



Footpath Trading Guidelines

THE CITY *of*
Unley

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1. Introduction

1.1 Footpath Trading

The purpose of these guidelines is to provide clear and concise information of Council's requirements regarding the allocation and ongoing management of footpaths for the purposes of outdoor dining and the display of business merchandise, while ensuring that the amenity and access of pedestrians is maintained.

'Footpath Trading' which incorporates outdoor dining and the display of business merchandise on footpaths has become increasingly popular throughout the City of Unley.

The primary function of our footpaths are for pedestrian movement and to provide access to premises.

Council has the responsibility to ensure that any activities that take place on footpaths are undertaken in a manner that does not compromise the safety and amenity of pedestrians, adjacent businesses and nearby road users.

To facilitate Footpath Trading, Council will, in appropriate circumstances (and subject to relevant legislation and community consultation where required), issue a Footpath Trading Permit to businesses for the use of an allocated area of the footpath in front of or alongside their business premises pursuant to Section 222 of the *Local Government Act 1999*. Permits will be subject to appropriate conditions. There are a number of competing factors for the use of the available footpath and therefore it is important to ensure that a balance is achieved for all users.

1.2 Scope

Footpath Trading applications will be considered on their individual merits and the Footpath Trading Guidelines will be used to assess each application to ensure consistency and equitable allocation of the available footpath along with ensuring pedestrian safety. The assessment will also include a risk assessment of the location, which may require the installation of Energy Absorbing Bollards to provide additional protection for users. The risk assessment may also determine that trading in a proposed location is not possible.

1.3 Using the Guidelines

These guidelines:

- Are to be read in conjunction with Council's Footpath Trading Policy and By law No.4 - Moveable Signs;
- Provide information to the public and applicants seeking to use the footpath for outdoor dining and/or the display of business merchandise on footpaths; and
- Provide guidance for Council in assessing applications for use of the footpath for outdoor dining and/or the display of business merchandise.



2. Application Process

2.1 Assessment

All Footpath Trading Permits are individually assessed on a case by case basis. Prior to submission applicants should discuss their proposals with the Council Permits Officer in the first instance, when submitting an application. Relevant considerations will include, but are not limited to:

- The location of the proposed Footpath Trading area;
- The design, quality and maintenance of proposed furniture;
- The installation and maintenance of fixtures and fittings;
- The extent of enclosure;
- The extent of pedestrian access and circulation spaces, with reference to the Disability Discrimination Act;
- The applicant's provision of insurance and indemnities;
- The safety of patrons, pedestrians and motorists

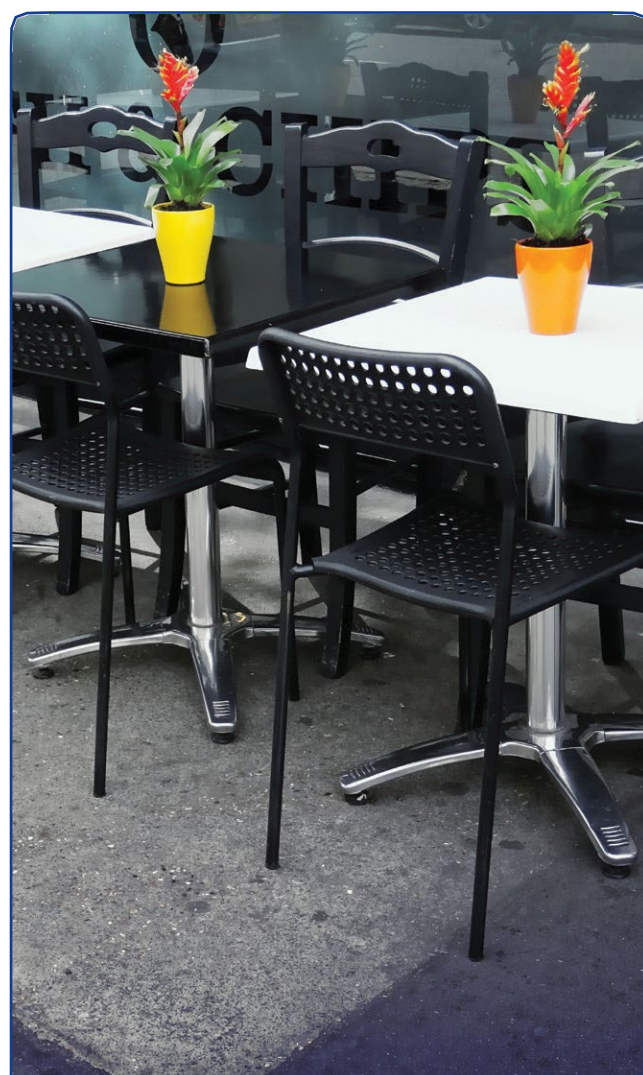
2.1.1 Development Approval, where required, must be granted before other details of applications for Footpath Trading Permits will be assessed;

2.1.2 All applications for Footpath Trading Permits which do not meet the provisions in this Policy are to be referred by Council's staff to the relevant General Manager for consideration;

2.1.3 All Footpath Trading Permits shall, unless revoked, remain in force until the 30th June each year. When a Permit takes effect between the 1st January and 30th June, one half of the annual fee shall be payable. Applications for renewal of Footpath Trading Permits are to be made on an annual basis prior to 30 May;

2.1.4 When determining the re-issue of a Footpath Trading Permit, the Permits Officer will have regard to any negative aspects of the Permit Holder's current or past performance such as:

- Continued disregard for any of the Permit conditions;
- Non-compliance with any planning consent conditions issued in respect of the activity;
- On-going noise complaints; and
- Non-receipt of fees which are or have been due and payable.



2. Application Process

2.2 Information required

The following information is required as part of an application for a new Footpath Trading Permit:

- A completed application form, including legal indemnity for the City of Unley and public liability insurance Certificate of Currency;
- A receipt for payment of application administration fee in accordance with the City of Unley's current Schedule of Fees and Charges;
- Supporting information, including a site plan of existing conditions, showing the footpath width, location of building lines, the type of abutting properties, existing trees, light poles, signs, street furniture, pits, fire hydrants, car parking, and other features;
- Any dimensions affecting the layout of trading are to be indicated on the plan, including the width of the footpath from outside face of kerb to building line and the length of the building frontage associated with the business;
- A site plan of the proposed Footpath Trading layout, showing accurately the area of the proposed location and the arrangement of all proposed screens, tables, chairs, and umbrellas, including all set back dimensions, etc;
- Elevations of the proposed Footpath Trading area where umbrellas or other structures are proposed that may impact on existing canopies and trees;
- Photographs, references to supplier catalogues, and/or architectural drawings detailing proposed furniture and/or merchandise displays;
- Details of external lighting, if proposed, showing the type of fixtures and their proposed placement. Details of advertising in form of a photograph and/or a graphic design drawing of the proposed business logo, and a clear indication of its size and location on screens and/or umbrellas;
- The applicant shall arrange for any amendments required to the plan to be re-submitted before final approval can be given; and
- Any other information the Council may reasonably require to assess the application for a Permit.

2.3 Fees

Fees for Footpath Trading Permits are to be charged. Fees are to be calculated on the basis of:

- An application fee for administration and a rental per square metre (of public land) per week for a 52 week (annual) period;
- The fees payable for Footpath Trading Permits will be reviewed annually through the Council's Review of Fees and Charges.

