



Policy Title	Street Activities Policy
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Policy Owner	Community and Corporate
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1. STRATEGIC PURPOSE

Snowy Valleys Council (Council) celebrates and nurtures the unique character of all our towns within the Local Government Area (LGA); this unique character is an integral part of Councils' diverse activities on the streets.

2. POLICY STATEMENT

This *Street Activities* policy explains when and how to trade on Council land and the types of activities and structures permitted. The policy is designed to maintain the balance between commercial and fundraising activities while ensuring a safe and enjoyable experience in the Snowy Valleys.

Council is committed to ensuring that the vibrancy of the business precincts is enhanced by providing the opportunity for streets and footpaths to be used for trading, entertainment and outdoor dining.

Street activity involves the use of public footpaths and land for both commercial and charitable purposes.

Commercial purposes typically include placements of advertising signs, display of goods, tables, chairs, awnings, blinds and ancillary equipment such as umbrellas, screens and heaters.

Charity purposes may include activities such as fundraising (sale of goods, raffles) highway collections and door knock programs.

3. DEFINITIONS

Pedestrian Area – The area used by pedestrians for travelling along the footpath, consisting of uninterrupted path of travel with no obstructions or projections and providing access to all facilities. This includes roadside nature strips where no permanent walking pathway has been created.

Potential Street Activity Area – Is the area of the footpath which safely allows for the placement of approved items or activities.

Kerbside Area – Is the area between the face of the kerb and the street activity area.

Competent Person - A person with sufficient knowledge and expertise, who holds adequate public liability and professional indemnity insurance, appointed by the property owner to inspect and report on the condition of an awning.

4. CONTENT

4.1 General requirements

Street activities can be a valuable use of public space and can add life and vibrancy to shopping strips. These activities support the prosperity of the local economy and the use of street space provides an opportunity for businesses to expand their space and visibility. Street space also allows community groups and charities to engage with the community in a controlled environment.

Council will ensure that a safe and unobstructed access is maintained for people moving along footpaths and as a minimum a clear path from the building line, to provide optimum footpath width that is inclusive of the needs of all the community. The key to pedestrian accessibility is the maintenance of an open path of travel.

As with all potential benefits for street activities there will be potential problems and competing demands. Street activity displays and awnings can obstruct the views of traffic, pedestrians, customers and businesses. Any street furniture, signs, activities or displays must be located in the trading area, not on the building line. When determining and issuing permits Council will consider:

- the broader implications of any application
- the interests of the area as a whole.
- visual amenity and safety when applying the *Street Activities Policy*.

Council has a responsibility to regulate the use of the public space and will encourage those activities that have a positive impact on amenity.

Street activities will generally require a permit issued by Council under this policy. In some cases a planning permit, traffic plan and/or liquor license may also be required.

Councils guiding principles for considering Street Activity applications:

Public Safety - Streets are safe; have unobstructed passage (minimum 2 meter continuous clear lane) for all pedestrians. Have safe and unobstructed vision for drivers and cyclists

Accessibility for All - Streets are easily navigated by all pedestrians including those who may be physically or vision impaired and those with a need for additional space.

Vibrant Street Life - Streets are vibrant, lively and contribute positively to an area's sense of place and character, balanced with a need for a quiet space.

Prosperous Economy - Businesses and shopping areas are thriving and prosperous.

Attractive Streetscape - Streets are attractive, clean and pleasant and visual amenity is enhanced and not diminished. Any activity will fit with the overall street character.

Leisure Opportunities - Local interaction, entertainment and alfresco dining are supported as enjoyable leisure activities.

4.2 Street Activity Area

To ensure safe, clear and suitably unobstructed pedestrian access, the Council refers to the street activity area as being made up of:

- Pedestrian area (including nature strip)
- Potential street activity area
- Clearway
- Kerbside area

4.2.1 Placement of Items in Street Activity Area

Items must:

- only be placed in the street activity area outside the property to which they relate during normal hours of trade unless otherwise directed or approved by Council
- be secured in a manner that ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic
- not be affixed to any footpath, building, street furniture, pole or other structure
- not be placed over service pits (e.g. storm water, Telstra etc.)
- be located where pedestrian or driver sightlines will not be obstructed
- have adequate storage provided on the premises for all approved furniture, goods or other items
- be positioned to ensure they are entirely within the approved street activity zone
- not back on to the pedestrian area if there is inadequate space within the approved street activity area. This is particularly relevant to seating.

