

**COU0019: FOOTPATH TRADING POLICY**

<b>Policy Type:</b>	Council Policy
<b>Responsible Department:</b>	City Services
<b>Responsible Officer:</b>	Manager Development & Regulatory Services
<b>Related Policies and Procedures</b>	<ul style="list-style-type: none"> <li>• Footpath Trading Guidelines</li> <li>• <i>City of Unley By law 1: 2008 Permits and Penalties</i></li> <li>• <i>City of Unley By law 2: 2008 Roads</i></li> <li>• <i>City of Unley By law 3: 2008 Local Government Land</i></li> <li>• <i>City of Unley By law 4: Moveable Signs</i></li> </ul>
<b>Date Adopted</b>	10 September 2018: C1287/18
<b>Last review date</b>	22 July 2019: C0065/19
<b>Next review date</b>	September 2021
<b>Reference/Version Number</b>	COU0019: V2
<b>ECM Doc set I.D.</b>	3411184

**1. POLICY STATEMENT**

- 1.1. Footpath trading refers to the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath.
- 1.2. The purpose of the Footpath Trading Policy is to enable Council to safely manage the competing needs and interests of pedestrians, road users and business owners by fairly assessing and permitting footpath trading in a manner that improves the usage, quality and appearance of the City’s public realm.
- 1.3. This Policy does not regulate movable signs on Council footpaths as these are administered under By law No. 4 – Moveable Signs.

**2. COMMUNITY GOAL**

- 2.1. The goals of the Footpath Trading Policy correspond with the Community Plan 2033, and focus on the *Community Living* and *Economic Prosperity* themes and related strategic objectives:

<b>THEMES</b>	<b>STRATEGIC OBJECTIVES</b>
Community Living	1.3 Our City meets the needs of all generations 1.5 Our City is connected and accessible
Economic Prosperity	3.1 Unley is recognised as an easy place to do business

THEMES	STRATEGIC OBJECTIVES
	3.2 Thriving main streets and other business activities operate across our City

### 3. POLICY OBJECTIVES

3.1. The objectives of this Policy are to:

- Provide an overarching framework to guide the use of our City's footpaths and walkways by local businesses and ensure trading applications are assessed against Council's policy criteria and guidelines and considered on individual merit.
- Ensure our City streets are welcoming and accessible by prioritising pedestrian thoroughfare as the primary purpose of the footpath and maintaining a consistent and predictable clear path of travel for users of all abilities.
- Provide a balance between the various stakeholder interests in public areas that are used for business trading.
- Make it easier for businesses to obtain business trading permits and provide transparent guidelines that highlight key considerations in relation to access, safety, design and amenity.
- Prioritise the safety of all users of the City by adopting a risk management approach when considering permit applications.
- Ensure all Business Trading activities are designed to enhance the character and amenity of the surrounding streetscape and built form.
- Meet legislative requirements in relation to the use of Council land for business purposes and related by laws.
- Encourage activation supporting local businesses to utilise the City's footpaths to promote their businesses and add vibrancy.

### 4. PRINCIPLES

#### 4.1. Access

- 4.1.1. A well-managed footpath promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.
- 4.1.2. Council must manage the footpath and other public spaces to provide safe and equal access for all people around the City. This includes pedestrians with a pram, wheelchair or other mobility aid, or who are visually impaired and require a clear path of travel to be maintained at all times.
- 4.1.3. Council recognises that a clear path of travel is a necessity. Best practice is for the clear path of travel to be along the building side of the footway to optimise way finding for stakeholders who are vision impaired. This Policy reinforces the requirement that a clear path of travel should be maintained at all times, while also allowing opportunities for other beneficial uses on the public footway.

#### 4.2. Safety

- 4.2.1. Proposed outdoor dining locations will be assessed in terms of safety and may require changes to existing infrastructure and/or the installation of additional infrastructure (e.g. energy absorbing bollards). As a general principle, outdoor dining is not permitted along 60 km/hr speed limit roads, but may be considered when the proposed outdoor dining areas are protected

by appropriate safety barriers, or other traffic management treatments mitigate the risk.

#### **4.3. Design and Heritage**

- 4.3.1. Footpath trading structures, furniture and accessories should be of high quality design and improve the appearance of the city's public realm. Areas of historic, social and architectural interest, which contribute to the significance, character and appearance of the streetscape, should be conserved.
- 4.3.2. Outdoor dining areas should be attractive, innovative and vibrant. The layout should be appropriate to the setting, have high quality, durable furniture and fittings, and have an attractive and interesting appearance and contribute to overall place activation and vibrancy.

#### **4.4. Operation and Management**

- 4.4.1. Footpath trading should be undertaken in a manner that ensures accessible footpaths, contributes to environmental sustainability, creates a safe and clean outdoor space, minimises unnecessary noise and nuisance, and maintains social amenity in this public space.