2.4 Development Approval

In some instances Footpath Trading may constitute 'development' for which approval will be required under the *Development Act 1993*, in addition to the Permit. For example, approval will be required for those items defined as 'building work' in the *Development Act 1993*, such as some:

- Fixed screens;
- Full height enclosures (e.g. plastic screens);
- Permanent structures (e.g. shade structures); and
- Signage.

If Development Approval is required, the applicant will be notified and be advised on the process and requirements. Additional fees and timelines apply.



2. Application Process

2.5 Changes to the Public Realm

In some instances a Footpath Trading applicant may want to propose changes to the public realm to accommodate or improve Footpath Trading activity, such as widening of the footpath or relocation of existing public infrastructure.

The Footpath Trading Policy generally does not support changes to the public realm for Footpath Trading purposes. This is to ensure a strategic approach to the design of the city's public spaces is maintained, balancing the needs of all users of the public realm.

Where changes to the public realm are sought, this has to be clearly stated in the application for a Footpath Trading Permit. Pre-application meetings with Council officers to discuss the proposal are recommended.

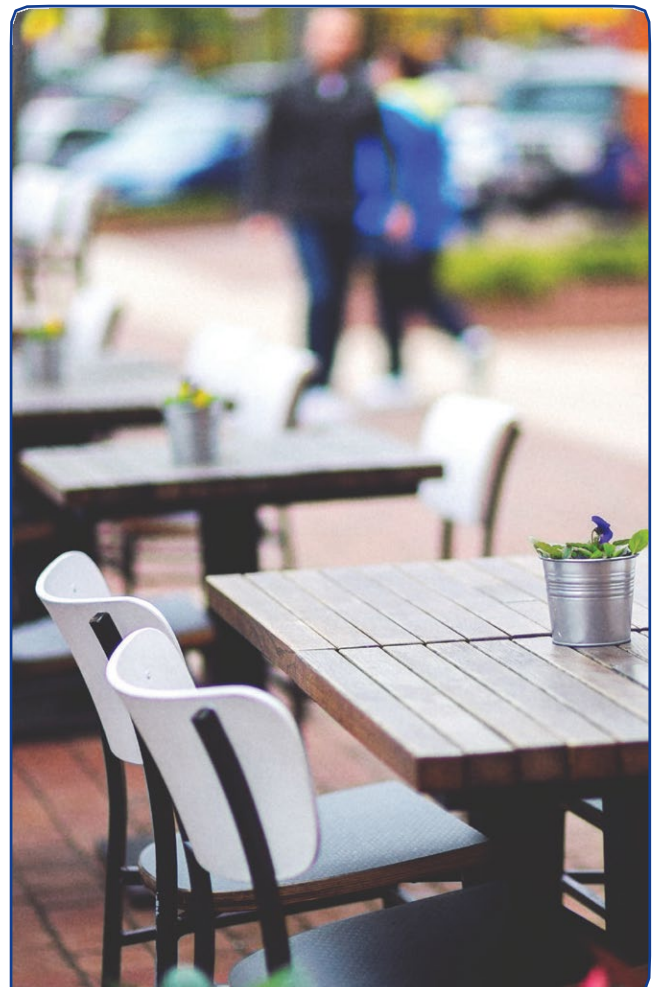
Changes to the public realm will be carried out by Council to the standards specified by the City of Unley. All costs associated with changes to the public realm by request of the applicant are to be borne by the applicant, including:

- Street services survey;
- Engineering concept designs;
- Cost of design and construction;
- Cost of design and installation of public infrastructure items (including bollards);
- Traffic Management Plan; and
- Costs of Development Approval.

The assets created will be owned by the City of Unley. Where it is an integral part of a Footpath Trading Permit, changes to the public realm have to be completed before the Permit can be issued.

2.6 Approval

The City of Unley will notify the applicant of the decision. In the event that the application is approved a Footpath Trading Permit will be issued.



3. Operating Guidelines

3.1 Current Policy Reference

These Footpath Trading Guidelines give effect to Council's Footpath Trading Policy.

3.2 Guidelines for Effective Implementation

Footpath Trading must not take place on any public street or public place until permission has been issued by Council in writing in accordance with Section 222 of the *Local Government Act*. In some circumstances an authorisation will also be required pursuant to Section 221 of the *Local Government Act 1999* if, for example, an applicant also proposes to erect or install a structure on the footpath.

Footpath Trading will only be permitted where it can successfully be accommodated in accordance with the Footpath Trading Policy and the Footpath Trading Guidelines. Development Approval may also be required in respect of some outdoor dining proposals pursuant to the *Development Act 1993*.

3.3 General Principles

3.3.1 Safety

Footpath Trading should provide a safe environment for the public at all times. Therefore any Footpath Trading application must address the following issues:

- Footpath Trading areas on footpaths must not impact on traffic safety. Motorists' sightlines must be maintained at all times. The location of Footpath Trading areas must be cognisant of the adjacent road conditions;
- There is to be a safety zone of at least 0.6 metres from the kerb to any structure, furniture, fixtures or fittings on a footpath where Footpath Trading has been approved. However, if the outdoor dining area adjoins a disabled parking space, the minimum safety zone increases to 1.5 metres from the kerb;
- Where there are risk factors associated with the locality of a Footpath Trading site, a crash barrier system (such as Energy Absorbing Bollards) which meets recognised crash-tested protection standards must be installed to the satisfaction of the Council. Such risks will be assessed on a case by case basis;

- Where Energy Absorbing Bollards are required, diners, furniture and any other fixtures and fittings must be positioned a minimum of 1.1 metres from the impacting face of the bollard; and
- Bollards must be installed with a gap not exceeding 1.2 metres between bollards, and must complement the streetscape design and colour to the satisfaction of the Council. Bollards, if installed by the Council, will be installed by the Council at cost to the applicant.

Every application for Footpath Trading will be assessed to ensure that minimum access and circulation requirements can be met. If a location is deemed unsafe for Footpath Trading then approval will not be granted, even if the application complies with the Policy Guidelines.

Table 1. Bollard

Footpath width	Bollard installation
< 2.5 metres	No space
2.5 - 3.5 metres	Yes*
3.5 metres	Yes

*Footpath Trading area must be adjacent to the building line

3.3.2 Location

Footpath Trading is only permissible when associated with existing or proposed businesses. Generally the Footpath Trading must be located directly outside the associated business premises.

The Footpath Trading Policy establishes three zones:

- Walkway Zone
- Trading Activity Zone
- Kerbside Zone

The Walkway Zone is preferred to be located against the building line to ensure a continuous accessible path of travel and to provide the best possible guidance line for all users including persons with vision impairment (Diagram 1).

Council acknowledges that in some locations in Unley it may be impractical to locate the Walkway Zone adjacent the building line. In these circumstances, Council can assess an alternative location by considering the placement of Footpath Trading along the building line for the length of the block, reinforcing the need to ensure that the walkway is in a consistent location and predictable for all pedestrians (Diagram 2).

Footpath Trading Guidelines

3. Operating Guidelines

Diagram 1. Road side trading zone (preferred option).

