

PART D – Commercial Development

Contents

D1	COMMERCIAL AND RETAIL DEVELOPMENT	174
1.1	Design	174
1.2	Noise	176
1.3	Hours of Operation	177
1.4	Restricted premises.....	179
D2	ADVERTISING AND SIGNAGE	180
2.1	Design and Location.....	180
2.2	Site Specific Controls	183
2.3	Sign Specific Controls	186
D3	FOOTPATH ACTIVITY AND SEATING	188
3.1	Location	188
3.2	Furniture and Accessories.....	191
3.3	Management.....	193
3.4	Designated Footpath Seating Locations	195

D1 COMMERCIAL AND RETAIL DEVELOPMENT

This Part applies to commercial and retail uses throughout Waverley.

1.1 DESIGN

Council encourages a range of uses within its commercial and local centres. These centres provide for uses that service the local community as well as regionally. Commercial development is encouraged to be designed with a high visual amenity and interface between the private and public domain.

Objectives

- (a) To enhance the scenic quality and amenity of streetscapes and public places.
- (b) To ensure operations are compatible with adjoining residential uses and are in accordance with the amenity expectations of the subject site and locality's zoning(s).

1.1.1 Frontages

Controls

- (a) Front windows and openings shall be designed to be sympathetic with the overall proportion of the building.
- (b) Front windows shall be designed to promote an active street level frontage and have a display function.
- (c) The use of obscured glazing is generally not supported. Where privacy is required, obscured glazing could be provided at the rear of the premises. Window and door frames should reflect the character of the building and/or area.
- (d) Premises are required to display a street number. The height of the numbers will be no less than 300mm presented in a clear readable font, located above the entry door, where possible.
- (e) Premises should have an awning except where structures are not compatible with the heritage or architectural style of the building. Continuous weather protection for pedestrians should be provided by premises located within shopping strips. Awnings should be designed in accordance with the building age and character.
- (f) The installation of roller shutters is not permitted. Such devices detract from the visual presentation of individual premises.

1.1.2 Lighting

- (a) Under awning lighting should be provided in accordance with the relevant Australian Standard.
- (b) Illumination is not to exceed a maximum horizontal luminance level of 200 lux (includes reflectivity of exterior finishes) as measured from the public domain. The intensity, colour, period of intermittency and hours of illumination of signage shall be varied if, at any time in the opinion of council, an adverse impact is

- being caused to the amenity. Fluorescent lighting is discouraged.
- (c) Where residential development is located above retail or commercial premises or to the rear, details are to be provided which demonstrate that light is not directed toward the residents of the building. Illumination at rear of commercial properties or where installed for security purposes must be sensor controlled, except where public street frontage and/or footpaths require it.
 - (d) Lighting, including ceiling lighting must be included in a development application (DA) for establishing and/or operating retail or commercial premises.

1.1.3 Amenity

- (a) All new retail, commercial and mixed developments shall incorporate within the building plant rooms and any associated facilities required for the future use of the premise (e.g. ducting, vents, air conditioners, refrigerator units, mechanical plant, etc). Plant rooms are to be acoustically treated.
- (b) Existing developments shall, where possible, incorporate plant rooms and any associated facilities required for the future use of the premises (e.g. ducting, vents, air conditioners, refrigerator units, mechanical plant, etc) into the building envelope. Where this cannot be achieved in an existing development, plant room/utilities are to be designed to cause negligible impact to neighbouring properties and streetscape.
- (c) Food shop premises are to be designed and constructed in accordance with the provisions of the *Food Act 2003*, Food Safety Standards Code and relevant Australian Standards. No goods shall be placed on the footpath without council consent.
- (d) Premises shall be designed so that customers cannot be served directly from council's footpath (i.e. a bar or servery).
- (e) All new development shall be designed to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.
- (f) The design of use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.

1.2 NOISE

Protection from unreasonable noise on neighbouring properties is an important issue to consider for new development. A well designed development can often avoid negative impacts associated with noise through orientation, siting and design of buildings.

Objectives

- (a) To ensure that the proposed use does not negatively impact on surrounding properties.
- (b) To effectively manage the interface between non-residential uses and residential accommodation.

Controls

- (a) An acoustic report prepared by a suitable qualified consultant may be required when submitting development applications for commercial and retail uses which may affect the acoustic privacy of the adjacent residential use.
- (b) The sound insulation of floors, ceilings and walls between different uses must be sufficient to ensure that occupants are safeguarded from loss of amenity as a result of undue sound being transmitted. Applicants must demonstrate to council how acoustic privacy will be maintained between residential and non-residential uses in a building and between adjoining buildings.
- (c) Where a premise applies for an extension of trading hours, review of trial period is sought, is proposing live entertainment or is in the opinion of council to have the potential to create an acoustic impact, a Plan of Management is to be submitted with the DA.
- (d) Air conditioning units and cool-room equipment must be located in a plant room or acoustic enclosure to remove the potential for any associated noise escaping from the subject property.
- (e) Spruikers or amplified music are prohibited.
- (f) Noise emanating from a mechanical ventilation system shall be in accordance with the relevant Australian Standards.
- (g) The use of the premises shall not give rise to unacceptable vibration levels to adjoining/nearby properties and sound levels which exceed the recommended levels as outlined in DECC's "Noise Guide for Local Government".
- (h) All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system are required to operate in accordance with requirements of the *Protection of the Environment and Operations Act 1997* and relevant Australian Standard. Details of the proposed mechanical exhaust ventilation system within a food preparation area are to be submitted to and approved prior to the issue of a Construction Certificate.

1.3 HOURS OF OPERATION

The trading hours of commercial premises in particular licensed premises can be linked to anti social behaviour. As a result there is a need for appropriate trading hours and trial period controls to ensure any potential impacts are mitigated against.

Objectives

- (a) To ensure trading does not impact on the amenity of the area or disrupt nearby residential properties.

Controls

- (a) Pre-works and clean up of the premises can exceed the maximum base trading hours in commercial zones (i.e. B1, B3 and B4) up to a maximum of one hour.
- (b) Where a DA is received for a refurbishment of existing licensed premises where its hours are not regulated by a condition of consent, a new condition of consent will be imposed in accordance with this Part to regulate trading hours of the premise.
- (c) Delivery and operation of loading docks shall be limited to the approved trading hours.
- (d) The prescribed hours of operation within Table 1 are subject to all other aspects of the development being satisfactory. Where residential uses are in close proximity, more restrictive trading hours may be applied.

Zone/ Use	Trading Hours
B3 Commercial Core and B4 Mixed Use	<ul style="list-style-type: none"> (a) General base trading hours: <ul style="list-style-type: none"> (i) Monday to Saturday: 7.00am to 11.00pm; and (ii) Sunday: 7.00am to 10.00pm. (b) Extended trading hours on a 1 year trial basis will be considered up to: <ul style="list-style-type: none"> (i) Sunday to Wednesday: 7.00am to midnight; and (ii) Thursday, Friday and Saturday: 7.00am to 1.00am.
B1 – Neighbourhood Centre	<ul style="list-style-type: none"> (a) General base trading hours: <ul style="list-style-type: none"> (i) 7.00am to 10.00pm, 7 days a week. (b) Extended trading hours on a 1 year trial basis will be considered up to 7.00am to 11.00pm on Thursdays, Fridays and Saturdays only.
All Residential Zones	<ul style="list-style-type: none"> (a) General base trading hours: <ul style="list-style-type: none"> (i) 7.00am to 10.00pm, 7 days a week (b) Extended trading hours on a 1 year trial basis will be considered up to 7.00am to 11.00pm, Fridays and Saturdays only.

Table 1 Hours of operation

1.3.1 Extended Trading Hours

- (a) Council recognises that a number of uses may require longer trading hours, particularly earlier opening times. In these instances, an application to extend or modify trading hours will undergo an additional merit assessment.
- (b) Approvals for late night trading premises will be limited in time to enable council to assess the ongoing management performance of the premises and the impact on the neighbourhood amenity.
- (c) An extension of the core trading hours will be considered on a trial basis only.
- (d) Council's assessment of the extended trading hours proposal will consider the following:
 - (i) the location of the premises, including proximity to residential and other sensitive land uses;
 - (ii) the specific use of the premises, i.e. pub, nightclub, restaurant;
 - (iii) the existing hours of operation of surrounding business uses;
 - (iv) size and patron capacity of the premises;
 - (v) security and general management of the premises;
 - (vi) number and nature of substantiated complaints regarding the operation of the premises;
 - (vii) compliance with conditions of consent;
 - (viii) evidence that the applicant has taken a pro-active position in terms of industry best practice;
 - (ix) record of successful waste management on site and clean up and management of waste in adjacent public domain;
 - (x) availability of transport for patrons including taxis, buses and car parking areas; and
 - (xi) any other matters considered relevant to the environmental evaluation of the premise.

1.3.2 Review of Trial Periods

- (a) A continuation, renewal or extension of trading hours may only be permitted if council is satisfied that the premise has demonstrated good management performance following the completion of a satisfactory trial period.
- (b) A further trial period up to 2 years may be granted. Trading hours outside of standard hours will not be granted on a permanent basis.
- (c) Council will reassess the matters specified in 1.3.1(d) above when considering an application to review the trial period.
- (d) If council determines no further extension period shall be granted the premises must revert to its pre-trial hours.

