

COUNCIL POLICY

Footpath and Designated Roads Trading and Activity Policy	Document No:	CPL260.4
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Responsible Officer: General Manager Community Services	Version No	01
Authorising Officer: Chief Executive Officer		

1. RATIONALE

A busy, active, footpath area has a positive impact on the viability of retail businesses and the vitality of city life. Carefully promoted and controlled footpath trading and other activities, such as dining, entertainment, trading and performances can energize and stimulate the street environment.

Geelong has many wide streets and footpaths which are suitable for a range of activities. However, where space on a footpath is sometimes limited, more creative solutions may be required to accommodate tables, chairs, people and signs without compromising access or safety.

In pursuing active, vibrant, safe and accessible footpath trading activities, this Policy is consistent with the direction of Council's Central Geelong Revitalisation Strategies, Strategic Planning direction and the Footpath & Designated Road Trading and Activity Guidelines.

This may include the occupation of a kerbside parking bay on a non government road for alfresco dining purposes only, which is provided with adequate fixtures to ensure safety to all members of the public and road users.

This would only apply in instances where businesses were unable to comply with footpath access requirements but does not apply to existing traders who are able to comply with the existing Footpath Trading Policy. Such traders will not be permitted to extend their activities on to the road. All businesses are given an equal opportunity to conduct Alfresco dining.

2. PURPOSE

The purpose of this policy is to set out the requirements for the conduct of trading and other activities on Council's footpaths in accordance with Council's General Local Law 2005 (as amended).

The policy is supported by the Footpath Trading and Activity Guidelines which together aim to;

- Promote economic development;
- Safely establish exciting and vibrant streetscapes through a diverse range of activities;
- Promote aesthetically pleasing footpath trading infrastructure in accordance with Urban Design guidelines; and

- Enhance the shopping, dining or observers experience for visitors who engage in Footpath Trading and other footpath activities.
- Enable the safe emergence of a laneway culture for laneways and minor roads under council control and declared sections of designated roads for the purpose of Alfresco Dining only.

3. SCOPE

The Policy applies throughout the municipality on footpaths and designated roads under Council's control.

4. REFERENCES

- Disability Discrimination Act 1992
- Road Management Act 2004
- Food Act 1984
- Tobacco Act 1987
- Clauses 8, 72, 84-89, 95, 97-109 and 135-179 of Council's General Local Law 2005 (as amended)
- Council Management Procedure for 'Assessment of Al Fresco Dining Applications in Exclusion Zones'

5. DEFINITIONS

- Al Fresco Dining see 'Outdoor Dining'
- Advertising Sign means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales, provision of services or notifying people of an adjacent property where goods or services may be obtained.
- Ancillary Activity includes spruiking, pavement art, barbeques, raffles, street collections and any other activity that may be designated from time to time.
- Authorised Officer means an Authorised Officer of Council appointed under Section 224 of the Local Government Act 1989.
- Busking includes a song, mime, statue, creative performance, dancing, and routines, playing of a musical instrument or provision of a display of drawing artistry on relevant medium.
- Council means the Greater Geelong City Council.
- Designated Road a public road where Council is the designated responsible road authority as defined under the Road Management Act 2004 - VicRoads is also a responsible road authority for roads they control and will have role to play in those instances.
- Exclusion Zone means the following;
 - a distance 10 metres from an intersection;
 - a distance of 20 metres from a pedestrian crossing, traffic lights or school crossing;
 - an area adjacent to a bus zone, loading zone, mail zone taxi zone or a no stopping area.

Footpath Trading and street activities within an 'Exclusion Zone' can only be conducted with the consent of an authorised officer in

accordance with the 'Assessment of Al Fresco Dining Applications in 'Exclusion Zones' Management Procedure'.