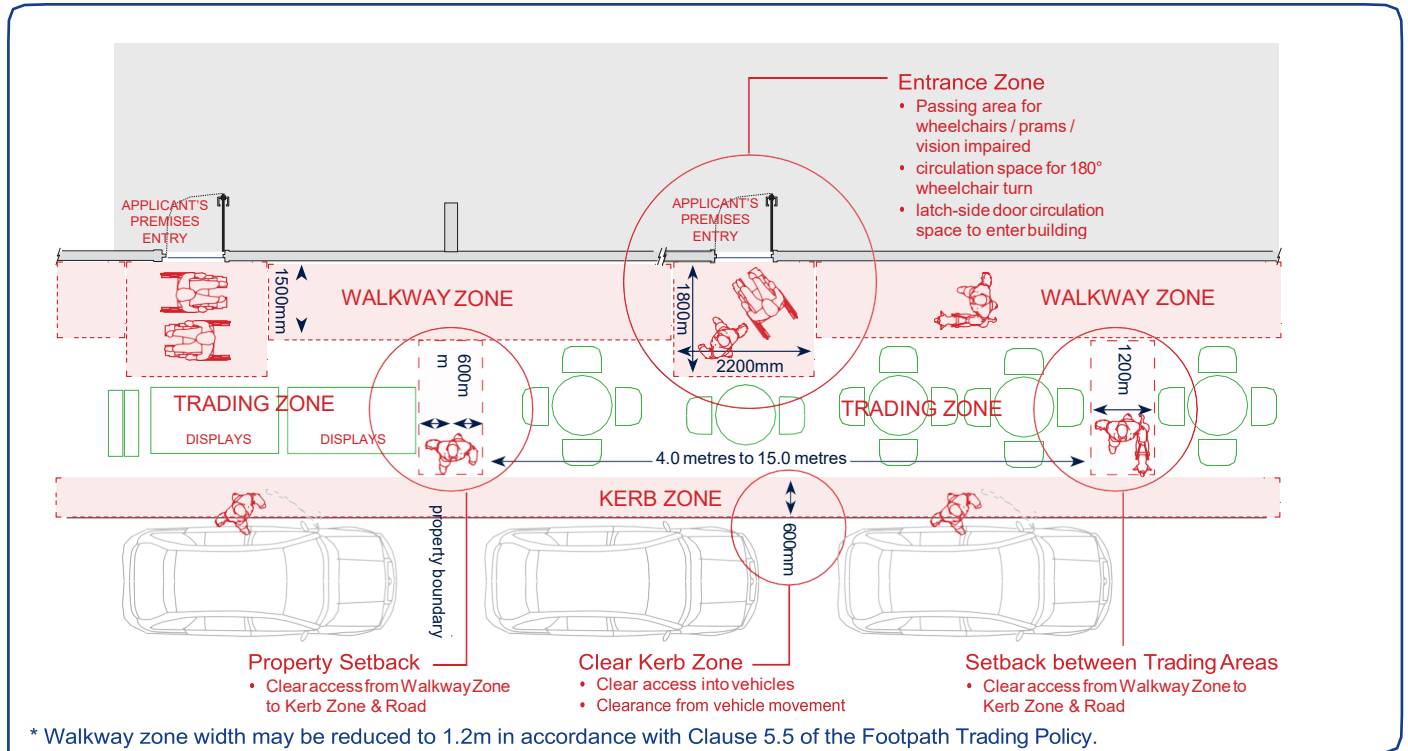
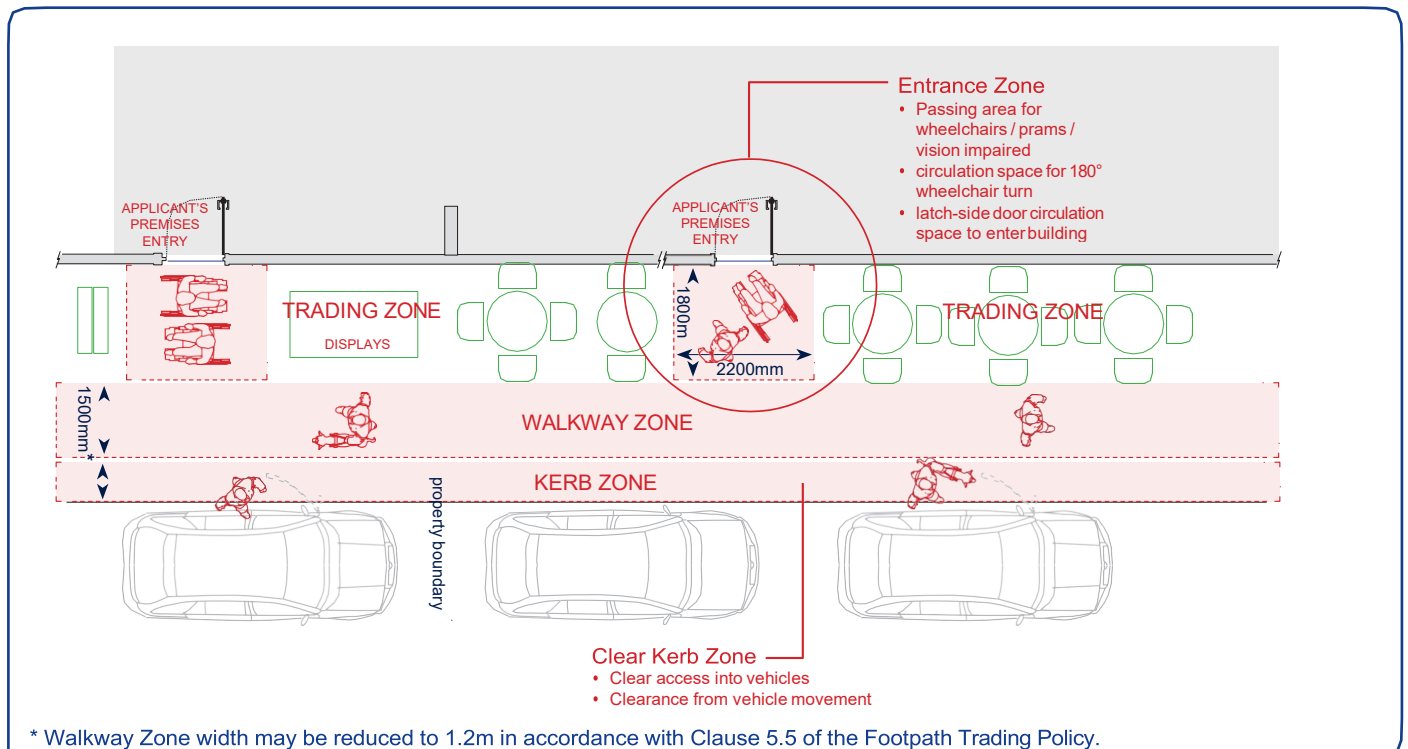


Diagram 2. Building line trading zone (alternative option).



3. Operating Guidelines

3.3 General Principles

3.3.3 Heritage Places

Buildings, streetscapes or other works affecting places of State or Local heritage value have special significance. The design and location of Footpath Trading areas adjacent or near heritage places must be compatible with and not detract from the heritage significance of the place.

Development Approval is required for the installation of any permanent structures associated with Footpath Trading, such as fixed screens and enclosures. Special consideration needs to be given to these items if proposed in association with heritage listed places to ensure they complement the heritage value of the place.



3.3.4 Advertising

Advertising within Footpath Trading areas is not permitted, although minor identification of the premises' business name may be permitted through negotiation with the Council. Applications will be considered in accordance with the *Development Act 1993* where relevant.

Signage to identify the business name or logo, or advertise goods sold on the premises, is permitted on glass and canvas screens and umbrellas only. No third party advertising (i.e. advertising unrelated to the business) is allowed on any Footpath Trading item.