1.4 RESTRICTED PREMISES

Sex services premises are permitted within the B3 – Commercial Core Zone under WLEP 2012. The LEP includes specific controls relating to sex services premises.

This part provides additional controls relating to sex service premises and restricted premises to ensure their design and location does not negatively impact on the surrounding neighbourhood.

Objectives

- (a) To ensure land uses are compatible with the surrounding uses and character of the area.
- (b) To ensure the design, operation and location are considered and the cumulative impacts of commercial uses on the surrounding area are minimised.

Controls

- (a) Where a proposed development includes a restricted premises, sex services premises or licensed premises the following details must be taken into consideration in the assessment of the proposal:
 - (i) the nature and operation of the proposed uses;
 - (ii) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding the premises;
 - (iii) proposed hours of operation;
 - (iv) the size and intensity of the proposed development having regard to the number of people who will work on the premises;
 - (v) proposed management;
 - (vi) whether the uses is proposed to be licensed;
 - (vii) whether live entrainment is proposed;
 - (viii) the proximity, location and impact of the proposed uses on schools, places of worship, community facilities, major transport, residential buildings and places frequented by children; and
 - (ix) the likely impact on the amenity and desired future character of the street and area.
- (b) No internal rooms or spaces of the sex services premises, other than an access corridor to the premises are to be visible from a public space or shopping arcade.
- (c) No merchandising display relating to the restricted premises is to be erected, or displayed in the access corridor so as to be viewed from a public open space.
- (d) Signage for sex service premises is to be limited to the address or street number.
- (e) No flashing or illuminated signage is permitted for restricted premises.

D2 ADVERTISING AND SIGNAGE

This Part specifies objectives and requirements for the erection and display of advertising signs. The controls within this section should be read in conjunction with *State Environmental Planning Policy No.64 – Advertising and Signage, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and WLEP 2012, which define what can be carried out as exempt development and override these controls.

2.1 DESIGN AND LOCATION

Signage helps people find their way, as well as provide an opportunity for businesses to be easily identified. It is necessary for the design and location of signage to consider the existing character of an area to ensure the signage complements the area.

Objectives

- (a) To ensure outdoor advertising does not cause loss of amenity or have a detrimental effect on the natural or built environment or the safety, appearance or efficiency of any public area.
- (b) To ensure advertising signs or structures do not intrude upon the use and enjoyment of any retail/commercial precinct by shoppers and adjoining residents
- (c) To maintain the architectural integrity and unity of building facades, roofscapes, streetscapes.
- (d) To ensure any sign has regard to the size and juxtaposition of other signs in the immediate vicinity.

Controls

- (a) Signage is to be integrated into the architectural design of the building, awning or shop front. The signage must complement the materials, fenestration, colours and architectural features of the relevant building, awning or shop front, without dominating or compromising the integrity of these components (refer to Figure 1).
- (b) Where original sign panels have been incorporated into the parapet of the building facade, these should be used to identify the name or nature of the business.
- (c) The following types of advertising and signage are not permitted:
 - (i) Bunting;
 - (ii) Banners;
 - (iii) Inflatable signs; and
 - (iv) Sky or roof signs.
- (d) The colour used in the design of an advertising sign or structure should reflect the colour scheme of the building to which it will be attached.
- (e) Flashing, moving or 3-D signs will only be considered where permitted in this Part and after practical demonstration and a detailed assessment of any adverse impact on the amenity and character of the neighbouring area.



Figure 1 Types of signage

2.1.1 Siting

- (a) A flush wall sign should not span across window openings or a facade bay.
- (b) Signs should not extend over street boundaries, unless approved in conjunction with a shop which is built to the street alignment.
- (c) Any sign which in council's opinion would have an adverse impact upon traffic lights, or obstruct/distract motorists' vision at an intersection shall not be permitted.
- (d) A-Board (sandwich boards) signage is generally not permitted on public footpaths or roadways. Shopkeepers located within shopping arcades are encouraged to jointly erect a business directory instead of the incremental placement of A-Boards. Council may however approve the use of A-Board signs on public footpaths and roadways where the placement of such a sign would not impede pedestrian or vehicular traffic.

2.1.2 Size and Proportion

- (a) Signs should not be of a size or proportion which significantly affects the existing façade.
- (b) Signs having an area in excess of 20m² will not be permitted.
- (c) Signs are to have a maximum total area of 1.1m² for each metre of frontage (up to a maximum of 20m²) of a building and part thereof to any public road. Where the site has a frontage to two streets the same factor shall apply to the second frontage.
- (d) For each frontage to a residential side street or to a lane, the permissible advertising area shall not exceed a factor of 0.5m² for each metre of frontage if any advertising is permitted at all.

2.1.3 Advertising

- (a) Advertising on garbage bins, telegraph posts and other surfaces of a public nature is prohibited, except by prior contractual arrangement with council.
- (b) Advertising signage on buildings and shop fronts must only relate to businesses operating within the same building or shop. Third party advertising is prohibited.
- (c) Where multiple occupancies exist within a single building or shop front, a coordinated scheme for all advertising and signage is required.

2.1.4 Number of signs

- (a) The number of signs per building or site will be based on assessment of the following factors, the:
 - (i) number of existing signs;
 - (ii) proportion of solid (wall surface area) to void (window and door openings) available for signage;
 - (iii) length of frontage of the premises; and
 - (iv) extent of facade detail and dimensional relief on the building which should not be obscured by signage.

2.2 SITE SPECIFIC CONTROLS

It is important that signage considers the existing character of the area and provide signage that complements this character.

Objectives

- (a) To ensure advertising is compatible with the intensity of use in each land use zone and does not detrimentally affect the appearance of adjoining land.

Controls

2.2.1 Residential Zones

- (a) Any signage within a residential zone shall relate only to premises situated on the subject land and may specify any of the following:
 - (i) the purpose for which the land is used;
 - (ii) identification and description of a person carrying on an occupation or business on the premises; and
 - (iii) particulars of the goods or services dealt with on the premises.
- (b) Signs should be carefully designed to blend in with the established residential character and not unduly attract attention.
- (c) Illumination and electronic signs is not permitted.
- (d) A sign must not exceed 1m x 0.7m in size. The sign shall be affixed to the front façade of the dwelling or to the front boundary wall or fence.
- (e) In circumstances where there is no front fence, or where an existing fence does not have sufficient height to display a sign, and where the dwelling has a significant setback from the street front, council will give consideration to the erection of a pole sign, having a height not greater than 2.8m. Proportions of the sign shall not exceed 1m x 0.7m and not extend over the property boundary.

2.2.2 Campbell Parade

- (a) Projecting wall signs or flush wall signs above the awning of shops fronting Campbell Parade are prohibited with the exception of building identification signs. These shall be in painted form, identifying only the name of the building, and shall be traditionally located within the building parapet as a feature of the building.
- (b) Generally, neon signage is encouraged on window shop fronts and for under awning signs as an alternative to fluorescent illumination.

2.2.3 Wairoa Avenue in the vicinity of Wallis Parade

- (a) Neon signage may be permitted inside the window display area, provided it is not animated or flashing, due to the proximity of these shops to adjacent residential development.
- (b) No illumination or electronic signs above the awning will be permitted.

2.2.4 Neighbourhood shops

- (a) In areas located within Part E3 - Local Village Centres or where shops or commercial premises exist in residential zones, such premises shall be restricted to the display of the following signs:
 - (i) One under awning sign;
 - (ii) Awning fascia sign;
 - (iii) Window signage;
 - (iv) One flush wall sign to each frontage or one top hamper sign having maximum dimensions 3m x 1.5m.
- (b) Flush wall signs shall not be permitted on side walls facing adjoining residences (refer to Figure 2).
- (c) Animated, flashing signs and lights are not permissible.
- (d) Illuminated signage is to have no direct adverse impact on the amenity of residential properties.
- (e) Electrical conduits to illuminated signs are to be concealed or integrated into the relevant sign.
- (f) Shops shall consider the use of canvas shade blinds under the awning, in place of above awning advertising signs, as a means of retaining an appropriate neighbourhood scale. Such signage shall relate to the display of product logos and not involve the promotion of sales or specials. Signage shall occupy a maximum of 60% of the surface area of the blind and not involve fluorescent or iridescent paints.

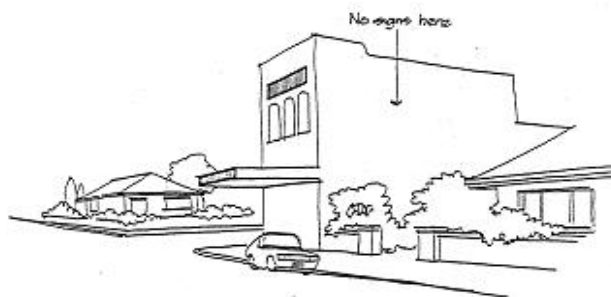


Figure 2 Inappropriate location for flush wall signs

2.2.5 Mixed development buildings

- (a) Advertising signs and structures shall not be permitted above the awning on mixed development buildings unless they relate to activities conducted above ground floor level.

