$300 is to be submitted in connection with any application and this fee will include the cost of the pedestrian survey.

Applications should be accompanied by plans indicating:

- A clear definition of the area to be used, related to property boundaries and appropriately dimensioned;

- The manner by which the area is to be physically delineated, i.e. planter tubs, balusters and chain or the like, so as to ensure that the activity can be contained within the approved area and to enable the proper management of the approved area;
- The design, colour and nature of any structure to be constructed or any furnishing to be installed, including the tables and chairs proposed to be used;
- The location and capacity of toilet facilities, if required in respect to the activity;
- The location of any storage facilities which may be required for use in connection with the activity; and
- Any requirement to relocate existing “street furniture” from the proposed area to be used for the footpath activity such as outdoor cafés and restaurants. Such relocation to be undertaken by Council at the applicant’s expense.

Specific requirements for outdoor dining and outdoor cafes are contained in the Outdoor Dining Policy which was adopted by the Council on 7 November 2006.