The following considerations will generally be relevant to the Council's assessment of applications for signage:

- Signage and advertising should be designed to improve and complement the amenity of the premises, and should be of a tasteful design and presentation to fit with the desired character of the area;
- Advertising on Footpath Trading items, such as removable or permanent umbrellas, retractable awnings and screens, in the form of a well-designed business name or business logo is permitted. Generally advertising shall not exceed a portion that covers 30% of the total available space on each Footpath Trading item or panel, up to half of which may be commercial advertising in the form of product logos used or sold by the premises;
- Advertising on glass screens is not permitted below 1.3 metres from the ground;
- Advertising on all blinds is not permitted; and
- Advertising shall not be illuminated or animated.

Free standing signs placed on the footpath, such as A-Frames (also called Moveable Signs or Sandwich Boards) can restrict pedestrian movement, represent a potential hazard in areas of high pedestrian use and must not encroach on the Walkway Zone. Alternate wall and flush mounted options may be considered and are subject to Council approval.

The placement of A-Frames will be considered with reference to the Moveable Signage By law and as part of Footpath Trading applications.

3. Operating Guidelines

3.3 General Principles

3.3.5 Footpath Widening

Footpaths are widened to increase their pedestrian capacity at locations of high demand, to provide improved pedestrian crossing locations and to provide protection for parking bays.

Applications for widened footpaths or kerb extensions will not be considered unless in the context of an integrated streetscape design as the extension of the kerb may impact on parking, stormwater and adjacent businesses and therefore cannot be considered in isolation.

Where Footpath Trading is proposed on a widened footpath or kerb extension, additional protection may be required in the form of Energy Absorbing Bollards. The cost of which, if approved by Council, must be met by the applicant.

Any other street furniture associated with Footpath Trading also requires approval at the time of applying for a Footpath Trading Permit.

3.3.6 Beyond Permit Holder's Boundary

Generally, the extension of Footpath Trading along the footpath into areas that are not directly outside the associated business will not be permitted. That is, one business will not normally be allowed to operate Footpath Trading outside the frontage of another business.

However, in areas with a low level of Footpath Trading and where street activities are being encouraged and promoted, consideration may be given to allow Footpath Trading areas to extend.

Where permitted by Council, extension of a Footpath Trading area must align with the current Footpath Trading Permit area and not extend beyond the approved Permit area in either direction.

Extension of Footpath Trading beyond the principle premises is dependent on written permission being granted from the operator and the property owner of the adjacent business and should that permission be withdrawn Footpath Trading must be removed from this extended area immediately.

3.3.7 Suitability Criteria

In addition to the requirements for Footpath Trading locations allowing for safe pedestrian circulation and access, authorisation by Permit also depends on improving or maintaining the existing streetscape amenity. Footpath Trading areas must suit - and not constrain - convenient use of the footpath for such public purposes as seating, drinking fountains, telephones, parking meters, post boxes, utilities (i.e. transformers) and major crossing points. Nor should they compromise or restrict motorists' sight lines. To facilitate a balance between the different uses of the footpath and to ensure safety for all users, clearances and setbacks for Footpath Trading areas have been specified.

Footpath Trading is not permitted:

- Immediately adjacent to bus zones and taxi zones;
- In streets with a footpath width that is not wide enough to accommodate Footpath Trading in accordance with the Policy;
- Adjacent a roadway or footpath construction zone during the period of the construction; and
- Adjacent to a loading zone unless sufficient width (i.e. 0.9 metres) is available for unloading onto sack trolleys and for goods delivery to premises.

Council may consider re-locating a loading zone to facilitate Footpath Trading if an appropriate alternative location is available.



3. Operating Guidelines

3.3 General Principles

3.3.8 Footpath Clearance

'Footpath Clearance' refers to the distance between a building frontage or property boundary and the inner extremities of a Footpath Trading area (including ALL associated items such as umbrellas, tables, chairs, displays and planter boxes etc) when being used by patrons.

It is preferred that the Walkway Zone be located adjacent to the building. This includes situations when chairs are occupied so that patrons must be contained within the approved Footpath Trading area. This space should not be used to store tables, chairs, planter boxes, displays or any other item.

Footpath Clearance measurements are to be taken from the edge of the building or property boundary to the back of the chair, table and/or merchandise. Measurements shall be taken from the property boundary to the edge of the table if the outdoor dining or display furniture is orientated parallel to the frontage.

Pedestrian access to buildings is to be maintained at all times. A minimum pedestrian walkway width of 1.2 metres, if the footpath width is less than 3.1 metres (Diagram 3), and 1.5 metres if the footpath width is 3.1 or more metres wide (Diagram 4), is to be maintained

at all times, including when the seats within a Footpath Trading area are occupied.

A clear area, 2.2 metres in length and 1.8 metres in width, is to be provided in front of at least one entrance door into the premises at all times.

The width of the footpath and public pedestrian access pathway will govern the length of Footpath Trading area permissible, in accordance with the following table.

Table 2.

Pedestrian Access Width Available	Maximum Length of Dining Area
2.0 metres	15.0 metres
1.5 metres	8.0 metres
1.2 metres	4.0 metres

Diagram 3. Footpaths less than 3.1metres wide.

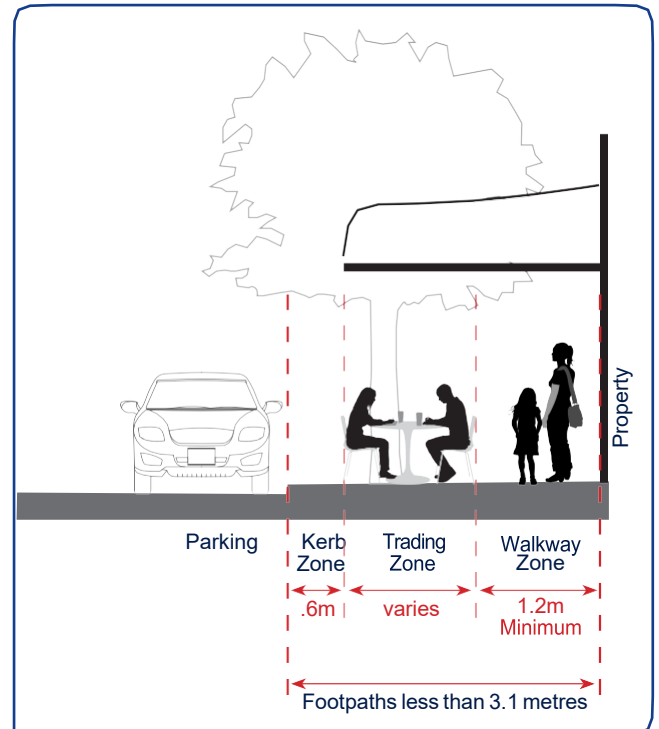
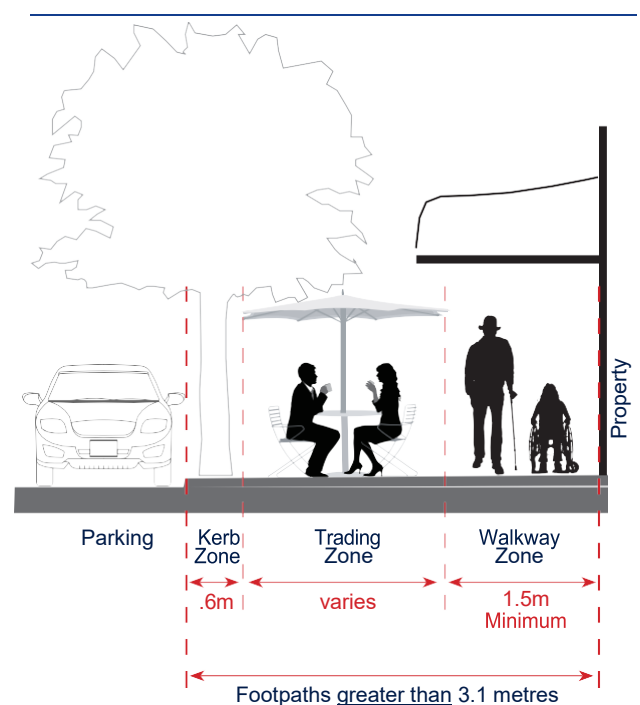


Diagram 4. Footpaths greater than 3.1metres wide.