2.2.6 Development in excess of 15 metres in height

- (a) Naming rights to the building, often in favour of the principal tenant, shall be limited to the form of one advertising sign above the awning. The sign shall be designed and positioned in a manner sympathetic to the design criteria of the building. Where no principal tenant exists, a coordinated approach shall be used in meeting the advertising needs of the tenants of a building. This should generally be limited to a directory panel in the common area of the building.

- (b) Roof signs shall not be permitted where they result in an increase in the height of the building, or where they are flashing or moving. The assessment of any proposed roof sign shall include an evaluation of its impact on adjacent residential development, in terms of intensity and duration of illumination.

2.2.7 Automotive related activities

- (a) Freestanding pole signs shall have a maximum height of 6 metres above ground level, and the sign itself shall not exceed 3.4m² in area.
- (b) Pole signs shall not project more than 750mm beyond street alignment (refer to Figure 3).
- (c) A fin sign positioned as such shall have a maximum height of 1.5m above the roof structure (refer to Figure 3). No portion of the sign shall project over council's footpath. Fin signs shall have a maximum area of 9m² referring only to the name of the establishment. Only one sign shall be permitted on the premises.

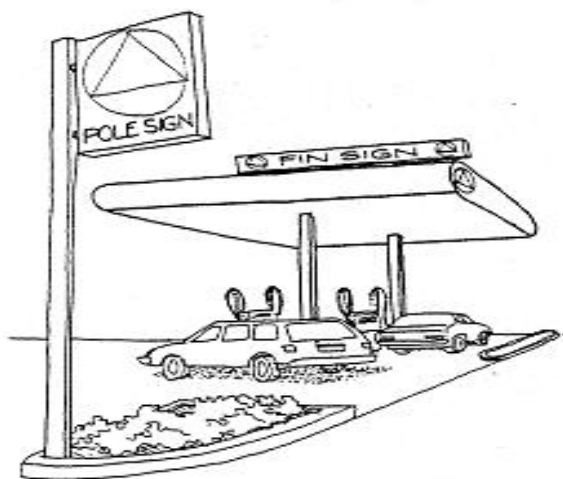


Figure 3 Example of pole and fin signs

2.2.8 Heritage Significant Buildings

- (a) Council will give consideration to architectural qualities of building when addressing the suitability of any proposed signs.
- (b) Signs must not conceal or obscure architectural features.
- (c) Generally, signage will be restricted to under awning shop fronts, awning fascias and as suspended under awning signs.
- (d) Signage above the awnings must be limited to appropriate areas allocated for such a purpose in the original facade design (parapets, for example), and must not extend above the awning.
- (e) Flashing, electronic, illuminated or animated signs will not be permitted.
- (f) Council encourages restoration of original painted signs, and construction of new signs using traditional designs.
- (g) In the absence of any shop front awnings, signage shall be kept below the height of awnings on adjacent buildings. In such circumstances, projecting wall signs should take the form of lantern signs, where appropriate.

2.3 SIGN SPECIFIC CONTROLS

There are a range of signage styles and sizes. Consideration needs to be given as to the appropriateness of the type of sign with the building in which the sign is proposed to be located as well as the surrounding character of the area.

Objectives

- (a) To ensure that proposed signage is compatible the buildings and surrounding character of the area.

Controls

2.3.1 Under awning signs

- (a) Under awning signs shall have a minimum clearance of 2.6m above the footpath and be centrally positioned under the awning.
- (b) Under awning signs shall not exceed 2.4m x 450mm.
- (c) Under awning signs shall not project beyond the width of the awning.
- (d) A minimum separation distance of an under awning sign to another under awning sign is to be 3m where practicable.

2.3.2 Projecting Wall Signs

- (a) Signs shall not extend above parapet height.
- (b) Horizontally oriented signs will only be considered where the sign matches the other appropriately designed and approved signs and has an appropriately designed bracket.
- (c) Where permitted signs shall:
 - (i) extend a maximum projection of 750mm from the face of the wall (refer to Figure 4);
 - (ii) have a minimum clearance of 2.6m above the footpath;
 - (iii) align with signs on adjacent buildings; and
 - (iv) the vertical dimension of the sign shall be equal to or greater than the horizontal dimension.
- (d) Council will consider variations to the maximum projection requirement only where, in council's opinion, the requirement for a sign of vertical proportion does not suit the style and character of the building, or details and proportions of the façade. In these instances square or circular signs may be considered, having a maximum projection of 1.5m from the facade. In such circumstances, buildings 3 storeys or greater are considered more appropriate to scale and proportion of such signs (refer to Figure 5).
- (e) Both panel and projecting signs should be attached to undecorated wall areas. Where projecting wall signs of vertical proportion are proposed, vertical engaged piers present on the facade of older buildings should be used.
- (f) Facade panels should align with the width dimensions of windows or doors and be centered on parapets (refer to Figure 6).

2.3.3 Awning fascia signs

- (a) Fascia signs shall flush with the awning and not illuminated.
- (b) They shall not project above or below the awning fascia.
- (c) Sign writing shall be limited to the street number, name and general nature of the business. Product identification on awning fascias shall not be permitted.

2.3.4 Top hamper signs

- (a) Signs shall not project more than 150mm beyond the face of the building.
- (b) Signs should not extend below the level of the head of doorway or window to which they are attached.
- (c) Signs are to be within the perimeter of the building walls.
- (d) Illumination is permitted.

2.3.5 Window signs

- (a) Painted signs on shop front windows, particularly those using fluorescent and iridescent paints, shall be temporary in nature, and not cover more than 60% of the window surface area (refer to Figure 7).
- (b) Painted window signage which is skeletal in form, identifying only the business name of the premises, may be permanently applied to the window surface.

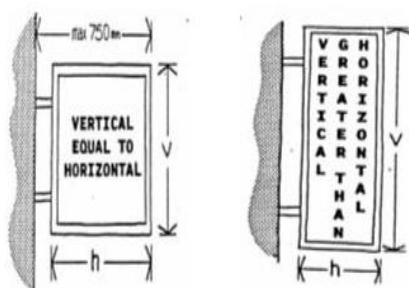
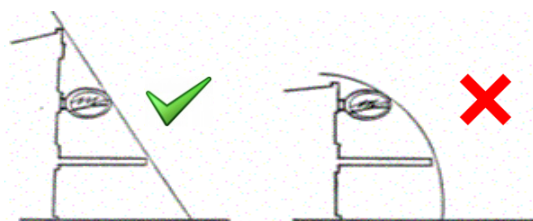


Figure 4 Dimensions for vertical projecting wall signs



3 or more storeys is appropriate

Figure 5 Signage for buildings with 3 or more storeys

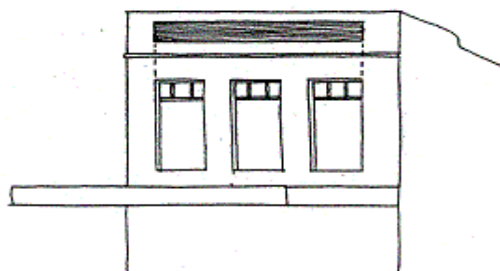
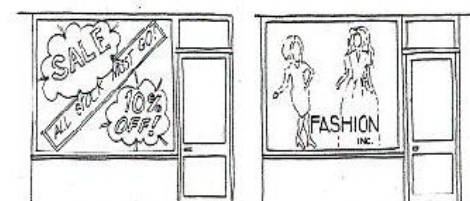


Figure 6 Preferred alignment of façade panels



Temporary signage

Permanent signage

Figure 7 Painted shop front window signs

D3 FOOTPATH ACTIVITY AND SEATING

This Part guides applicants seeking approval to utilise footpath areas outside their café or restaurant for footpath seating.

Where proposals are partly or fully on public land within the Waverley LGA, development consent and approval under Section 125 of the *Roads Act 1993* is required. This part specifically addresses footpath seating only. The display of goods on the footpath and/or temporary advertising signs on the footpaths requires separate approval from council. Please note that “A-Frame” advertising is not permitted in any location throughout Waverley.

Cafes and restaurants wishing to serve alcohol are required to apply for a separate license under the *Liquor Act 2007*.

3.1 LOCATION

Footpath seating can make a significant contribution to the quality of the public spaces by providing an active street frontage. However footpath seating may not be appropriate in all locations due to safety and amenity issues.

To be eligible for a footpath seating license the primary function of the premises must be a café or restaurant and must:

- provide sit down meals or snacks;
- utilise non disposable eating utensils;
- have washing up facilities for all cooking/eating utensils; and
- provide waiter service for all patrons.

Objectives

- (a) To ensure pedestrian movements are maintained, as well as the safety of patrons and staff.
- (b) To ensure footpath café and restaurant seating is not the primary dining area but an extension of indoor seating for use in fine weather.

Controls

- (a) When assessing applications consideration will be given to:
 - (i) the convenience and safety of pedestrian movement;
 - (ii) the safety of vehicular movement;
 - (iii) any impact on residential amenity;
 - (iv) whether the application contributes to and improves the local amenity and the public domain; and
 - (v) the impact on the existing natural environment including existing trees, significant views and items of heritage significance.
- (b) The standard location for the footpath café/restaurant seating is against the shop front.
- (c) If adjoining space is not used by the adjacent shop, shops immediately adjacent may take up that space providing they meet the criteria for approval in this Part. Adjoining space should only be used as long as the adjacent business does not

require the seating for their own purposes. Owner's consent to use the area in front of an adjoining tenancy can be cancelled by that owner or council with a minimum 4 weeks' notice.

