	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 1 of 6

GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES

Pursuant to Section 222 of the Local Government Act 1999

Guidelines for the regulations of the trading on Council footpaths for business use.

The following guidelines have been developed to assist operators when making a footpath use or outdoor café application. The guidelines outline the criteria used by Council when assessing an application.

1. Sight Lines


At corner locations café furniture must be placed so that motorist's sight lines are maintained.

2. Chairs, Tables and Umbrellas

- Proprietors should ensure that chairs are not placed backing onto kerbs;
- Tables or chairs should not have sharp corners or unfinished fixing details;
- Umbrellas must have a minimum 2100mm clearance above footpaths, be adequately secured to avoid dislodgement by wind, and should be dis-assembled in windy conditions;
- Tables and chairs to be located in an area considered safe to patrons;
- Dining items should be portable, (new fixed items are not permitted) – yet sturdy and windproof.
- All tables and chairs are to be of a sturdy design and fabrication and are to be of a height that facilitates sit-down dining activities.
- A maximum table height of 900mm is appropriate
- Tables and chairs must not be permanently fixed to the footpath.

Figure 1: Furniture Examples



	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 2 of 6



3. **Lighting**

Where furniture is fixed, proprietors should, where appropriate, supplement public lighting to ensure public safety after business hours.

4. **Accessibility**

A clear space of 1.5 metres for public access, pedestrian flow, people using prams, wheelchairs, etc is to be maintained at all times. Public pedestrian access footpaths adjacent to building frontages must not be compromised (the pathways provide a spatial guide for people with visual impairment and accessibility issues).

The permit holder shall not enclose the outdoor dining area with café screens, blinds, awnings or similar structures without the permission of the Council.

Permit Holders are responsible for ensuring compliance with relevant sections of the Disability Discrimination Act (Commonwealth) 1992 at all times.

5. **Position**


Ensure that the safety of adjoining buildings is not compromised by restricting access or adding unreasonable fire potential.

Street stall furniture shall not obstruct pedestrian flow.

Must not compromise pedestrian access to other streetscape activities including street furniture with a setback distance of 1.5 metres.

6. **Location**

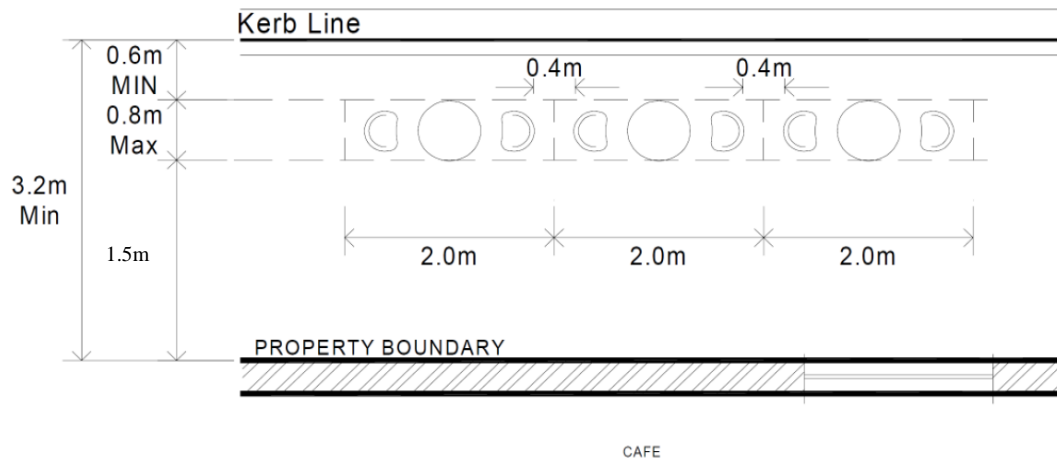
The preferred location for footpath dining is generally on the kerb side of the footpath. This is to allow all people including visually and physically impaired persons to comfortably use the property boundary line (the building edge in the majority of cases) as a continuous point of reference when

	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 3 of 6

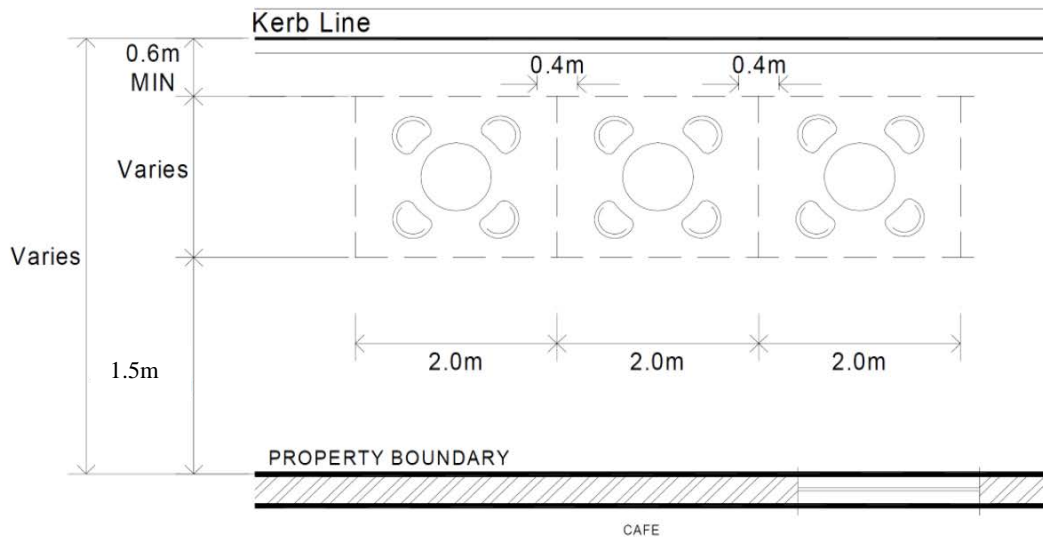
moving along the footpath. However variations on this requirement will be allowable if existing Council street furniture, equipment, etc is located against the shop front.