3. Operating Guidelines

3.3 General Principles

3.3.9 Setbacks

Setback refers to the distance between the outer extremities of a Footpath Trading area and other infrastructure.

3.3.9.1 Setbacks from intersections

A minimum setback of 2.0 metres is required at intersections of local streets, and 3 metres is required at intersections of arterial routes and minor circulation routes, measured from the corner of the building. Refer to Diagram 5.

3.3.9.2 Side setbacks/setbacks from edges of building frontages (property lines)

A 0.6 metre setback is required from the side boundary of each building frontage. Side setbacks apply to all premises, even where there is no adjoining Footpath Trading area, to ensure access to parking and other infrastructure. Refer to Diagram 6.

3.3.9.3 Setbacks between Footpath Trading areas:

The minimum setback between adjacent Footpath Trading areas is 1.2 metres, made up of the minimum setback from side boundaries of 0.6 metres for each side. Where a Footpath Trading area exceeds 12 metres in length, a 1.2 metre space in the centre is required and a 3.0 metre space is required in the centre of the area if the Footpath Trading area exceeds 15 metres length.

3.3.9.4 Setbacks from servery windows

A minimum setback of 1.8 metres from the property boundary is required opposite a servery window. A greater setback will be required if deemed necessary as a result of high pedestrian volumes, building design or other factors.

3.3.9.5 Setbacks from existing infrastructure

A setback of 1.2 metres may be required from infrastructure items such as a street seat, litter bin, light pole, fire hydrant, telephone box and post box, or street tree. These items are carefully located for the benefit of the public and will not normally be removed to accommodate Footpath Trading. Tree pits within the Footpath Trading area must be kept free of furniture and displays.

3.3.9.6 Setbacks from public bus zones

The footpath shall not be obstructed by Footpath Trading adjacent to a public bus stop. Outdoor Footpath Trading must be adequately set back from a public bus zone in order to protect patrons from exhaust fumes and buses 'overlapping' the footpath and to allow free movement to and from public transport vehicles.

Diagram 5. Intersection setbacks.

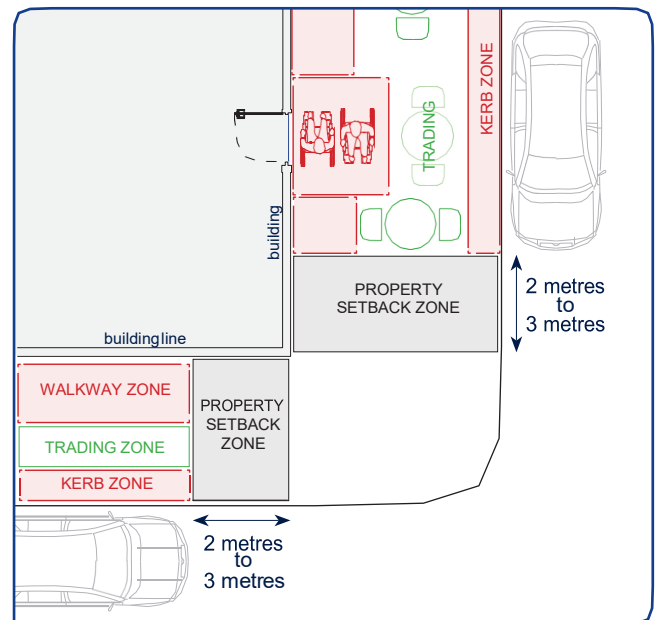
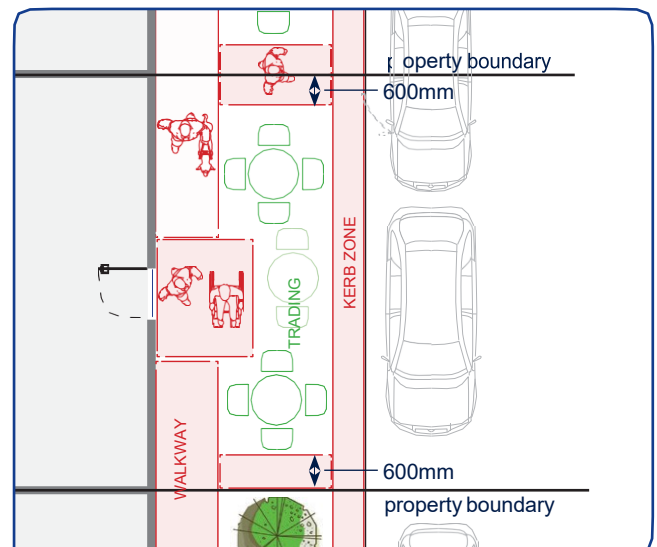


Diagram 6. Setbacks between properties.



3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

3.4.1 Layout

The layout, design and appearance of Footpath Trading elements should:

- Contribute to the desired character and sense of place within the street;
- Make the adjoining premises as attractive, welcoming and amenable as possible;
- Meet circulation, resting places and traffic safety requirements; and
- Relate appropriately to heritage places.

All furniture and accessories in Footpath Trading areas are to be well designed, practical, durable, attractive, in good working order and in keeping with the streetscape character to the satisfaction of the Council. Fully extruded/moulded plastic furniture is not permitted as it does not withstand prolonged and intensive use. Good quality outdoor furniture that includes some plastic elements is acceptable. The placement and style of furniture and all accessories are to be specified when applying for a Footpath Trading Permit, and must comply with the following conditions:

- All furniture and merchandise displays are preferred to be placed adjacent to the kerb side of the footpath, allowing a clear pathway along the building frontage (unless Council approval is given otherwise)
- Tables and merchandise displays should be sturdy and stable to minimise the possibility of encroachment into safety and pedestrian zones and to prevent trip or other hazards
- Chairs, tables and merchandise displays must be removed from the Permit area at the close of business each day
- Fixed furniture is typically discouraged however may be assessed as part of the Permit application on a case by case basis
- No furniture, accessories or merchandise displays are to be fixed in locations where they will interfere with existing services
- Choice and placement of Footpath Trading items must consider other street elements, such as existing public furniture, trees, light poles, and adjoining building styles

- All items are to be positioned within the permitted boundaries for Footpath Trading (which may be defined by markers in the pavement) and remain insitu as part of the Permit Holder's responsibility during trading hours.

The placement of outdoor dining furniture and merchandise displays requires the Council approval at all times.

3. Operating Guidelines

3.4 Layout, Design and Appearance of Outdoor Elements

3.4.2 Tables/Chairs

Tables/chairs should be designed to be attractive, functional and durable. Furniture of simple forms and clear lines, made of quality material and of appropriate colour is easy to maintain, and acceptable.