- (d) Where the footpath seating is adjacent to the kerb a standard minimum setback of 1.5m from the kerb is required to allow access to parked cars and to ensure the safety of patrons.
- (e) Footpath seating and associated furniture must be kept clear of street corners to allow adequate visibility and sight lines for traffic safety. Allow a 45 degree splay from the corner of the building (refer to Figure 8).

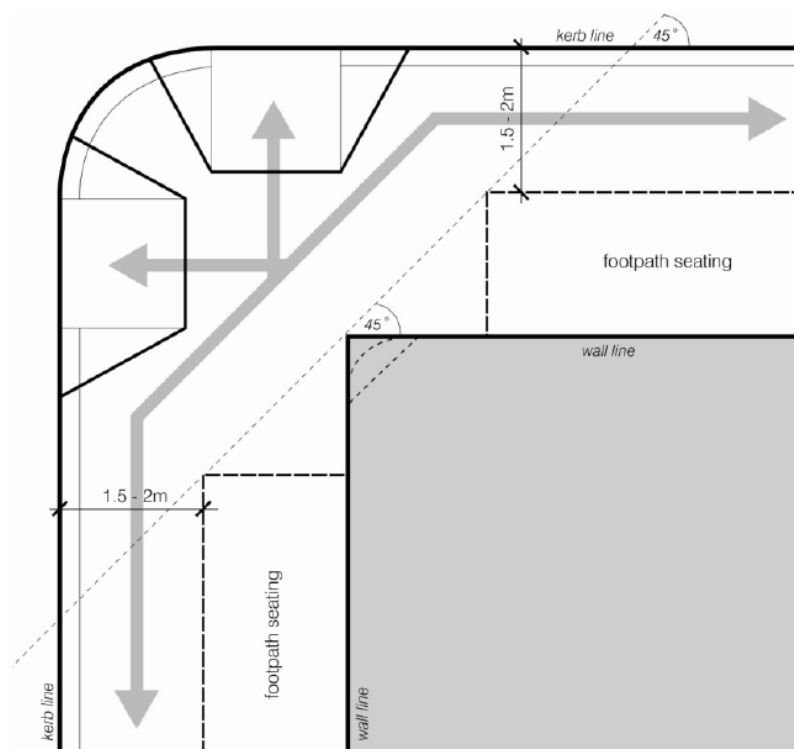


Figure 8 Footpath seating locations at corner sites

- (f) Where a footpath is extended at a street corner or where there is a road closure there may be opportunities for different seating locations other than the standard footpath seating location.
- (g) Alternative footpath seating locations may be considered on their merits. Additional supporting information must be provided with the application including evidence illustrating how pedestrian and vehicular safety will be achieved.
- (h) The minimum width of a footpath seating area is 1m measured perpendicular to the shopfront (to allow 2 chairs either side of a table).
- (i) Adequate circulation space for patrons and staff within the footpath seating area must be provided.
- (j) The minimum width of a clear unobstructed pedestrian footpath is 2.5m. This distance is exclusive of street furniture, bus stops, disabled parking spaces, parking meters, telephone boxes or the like.
- (k) No furniture is to be located within 3m of a bus stop or taxi rank to allow for adequate pedestrian circulation.
- (l) Where footpaths do not have adequate width to accommodate the required minimum unobstructed pedestrian footpath and footpath seating widths, shops are encouraged to provide shop fronts capable of opening to the street.

- (m) All areas granted approval for outdoor seating must clearly mark the location of the space on the pavement with council approved markers.
- (n) Exceptions are for the following designated footpath seating areas:
 - (i) Oxford Street Mall; Bondi Junction
 - (ii) Waverley Street Mall, Bondi Junction;
 - (iii) Campbell Parade, Bondi Beach, between Lamrock Avenue and Beach Road;
 - (iv) Roscoe Street, Bondi Beach; and
 - (v) Bronte Road, Bronte Beach.

*Refer to Section 3.5 for area specific controls

3.2 FURNITURE AND ACCESSORIES

Outdoor footpath should make a positive contribution to the street environment and be of a style that is practical and that integrates into the surrounding area.

Objectives

- (a) To ensure all furniture and accessories are high quality and an appropriate design.

Controls

- (a) All furniture must be safe, strong, durable, waterproof, weather resistant and salt resistant. All furniture must be purpose built and designed for commercial outdoor use.
- (b) Elements of furniture (such as chairs, tables, barriers or umbrellas) must be uniform in style and design within each café or restaurant in order to maintain a cohesive pattern and legible groupings.
- (c) All furniture must be kept well maintained and clean at all times. Council reserves the right to require replacement of inappropriate and/ or hazardous furniture as a license requirement.
- (d) All furniture, accessories and umbrellas are temporary and must be stored away from footpath seating areas outside the approved hours of operation unless specific approval has been granted.

3.2.1 Accessories

- (a) Provide wind proof menus and sugar containers.
- (b) Pedestal menu boards and A-frame or sandwich board menus are to be transportable, kept within occupied areas at all times during use and not obstruct pedestrian thoroughfares.

3.2.2 Umbrellas

- (a) Umbrellas are to be commercial grade and suitable for outdoor use (UV resistant, provide rain and hail protection, fire resistant, wind rated and easily maintained) of a square canopy shape with no top hat, have a diameter of between 1.8m and up to 4.0m, have a centre post, be collapsible and be at least 2.2m above ground when open.
- (b) Umbrellas must be removed or closed in extreme windy conditions to avoid damage and ensure safety for patrons and pedestrians.
- (c) Umbrella bases must not damage the paving and should be secured to the umbrella.
- (d) Umbrellas are to be securely anchored by the applicant to the satisfaction of council. The cost of the umbrellas and securing them will be borne by the applicant.
- (e) The umbrella base may be embedded in the footpath paving with council approval.
- (f) Umbrellas may overhang a maximum of 300mm outside the approved footpath seating area.

- (g) Umbrellas may not be fitted with protection blinds unless specific approval has been granted.
- (h) Umbrellas must be cleaned at least once every 12 months at the cost of the applicant.

3.2.3 Barriers and landscape planters

- (a) The maximum permitted dimensions of a barrier is 900mm high and 1.2m wide.
- (b) The maximum permitted dimensions of a planter is 750mm high, 1.2m wide and 900mm deep.
- (c) No barriers or landscape planters are permitted in Oxford Street Mall or Waverley Street Mall.
- (d) Barriers and landscape planters are not permitted in front of the seating area facing the pedestrian way.

3.2.4 Heaters

- (a) Only tall, free standing, portable radiant gas heaters are permitted.
- (b) Heaters used in footpath seating areas must be:
 - (i) Commercial grade only;
 - (ii) Well maintained for safety;
 - (iii) Able to turn off automatically if overturned;
 - (iv) Removed from the footpath seating area and stored on private property when not in use unless approval is granted; and
 - (v) Not attached to an umbrella.

3.2.5 Lighting

- (a) Any footpath seating which will be operating outside daylight hours must provide adequate lighting to council's satisfaction, to ensure the safety and amenity of patrons, staff and the general public.
- (b) Any additional lighting required must be temporary and must be stored away from footpath seating areas outside the approved hours of operation.
- (c) Wiring or cables that is above ground or that crosses the public domain is not permitted.
- (d) Lighting should not cause light to spill in to habitable living areas of adjacent residential buildings.

3.2.6 Advertising and Logos

- (a) Only the name and/or logo of the tenant is permitted on furniture. No third party advertising is permitted.
- (b) The name and/or logo are to be presented on a maximum one third of an umbrella panel.

3.3 MANAGEMENT

To ensure that footpath seating contributes positively to the urban environment it is necessary to ensure that the appropriate management issues are considered including noise, hours of operation, health and safety.

Objective

- (a) To ensure the operation of footpath seating does not have an adverse impact to the amenity of adjoining and nearby properties and residents.
- (b) To ensure that footpath furniture only occupies space within licensed areas.

Controls

- (a) Management is responsible for keeping public areas surrounding the approved seating area clear of prams and dogs associated with their customers. Where customers with prams are regular clientele, consider providing a 'pram' table with extra space around it for prams, or collapsible chairs which can easily be removed to give more space for prams within the seating area.
- (b) The approved footpath seating area is to be delineated with corner markers in the footpath using Council approved pavement markers.
- (c) Seating areas must be kept clean and free of litter during operating hours.
- (d) Litter patrol documentation in the form of a cleanup roster must be kept on site at all times.
- (e) Seating areas must be clean and free of litter once furniture and accessories are removed from the public realm after hours.
- (f) Where a permit is suspended, relocated, amended and/or cancelled, neither the permit holder nor any other persons shall be entitled to any payments, compensation or damages of any kind from Waverley Council.
- (g) The proprietor is to ensure that the requirements of the Australia and New Zealand Food Standard Code are fully met.
- (h) No Smoking is permitted in footpath seating areas.

