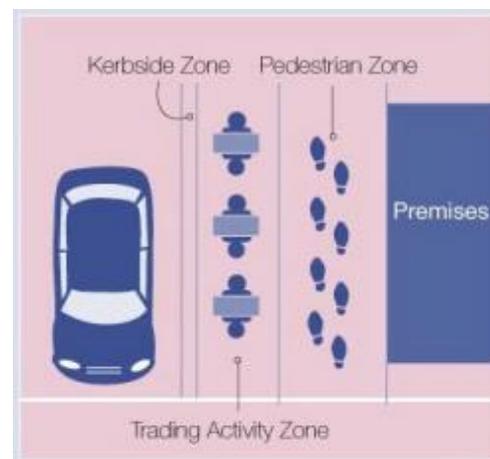


<h2>Footpath Trading Policy</h2>	
<b>POLICY STATEMENT</b>	1.1 This policy outlines the process and permit conditions for the establishment of footpath trading (including dining, vending and signage) on a Council footpath or road reservation.
<b>DEFINITIONS</b>	2.1 In this policy: <ul style="list-style-type: none"> <li>• “Council” means the Kingborough Council.</li> <li>• “Footpath” means the area between a property boundary and the face of the nearest kerbside road, which is provided for use by pedestrians and includes a nature strip and entry areas not in private property.</li> <li>• “Footpath trading” means the use of footpaths for commercial activities, including on-street dining, vending and the display of goods and signs.</li> <li>• “Pedestrian” means any person traveling along a footpath, whether walking or by using a wheeled recreational vehicle; pram; stroller; trolley; guide dog; or a mobility aid such as wheelchair, motorised scooter, or walking frame.</li> <li>• “Authorised officer” means a person authorised under section 20A of the <i>Local Government Act 1993</i> or a police officer of the Tasmania Police service.</li> <li>• “Furniture” includes chairs, tables, barriers, panels and umbrellas, vending equipment, plus any other chattels used in footpath trading.</li> <li>• “On-street dining” means the consumption of food and/or beverages by customers seated in an area of road external to the business providing and selling food or beverages.</li> </ul>
<b>OBJECTIVE</b>	3.1 Ensure that footpath trading within the Kingborough municipal area does not obstruct pedestrian access and that pedestrian pathways remain accessible for pedestrians of all abilities. 3.2 Ensure that footpath trading permits are issued in accordance with the <i>Roads, Parking and Stormwater By-Law No. 4 of 2011</i> . 3.3 Encourage footpath trading activities which contribute to the amenity and vibrancy of the local area.
<b>SCOPE</b>	4.1 This policy applies for all footpaths within the Kingborough municipality. 4.2 This policy does not apply to outdoor dining, vending or signage contained within a private property boundary.
<b>PROCEDURE (POLICY DETAIL)</b>	5.1 <b>Method of control</b> <ol style="list-style-type: none"> <li>a) Footpath trading is to be controlled by the issue of a permit by Council under the conditions of this policy and the provisions of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</li> <li>b) Council is under no obligation to issue a permit for footpath trading, and each permit is issued solely at the General Manager’s discretion.</li> </ol> 5.2 <b>Footpath zones</b> <ol style="list-style-type: none"> <li>a) Council has a legal responsibility to ensure a safe and unobstructed pathway for pedestrians of all mobility levels.</li> <li>b) To simplify the setbacks required for footpath trading it is helpful to consider the footpath in three distinct zones. The size of these zones may vary depending on the width of the footpath, however, there are minimum requirements for both the</li> </ol>

Pedestrian and Kerbside zones to ensure accessibility for pedestrians and other road users:

- **Pedestrian Zone** – the section of footpath extending immediately outwards from the storefront or property line with a minimum width of **1.8 metres**, to ensure a continuous accessible path of travel, free of obstructions at all times. Council reserves the right to extend the pedestrian zone width on a case by case basis.
- **Kerbside Zone** – a buffer zone between the trading activity and the kerb. A minimum width of **0.6 metres** must be maintained. Barricades or bollards may be required in this zone otherwise this area of the footpath must be kept free of obstructions. Council reserves the right to extend the kerbside zone width on a case by case basis to ensure parking and access requirements at the location are not compromised.
- **Trading Zone** – zone for trading which is the remaining space between pedestrian zone and kerbside zone and (without additional approval) must not extend in width past the premises. This is the only area where the placement of goods, furniture and other items may be authorised.



- c) In order to facilitate a consistent unobstructed pathway for pedestrian access, footpaths with a total width less than 3 metres will NOT be considered for on-street dining.

