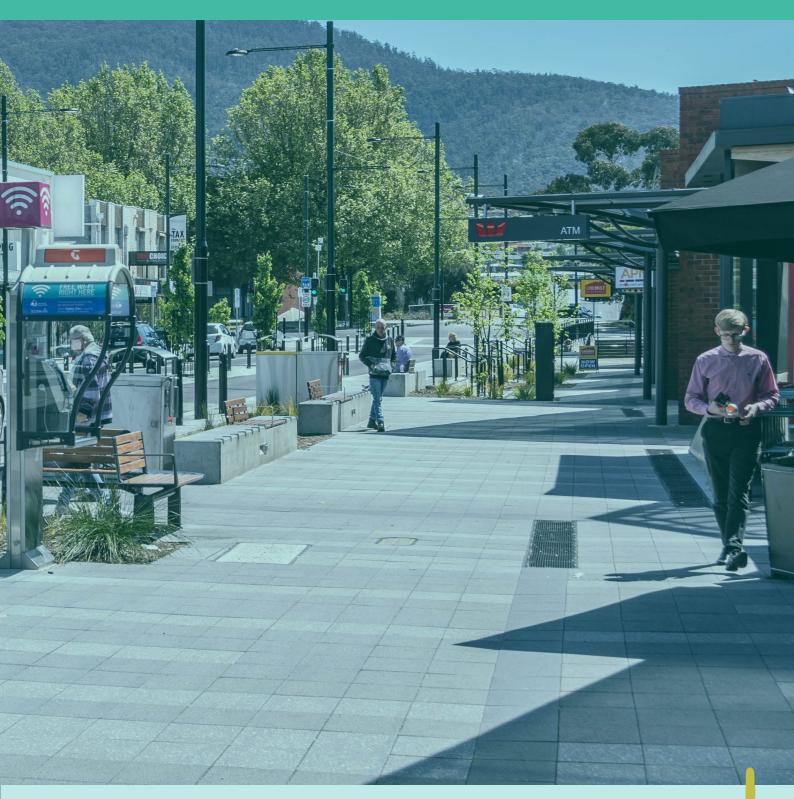
FOOTPATH TRADING GUIDELINES

March 2022





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INTRODUCTION



The main purpose of footpath space is to provide the community with safe and unhindered access to the many services and facilities that the City of Glenorchy has to offer.

Footpaths are also used for other important public purposes such as bus stops, streetlights, traffic control signs, speed limit signs, litter bins, street furniture and passage for underground infrastructure.

Several other commercial and public activities also compete for the use of our footpath areas. As such it is important that the footpath space is managed and used thoughtfully.

These Guidelines outline Council's requirements for the use of its footpath areas. It outlines the planning and design standards as well as the procedural requirements for applicants.

OBJECTIVES

THE OBJECTIVES OF THESE GUIDELINES ARE:

- TO ENSURE THAT FOOTPATHS PROVIDE FOR SAFE, CONVENIENT, AND ACCESSIBLE PEDESTRIAN PASSAGE
- TO PROVIDE CONTROLS AND GUIDANCE FOR CERTAIN COMMERCIAL ACTIVITIES ON FOOTPATHS
- TO ENSURE THAT ANY COMMERCIAL ACTIVITY ENHANCES THE EXISTING CHARACTER
 OF A LOCALITY AND IS OTHERWISE NOT INCONSISTENT WITH ANY STREETSCAPE
 MASTER PLANS



1. TRADING ZONE AREAS

Kerb. Trading and Walkway 20nes

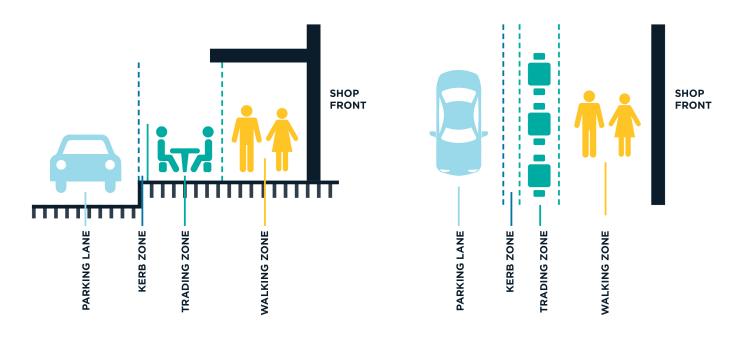
The use of footpath space is **discretionary** and may not be permitted in all instances. For example:

- · Areas where the footpath use would be dislocated from the principal place of business
- Areas where high to very high pedestrian activity exists
- Specific 'public' places including bus stops, taxi ranks, spaces directly outside a fire escape or near fire hydrants
- Potentially hazardous areas such as 'main' street corner intersections or otherwise unprotected locations may be deemed unsuitable for footpath trading.
- The width of the footpath, its pedestrian activity and or the location of existing trees, artwork, street furniture and other public infrastructure, may prevent or limit the establishment of any footpath trading.

In considering the options that are available for footpath trading it is important to acknowledge that footpaths are public areas.

To ensure a balanced use of the footpath area, the management of the footpath has been divided into three zones:

- Kerb Zone
- Trading Zone
- Walkway Zone



1. TRADING ZONE AREAS

1.1 Kerb Zone

The kerb zone is a minimum of 0.6m from the vertical face of the kerb to allow for access to and from parked vehicles and to provide separation between the trading zone and traffic. This may require to be extended in locations such as:

- Near an accessible parking bay the setback from the kerb will be at least 1.5 metres.
- Near a loading zone the setback from the kerb will need to be at least 1 metre.

No items may be placed in the kerb zone (public assets and infrastructure excepted).

1.2

Walkway Zone

The walkway zone extends from the building line or shop front of premises. The walkway zone aligns with Council's footpath policy with the target footpath widths reduced to the acceptable minimum standard to accommodate footpath trading.

The footpath policy has prioritized our footpaths based on the following hierarchy:

- CBD Centre: the main street in the CBD where there is significant business and pedestrian activity
- Primary: high pedestrian activity within the CBD business areas and direct pedestrian links between the CBD areas
- Secondary: footpaths that provide the best link between key destinations and facilities (e.g., bus stops, local shops, schools, playgrounds, etc.)
- Local: generally residential streets and any footpaths which are not included in the categories about.

Based on the hierarchy the following walking zone widths are required:

- CBD / Primary target 2m and minimum 1.8m
- Secondary / Local target 1.5m and minimum 1.2m

No trading items are to be placed or extend into the walking zone such as advertising signs, screens, chairs, and tables.

The purpose of the walkway zone is to enable unobstructed pedestrian access for all. This is necessary for the proper functioning of the footpath for pedestrians of all abilities and to comply with the relevant anti-discrimination legislation.

1. TRADING ZONE AREAS

1.3

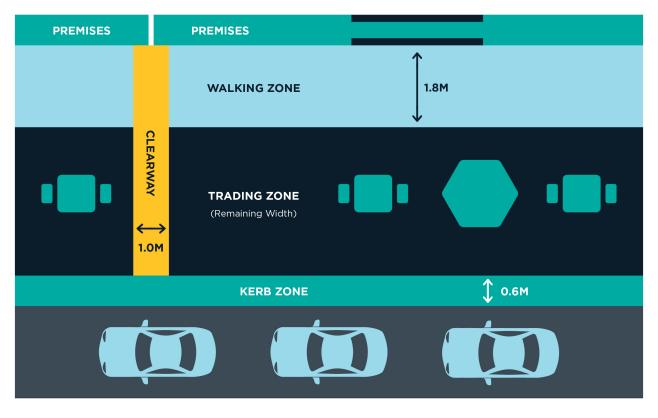
Trading Zone

The trading zone is the available space between the walkway zone and the kerb zone. This is the only area of the footpath where A-Frame signs, goods, tables and chairs and other items, subject to these Guidelines, may be placed.

The width of the trading zone is likely to be a minimum of 0.6m to allow for a table and two chairs or an A-Frame sign. To comply with above, a minimum width of 3m from the vertical face of kerb is required in the CBD area (1.8m + 0.6m + 0.6m).

To ensure adequate access points from the footpath to parking on the road are retained, there must be a minimum of a 1m unobstructed travel path at reasonable intervals. This is preferably set at a 0.5m set back from the boundary of the premises allowing a 1m clearway from the walkway zone to the parking, as shown below.