Sufficient room should be left between tables so as to allow ease of movement.

The following principles apply:

- The use of stackable fully extruded/moulded lightweight chairs/tables is not permitted as they do not withstand prolonged and intensive use and are prone to cracking and discolouring. However quality furniture that includes some plastic elements is acceptable
- Any existing fully extruded plastic furniture which does not meet the requirements of this Policy must be removed within 3 months of any subsequent Permit renewal
- Tables/chairs should be suitably weighted to allow easy handling, stackable to facilitate ease of storage, meet appropriate safety standards, have a minimum 30mm diameter pad on the base of the chair and table legs to protect the pavement surface
- Seating surfaces must ensure patrons' comfort and ease of cleaning. Metal surfaces (except aluminium) do not insulate well and often feel 'cold' to the user or become uncomfortably hot if exposed to the sun, and should therefore be avoided
- The exposure to weather should be considered in the selection of outdoor dining items, particularly seating material and covers
- All tables/chairs must be kept clean, tidy and in good repair at all times and must be located within the permitted area under the Footpath Trading Permit.

3.4.3 Merchandise Displays and Objects

Merchandise Displays and Objects shall:

- Be not less than 600mm high and cover an area of footpath no less than 600mm x 600mm, so that they are of sufficient size to not become trip hazards to pedestrians;
- Have a base designed to be detectable to a visually impaired person navigating the footpath with the aid of a cane (i.e. the incorporation of a bar or panel spanning the otherwise open base of the object and having a minimum 30% luminance contrast with the footpath);
- Minimise hazards through ensuring that edges of objects do not jut out from the main body of the object and are maintained in good condition with no rough or sharp edges;
- Minimise hazards through designing for stability by ensuring that the display or object is appropriately proportioned and weighted;
- Only be displayed on the footpath during the hours that the relevant business premises are lawfully open to the public; and
- Only display business merchandise or objects that advertises or promotes the relevant business or the goods or services available within the relevant business and displays must not include offensive or explicit advertising material.



3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

3.4.4 Enclosures

The enclosure of footpaths or other public spaces so as to prevent reasonable pedestrian access along the footpath will be assessed and permitted on a case by case basis only. Permit Holders do not have exclusive use of the footpath and cannot prevent its primary use which is to provide for safe and convenient pedestrian access. Only the area authorised for the outdoor seating of patrons may be enclosed (or partly enclosed).

Enclosure of outdoor dining areas in public spaces may be considered subject to the following provisions:

- Enclosures should not require the relocation of or adversely impact on public street furniture, trees or other facilities; and
- Enclosures must facilitate the role of the footpath as a public access area.

Any enclosure must:

- Not obscure visibility from the footpath or street (i.e. in a car), alienate pedestrians or promote a sense of exclusiveness in the area that is subject to a Footpath Trading Permit or its environs;
- Be enclosed on no more than two sides, with no structures perpendicular or at an angle to the kerb alignment, to maintain accessibility and openness;
- Be feasible within the minimum spaces provided in this Policy, for unrestricted public access;
- Provide a gap of at least 300mm so that the vertical space between the footpath and a building canopy is not fully enclosed;
- Not exceed the horizontal width of the associated premises, Footpath Trading area, or 15 metres, whichever is the lesser;
- Be affixed to the underside of the building canopy and must be rolled up and secured when not in use and during non-trading hours, when of a blind style;
- Not be of a blind style where building canopies or verandahs are more than 4 metres in height;

- Not be used for general advertising although minor identification of one company, product or dining name may be permitted through negotiation with Council which will consider the requirements of the Unley Development Plan and the *Development Act 1993* where relevant;
- Be durable, structurally sound and fixed to avoid personal injury and property damage;
- Provide a 1.5 metre space each 8.0 metres for access where Footpath Trading areas have permanent or temporary enclosures, and between adjoining outdoor dining areas with permanent or temporary enclosures,
- Should be regularly cleaned and must be maintained in good condition at all times; and
- Be provided, installed and maintained by the Permit Holder and at the Permit Holder's cost.



3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

3.4.5 Canvas Screens

Canvas screens may be allowed to delineate an outdoor dining area. Canvas screens where installed must:

- Be removable, and therefore free standing, of a light weight frame, easily installed and de-mounted, and securely fastened during periods of use;
 - Not exceed 0.9 metres in height and be of a single colour;
 - Be set back a minimum of 1.0 metres from buildings and street furniture or public infrastructure and a minimum distance from the kerb line 0.6 metres;
 - Be positioned parallel to the kerb;
 - Be suitably sited and designed regarding available space, existing built form, street activity and traffic conditions;
 - Be positioned to allow for pedestrian amenity and access, including refuge from traffic;
 - Not be located adjacent designated loading zones; and
 - Be removed after trading hours.
- Be set back a minimum 1.0 metres from infrastructure and street furniture, and 1.8 metres from pedestrian crossings;
 - Be aligned parallel to the kerb line and return to the depth of the Footpath Trading area only;
 - Leave a 1.5 metre gap every 8.0 metres between adjoining Footpath Trading areas with blinds or screens;
 - Include a clearly marked contrasting colour strip on the plastic blind at approximately 1.4 metres above the footpath to ensure their visibility;
 - Be fixed firmly in position when down to avoid 'flapping', and so that any sharp and/or exposed plastic edges are protected and ground level restraints must be designed and constructed so as to avoid hazardous situations;
 - Be rolled up and secured, or removed outside trading hours and when the weather does not warrant their use; and
 - Be of clear, quality plastic (i.e. not coloured or decorated) and plastic blinds that are marked or opaque must be removed and replaced at the Permit Holder's cost.

3.4.6 Plastic Blinds

Plastic blinds may only be installed under verandahs or balconies where such blinds appear as ancillary to the permanent verandah or balcony. Plastic blinds are not permitted adjacent designated bus zones, taxi ranks, loading and drop off (no parking) zones.

Plastic blinds, where installed must:

- Be positioned so as to allow for pedestrian amenity, including refuge from traffic and not impede access or obstruct lines of sight, particularly on corners;
- Not detrimentally impact upon the significance of heritage places;
- Be a minimum distance from kerb line of 0.6 metres and a minimum clearance above the pavement of 0.3 metres;

In addition to the above, Permit Holders must be aware of the requirements contained within the *Tobacco Products Regulation Act 1997* in relation to the banning of smoking in enclosed public places to ensure compliance.

3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

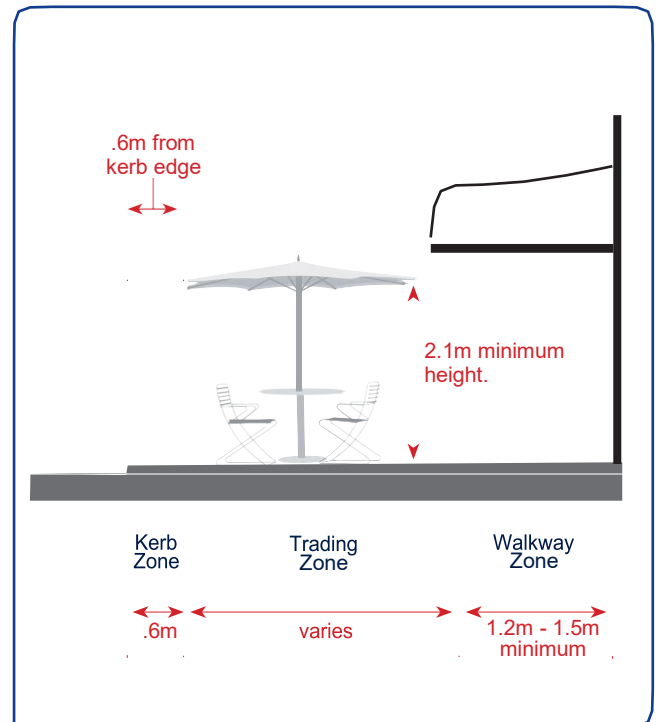
3.4.7 Removable Umbrellas

Removable umbrellas are placed and removed from the pavement on a daily basis and may be used to provide shade and shelter to patrons as well as a visual promotion of the Footpath Trading operation.