#### **4.5. Education and Compliance**

- 4.5.1. It is the responsibility of applicants and permit holders to make themselves aware of the requirements and permit conditions associated with footpath trading permits.
- 4.5.2. Compliance is important to protect the public land, pedestrians and diners. Trading on public land without a permit will attract an expiation, or failure to comply with a permit condition may result in a revocation of a permit.
- 4.5.3. The issuing of a permit for outdoor dining does not grant exclusive rights of the relevant public space and cannot exclude the general public from using tables and chairs provided for the purpose of outdoor dining.

#### **4.6. Alterations/changes to the Council infrastructure**

- 4.6.1. As part of the footpath trading application process, Council may consider changes to Council infrastructure (e.g. widening footpath, relocating signs, installation of bollards etc.) where possible. These type of applications must be considered in the context of an integrated design, as the extension of the kerb may impact on parking, storm water, other services underground and adjacent businesses, and therefore cannot be considered in isolation.
- 4.6.2. The construction of new footpath protuberances to facilitate outdoor dining areas will be at the discretion of the Council, taking into account traffic management and safety. Assessment of such applications will be undertaken on a 'case by case' basis and at the sole discretion of the Council. In the event such application is approved, the costs associated with the infrastructure changes shall be borne by the applicant.

### **5. FOOTPATH ZONES**

5.1. For the purpose of Footpath Trading, the following Footpath Zones apply:

- Walkway zone
- Trading activity zone
- Kerbside zone.

#### **5.2. Walkway Zone**

5.2.1. There is no statutory requirement about the location or width of the walkway zone. Council relies on guidance from the Australian Human Rights Commission that the continuous accessible path of travel should extend from the property line with no obstructions or projections, in order to provide the best possible guidance line for all users, including people with a vision impairment.

**5.3. Trading activity zone**

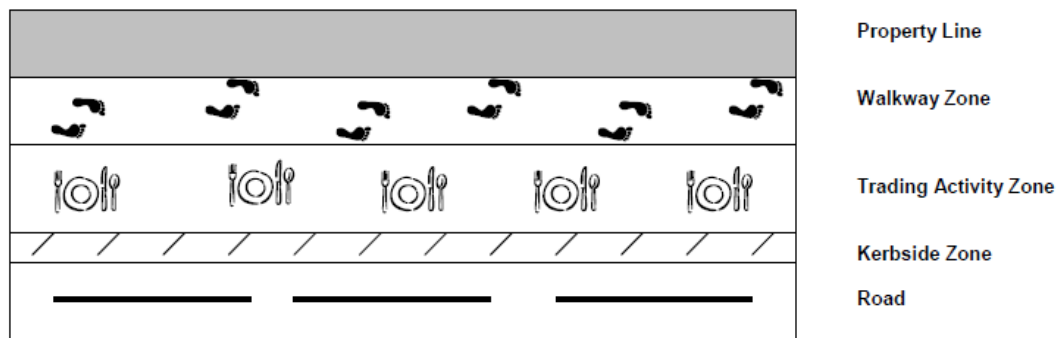
5.3.1. This is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised.

**5.4. Kerbside zone**

5.4.1. A minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

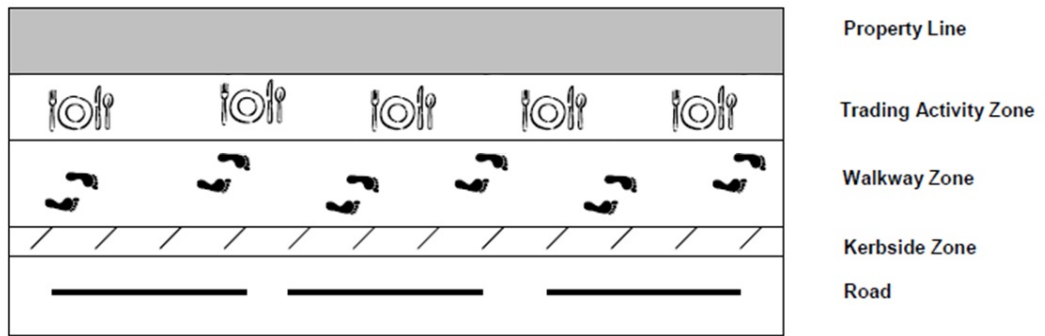
**5.5. Width of Footpath Zones**

Total Footpath Width	Less than 3.1metres wide	3.1 m and wider
Walkway Zone	Minimum 1.2 m, ideally from the property line towards the kerb Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details.	Minimum 1.5 m, ideally from property line towards the kerb Minimum 2.2m in length and 1.8m in width in front of entrance doors. Refer to Guidelines for details.
Trading Activity Zone	Remaining area once walkway and kerbside zones are identified	Remaining area once walkway and kerbside zones are identified
Kerbside Zone	Minimum 0.6 m from the kerb of the road Minimum 1.5 m if a disabled parking space adjoins the footpath	Minimum 0.6 m from the kerb of the road Minimum 1.5 m if a disabled parking space adjoins the footpath