- **Footpath Width** means the distance from the face of the kerb line to the outside edge of the building line (property line).
- **Footpath and Designated Roads Trading and Activity Permit** means a permit for the conduct of activities or use on a Council footpath of outdoor dining facilities, signs, goods for sale, items such as umbrellas, pots, gas heaters, barriers screens, musical equipment and sundry items associated with all of the above.
- **Kerbside Zone** means the area between the kerb line and the outer edge of the Trading Zone.
- **Outdoor Dining (Temporary)** means dining outdoors on Council land where all furniture and other items are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Outdoor Dining (Fixed)** means dining outdoors on Council land where all furniture and other items (except Fixed Barriers) are removed from such site by 1.00 a.m. each day or at the close of business, whichever the earlier and not place such items back on to such land prior to 7.00 a.m. on any day.
- **Pedestrians** means any person travelling along a footpath whether walking, using a wheeled recreational vehicle, pram/stroller/shopping/delivery trolley, a guide dog or other assistance animal or a mobility aid such as a wheelchair, motorised scooter, walker, crutch or walking frame, or any other aid to assist mobility or orientation.
- **Pedestrian Zone** means the area between the property line and the inner edge of the Trading Zone with a minimum width of 1.5 metres and minimum height of 2 metres.
- **Permit** means a Permit issued by the Greater Geelong City Council under the Greater Geelong City Council General Local Law 2005 (as amended); (see 'Footpath and Designated Roads Trading and Activity Permit').
- **Permit Holder** means the person named as the responsible person on the application form and Permit.
- **Permit Prescribed Area** means any area of the Licensed Premises where alcohol is to be served and is included in the Red Line Plan on the Liquor Licence for that premises.
- **Trading Zone** means the area between the Pedestrian Zone and the Kerbside Zone.
- **Trader** means a person who carries out a commercial activity on behalf of a business, who may also be the Permit Holder; owner.

- Signs includes A frame structures and other objects that can be securely and safely positioned to the satisfaction of Council to promote goods and services.
- Street Performers see 'Busking'.

6. COUNCIL POLICY

In its commitment to creating safe, vibrant and commercially active streets and precincts with respect to footpaths (all activities) and road side trading (alfresco only) Council will;

- 6.1. Implement the revised Footpath Trading and Designated Roads Activity Guidelines, which provide guidance and direction to all users of such spaces. These Guidelines support Clauses 8, 72, 84-89, 95, 97-109 and 135-179 of Council's General Local Law 2005 (as amended);
- 6.2. Ensure that a clear, safe and unobstructed access exists on Council's footpath (or designated roads) at all times for pedestrians of all abilities;
- 6.3. Be mindful that any proposed Footpath and Designated Roads Trading activity should not be perceived as 'privatising' public land and that the space is clearly maintained for the purpose of a shared public and commercial space;
- 6.4. Through its legal responsibility to regulate Footpath Trading activities, including ancillary activities such as sausage sizzles, street collections etc, exercise flexibility with the issuing of 'Footpath and Designated Roads Trading and Activity Permits' so as to encourage diverse activities to take place such as Outdoor Dining ('Al Fresco Dining'), advertising signs, goods displays, street theatre/performers, busking and to protect public safety;
- 6.5. Ensure compliance with relevant legislation including but not limited to the Disability Discrimination Act 1992, the Road Management Act 2004, Council's General Local Law 2005, Building Act 1993, Planning and Environment Act 1987, Tobacco Act 1987, Food Act 1984 and the Charter of Human Rights and Equal Opportunities;
- 6.6. Prescribe a Trading Zone by ensuring that a minimum width of 1.5 metres exists for the Pedestrian Zone on specific footpaths where the width of that footpath is between 2.9 and 3.5 metres. The minimum width of a Pedestrian Zone on footpaths with a width greater than 3.5 metres, shall be 1.8 metres;
- 6.7. Ensure that the minimum width of a Kerbside Zone on any footpath is 750 mm where there is adjoining parallel parking and 1.5 metres where there is adjoining angle parking or a disabled persons parking bay;
- 6.8. Not approve any Footpath Trading activity on footpaths with a width of less than 2.9 metres;
- 6.9. In response to a request from a business owner, investigate possibilities to implement various engineering treatments to a footpath or road on a cost recovery basis, in order to safely accommodate a trading application in accordance with this Policy and the Footpath & Designated Roads Trading and Activity Guidelines. The cost of installation and reinstatement shall be born by the applicant;
- 6.10. Where this is not possible, evaluate the possibility of converting a parking bay to a space that may be utilised for alfresco dining.
- 6.11. Consult extensively with the local businesses within the subject precinct in order to seek opinions that are relevant to assessing such proposals and to promote the opportunities and benefits to that general precinct from an economic and place-making perspective.

