



## 2011 RESIDENTS ASSOCIATION INC.

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### **Committee**

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Tuesday 16 December 2008

Ben Pechey  
City of Sydney  
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ATTN: Ben Pechey

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**RE: Comment on the City of Sydney's potential Access and Activities on Footways policy**

Dear Mr Pechey,

I was invited to attend the City of Sydney's forum for access and activities on footways held on Tuesday 9 December on behalf of the 2011 Residents' Association, but was unable to due to work commitments. Please find below our comments on the material sent to potential forum participants about the City's potential Access and Activities on Footway policy.

As general comments, we support footpaths being as accessible as possible to all community members, and consider that the development of policy should be informed by relevant evidence and analysis.

We consider that it may be useful for the City to use random sample surveys to ascertain the views of City residents during the development of this policy, and during the time that any draft policy is publically exhibited. We understand that the public input into the development of City policy is often on an essentially self-selected sample basis, and having input from a randomly selected sample of interested people may improve the policy development process.

We believe there are a number of matters the City may need to be aware of in developing this policy and discuss them below. In our comments we refer to chairs, tables, displays of goods, advertising and other relevant structures as simply "structures".

Firstly, there is a question about whether the policy would apply to only future potential structures situated next to the building line, or whether it would apply to all existing and future structures situated next to the building line. We understand that many businesses have outdoor seating and there may be economic consequences resulting from imposing such a policy on these businesses (as there would be from imposing such a policy on all future developments). There may also be legal implications for the City in imposing a policy on businesses which currently have a development approval (DA) for structures to be next to a building line.

Related to this is the extent to which an Access and Activities on Footways Policy would be taken into consideration when DAs are assessed by Council. Would Council require all DAs to comply with the policy or would it have a lesser, subsidiary status?

There are some practical aspects that should be considered before introducing such a policy. The City must take into account the circumstance that buildings come in a variety of configurations and that imposing a policy restricting the placement of structures to be away from the building line may have unintended consequences.

For example, some buildings with outdoor seating have colonnades, with outdoor seating/structures (partially) situated under the colonnade. For these buildings, having seating/structures under the colonnade may be appropriate rather than moving them to be away from the colonnade.

In addition, it may be practically difficult to move some structures currently next to the building line away from the building line if there are already other existing things in the way such as trees, letter boxes, benches or bus stops. There may also be a situation where the wall on the building line is effectively part of outdoor seating/structures, e.g. by being a bar for outdoor bar stools or being part of outdoor seating.

Further, having outdoor seating next to the road may increase the likelihood of accidents due to the proximity of the seating to the road. This may happen if patrons, seating, tables or umbrellas fall into the road. In addition, there is a small risk of vehicles mounting the footpath, which could lead to injuries or death to patrons of outdoor seating next to the road. While the risk of this is small, we note that a learner driver accidentally killed a person waiting at a bus stop in southern Sydney in the last few years upon mounting the footpath. A number of people were also injured. Having outdoor seating closer to the road increases the (small) chance that patrons will be killed or injured if a vehicle mounts the footpath.

We also draw attention to the use of outdoor seating by some licensed premises. Moving the outdoor seating for licensed premises may decrease the ability of licensed premises to control intoxicated patrons who are using the outdoor seating. In addition, moving the outdoor seating to be away from the licensed premises may increase the interaction of patrons with pedestrians, which has the potential to lead to increased violence between patrons and pedestrians.

If the City decides to implement a policy such as suggested, it should consider whether there are other elements in the environment near the building line that may be obstructions and which should be looked at. For example, there are Council parking meters on Darlinghurst Rd, Darlinghurst, alongside the Art School, that are situated near the building line. A policy addressing accessibility for visually impaired people should look at all structures that may impede people and not just those put out by businesses.

We consider that the City should estimate and publish the costs and benefits of implementing any Access and Activities on Footways policy for the community as a whole, and for different parts of the community (e.g. Council and businesses), in terms of implementing it both for:

- only future developments, and
- all existing and future developments.

Doing this would inform the community's consideration of the potential policy.

If you have any queries regarding this please do not hesitate to contact me.

Kind regards

Dr Sacha Blumen

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