Where there is an accessible parking bay, there must be an unobstructed path measuring 1.5m at both ends of



NOTE: TRADING ZONE HAS VARYING WIDTH DEPENDANT ON OVERALL WIDTH OF FOOTPATH AREA

2. TYPES OF FOOTPATH TRADING IN GLENORCHY

2.1

Portable Signage (A-trame signs)

Portable advertising and A-frame signs will only be allowed as a component of a co-ordinated urban design scheme for a business premises. Such signs shall:

- have a design theme compatible with other street furniture
- be professionally made and painted
- be located so that pedestrian access to facilities and vehicles is unimpeded
- be located within the trading zone. Not be located within the walkway or kerb zones
- be aimed at informing pedestrians (not directed at drivers)
- must not exceed 1.1m in height
- have a maximum face area of 0.6m2 and be no more than 0.6m wide
- only one A-frame sign per premise will be permitted
- Chalkboard menu signs on the footpath will only be supported consistent with the principles nominated above
- All signs shall be safely anchored and secured to ensure stability in wind gusts
- Signs must not be anchored to public infrastructure.
- Any anchoring device must not be of a makeshift nature and must not detract from the amenity of the environment
- Signs must maintain luminescence contrast with their background. Where a sign cannot meet this requirement a continuous contrasting strip, at least 30 mm wide, is to be placed on all the outer edges of the sign on both sides. It will be the responsibility of the applicant to maintain the luminescence contrast and to maintain the strip in good condition. Signs shall not have sharp, pointed, or jagged edges, corners, or protrusions

Portable signage, display of goods, and outdoor dining

- Portable electric signs, illuminated, revolving, spinning or flashing signs are prohibited
- An advertising sign may only be displayed in the licence area to which it relates and only at times during which those premises are open to the public
- Applicants wishing to place advertising signs relating to premises that do not have a street frontage may place an advertising sign on a nearby footpath. This will only be allowed where the business owner and the premises owner in front of whose business the sigh is to be placed, has consented in writing to the placement of the sign.
- The location of items on the footpath space must provide a clear, continuous accessible path of travel for all users of the footpath and ensure no obstruction occurs to road users.



TYPES OF FOOTPATH TRADING IN GLENORCHY

2.2

Display of Goods

Any use of public footpath areas for display of goods should not result in reduced pedestrian convenience, safety, or amenity, and should complement other street activities.

Council may permit display of goods if the following conditions are satisfied:

- be owned by and located in front of the business premises that is seeking the licence
- be contained within acceptable barriers at either end
- not be allowed to exceed a height of 1.1 metres and a length / width of 0.75 metres
- be located within the trading zone. Display of goods will not be permitted outside of the trading zone.
- be securely anchored or supported to ensure a safe environment
- have a contrasting colour to their background
- not have sharp, pointed, or jagged edges, corners, or protrusions
- only be placed in the licence area to which they relate and only at times during which those premises are open to the public
- comply with any requirements of the Council's Environmental Health Program if food is to be displayed not operate outside daylight hours without adequate lighting, to the Council's satisfaction, to ensure the safety and amenity of patrons and the general public
- Goods shall not be stored for any period on the footpath during loading or unloading activities. Where no other suitable on-site location exists, all loading and unloading should occur immediately from the vehicle to the interior of the shop
- The location of items on the footpath space must provide a clear, continuous accessible path of travel for all users of the footpath and ensure no obstruction occurs to road users

2.3

Outdoor Dining

Definition 2.3.1

The outdoor dining area is the area located wholly within the trade zone approved by Council for footpath use.

The adjacent kerb and walkway zones are to always remain clear and unobstructed.

Demarcating The Outdoor Dining Area

2.3.2

The approved outdoor dining area is to be appropriately marked

The method of marking must be neat and unobtrusive and not pose a safety hazard i.e., trip or slip hazard. Appropriate methods include:

- marking out the corners of the area with pavement markers such as metal studs, stone inserts installed at or near flush with the paved surface and or the use of tactiles
- using existing landscape features such as trees and bollards to indicate the boundaries of the area
- marking out the corners of the area through markers fixed to an existing or proposed awning directly above the license area
- Marking out the boundary with moveable solid barriers or partitions

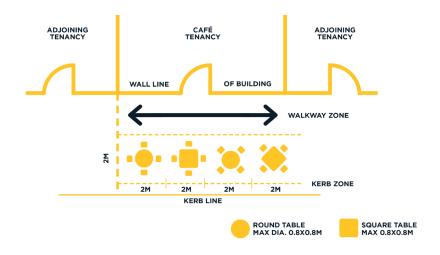
The markers must remain in place for the term of the licence. All items including umbrellas, planter boxes, chairs, tables and patrons must remain within the boundaries of the licensed area at all times of use.