Where dining aligns with the kerb, for safety reasons it must be setback a minimum of 600mm from the face of the kerb.


Figure 2: Typical Table and chair layout



Typical Table Layout
 Minimum Dimensions
 Two Chairs Per Table
 Maximum Table Size 800mm DIA or 800mmx800mm



Typical Table Layout
 Minimum Dimensions
 Four Chairs Per Table
 Maximum Table Size 700mm DIA or 700mmx700mm

	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 4 of 6

7. Footpaths Width

A minimum footpath width of 1.5 metres is required to be kept clear for pedestrians.

8. Driveways

Footpath dining must not cover or interfere with existing driveways. Footpath dining beside an existing driveway must be set back 600mm from the edge of the kerb line.

9. Parking Zone

Footpath dining beside parking zones is allowed, provided there is a gap in the dining area of 1.5 metres at the front of every second car space, or generally every 10.5 metres, to allow people to move to and from their vehicles.

10. Presentation

The presentation and design of furniture elements should compliment or improve the existing streetscape as well as making the premises as attractive and welcoming as possible.

11. A Frame Signs

Advertising signs and similar items must be stable and located within the footpath dining permit area.

12. Screens and windbreaks

Screens or windbreaks should adhere to the following requirements:

- Not higher than 900mm above pavement surface and do not conflict with vehicle sight lines.
- Not permanently fixed to the footpath and are removed out of trading hours.
- Sturdy to resist movement in windy conditions.
- Located within the designated footpath dining permit area.
- Setback no less than 600mm from the face of the kerb.

13. Heat burners


Free-standing heat burners and similar devices may be used provided they are stable, located within the dining permit area and do not cause danger to people or Council property in any way.

14. Bollards and balustrades

Approval must be sought for the installation of permanent bollards or balustrades on the footpath and must be clearly marked on footpath dining application plans.

15. Lighting within the dining area

Ensure any lighting associated with footpath dining activity does not cause a hazard or nuisance to pedestrians, vehicles, or Council property.

	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 5 of 6

16. Shelter Structures

The following are guidelines where awnings or umbrellas are located within the dining area.

- All structures to have a minimum setback of 600mm from the face of the kerb and 500mm to be kept clear for existing mature street tree trunks and main branches.
- The minimum height from the footpath surface to the underside of an umbrella is 2.1m.
- Umbrellas must be of suitable design to ensure they do not endanger patrons, pedestrians and cyclists at any stage.
- Umbrellas must not overhang the area between the approved footpath dining activity and the kerbside.

17. Tactile ground Surface Indicators for the visually impaired

Footpath dining activity must not hinder public access to Tactile Ground Surface Indicators. Surface indicators take priority and generally, the footpath dining area should be located at least 1.5 metres away from these devices.

18. Garden beds

A footpath dining activity must not interfere with Council owned or managed garden beds and plants.

19. Pavement improvements

Any proposed improvements to a footpath surface or desired removal of items for the benefit of footpath dining must be approved by Council at cost to the applicant. Footpath dining should in no way cause damage to the footpath pavement. Any damage must be rectified at the cost to the permit holder. Removal of street trees or Council street furniture to permit dining is unlikely to be approved.

GENERAL CONDITIONS

Below is a list of General Conditions which will be placed on approvals unless exempt by particular appreciation.

1. Defined Area


The 'defined area' is that area approved by the Council for the use of an outdoor café. The Council will mark out the defined area, and all furniture associated with the licence is restricted to that area at all times.

2. Hours of Operation

The operating hours of the outdoor café will be limited to that stipulated on the licence. Depending on circumstances a written approval may be obtained from the Council for the temporary operation of an outdoor café outside the stipulated hours. Where alcohol is served the hours of operation are restricted to the permitted hours of the licensed premises, or as otherwise stated in the licence.

3. Consumption of Alcohol

A licensee wishing to serve alcoholic beverages in an outdoor café must apply to the Council and subsequently to the Licensing Court.

	GUIDELINES FOR USING FOOTPATHS FOR BUSINESS PURPOSES (Section 222 LGA Act 1999)	Version No:	1
		Issued	2014
		Next Review	2017
		Pages	Page 6 of 6

4. Removable of Furniture at Close of Business

All moveable tables, chairs and umbrellas must be removed from the footpath at the close of business each day.

5. Cleaning Responsibilities

Licensees are responsible for cleaning outdoor cafes during business hours and at the close of business each day. Licensees must keep clean furniture, the outdoor café pavement, and the adjacent footpath. Waste and sweepings must not be disposed of in the gutter. (Hosing of the footpath is not allowed.)

6. Maintenance

Licensees are required to maintain all furniture in a condition satisfactory to the Council. Where furniture is unsatisfactory Council may notify the licensee to rectify. Failure may result in licence suspension.

Where fixed furniture is proposed the location of underground services must be determined prior to the installation of footings.

7. Council Works

Licensees must remove furniture for the duration of any Council pavement works. At least 24 hours notice will be provided.