3.3.1 Hours of operation and noise

- (a) Hours of operation must finish at least half an hour before the general operational hours of the establishment as determined by council.
- (b) Footpath seating will not be approved if the proposal is of a scale that noise generated will have a significant adverse effect upon nearby residential properties.
- (c) Amplified sound emanating from public footpaths or projected onto public footpaths is prohibited.

3.3.2 Tenancy approvals

- (a) Generally, approval for footpath seating will be granted for 3 years inclusive of a 6 month trial period and checks made for compliance regularly throughout the approval period. Council may elect to approve for a lesser period of time, where it is of the opinion that the use of the footpath may cause detrimental impact to the amenity of the area.

- (b) A permit may be cancelled or amended if:
 - (i) the proprietor fails to comply with the permit conditions; and
 - (ii) there are changed conditions affecting the outdoor dining area in its particular location, such as increased risk to health and safety.
- (c) If payment of rent for outdoor seating is not received by council on the first day of each month an approval is in place, the approval is considered to have lapsed until payment is received. In the interim, an infringement notice may be issued for obstructing the footpath without approval.
- (d) Tenants are required to keep their approved footpath seating layout plan in clear view so Waverley council compliance officers can easily check for compliance with the approval at any time. Appropriate locations are in the front window or, if the front facade of the tenancy is fully openable, close to the front of the tenancy.
- (e) Tenants are required to pay a rental bond as determined in the agreement with council.

3.3.3 Toilet and sanitary conveniences

- (a) Premises with seating capacity for 20 or more patrons must provide sanitary facilities in accordance with the requirements under the Building Code of Australia.

3.4 DESIGNATED FOOTPATH SEATING LOCATIONS

In addition to the general controls there are specific controls for the following designated footpath seating locations.

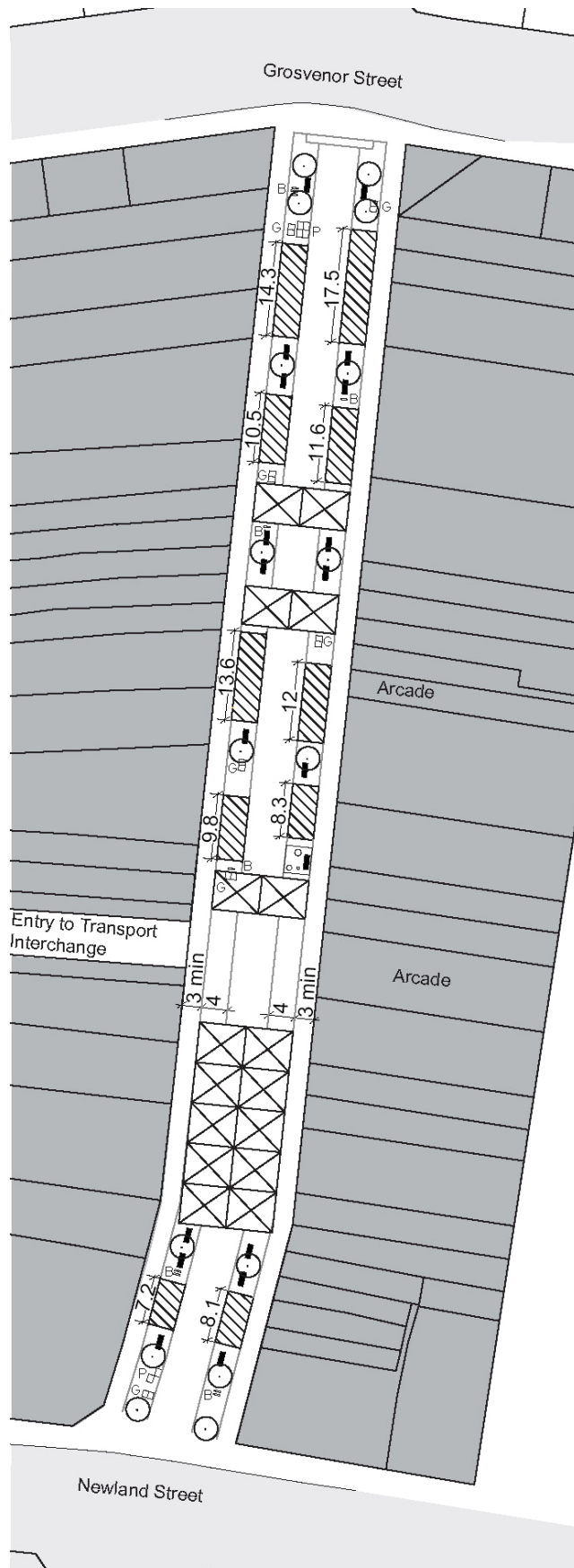
Objectives

- (a) To ensure footpath seating contributes to and improves the local amenity and the public domain.
- (b) To ensure the existing natural environment including existing trees, significant views and items of heritage significance are maintained.





Controls

3.4.1 Oxford Street Mall, Bondi Junction

- (a) Oxford Street Mall is to have a minimum clear unobstructed pedestrian footpath of 3m.
- (b) Footpath seating in Oxford Street Mall is required to be located away from the shop fronts.
- (c) The location of footpath seating is to be in accordance with Map 1.
- (d) Footpath seating must be a minimum of 1.2m away from site furniture-bicycle racks, garbage bins, public seating, public telephones.



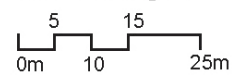
Map 1. Oxford Street Mall,
Bondi Junction

-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
-  Shade Structure
- B Bike Racks
- G Garbage Bins
- P Public Telephone

Note

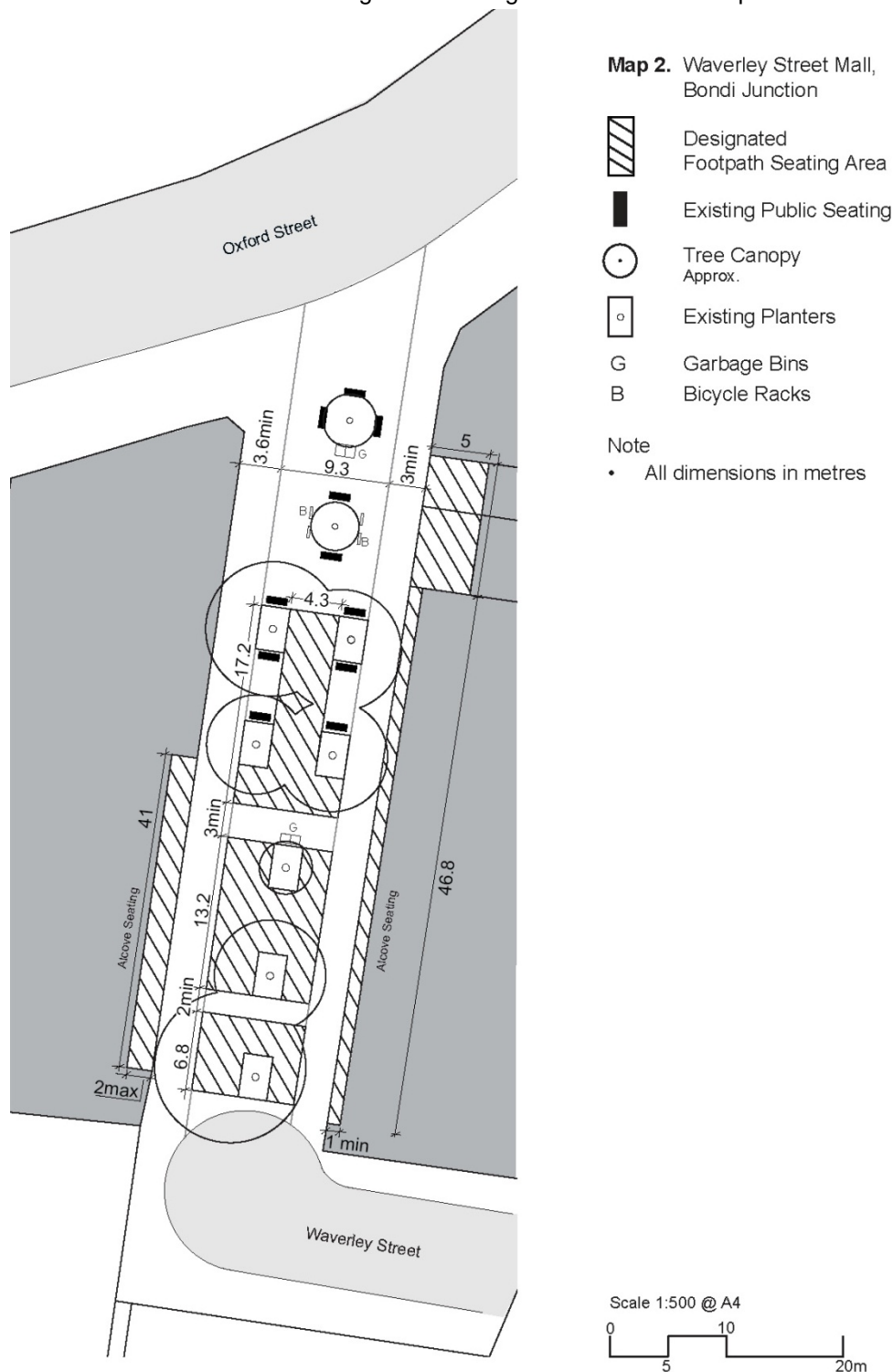
- All dimensions in metres
- Footpath seating must be a minimum of 1.2 metres away from site furniture-bicycle racks, garbage bins, public seating, public telephones