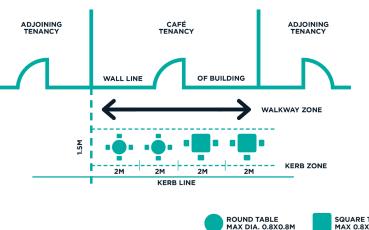
TYPES OF FOOTPATH TRADING IN GLENORCHY

Footpath Dining Furniture

2.3.3

- Furniture may only be used in the licenced area to which it relates and must be always confined wholly within the trade zone.
- Furniture is not to obstruct sight lines of vehicles or pedestrians. When an application for a license is received, Council will undertake an assessment of the site in relation to sight lines.
- Furniture must be designed and maintained in a safe condition appropriate to the location and its climatic conditions, be of sturdy construction, be easily removed and not damage the existing footpath area or other public infrastructure.
- Furniture must have a contrasting colour with the background in which it is located.
- Furniture must not have sharp, pointed, or jagged edges, corners, or protrusions.
- The base of all items placed on the footpath must be covered and maintained with a suitable rubber stopper or similar device to protect the footpath, to the satisfaction of the Council. It is the responsibility of the operator to ensure any items placed on the footpath do not cause damage to Council assets.
- Council reserves the right to reject inappropriate or otherwise unsuitable furniture.
- Bases must be of sufficient size and weight to withstand a wind velocity of 25 knots. Additional weight may be used to achieve this requirement.





Outdoor Dining

Barriers 2.3.4

The use of framed fabric, or any other style of low height barrier, may be considered between adjoining outdoor dining areas to separate these areas, and /or along the kerb zone for safety and or amenity reasons. Council may consider several types of barriers:

- temporary canvas screen.
- secured screens made of safety glass or heavy-duty plastic that are secured to the footpath with an appropriate connection. Permanent screens are only allowed along the kerb line.; and
- · screens must have luminescence contract with their background

Umbrellas 2.3.5

Umbrellas may be installed by the application with Council approval, for each table, provided they are 2.2m high at the lowest point and are securely weighted or fastened.

Umbrellas are not permitted where building awnings exist up to 3.8m above the ground and cover most of the footpath to 0 - 1.0m setback from the kerb-line.

The pole and base of the umbrella must not create a trip hazard and must have adequate luminescence contrast with its background

Heaters 2.3.6

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property.

Heating devices must be removed from public land and appropriately stored when not in use.

A heater must not create a trip hazard and must have adequate luminescence contrast with its background.

TYPES OF FOOTPATH TRADING IN GLENORCHY

Smoking 2.3.7

The licence holder must comply with any legislation and Council policies in relation to smoking.

Advertising 2.3.8

Only the name or logo of the premises may be placed on any item of furniture. It must appear only once on each item and be a minor element of the furniture design.

The applicant who intends to use printed umbrellas or barriers with logos or brand names must ensure that the advertising is a lesser element of the umbrella barrier design.

No other advertisement is permitted in the licensed area without the specific approval of Council. Certain types of signs may require a further planning permit.

Liquor Licences 2.3.9

Liquor is not to be sold, consumed, or served within the trade zone unless approved by Council, and any other bodies empowered to regulate this activity such as holding a State Liquor license. An existing liquor licence does not replace the need to obtain Council approval for the use of the footpath space under the By Law and these Guidelines.

If the premise has an existing liquor licence, the trade zone must be shown as part of the licensed area on such a licence.

Health Considerations 2.3.10

All food must be stored and prepared within the approved food preparation area of the premises.

All furniture, other facilities and pavement shall be always kept clean.

Table service to the outdoor dining area is mandatory.

