



# Commercial Use of Footpath

Footpath trading activities such as outdoor dining and the display of goods/advertisements is an important ingredient in a successful and vibrant community. There must also be clear access for all pedestrians, especially those with disabilities or using prams, to ensure safe access for all of our community.

Local Law No. 1 (Administration) 2011 regulates the use of the roadside footpath areas for outdoor dining, the display of goods and advertising devices.

## General Requirements

An application can be made for one or more 'trading on footpath' activities, being Footpath Dining/Parklet, Displaying Goods for Sale on Footpath, and Temporary Advertising Devices.

A Commercial Use of Local Government Controlled Areas and Roads application form and relevant fees and charges should be submitted to Council together with a detailed plan of where each item is to be located and must indicate distances.

The applicant **MUST** hold a \$20 million Public Risk Liability Insurance Policy covering footpath use by the business, and **MUST** be kept current by the business owner. A copy of the insurance policy **MUST** be submitted to Council each year *before the expiry of the existing policy*, and **is the responsibility of the business owner to ensure this is provided.**

The Public Risk Liability Insurance Policy must be held for the duration of the term of the approval:

- (i) in the joint names of the approval holder and Council; and
- (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
- (iii) for an amount of no less than \$20 million for any single event; and



- (iv) indemnify the local government and the state against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the activity

Businesses are not permitted to place any item in a *Designated Clear Zones* or the *Mandatory Pedestrian Clear Path*. Items may include, but are not limited to, chairs, banners, tables, planter boxes, umbrellas and advertising signs.

All outdoor dining equipment and display of goods and signs must be removed from the footpath when the business is not operating/open.

All outdoor dining equipment and display of goods and frames must be kept in a good state of repair, be of a sound construction, and visually aesthetic (pleasant to the senses).

The footpath area must be maintained and kept in a clean condition at all times.

All items must be either removable or designed not to impede cleaning processes and no items should be in place when major street cleaning occurs (typically very early in the morning).

All items must not inhibit the access or egress of any vehicle parked in a designated disability parking space.

## Goods on Footpath

Businesses placing items such as clothes racks, tables and chairs on Council footpaths must obtain an approval to do so and pay the relevant fees and charges.

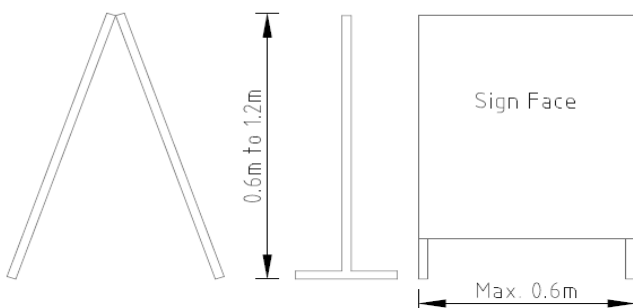
Traders must have all business related display items/activities confined to the building or kerb side of the footpath and comply with the requirements for Footpath Clear Zones.

## Temporary Advertising Devices

Businesses wishing to display a temporary advertising device must obtain an approval to do so and pay the relevant fees and charges. The business must comply with the following sign requirements:

- Width must be no larger than 0.60m but can range in height from 0.60m to 1.2m see diagram below.
- Only one sign is allowed for each business. An exemption to this is if the business is situated on a street corner (1 sign per street frontage) or if the front property boundary of the business property is large (for every 10m one frame may be permitted).
- The frame must be set at least 0.30m from the kerb and otherwise comply with all the Footpath Clear Zone requirements.

### A FRAME AND T FRAME SIGNS



The conditions which apply to temporary advertising devices on local government controlled areas and roads can be found in Schedule 8 of *Fraser Coast Regional Council Subordinate Local Law No.1 (Administration) 2011*

## Temporary Signage for “Not-for-Profit” Community Events

Temporary signs advertising a “not-for-profit” community event are exempt if they meet all of the following criteria:

1. Installed on a lot used for community purposes:
  - advertises activities conducted on the sites and;
  - is no greater than 2m<sup>2</sup>; and
  - all device requirements as listed below; or
2. On a road:
  - 8 or less signs advertising the same event; and
  - Signs are not in place earlier than 2 weeks before the commencement of the event and after 24 hours of the conclusion of the event; and
  - all device requirements as listed below.

### Device requirements:

- the person displaying the device has a standard Public Liability Insurance Policy that covers the device;
- the device does not interfere with any underground utilities;
- the device is non-rotating, is not illuminated and does not incorporate reflective or fluorescent materials;
- the device does not interfere with the road or its operation;
- the device is located as close as practicable and parallel to the property boundary;
- no portion of the sign projects over the carriageway or any surface used by motor vehicles;
- the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety
- the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);
- the device is not fastened to trees or road infrastructure (for example, signs or guardrails);

- the device is made of a corrugated plastic eg corflute or similar material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55mm x 25mm;
- a minimum of 2 metres of unobstructed pedestrian access way is maintained at all times;
- the sign is not left in place in the event of extreme weather;
- the sign does not contain explicit, inappropriate, offensive or irrelevant content.