### 5.3 Application process and requirements

- a) To apply for a footpath trading permit a business owner must submit a completed Footpath Trading Permit Application Form available from the Council Offices and Website.
- b) A footpath trading application must include copies of:
- a certificate of currency for Public Liability Insurance
  - details of operating and opening times
  - if applicable, a copy of a valid liquor license, which incorporates the proposed footpath trading area
  - a detailed site plan of the proposed footpath trading area with setbacks clearly identified and in compliance with the footpath zones described in Section 5.2 above. The site plan should list all furniture and installations and the proposed locations of all furniture and installations.
- c) A per square metre fee applies to footpath trading as outlined in the annual Kingborough Council fees and charges. The applicable fee must be paid in full before a permit is issued.
- The per square metre fee applies to the whole footpath area taken up by trading (the trading zone) as specified in the footpath trading application.
- d) All footpath trading permits will expire annually on 30 June each year, at this time a permit renewal application will need to be submitted.

	<ul style="list-style-type: none"> <li>• A lesser fee of 50% of the prescribed fees may be charged for a new footpath trading application where the 30 June expiry date is less than six months away.</li> </ul> <p>e) Footpath trading permits are not transferable. A new permit must be obtained if the proprietor of the business changes hands.</p>
<p><b>GUIDELINES</b></p>	<p><b>6.1 General conditions</b></p> <ol style="list-style-type: none"> <li>a) Footpath trading must adhere to all applicable provisions in the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</li> <li>b) The permit holder is responsible for ensuring the footpath trading zone is always clean and tidy and, if applicable, provide waste bins which are regularly emptied.</li> <li>c) The permit holder must display a valid footpath trading permit clearly at the front of the premises.</li> <li>d) The permit holder is responsible for maintaining the required footpath zone clearances described in Section 5.2 of this policy at all times, ensuring that patrons do not move tables or chairs or allow pets, prams or any other items to obstruct the pedestrian zone or kerbside zone.</li> <li>e) The General Manager may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed in the kerbside zone at the applicant's cost.</li> <li>f) Permission is required from the General Manager for the installation of any speakers or associated amplification equipment in the footpath trading area.</li> <li>g) If alcohol is to be consumed in the footpath trading area, the area must be included as part of the 'licensed area' on the liquor license for the premises.</li> <li>h) Footpath trading is not permitted adjacent to loading zones, bus stops or taxi ranks.</li> <li>i) Any merchandise displayed by the permit holder is to be consistent with the type and quality of goods displayed in the permit holder's premises. All merchandise is to be properly contained on or within the vending equipment.</li> <li>j) No encroachment is allowed beyond the side property boundaries of any premises, without the General Manager's approval and written permission from the landowners and lessees of the neighbouring properties in question.</li> <li>k) The permit holder will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths or street fixtures or furniture.</li> <li>l) Service authorities or Council may require the temporary use of approved footpath trading sites to undertake works or for community events such as, but not limited to, parades and festivals. The permit holder is required to cease trade on such occasions and will be responsible for clearing the trading site, without compensation.</li> </ol> <p><b>6.2 Furniture requirements</b></p> <ol style="list-style-type: none"> <li>a) Furniture must be of sufficient weight to ensure that under strong winds they do not blow away, or alternatively, are fixed to the pavement in an approved manner so as not to cause a hazard to pedestrians and motorists.</li> <li>b) On days of strong winds, unsecured furniture should not be placed on the footpath.</li> <li>c) The size, materials and colours of proposed furniture or equipment is subject to Council Officer approval. Furniture is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape.</li> <li>d) Furniture must not have any protruding parts which are likely to catch clothing or cause danger to, or obstruction to pedestrians.</li> <li>e) Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.</li> </ol>

	<p>f) Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are not permitted on any furniture; however, advertising logos relating to the activities of the business may be permitted on barricades.</p> <p>g) All furniture not approved to be permanently affixed must be cleared from the footpath by the permit holder at the cessation of each day's trading.</p> <p>h) No furniture is to be placed within 1 metre of any Council owned/managed street furniture or street trees.</p> <p><b>6.3 Portable signs</b></p> <p>a) This policy also incorporates the placement of portable signs or signboards on footpaths.</p> <p>b) Portable signs are only to be placed on the footpath in accordance with the provisions of the Roads, Parking and Stormwater By-Law No. 4 of 2011.</p> <p>c) Portable signs are only to be placed in a location approved by Council Officers. A 1.8m pedestrian zone must always be maintained.</p> <p>d) Portable signs must not exceed 600mm in width or 1000mm in height.</p> <p>e) Signs must only be displayed during the normal trading hours of the permit holder's business.</p> <p>f) Signs must feature the business name or service provided by the business to which it relates.</p> <p>g) Inflatable signs; portable electric signs; illuminated, spinning, or flashing signs; flags and banners are prohibited.</p>
<b>COMMUNICATION</b>	<p>7.1 Kingborough residents and relevant business proprietors.</p> <p>7.2 Kingborough Council staff.</p>
<b>LEGISLATION</b>	<p>8.1 Permits for footpath trading shall be issued in accordance with the requirements of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</p>
<b>RELATED DOCUMENTS</b>	<p>9.1 <i>Local Government Act 1993</i></p> <p>9.2 <i>Food Act 2003</i></p> <p>9.3 <i>Disability Discrimination Act 1992</i></p> <p>9.4 <i>Kingborough Footpath Trading Application Form</i></p>