It is a requirement that toilet facilities be made available to patrons in accordance with the Building Code of Australia

Outdoor Dining

Amenity and Noise 2.3.11

Permit holders must keep the area in a clean and tidy condition.

All reasonable action should be taken to ensure that the area does not produce any nuisance or offensive noise.

No entertainment or amplified music will be permitted in the outdoor dining areas without a separate permit from Council.

The impact of noise from footpath trading can be a concern when the activity is close to residential premises and trading occurs outside after business hours.

If footpath trading is to occur outside the hours of 8am to 7pm and the business is within 50m of residential zone, Council may consult affected residents and consider the impact of noise when deciding the application.

Lighting 2.3.12

Any footpath use approved to operate outside daylight hours must provide adequate lighting, to the Council's satisfaction in accordance with the Australian Standards for lighting of footpaths, to ensure the safety and amenity of all patrons and the general public.



3. FOOTPATH TRADING REQUIREMENTS

3.1

Squeeze Points

A 'squeeze point' occurs when there is a narrowing of the footpath space due to established building lines, footpath condition, existence of street furniture, and or pedestrian activity.

Where a squeeze point occurs Council may consider varying the minimum walkway zone width to an absolute minimum for no greater than 3m as follows:

- CBD / Primary 1.5m
- Secondary / Local 1m

When an application for a license is received which would require the activation of this clause, Council will undertake an assessment of the site in relation to the impact on pedestrian access and or safety when tables, chairs, signage, or the like are in place.

The following criteria will be used to assess an application in a squeeze point:

- The level of impact the use would have on the predominant circulation pattern in the area in terms of pedestrian convenience
- Whether ground surface conditions are appropriate or in need of modification because of the use
- What fixed items built or naturally exist, and whether these items can be relocated within reason
- The level of impact the use would have on pedestrian safety and vehicle sight distances

3.2



Applications can be made to relocate Council maintained assets but should be discussed with Council officers early in the process. A request in writing must then be submitted with the application for a footpath trading licence.

The request must include a plan showing the site of the proposed relocation and a letter signed by the trader outside whose premises the asset will be relocated. Council will charge the applicant for the cost of relocation of its public assets.

3.3

Existing Public Infrastructure

Tables, seats and benches, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests.

A minimum clearance will be required on either side of any public asset permanently affixed to the footpath unless permitted by Council, being:

- 0.5m clearance from infrastructures such as bollards, pits, fire hydrants, poles, trees
- 1m clearance from pedestrian infrastructure such as bins, public seats, bike stands.
- At bus stops, 1m on the arrival side and 8m on departure side of the bus stop pole.
- At taxi ranks, within the first two taxi spaces

3.4

Pedestrian Satety

Pedestrian safety is a priority of Council.

As such pedestrians crossing the street should not be faced with a continuous row of infrastructure such as screens that prevent access to the footpath. Sightlines for users need to be considered in each situation, and particularly at intersections.

Where the requirements of these Guidelines are not satisfactorily complied with, and/or Council believes the proposal would create a hazard to pedestrians, and or road users, a permit will not be issued.

3. FOOTPATH TRADING REQUIREMENTS

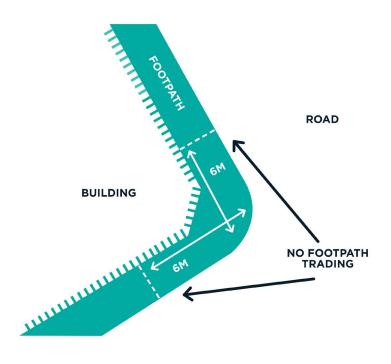
3.5 Intersections, Pedestrian Crossings and Driveways

Special provisions apply at street intersections and pedestrian crossings.

No footpath trading will be permitted within the first 6m from an intersection point unless pedestrian access and safety at this point will not be compromised by the use; and sufficient sight distance is retained at that point for passing vehicles. Council will have sole discretion of this when considering an application for a license.

Further, no footpath trading will be permitted within the first 2m from a pedestrian crossing point or driveway, unless pedestrian access and safety at this point will not be compromised by the use; and sufficient sight distance is retained at that point for passing vehicles and pedestrians.

A distance more than the above stated 6m and 2m may be required by Council depending on the site, to maintain adequate pedestrian/driver sight lines.