### Temporary Bunting



Temporary bunting is exempt if it meets all of the following criteria:

- is displayed for a period of not more than 7 days prior to and on the day or days of the event or promotion to which it relates;
- is erected no higher than 6m above the original ground level of a site;
- is not affixed to trees, lighting standards or power poles;
- does not extend over car parking areas;
- does not cause unreasonable disturbance to the general locale.

### Banners



A banner is exempt if it meets all of the following criteria:

- is erected within, parallel to and immediately adjacent to the frontage of the premises to which it relates;
- is limited to a size no greater than 3.8m x 1m;
- consists of good quality materials and is sign written with appropriate wording;
- if attached to banner poles is positioned so that pedestrian and vehicle movements are not interfered with;
- is not attached to a tree;
- has either ropes stitched in or eyelets stitched into its corners;
- is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10mm;
- is displayed for no more than 10 weeks in any 52 week period.

### Third Party Advertising on Private Property

Third party advertising is exempt if it meets all of the following criteria:

- located on residential property for the purpose of advertising activities currently conducted or directly associated with the primary use of the property;
- in place only while the use referred to in the previous point is underway; and
- no greater than 0.6m<sup>2</sup>.



## Portable 'A' Frame or Inverted 'T' Frame Board Sign on Private Property



A portable 'A' frame or inverted 'T' frame board sign on private property is exempt if it meets all of the following criteria:

- located within the boundaries of the principal place of business for the business being advertised on the sign; and
- within the range of 600mm (width) x 600mm (height) to 600mm (width) x 1200mm (height).

## Footpath Dining

Food businesses wanting to provide footpath dining will have to apply for the Footpath Dining permit with the relevant fee.

### Pedestrian Clear Zone

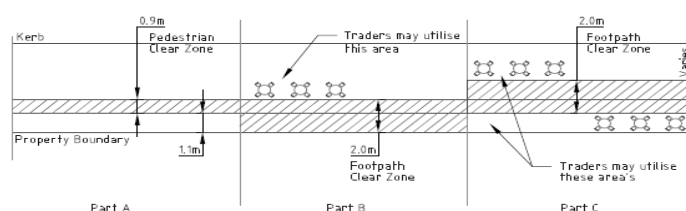
A *Mandatory Pedestrian Clear Zone* of 0.90m wide must be provided 1.10m out from the property boundary and be kept clear along all footpaths.



Each business using the footpath for commercial use must extend the width of the pedestrian clear zone to 2m either to the property boundary or towards the kerb. The business must ensure doorways are kept clear and that the designated clear zones are correct. This is especially important if the business is near a pedestrian crossing; parallel parking bays; a bus/taxi stop; a driveway; or on the corner of an intersection

**Vertical Clearance:** Particularly where outside dining is concerned a vertical clearance of 2m must be within the designated clear zones e.g. umbrellas and wind-breakers.

The picture and diagram (Part C) show that the *Mandatory Pedestrian Clear Zone* allows a pedestrian to see from one end of the footpath to the other end.



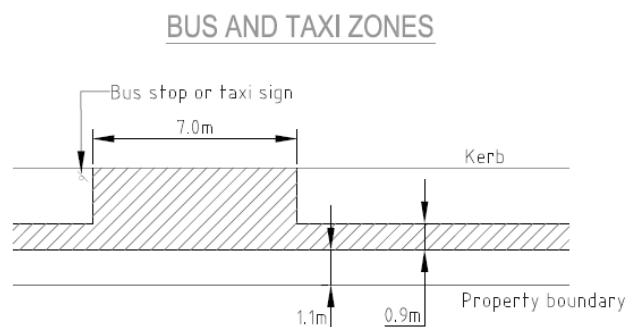
*Designated Clear Zones* include carparks, bus and taxi zones, pedestrian crossings, driveways, doorways and intersections.

### Car parks (parallel or angled) along the kerb

A clear zone of 0.4m from the kerb must be allowed for car doors to be opened and people to access vehicles.

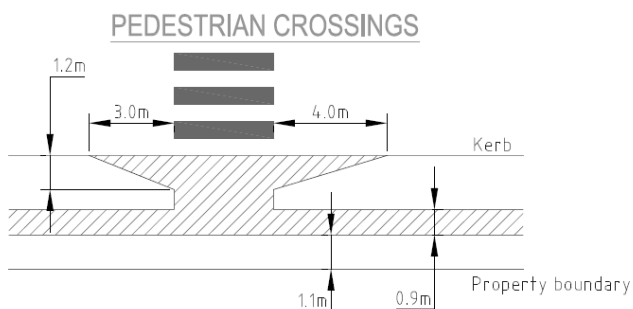
## Bus and Taxi Zone

A distance of 7m along the kerb and back to the *Mandatory Pedestrian Clear Zone* is required for safety of people alighting and queuing for transport. This clear zone starts from the sign depicting the Bus and/or Taxi Zone.