- 6.12.** Will receive and review any submission from any business owner who feels that they may be effected by such a proposal. This review will be conducted by the Council's Chief Executive Officer.
- 6.13.** If a parking bay is to be occupied for the purpose of alfresco dining, permit fees will be calculated on the basis of previous year average occupancy rate for that area X the parking income for that area X 50%. In areas not serviced by parking ticket machine fees shall be based on those that are applied to the footpath alfresco fees.
- 6.14.** As a general rule, not permit any Footpath Trading in a Pedestrian Zone, Kerbside Zone or Exclusion Zone. In exceptional circumstances, trading may be permitted in an Exclusion Zone subject to a risk assessment being conducted in accordance with Council's 'Alfresco Dining in Exclusion Zones Management Procedure'. This may include a road (kerbside) trading in a designated road. The costs of implementing and installing the necessary infrastructure (including a bond for the reinstatement of any works undertaken) will be borne by the applicant.
- 6.15.** Ensure that the quality of Footpath Trading infrastructure is safe and designed from materials that present a high standard;
- 6.16.** Through its Urban Design Unit, facilitate, assist and advise applicants on achieving footpath trading infrastructure design outcomes, that would result in a vibrant and aesthetically pleasing footpath and streetscape, which preserves the heritage and amenity of the area;
- 6.17.** In instances where an initial design may not comply with this Policy or the Footpath and Designated Roads Trading and Activity Guidelines, Council may in conjunction with the respective business explore other options on a cost sharing basis where it can be demonstrated that there is a broader benefit to general amenity of the area and to other local traders (i.e. Finger Boards, Bollards etc);
- 6.18.** Ensure that inappropriate advertising that may promote tobacco, alcohol or sexually explicit messages/images is not permitted in conjunction with any Footpath and Designated Road Trading activity;
- 6.19.** Ensure that the sale of food from an Outdoor Dining facility or other structure complies with the Food Act 1984;
- 6.20.** Ensure that any Footpath Trading items, objects or infrastructure (except Fixed Barriers) are removed from the footpath by 1.00 a.m. or the close of business, whichever the earlier and not be placed out on the footpath prior to 7.00 a.m. on any day;
- 6.21.** Support the placement of items/objects such as planter boxes on footpaths, which may enhance the attractiveness of a footpath, subject to such items/objects complying with the Guidelines and being removed from the footpath at the end of each days trading;
- 6.22.** Approve 'portable' permits for Real Estate Agent signs that promote 'Auctions' or 'Open for Inspection' events in accordance with the Footpath and Designated Roads Trading and Activity Guidelines;
- 6.23.** Seek reimbursement from a permit holder for any repair or reinstatement required to any footpath or infrastructure as a result of damage due to footpath and designated road trading activities or the abandonment of the business by the permit holder;
- 6.24.** Ensure that the application of its Footpath and Designated Road Trading Policy is consistent with its Central Geelong Revitalisation Strategies and Strategic Planning Direction;
- 6.25.** Ensure that any Footpath and Designated Road Trading activity shall not cause a nuisance to any other parties through noise, odour or other disturbances;
- 6.26.** Support Victoria Police and Responsible Alcohol Victoria who are responsible to monitor Liquor License compliance with the footpath trading Permit Prescribed Area;

- 6.27.** Alfresco dining activities are required to comply with Planning and Building Legislation with respect to permit prescribed areas (“red line” zone where alcohol is sold) and the toilet/patrons ratio.
- 6.28.** Allocate resources to effectively monitor and enforce the Footpath & Designated Roads Trading and Activity Policy and Footpath Trading and Activity Guidelines. With respect to serving of alcohol in public spaces a Town Planning permit may be required.

7. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Permit Applications	Health and Local Laws	7 years	Corporate Records
Public Liability Insurance	Health and Local Laws	7 years	Corporate Records
Site Plans	Health and Local Laws	7 years	Corporate Records
Annual Fees & Charges	Finance Manager	7 years	Corporate Records

8. ATTACHMENTS

Schedule 1

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Listed below are all the roads within the Central Geelong Area and their classifications as either government or local roads.

Government Roads

Western Beach Road
Eastern Beach Road
Malop Street
Ryrie Street
Myers Street
Ormond Street
McKillop Street
Yarra Street
Moorabool Street
Gheringhap Street
Brougham Street

Local Roads

Union Street
James Street
Little Malop Street
Little Ryrie Street
Baylie Place
Fenwick Street
Fitzroy Street
Garden Street
Sydney Avenue
Heaths Lane
Richie Boulevard
Yarra Street
Transit Place
Clare Street
Henry Street
Emerald Place
O'Connell Place
Cressy Place
Cummings Place
McCann Place
England Street
Prospect Lane
Penang Place
Pevensey Place
Corio Place
Days Place
Lake Street
Park Street
Long Lane
Wheeler Place
Avoca Place
Merrell Lane
Swanston Place
John Place
Dover Place
Board Place
Kirk Place
Shorts Place
Minns Place
Dennys Place
James Street
Johns Street
Downes Lane
Lawrence Place
Wright Place
Warner Place
Star Street
Ryan Place South
Adams Place

Argyle Place
Thorne Place
Admiral Place
Edmonson Place
Agriculture Pace
Cubby Place
Wilson Place
Storrer Street
Bourke Crescent
Mills Lane
Little Myers Street
Benson Street
Bright Place
Pelley Place