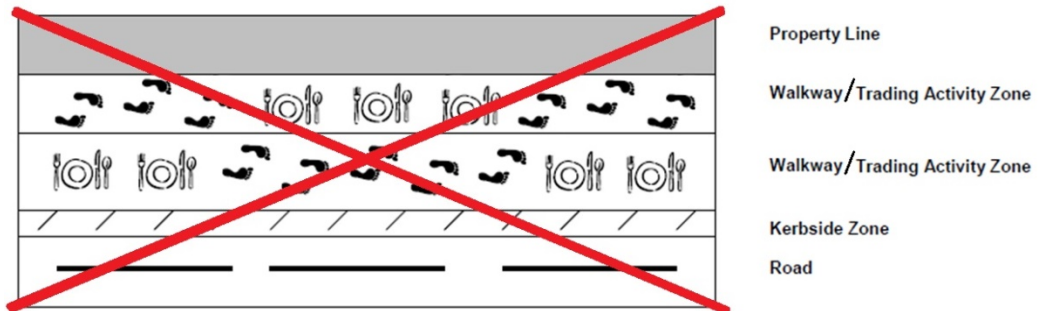


5.5.1. In some areas of Unley it may be impractical to locate the walkway zone adjacent the building line. In circumstances where the continuous accessible path of travel is not located against the building line:

- It should be located on the same part of the footpath for the length of the block
- It should be located where the location can be anticipated by users based on either local knowledge of the street or environmental cues.



5.5.2. The diagram below shows a path of travel that is not in a consistent location and not predictable for pedestrians.



## 6. POLICY

- 6.1. The Footpath Trading Policy enables Council to safely manage the competing needs and interests of pedestrians, road users and business owners. The Policy strives to put the City’s strategic objectives and values in practice by fairly assessing and permitting outdoor dining in a manner that improves the usage, quality and appearance of the city’s public realm.
- 6.2. The Footpath Trading Operating Guidelines have been prepared to implement the Policy Objectives and Principles.

## 7. DEFINITIONS

“**Accessible**” means having features to enable use by people with a disability.

“**Business merchandise**” means the offer or exposure for sale of any merchandise, goods, wares, commodity, article or thing.

“**Continuous accessible path of travel**” The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in way finding and navigation. Continuous accessible path of travel is defined by the Australian Human Rights Commission as:

*An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.*

“**Energy Absorbing Bollards**” means bollards designed to perform under load in accordance with the requirements specified in the Roadside Dining Protection Guidelines, published by the Department for Transport.

“**Footpath**” has the same meaning as “road” under the Local Government Act.

**“Footpath trading”** is the use of sections of the footpath for commercial activities that are approved by the City of Unley. This includes the provision of outdoor dining areas and the display of business merchandise and other objects on the footpath.

**“Objects”** exposure and/or display of any merchandise, goods, wares, commodity, article or thing for aesthetic purposes and/or used to promote or advertise a business, shop or services.

**“Outdoor dining”** means the use of the public footpath for the purpose of extending the services of premises whose main function is the provision of food and beverages to the public. Such premises include restaurants, cafes, bars, delicatessens and other food outlets. Outdoor dining should be directly associated with the business that holds the outdoor dining permit and should only operate when those associated premises are open for business.

**“Road”** means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

- (a) a bridge, viaduct or subway; or
- (b) an alley, laneway or walkway;

## 8. LEGISLATION/REFERENCES

- Local Government Act 1999
- Disability Discrimination Act 1992
- Development Act 1993 & Regulations 2008
- Australian Standard 1428
- Australian Human Rights Commission
- Austroads Part 6A
- City of Unley Bylaw 1: 2008 Permits and Penalties
- City of Unley Bylaw 2: 2008 Roads
- City of Unley Bylaw 3: 2008 Local Government Land
- City of Unley Bylaw 4: Moveable Signs

## 9. POLICY DELEGATIONS

- 9.1. The Team Leader Regulatory Services is authorised to issue permits for Footpath Trading in accordance with the requirements of this Policy.
- 9.2. The General Manager City Services is authorised to issue permits for Footpath Trading with criteria that are inconsistent with this Policy.
- 9.3. Delegated Council officers will monitor outdoor dining areas and Permit Holders are required to comply with any lawful and reasonable direction provided by such an officer. Breaches of the authorisation will be dealt with in accordance with the relevant legislation including the *Local Government Act, 1999*.

## 10. ROLES/RESPONSIBILITIES

RESPONSIBILITY	ROLE
10.1. Management of the street environment and public space	City of Unley
10.2. Operation and management of Footpath	Permit holders

10.3. On-going education and compliance with the policy, procedure and operating guidelines	Partnership between the City of Unley and Permit holders
---	--

**11. AVAILABILITY OF POLICY**

The policy is available for public inspection during normal office hours from;

Civic Centre

181 Unley Road

Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

**12. DOCUMENT HISTORY**

Date	Ref/Version No.	Comment
10 September 2018	C1287/18: V1	
22 July 2019	C0065/19: V2	