Scale 1:1000 @ A4



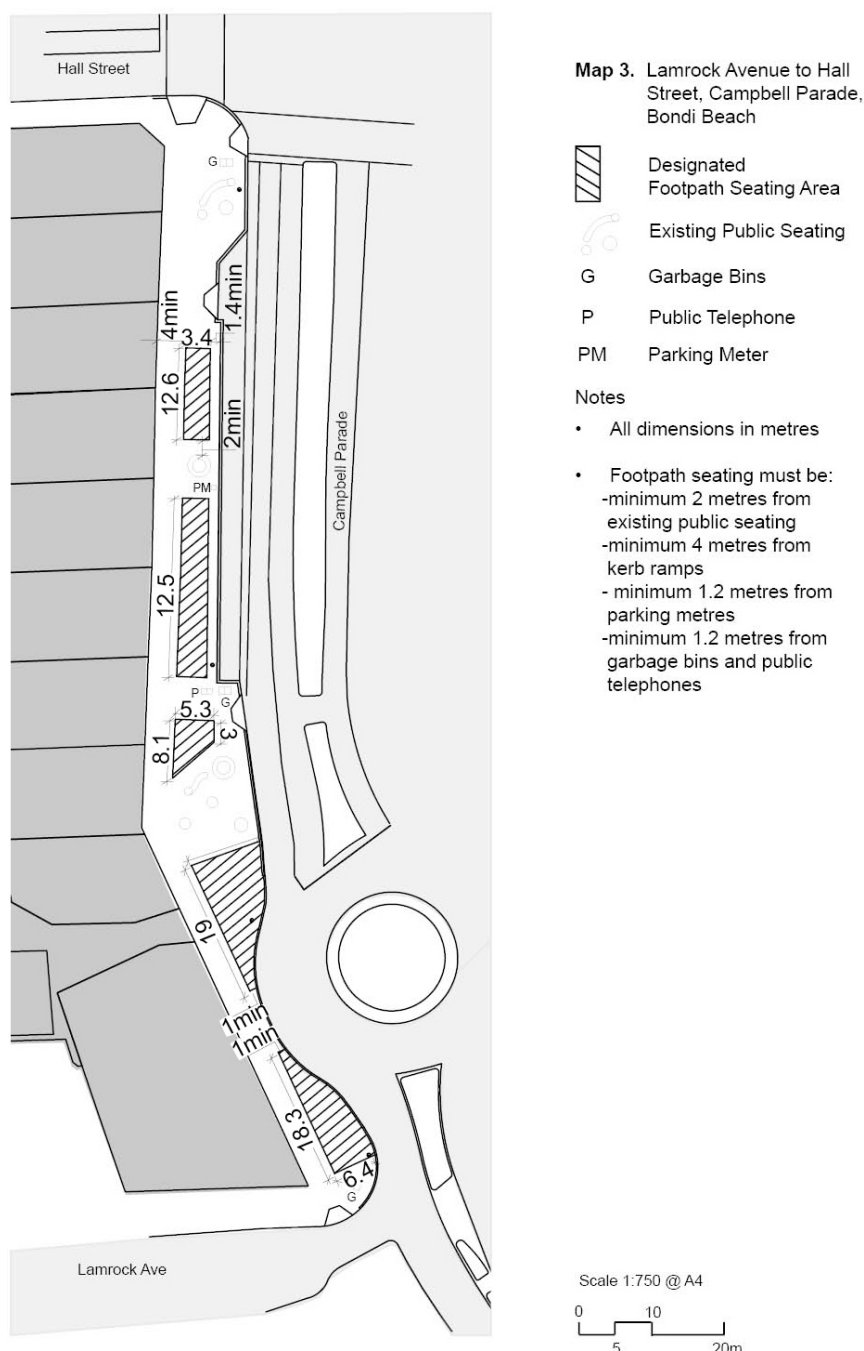
3.4.2 Waverley Street Mall, Bondi Junction

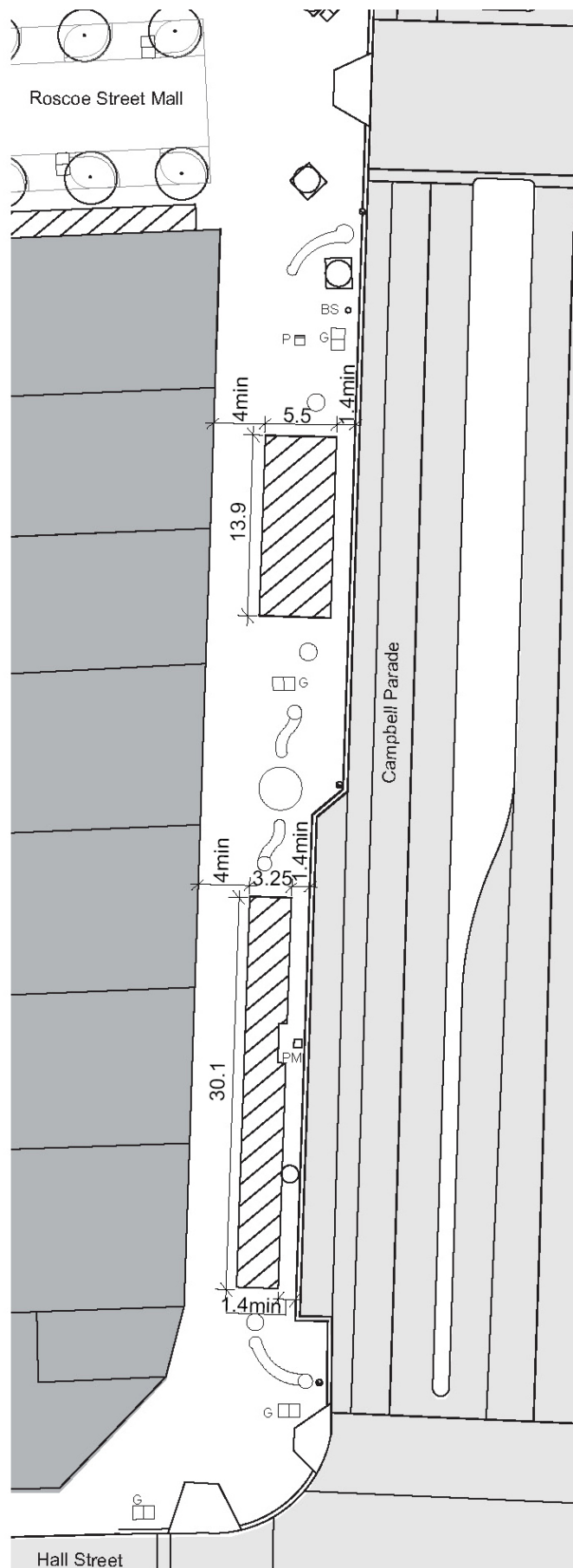
- (a) Waverley Street Mall is to have a minimum unobstructed pedestrian footpath of 2.0m, between the café/restaurant footpath seating against the shop front and the designated seating areas or planters.
- (b) Footpath seating is permitted against the shop fronts within alcove areas only and also in the designated seating areas located in Map 2.










3.4.3 Campbell Parade between Lamrock Avenue and Beach Road, Bondi Beach

- Campbell Parade is to have a minimum 4m clear pedestrian footpath between Lamrock Avenue and Beach Road (and minimum 2m in all other areas) as indicated on the designated footpath seating maps in Map 3, 4, 5 and 6.
- Footpath seating must be a minimum 2 metres from existing public seating, a minimum of 1.2 metres from parking metres, a minimum of 1.2 metres from garbage bins and public telephones.
- Protective blinds are only permitted to a maximum of three sides of an umbrella. The blinds must not contain metal rods and must be rolled up when not in use.
- All umbrellas must be embedded in the footpath paving on Campbell Parade between Lamrock Avenue and Beach Street.