3.6

Height of Intrastructure

Items placed in the trading zone should be no more than 1.1m in height unless transparent or minimal in size such as an umbrella pole. This is based on driver and pedestrian eye height (A80 wheelchair) being 1.1m.

Umbrellas shall be 2.2m high at the lowest point to allow the safe passage of people underneath.

Items shall not restrict the public access and sight lines along the footpath and road.

3.7

Adjacent Premises

If seeking to occupy the trade zone in front of an adjacent premises, written consent is required from both the owner and the occupier of this premises (if not the same entity).

The combined footpath trading area must be defined on the plans submitted for approval and licenced as such.

3.8

Service Authorities and Special Events

Further, service authorities (including Council) may from time to time require access to work on underground services or above ground assets such as seat and bins, or it may be necessary to remove items for annual parades, festivals, or special events.

Reasonable notice will be given where possible.

3. FOOTPATH TRADING REQUIREMENTS

3.9

Permanent Infrastructure

If seeking to install infrastructure in the footpath that will not be brought in at night such as screens, umbrellas or footing for structures, an application must be made to the General Manager for permission to install those objects in accordance with these Guidelines and Council's Manager Infrastructure, Engineering and Design will determine if approval is to be granted.

Detail information regarding infrastructure to be installed along with existing items in footpath such as trees, seats, bins, and underground services to be provided by applicant. Dial Before You Dig to be undertaken and if services close then detail service locations are to be provided by applicant. Written consent from the owner and the occupier of this premises (if not the same entity) is required.

Planning approval, building approval and structure certificates may be required and applicant must either obtain or show they are not required.

The application must include enough detail to allow for the application to be assessed against relevant laws, policies, and Guidelines. If approved, then the applicant must obtain a Road Opening Permit from Council to undertake the works which includes relevant insurances.

All approved infrastructure is to be installed at the cost of the applicant or shop owner and remains the property of the shop owner and must be repaired and maintained by the owner. The infrastructures may also be requested to be removed by Council or other service providers at the owner's cost.

Removal of the infrastructure shall be undertaken by the owner if the footpath trading license ceases. If the property is sold the infrastructure becomes the responsibility of the new owner.

Underground gas and electrical cables are not permitted in the footpath due to the safety issues with third party private infrastructure in the footpath and not recorded on Dial before You Dig (DBYD).

3.10

Satety Bollards

At high-risk locations where there is a likelihood of a crash occurring that may impact on patrons or increase the severity of the crash, applications for footpath trading may be required to provide safety rated energy absorbing bollards as determined by Council's Manager Infrastructure, Engineering and Design.

When an application for a license is received, a safety assessment will be undertaken by Council to determine sites that require bollards considering crash data, volume and speed of traffic and the geometry of the road. Typical locations are near intersections, bends, previously known or probable crash sites or where there is no on-street parking to provide separation between the travel lane and trading.

Energy absorbing bollards are mounted near the kerb and shall be undertaken in compliance with relevant standards and Guidelines. The installation of bollards will reduce the width of the trading zone.

If it is determined that there is a requirement for energy absorbing bollards, then footpath trading cannot commence until it has been provided by the applicant. The installation would be at the applicant's expense and be undertaken in line with 5.9 Permanent Infrastructure



FOOTPATH TRADING REQUIREMENTS

3.11

Parklets via Removal of Parking

If seeking to remove parking to allow for trading onto the roadway the footpath either permanently or short term (tactile urbanism), an application must be made to the General Manager for permission. In most cases this would be for the installation of a deck where parking exists to become an outside dining area.

A safety audit would need to be undertaken by a suitable qualified Traffic Engineer at the applicant's expense and submitted as part of the application. This audit would need to consider sight lines and safety of patrons and the public.

Detailed information and plans including service locations shall be provided by the applicant. Written consent from the owner and the occupier of this premises (if not the same entity) is required.

The loss of parking revenue and use of the land for parking, means Council should be compensated for this. The annual fee for outside dining would apply for the area and a once off fee based on the value of the land would apply if the application is approved.

Council would undertake consultation with affected businesses regarding the loss of parking and infrastructure to be installed. Consideration would be given to the usage of parking in the area, strategic objectives for the area, and land and parking value to Council. Based on the consultation and information provided, Council's Manager Infrastructure, Engineering and Design will determine if approval is to be granted.

