

FOOTPATH TRADING POLICY

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| Policy Type | Council |
| Responsible Department | City Shaping |
| Responsible Officer | Manager Development & Regulatory Services |
| Related Documents | <ul style="list-style-type: none"> • Footpath Trading Guidelines • City of Unley By-law 1: Permits and Penalties • City of Unley By-law 2: Roads • City of Unley By-law 3: Local Government Land • City of Unley By-law 4: Moveable Signs |
| Community Plan Link | <ol style="list-style-type: none"> 1. Community Living <ol style="list-style-type: none"> 1.3 Our Community meets the needs of all generations 1.5 Our City is connected and accessible 3. Economic Prosperity <ol style="list-style-type: none"> 3.1 Unley is recognised as an easy place to do business 3.2 Thriving main streets and other business activities operate across our City |
| Date Originally Adopted | 10 September 2018 |
| Last Review Date | 22 July 2024 |
| Next Review Date | April 2026 |
| ECM Document No. | 9004608 |

1. PREAMBLE

- 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 and within the areas defined as flexible spaces on King William Road.
- 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. SCOPE

2.1. This Policy applies to all applications for footpath trading permits for the use of Council land for business purposes.

3. PURPOSE/OBJECTIVES

3.1. The objectives of this Policy are to:

- 3.1.1. 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.
- 3.1.2. 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.
- 3.1.3. Provide a balance between the various stakeholder interests in public areas that are used for business trading.
- 3.1.4. 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.
- 3.1.5. Prioritise the safety of all users of the City by adopting a risk management approach when considering permit applications.
- 3.1.6. Ensure all Business Trading activities are designed to enhance the character and amenity of the surrounding streetscape and built form.
- 3.1.7. Meet legislative requirements in relation to the use of Council land for business purposes and related by laws.
- 3.1.8. Encourage activation supporting local businesses to utilise the City's footpaths to promote their businesses and add vibrancy.

4. DEFINITIONS

| <u>Term</u> | <u>Definition</u> |
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| 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 | <p>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:</p> <p><i>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.</i></p> |
| Energy Absorbing Bollards | means bollards designed to perform under load in accordance with the requirements specified in the Roadside |

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| | Dining Protection Guidelines, published by the Department for Transport. |
| Footpath | has the same meaning as “road” under the <i>Local Government Act 1999</i> . |
| 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. |
| Flexible spaces | are the areas that can be used for car parking, or trading where approved by Council, between the carriageway of the road and the footpath on the section of King William Road between Park/Mitchell Street intersection and Arthur Street. |
| 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. |

5. ROLES AND RESPONSIBILITIES

| <u>Role</u> | <u>Responsibilities</u> |
|------------------------------------|--|
| Elected Members | <ul style="list-style-type: none"> • Responsible for the approval and adoption of this Policy • Must comply with the requirements of this Policy |
| Manager Development and Regulatory | <ul style="list-style-type: none"> • Responsible for the review and application of this Policy |
| All Employees | <ul style="list-style-type: none"> • Must comply with the requirements of this Policy |

6. STATEMENT

6.1. Access

- 6.1.1. 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.
- 6.1.2. 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.
- 6.1.3. 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.

6.2. Safety

- 6.2.1. 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.

6.3. Design and Heritage

- 6.3.1. 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.
- 6.3.2. 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.

6.4. Operation and Management

- 6.4.1. 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.

6.5. Education and Compliance

- 6.5.1. It is the responsibility of applicants and permit holders to make themselves aware of the requirements and permit conditions associated with footpath trading permits.
- 6.5.2. 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.
- 6.5.3. 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.

6.6. Alterations/changes to the Council infrastructure

- 6.6.1. 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.
- 6.6.2. 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.

7. DELEGATIONS

- 7.1. The Delegations and Public Register will specify who is authorised to issue permits for Footpath Trading in accordance with the requirements of this Policy.
- 7.2. The General Manager City Services and Manager Development and Regulatory are authorised to issue permits for Footpath Trading with criteria that have a minor variation to this Policy.

8. LEGISLATION

- 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: Permits and Penalties
- City of Unley Bylaw 2: Roads
- City of Unley Bylaw 3: Local Government Land
- City of Unley Bylaw 4: Moveable Signs

9. AVAILABILITY OF POLICY

- 9.1. The Policy is available for public inspection during normal office hours at:
The 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.

10. DOCUMENT HISTORY

| Date | Version No. | Comment |
|-------------------|-------------|----------|
| 10 September 2018 | Version 1 | C1287/18 |
| 22 July 2019 | Version 2 | C0065/19 |
| September 2020 | Version 3 | |
| 22 July 2024 | Version 4 | C1325/24 |