Items will not be permitted where access to a loading zone or disabled parking bay will be impeded.

4.3 Application Process

Applicants are advised to familiarise and understand the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs involved and any other legislative requirements. The specific requirements for applications can be found in the *Street Activities Guidelines*.

4.4 Permit Assessment and Consideration

Local conditions will influence where items may be placed. Council will consider what the activity offers to an area and will give priority to those activities that encourage and support local business and community groups.

Council cannot permit activity which would compromise pedestrian or traffic safety.

Relevant local conditions include; footpath width; proximity to roads; disabled parking bays; loading zones; parking bays; street furniture; trees and landscaping; and the number of pedestrians at particular times of the day.

Council's authorised officers may consent to applications as submitted, or with modifications and with or without conditions as set out in the permit.

4.5 Footpath Requirements

4.5.1 Access for Works and special events

The granting of a permit is made with the understanding that access to Council or other utility authorities under relevant legislation is to be maintained to ensure access to infrastructure within the footpath. If Council or other utility authorities require access to the permitted area:

- The normal practice would be to give 2 days' notice in advance of the proposed works/events.
- All items must be removed by the permit holder in the requested timeframe.
- Permit holders will be responsible for the movement of all items and any associated costs.
- In an emergency sites may need to be cleared immediately.

4.5.2 Footpath Sweeping

All tables and chairs, goods displayed, A-frame signs and any associated items must be removed after the normal hours of trade and the footpath kept clear to facilitate cleaning.

4.5.3 Noise on or from Footpath

A Street Activity Permit does not authorise the permit holder (or representative) to spruik or emit undue noise on or from the footpath. Entertainment activities will add to character and vibrancy but must not adversely impact amenity and enjoyment of area.

4.5.4 Patron Behaviour

The permit holder is responsible for the conduct of patrons using tables and chairs in the street activity area and must ensure that patrons:

- are seated before serving food and beverages
- adhere to any legislative requirements such as no smoking or no alcohol consumption

- do not move tables or chairs from their positions or obstruct the pedestrian or kerbside area.
- do not allow pets, prams or any other personal items to obstruct the pedestrian or kerbside areas.
- do not interfere with the use or enjoyment of the area by other patrons or members of the public.

A condition may be placed on a permit requiring a trader to place written reminders to patrons on the tables or chairs regarding their responsibilities in relation to this clause.

4.6 Guidelines for Specific Items

4.6.1 Street Tables and Chairs

Tables and chairs will only be permitted at properties which are registered (with Community Health) under the Food Act 1984 or, for businesses that do not serve food, an application can be made to Council for approval.

- The number of tables and chairs permitted on the footpath in the street activity zone is determined by the space available.
- The number of tables and chairs and their location must be shown on the plan submitted as part of the street activities application.
- Tables and chairs must be set back from existing infrastructure, including street trees, lights and public furniture.

4.6.2 Goods Display

Council will encourage street displays that add to the visual appeal of the precinct and that encourage additional activity in the area.

A current permit must be held prior to the installation of any goods display and/or associated ancillary items. Approval for goods display will be at the discretion of Council and the display must be associated with the applicant's business activity.

Vending machines, illuminated, revolving, spinning or flashing displays are prohibited from the footpath. Power cords are not to be permitted across footpaths.

- Goods displays will not be allowed to exceed a height of 1.5 metres or a depth of 1.0 metre and must fit within the street activity zone.
- If foodstuffs are displayed, all Food Act requirements must be met.

4.6.3 A-frame Signs

The visual amenity and vibrancy of Council's commercial areas are dependent on an open and inviting streetscape with signs located strategically. Council discourages the proliferation of multiple A-frame signs. Council will consider each application for an A-frame display on merit.

Unless authorised for approved activities such as roadside vending, A-frame signs are only permitted in business zones and are not permitted outside residential premises (unless that residence is also a registered commercial business). A current permit must be held prior to the display of any A-frame signs.

- A-frame signs must be of stable construction and not exceed 0.6 metres in width or 1.0 metres in height.