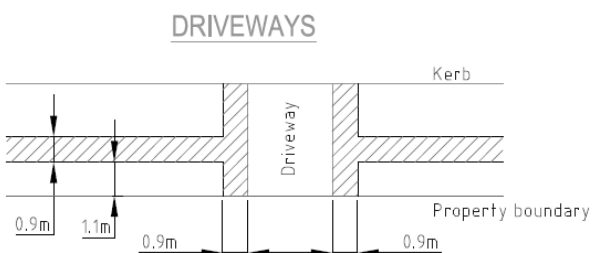
## Pedestrian Crossings (line marked or on road refuges)

A clear zone is necessary for drivers to see pedestrians and for pedestrians to be seen. A clear zone is required from the edge of the pedestrian crossing 4m from the on-coming traffic (right) and 3m from outgoing traffic (left) which extends 1.20m to the *Mandatory Pedestrian Clear Zone*.



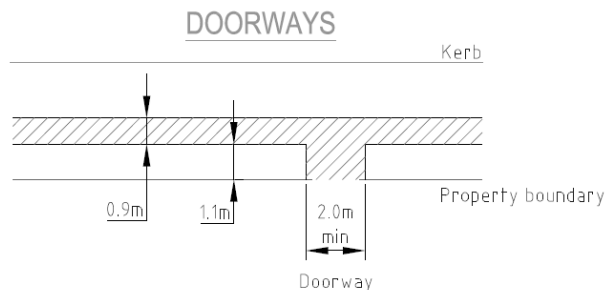
## Driveways

Pedestrians and other traffic need to be able to be seen on the footpath when vehicles are using driveways. A clearance of 0.90m is needed on both sides along the driveway for this Designated Clear Zone.



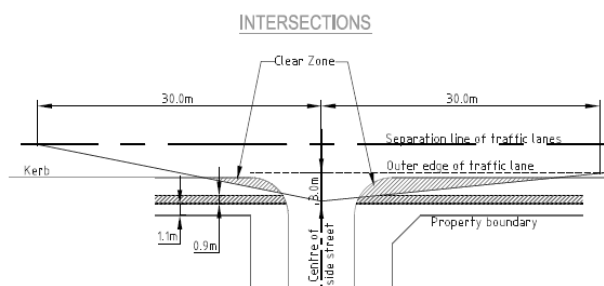
## Doorways

A clear zone of 2m is needed at any doorway extending to the *Mandatory Pedestrian Clear Zone* to ensure that persons with disabilities and prams have clear access to shops.



## Intersections

A clear zone is needed at intersections, as drivers must be able to see pedestrians and traffic in both directions to make a safe approach and exit. A measurement to determine the Clear Zone is made from a vehicles perspective. At the centre of the road, 3m in from the edge of traffic lane of the road is the central focus point for the clear zone; 30m from the opposite side of the intersecting road is measured as a line of sight. The pedestrians must be readily visible to oncoming traffic, thus no business will be permitted to place any item in this clear zone.



## Parklets

Parklets are small platforms that can be temporarily installed in one or two on-street car park spaces during peak seasons or special events, or can be permanently installed offering additional seating on a permanent basis.

## Adjoining Property/Business Owners

As part of the assessment of any application for a Parklet, Council will review potential impacts of the proposal on surrounding businesses.

## Design

Parklets to be well designed using high quality materials and certified by an appropriately qualified builder or engineer.

They shall be constructed using quality materials that are durable and attractive (e.g. steel, hardwood timber) in order to contribute to the beauty and character of the immediate area. Innovative and/or unique designs will be well regarded.



The inclusion of landscaping barriers at each end of the Parklet and pockets of greenery, will also be well regarded. Parklets shall be maintained on a daily basis to ensure they retain a consistently high standard.

## Parklets shall provide a safe, functional environment suitable for public use

The surface shall be at grade with the footpath and conform with the following guidelines:

- Maximum 1.8m width from the kerb edge
- Kerb line drainage must be maintained
- Decking must be flush with the kerb, with a maximum 10mm gap
- A distance of 1.2m from the Parklet to the wheel stop is required
- A 1m wheel stop is to be installed 450mm from the kerb line

- Reflective soft hit posts must be included
- A visually permeable edge must be included
- Parklets should ideally be located where there is suitable lighting
- The Parklet must provide adequate protection from passing traffic. The suitability of the design in this regard will be assessed by Council's traffic and risk officers on a case by case basis.
- The Parklet design must be certified by an appropriately qualified Builder or Engineer prior to final submission to Council

Public liability insurance of \$20M is required for all Parklets.

## Parklets to clearly represent a public place

Parklets shall appear as public space that is welcoming and easy to access. Depending on the location, the outside (road) edge shall be visually permeable through the use of planters, railings, cabling or other suitable means. The inner (footpath) edge shall be open. The Parklet may incorporate features such as bench seating, landscaping, bike racks, planters and (non-fixed or fixed) tables and chairs.

## Joint Business Operation of a Parklet

Parklets can be shared by a number of businesses, subject to all business being included on the Commercial Use of Local Government Controlled Areas and Roads application form, and holding public liability insurance of \$20M.

## Where Can I Find More Information?

For further assistance on the Commercial Use of Footpaths please contact Council's Regulatory Services Team on 1300 79 49 29.



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