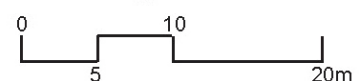
Map 4. Hall Street to Roscoe Street , Campbell Parade, Bondi Beach

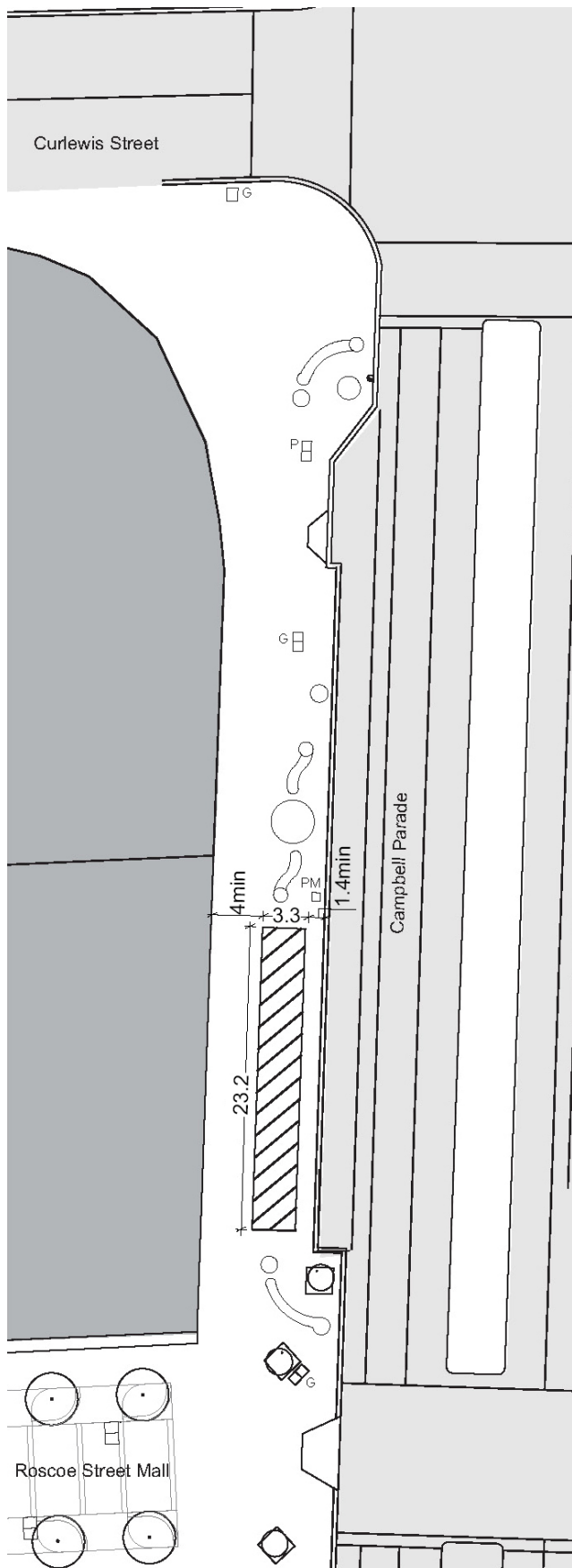
-  Designated Footpath Seating Area
-  Existing Public Seating
-  Garbage Bins
-  Public Telephone
-  Parking Meter
-  Bus Stop
-  Tree Canopy Approx.

Notes




- All dimensions in metres
- Footpath seating must be:
 - minimum 2 metres from existing public seating
 - minimum 1.2 metres from parking metres
 - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4





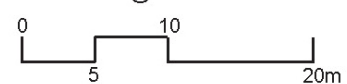
Map 5. Roscoe Street to Curlewis Street, Campbell Parade, Bondi Beach

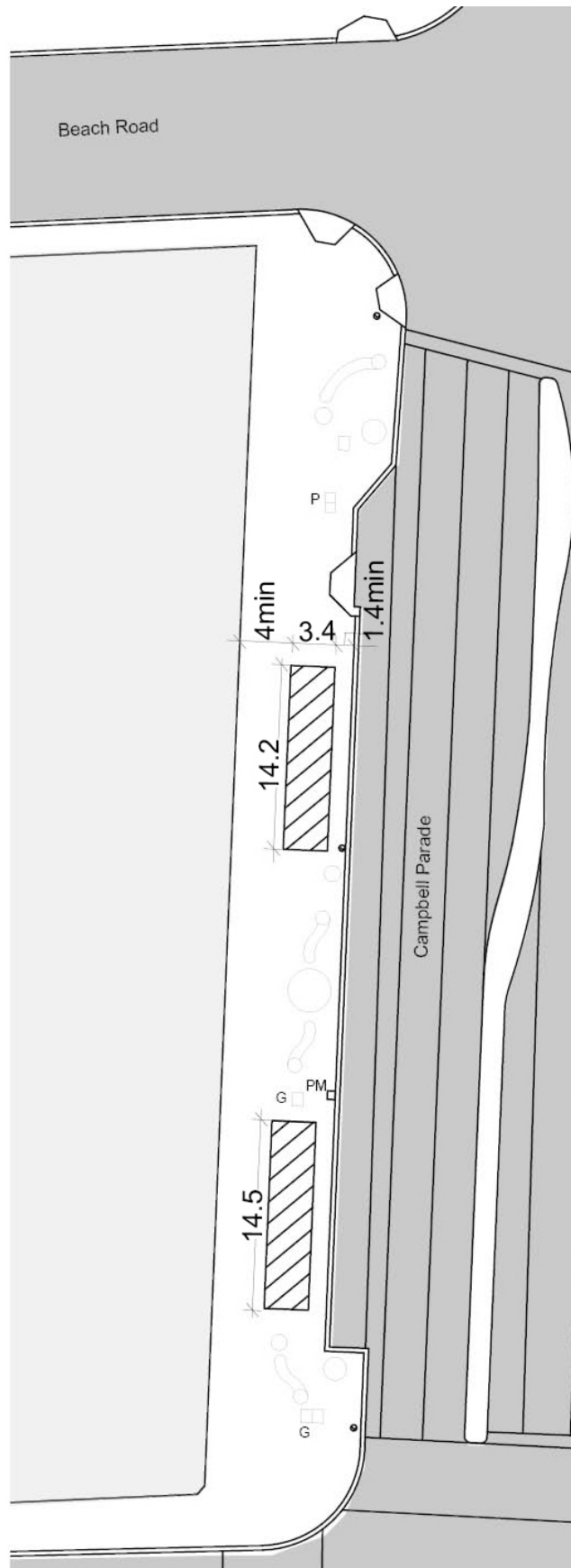
-  Designated Footpath Seating Area
-  Existing Public Seating
- G Garbage Bins
- P Public Telephone
- PM Parking Meter
-  Tree Canopy Approx.

Notes

- All dimensions in metres
- Footpath seating must be:
 - minimum 2 metres from existing public seating
 - minimum 1.2 metres from parking metres
 - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4





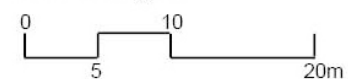
Map 6. Curlew Street to Beach Road, Campbell Parade, Bondi Beach

-  Designated Footpath Seating Area
-  Existing Public Seating
- G Garbage Bins
- P Public Telephone
- PM Parking Meter

Notes

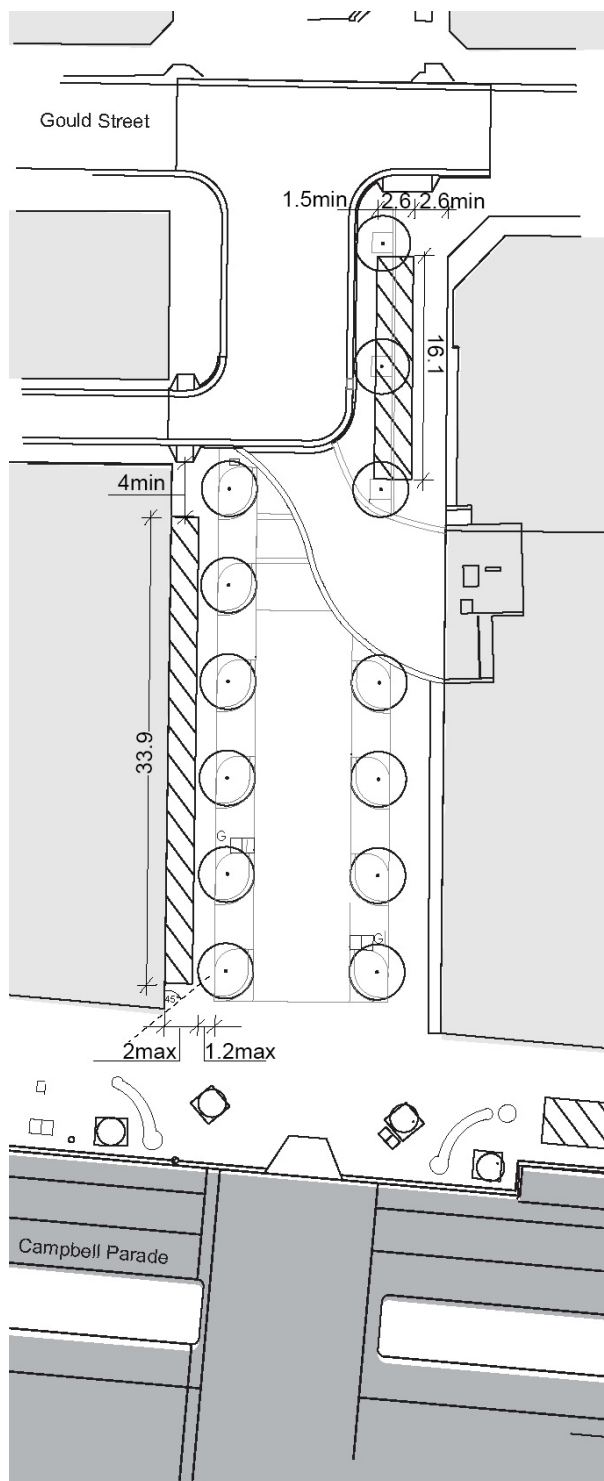
- All dimensions in metres
- Footpath seating must be:
 - minimum 2 metres from existing public seating
 - minimum 1.2 metres from parking metres
 - minimum 1.2 metres from garbage bins and public telephones

Scale 1:500 @ A4








3.4.4 Roscoe Street Mall, Bondi Beach

- (a) Roscoe Street Mall is to have a minimum clear pedestrian footpath of 1.2 metres from existing public seating at the Campbell Parade end and 2.5 metres at the Gould Street end as indicated on the designated footpath seating map in Map 7.
- (b) Footpath seating must be a minimum of 4 metres from kerb ramps, minimum of 1.2 metres from garbage bins.