The following principles apply to removable umbrellas:

- A minimum clearance for fixed components, from their lowest point to the footpath surface of 2.1 metres must be achieved; yielding components such as fringes, may extend to 2.0 metres;
- Umbrella canopies should be of a high quality material, such as canvas, and of neutral colours; artistically designed canopies may be considered if part of a streetscape 'theme'
- Umbrellas should be placed with regard to existing infrastructure such as trees, canopies and verandahs and only allowed where existing shelter (such as verandahs, canopies or trees) is inadequate. They must be properly secured on the pavement to prevent blowing over in strong wind and without damaging its surface;
- The umbrella base must not represent a trip hazard to pedestrians. Where it is proposed to install umbrellas into a permanent socket or sleeve in the footpath, details are to be submitted with the application, including for temporary bases;
- Umbrella canopy edges are to be set back at 0.6 metres minimum from the kerb so as not to conflict with moving traffic and may extend a maximum of 0.3 metres over the outdoor dining area boundary facing the footpath, except where adjacent to the kerb;
- Umbrellas and their bases must be removed and safely stored outside trading hours; and
- Any existing umbrella which does not meet the requirements of this Policy must be removed.

Diagram 7. Removable umbrella clearances.



3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

3.4.8 Planter boxes and pots

Planter boxes may be used to provide further definition of Footpath Trading areas, as well as contributing to greening and the adding of colour and texture to the street.

The following requirements apply:

- Physical appearance, including materials and style, should be of a high quality and be complimentary to the streetscape character and other street elements;
- Form and structural strength must be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians;
- Planter boxes have a minimum width of 0.5 metres and, if rectangular, a maximum length of 1.2 metres;
- Not have sharp corners or edges;
- Be positioned to provide a minimum gap of 1.0 metres between them and other structures;
- Not allow water and discharge to enter the stormwater system, stain the pavement or create a hazard for pedestrians;
- Be positioned on the Footpath Trading side of any crash barrier system/device;
- Contain plant species suitable for the site, which are maintained in a healthy condition not contain insert tubs which leave gaps permitting the build up of refuse in the plant box and their height, including plants, is not to exceed 1.2 meters above the footpath;
- Plant species must be suitable in terms of form, shape, hardiness and ability to be maintained and details of the proposed species should be submitted when applying for a permit;
- Where used in groups to define Footpath Trading areas, they are considered as 'enclosures' and a 1.5 metre space is required every 8metres and between adjoining Footpath Trading areas with planters;
- Where irrigation is provided, approved back flow prevention devices are required, pursuant to SA Water Regulations and water supply lines are to be UPVC, and placed underneath the footpath at a depth of 0.3 metres;

- So as not to pose a hazard to vision impaired pedestrians the planter boxes should be of a contrasting colour with the background surfaces
- It is the Permit Holder's responsibility to maintain and clean planter boxes regularly, and to maintain the plants according to the species' needs. Failure to keep planter boxes maintained to an acceptable standard will result in the Permit Holder being directed to remove them; and
- Should the Footpath Trading area cease to operate, the Permit Holder must remove planter boxes prior to vacating the site at their own cost and 'make good' the area.



3. Operating Guidelines

3.4 Layout, Design and Appearance of Footpath Trading Elements

3.4.9 Gas Heaters

Gas heaters may be temporarily located within the designated Footpath Trading area to provide additional comfort for patrons. The following requirements apply:

- Industry approved high quality gas heaters that meet Australian Standards and Occupational Health and Safety requirements must be used and operated in accordance with those standards and requirements and the manufacturer's instructions. Information on the design approval of the item must be provided when applying for a Footpath Trading Permit;
- Gas heaters must be self contained and free standing but securely fixed and stable and must be placed within the Footpath Trading Permit area and all clearances and setbacks specified for Footpath Trading elements apply;
- Gas heaters must not be placed where they may pose a safety or fire hazard, including in close proximity to plastic blinds;
- Permanent heating and cooling units may be installed with the permission of the Council and such units should be specifically designed for outdoor operation must be well maintained and serviced regularly;
- Heating units should be fixed to the underside of the verandah where such is available; and
- All heating and cooling units must be operated by the Permit Holder or his/her staff and unit controls must not be accessible to patrons.

3.4.10 Lighting

- Adequate lighting must be provided where Footpath Trading occurs outside daylight hours, to ensure safety and amenity for patrons and pedestrians;
- It is the Permit Holder's responsibility to provide additional lighting to that already on the street, if necessary and to Council requirements
- Lighting must be maintained in working order and must not create unreasonable 'spill' into neighbouring properties;
- "Chasing" and flashing lights are not permitted in Footpath Trading areas;
- No free standing lighting will be permitted, while details of external lighting are to be provided for approval. All lighting must be vandal resistant, glare free, and designed to the relevant Australian Standards; and
- All external electrical works are to be undertaken by a licensed electrician.



3. Operating Guidelines

3.5 Management

3.5.1 Responsibilities

The Footpath Trading Permit Holder is to take full responsibility for their care, appearance, maintenance, and effect on other street life. Hygiene is essential, including the courteous clearing and cleaning of tables and surfaces, cleaning up of any litter and replacing chairs ready for use.

It must be understood that Footpath Trading areas remain public spaces. This means operators and patrons do not have exclusive occupancy of the area, including the use of tables and chairs. While this can sometimes be a contentious issue, proprietors must not display signs that declare the furniture to be available only to customers.

3.5.2 Requirement for Footpath Trading Permits

A person to whom a Footpath Trading Permit has been issued shall clearly display it at the relevant premises for inspection by any appropriately delegated officer of the Council upon demand, at any time during which the Permit Holder is trading pursuant to that Permit.

Footpath Trading Permits are to include plans indicating the approved dining area, furniture, fittings, any shade provisions and merchandise displays and must show a registered Permit number.

3.5.2.1 Any Permit may be cancelled by the Council for breach of the Permit conditions in accordance with Section 225 of the *Local Government Act 1999*.

3.5.2.2 A Footpath Trading Permit which has been issued for the provision of meals and/or beverages must operate in association with an approved restaurant, café or other premises which provides meals and table service where the operator is responsible for serving to and clearing from tables in the Footpath Trading area. In addition, the following applies:

- Meals are to be prepared in the adjacent building and not within the Footpath Trading area
- The hours of operation of an approved Footpath Trading area shall be the same as the hours of operation of the associated premises unless otherwise determined during the Permit application assessment.

- Music or other noise for the benefit of outdoor diners must not cause nuisance to any other neighbouring businesses, land owners, or to pedestrians.