The installation would be at the applicant's expense and be undertaken in line with 5.9 Permanent Infrastructure.



4. HOW TO APPLY

What information is required to apply for a permit? 4.1

The following information is required from the applicant when applying for outside dining or display of goods permit. A-Frame signs do not require a permit, but the business must operate within these guidelines.

Completed an Outside Dining Occupation Licence Application Form (same form for sale of goods)

Forms are available from Council or online www.gcc.tas.gov.au

- Site Plan of Existing Conditions A plan at scale 1:100 accurately showing the width of the building frontage and of the footpath from the vertical face of the kerb to the building line/s, location of building line/s and the type of abutting properties, existing trees, light poles, signs, existing street furniture, service pits, fire hydrants, car parking, bus zones and other features. All dimensions associated with the footpath area should be shown.
- Site Plan of Proposed Footpath Activity A plan at scale 1:100 accurately showing the area and layout of the proposed footpath activity. This may include the proposed location of chairs, tables, screens, heaters, umbrellas, advertising signs etc.
- Photographs of the site To clearly show the proposed footpath activity zone relative to buildings and existing features in the footpath area.
- Details of furniture and fixtures (where applicable) Colour photographs or detailed design drawings (including dimensions) of proposed furniture to be used including, screens, heaters and market umbrellas.
- Details of advertising (where applicable) A colour photograph or detailed design drawings of the proposed advertising logo, and clear indication of its size and location within the footpath activity zone.
- Acknowledge that Public Liability Insurance will be required in which the policy must include all-risk and note Council's interest and be for not less than \$20,000,000 in respect of any single occurrence.
- Application fee A fee will be payable to Glenorchy City Council for the assessment of application, and preparation of licence. Council's scale of fees is published on our website www.gcc.tas.gov.au

Failure to submit all the above details may result in delays in processing the application.

4.2

What is the Assessment Process?

On receiving an application Council staff may:

- Check that all relevant information has been received
- Check the application to ensure it meets the intent and requirements of the Footpath Trading Guidelines
- Check that the application is planning and building except such as not located in a Local Historic Heritage Code area. If planning or building permit is required, the applicant will be required to obtain this and submit it with the footpath trading application.
- Inspect the site and check accuracy of submitted application plans
- Undertake an assessment of compliance with the licence conditions
- Approve or refuse licence application
- Formally advise the applicant of Council's decision
- An annual fee will be payable to Glenorchy City Council for the footpath trading for outside dining and sale of goodsassessment of application, and preparation of licence. Council's scale of fees is published on our website www.gcc.tas.gov.au

If successful, the applicant is then required to supply a current copy of Public Liability all risk insurance in the amount of \$20,000,000 noting Council's interest, and complete a "Form of Indemnity". Once liability and insurance issues are resolved and the annual fee for the footpath trading received, the licence will be delivered and operation within the approved footpath area may commence.

5. FREQUENTLY ASKED QUESTIONS

What If I Need to Amend My Licence?

Licence holders must apply in writing for any amendment to their existing licence. Amendments may include changing furniture design, adding furniture or increasing advertising.

The Council will notify the licence holder within three (3) weeks of their decision on the amendment.

An upfront amendment fee is required for officer assessment and liaison.

What If I sell the Business?

Licences are not transferable between businesses or if a business is sold.

The new operator would need to apply to Council for a new licence.

HOW is My Existing Licence Renewed?

Licences for footpath trading are issued annually

While Council is likely to issue renewal reminders, it is the responsibility of the licence holder to ensure all renewal details including public liability insurance certificates and fees are forwarded to the Council prior to the beginning of the new financial year.

Do I Need a Planning or Building Permit?

Often, you do not need a planning permit if the footpath trading activity is taking place completely on the public footpath and you have a current license from Council issued under the By-law. However, this may not be the case for more permanent infrastructure.

You should check your obligations with Council's planning department including if the works require building approval.

KEY CONTACTS

If you are unsure - **please ask** - time spent early on may avoid delays and or disappointment at a later stage.



For further information please contact 03 6216 6800 or gccmail@gcc.tas.gov.au