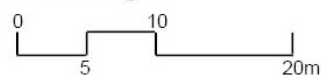
Map 7. Roscoe Street Mall, Bondi Beach

-  Designated Footpath Seating Area
-  Existing Public Seating
-  Garbage Bins
-  Public Telephone
-  Tree Canopy Approx.

Notes

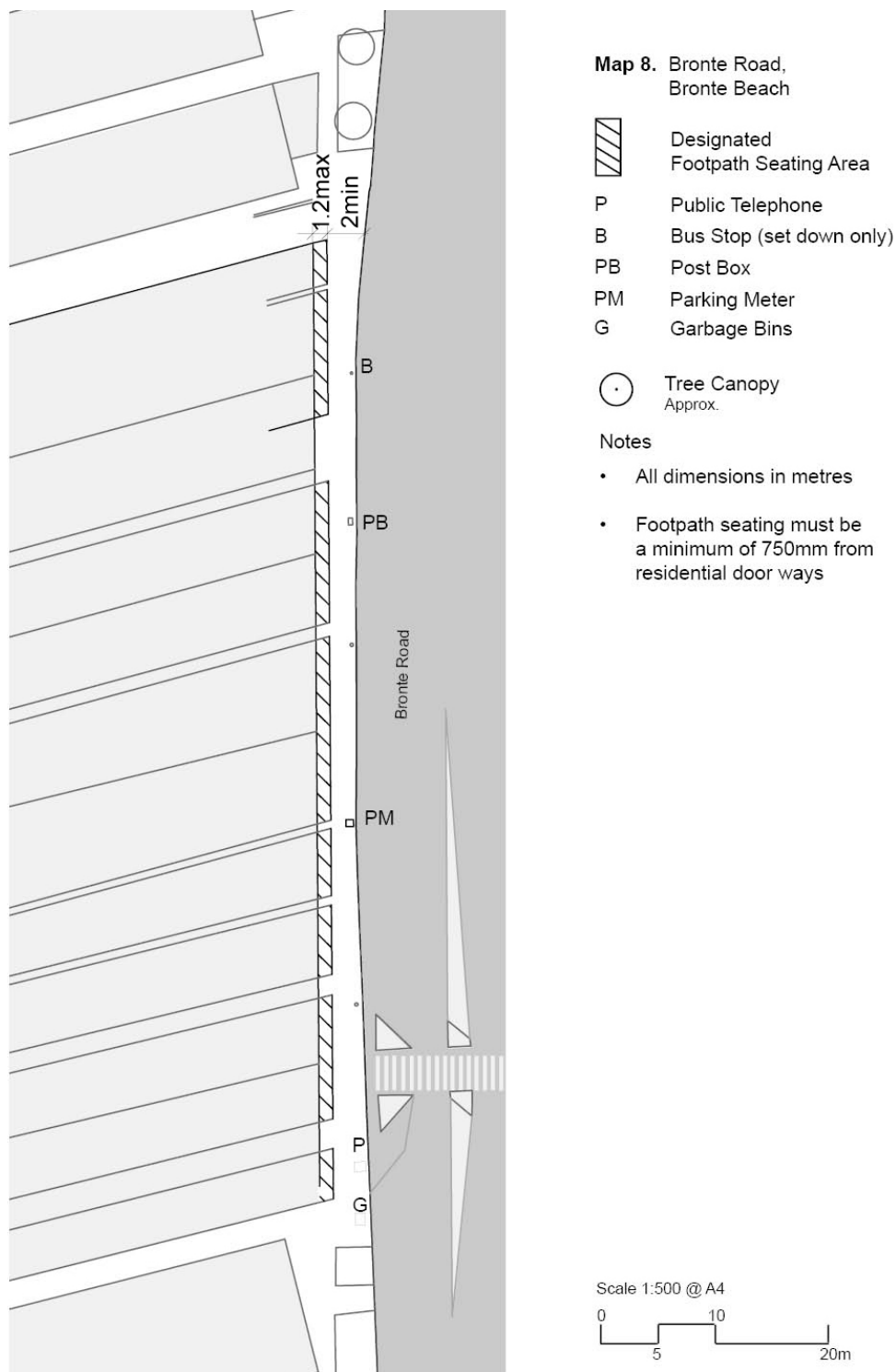
- All dimensions in metres
- Footpath seating must be:
 - minimum 1.2 metres from existing public seating
 - minimum 1.2 metres from garbage bins
 - minimum 4 metres from kerb ramps

Scale 1:500 @ A4



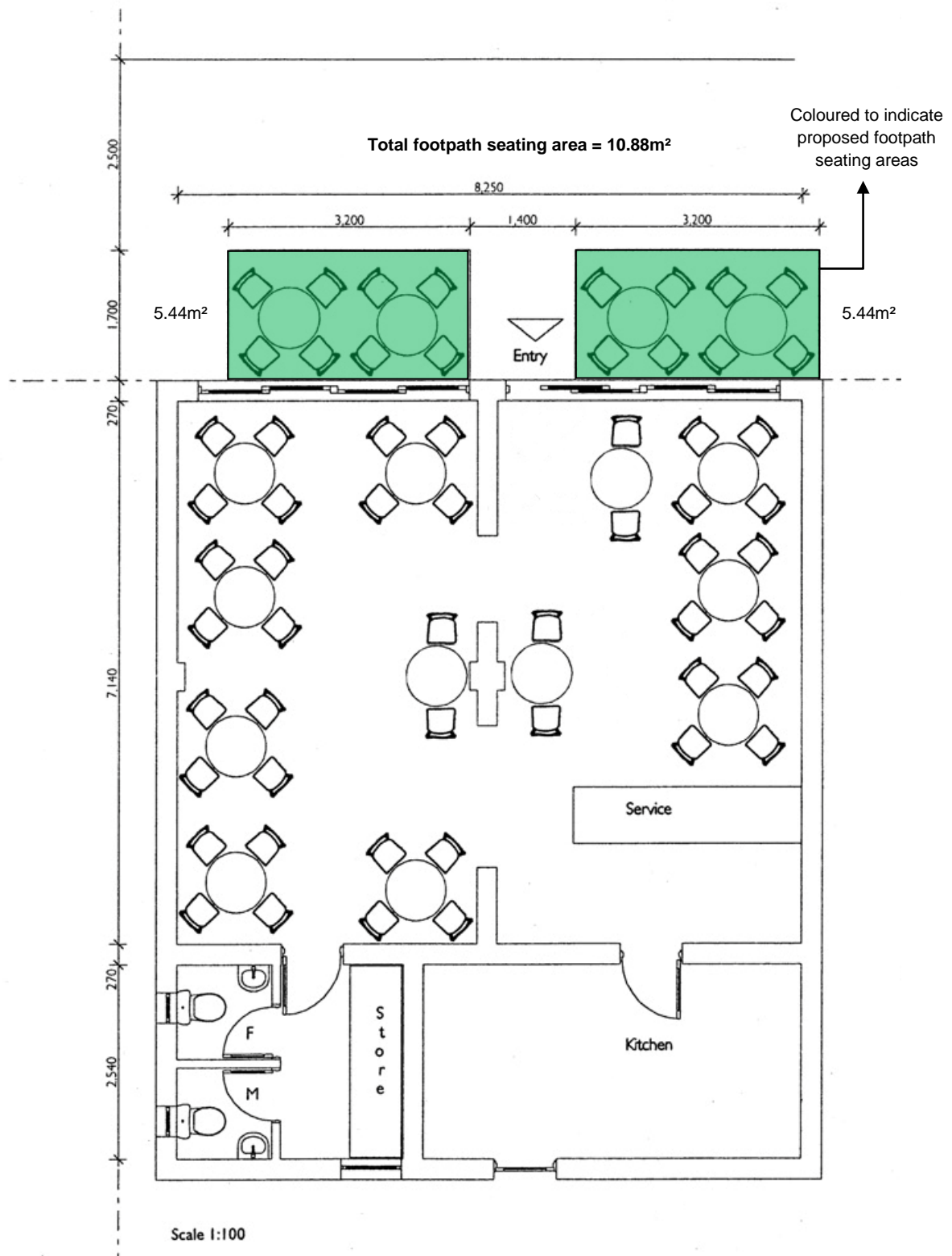
3.4.5 Bronte Road, Bronte Beach

- Bronte Road, Bronte Beach is to have minimum clear pedestrian footpath of 1.5 metres as indicated on the designated footpath seating map in Map 8.
- Footpath seating in Bronte Road, Bronte Beach must be located against the shop front.
- Footpath seating must be a minimum of 750mm either side of residential doorways.



Annexure D3-1

Example of a Footpath Seating Application Plan



Annexure D3-2 Examples of furniture styles