3.5.3 Cleanliness

Footpath Trading Permit Holders are expected to maintain Footpath Trading areas, including the footpath itself, in a clean, hygienic, tidy and safe condition at all times, specifically:

- Permits for appropriately located existing fixed tables and/or chairs will be renewed only where the operators enter into agreements with Council regarding the standards of maintenance, footpath cleaning, and future removal of the items;
- Street furniture, including planter boxes, must be kept in a safe and well maintained condition at all times;
- The Footpath Trading area must be regularly cleaned during all hours of operation for both hygiene and presenting a continuous well cared for image;
- No waste material, including sweepings, are to be disposed of into the gutter;
- Where Footpath Trading areas adjoin nature strips or garden areas, operators have to ensure that all waste from their premises is promptly removed;
- Failure to comply with the conditions of a Footpath Trading Permit may result in the Permit being either revoked or not renewed; and
- Appropriate notice will be given to Permit Holders in cases of non-compliance, according to Council's compliance procedures.

3. Operating Guidelines

3.5 Management

3.5.4 Maintaining Amenity

The use of public land for Footpath Trading may be restricted, such as through reduced operating hours or reduced seating capacity. Where there is potential or actual undue impact on housing, undue impact on the amenity of the area or a history of complaint. Council can condition, modify or revoke a Footpath Trading Permit as it sees fit.

3.5.5 Animals

Animals are allowed in the Footpath Trading area however must be managed effectively at all times. Animals are not to obstruct the Walkway Zone at anytime.

3.5.6 Damage

Damage to public and private property within an approved Footpath Trading area is the responsibility of the Permit Holder, who must supervise the area so that patrons' behaviour does not lead to damage. In the event that damage does occur the operator is responsible for notifying the owner of the property. Any damage must be repaired at the Permit Holder's cost.

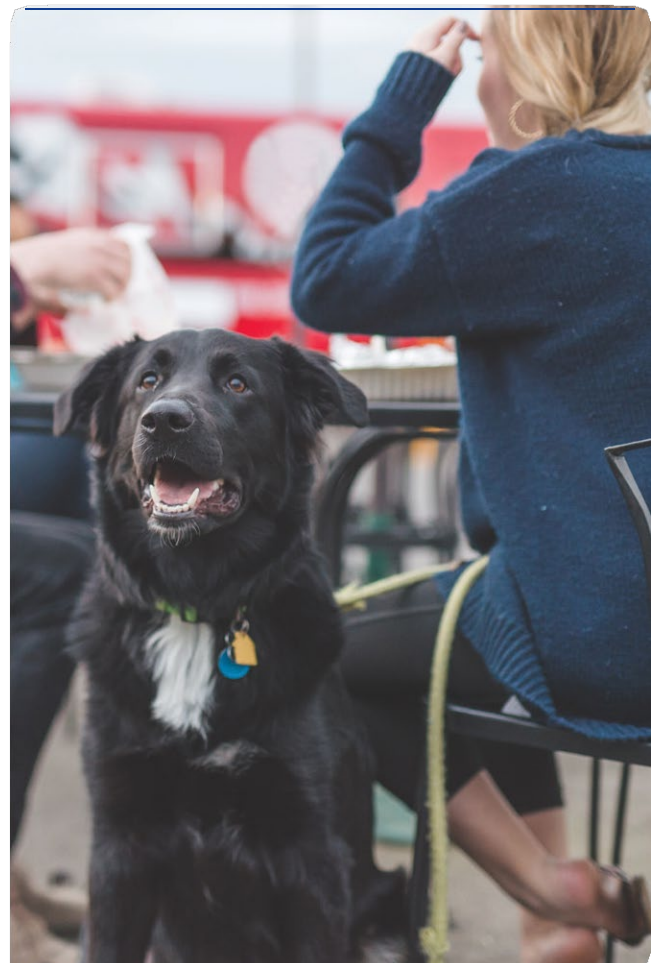
3.5.7 Limits of Trading Area

Use of a Footpath Trading area including its furniture, plants, planter boxes and merchandise displays must be contained within its approved boundaries.

3.5.8 Consumption of Alcohol

Applicants are required to advise if they are applying for a liquor licence when seeking a Footpath Trading Permit.

Alcohol can only be served and consumed in the area designated.



4. Flexible Spaces

4.1 Definition

Flexible spaces are identified as areas between the carriageway of the road and the footpath on the section of King William Road between Park/Mitchell Street intersection and Arthur Street. They are designed to support on-street parking as well as provide the opportunity to encourage activation of the street. Where appropriate, activation of the street will be balanced with the availability of the space for car parking.

The following guiding principles specific to flexible spaces are to be read in conjunction with the Footpath Trading Guidelines as a whole. Where there is conflict specific to flexible spaces, the Flexible Spaces Guiding principles shall take precedence.



4.2 Management

4.2.1 Activation

Activation shall include the use of the flexible space for outdoor dining, cultural and retail purposes. These spaces may also be utilised for events. The use of the flexible space solely for advertising purposes will not be supported.

4.2.2 Use of Flexible Space

It is encouraged that the whole flexible space is utilised for activation purposes. Where a flexible space expands in front of two tenancies, the space can be split for use between the two businesses. If one business does not wish to utilise the portion of the flexible space in front of their premises, the adjacent business will be given the opportunity to utilise the entire flexible space. This consideration may include discussion with both businesses, however this shall be determined at the discretion of Council.

4.2.3 Frequency of Use

Flexible spaces must be utilised for the following minimum durations to be supported

- 40 hours per week; and
- 5 days per week

4.2.4 Seasonal Use

Flexible spaces allow for seasonal usage with Permits available for the following durations:

- 6 months (continuous period between 1 July – 30 June)
- Full year (1 July – 30 June)

Where a 6 month Permit is approved, the annual fee shall be charged at a pro rata rate.

4.2.5 Share Use

Where neighbouring businesses have differing trading hours, the flexible space may be shared between occupants. This may allow for daytime and nighttime trading activities to utilise the space over a greater period of the day and shall be determined at the discretion of Council.

4.2.6 Consultation

Landlord support is required as part of the application for a Permit for the use of the flexible space for activation and must be received before an application can be assessed. Council will consult with the adjacent businesses prior to issuing a Permit, noting that their consent is not required for Council to issue a Permit.

4. Flexible Spaces

4.2 Management

4.2.7 Amenity

Approval for the playing of amplified music, use of televisions or the like within a flexible space that may impact the amenity of the locality, shall be at the sole discretion of Council.

4.2.8 Events Use

Council reserves the right to use the flexible space for activation purposes.

4.3 Layout, Design and Appearance

4.3.1 Moveable Bollards

The use of a flexible space for activation purposes requires a movable bollard to be placed road side within the flexible space to stop the space being used for parking.

Where a bollard is required to be moved roadside to an existing bollard sleeve, Council will provide, free of charge, one bollard movement to the roadside location and one roadside bollard removal (returning the flexible space to a car park, including the reinstatement of bollards).

Any new bollards required to be installed as per 3.3.1 of these guidelines, or any movement beyond one per year, shall be at the cost of the applicant.

4.3.2 Furniture Fixture

There shall be no permanent fixtures within the flexible spaces. Where non-permanent furniture does not represent an impediment to pedestrians and traffic it may be left in place while the Permit is valid.

Where non-permanent furniture is left in place outside of trading hours, in addition to not creating a safety concern, any damage, loss, or wear and tear is at the owners risk. Furniture should be secured outside of trading times and must remain in the approved Permit area.



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