- The maximum number of signs permitted is one per business (space allowing) and may only be displayed as specified in permit conditions (normally only outside the property to which they relate). No A-frame board is permitted away from the relevant premises/business.
- Collective zones, such as a business hub, may display signs within the collective common area, but not on the footpath itself (unless they have a store frontage on the footpath). Pedestrian access guidelines still apply.
- All signs are to be stable and able to be secured in place by a means that is not reliant on, or physically tied to, any poles, fixtures or trees.
- The securing of the signs must not extend beyond the footprint of the permitted sign and must be to the satisfaction of Council.
- Any securing device is to be removed with the sign.
- Signs may only feature the business name or service provided by the business to which it relates.
- Signs placed on private property may be subject to a Planning Permit.

4.6.4 Outdoor Heaters

The following guidelines must be adhered to:

- Heaters to be affixed to an existing permanent structure i.e. adjoining building and located off the footpath.
- A planning permit is required to affix any outdoor heater to a permanent structure. Any Planning permit will advise of requirements.
- Any heritage listing conditions for consent apply.
- Free standing/portable heaters are not permitted.

4.6.5 Lighting

For dining areas to operate beyond daylight, adequate lighting must be provided to ensure the safety and amenity of patrons and the general public. Lighting is to be affixed to the principal business. Spotlights and free standing portable lights are not permitted.

4.6.6 Shade Shelters, Umbrellas and Other Enclosures

- Must be at least 2.2 metres high at the lowest point and must not protrude over the pedestrian or kerbside zones.
- Must not allow rainwater run-off into the street activity or pedestrian zone.
- Shade shelters, umbrellas and other enclosures must be freestanding and secured to the satisfaction of Council.
- Shade shelters, umbrellas and securing devices must be removed with the item at the end of trade.

4.6.7 Freestanding Barrier Screens

Street activity barriers may be used to assist businesses to contain their furniture within the approved street activity zone.

Council will consider the approval of street activity barriers on a case-by-case basis and applications will be assessed on available space, streetscape, pedestrian activity, amenities and traffic conditions.

Street activity barriers:

- are only permitted around tables and chairs
- must preserve the general appearance and openness of the streetscape, the maximum height for a street activity barrier is one metre.
- must be lightweight to ensure that they can be removed from the footpath at the close of business.
- must not be affixed to any footpath, building, street furniture, pole or other structure
- must be secured in a manner that ensures that adverse weather conditions will not create a risk to pedestrians, property and passing traffic

The form and construction of any barrier screen must be suitable for its functional requirements and location and considering prevailing weather conditions.

A gap of 150mm between the bottom of the barrier and the footpath must be maintained to allow for street cleaning.

No other structure (i.e. drop-down blinds, menu boards) can be secured to barriers at any time.

4.6.8 Pot Plants or Planter Boxes

Planter boxes and the choice of plants can enhance kerbside dining areas and the streetscape generally and will be considered where they fit with streetscape plans.

Total height including plant and pot must not exceed 1.2 metres.

Pot plants or planter boxes must be:

- well maintained with healthy plants of suitable form, hardiness and species at all times.
- kept free of any litter or cigarette butts.

They must not be used for advertising purposes.

Metal or terracotta planter boxes are preferred, and should be easily removable and must not damage the footpath.

4.7 Commercial Awnings

Council encourages the construction and retention of shop awnings over street footpaths as they add to the public amenity and enhance the streetscape, provided the following conditions are met and maintained:

- Generally, posts and awnings will be no closer than 1.0 metres to the existing or proposed kerb line, and are positioned generally in a straight line so that they do not cause obstruction or hazard.

- The design enhances the facade of the buildings and the general streetscape.
- Roof water is drained to the street gutter or other appropriate stormwater drain.
- The awnings, posts and drains are to be maintained in good order and condition by the owners.
- Awnings that extend over public footpaths shall be inspected at least annually, by a competent person. The inspection is to be arranged by the owner to determine the structural condition of the awning to withstand imposed loads, including wind loads.
- Any defects discovered must be promptly repaired by the owner.

4.7.1 Approval Requirements for awnings include:

- Development consent under the EPA Act for the erection of an awning
- Consent for the purposes of complying with s 138 of the Roads Act

An application for a new awning is to comply with:

- Australian Standard 1170.0 – Structural Design Actions – General Principles
- Australian Standard 1170.1 – Structural Design Actions – Permanent, Imposed and other Actions
- Australian Standard 1170.2 – Structural Design Actions – Wind Actions

4.7.2 Public Liability Insurance

The applicant of an awning / verandah must hold public liability insurance to the value of \$20 million in respect of the awning / verandah, noting Council's interest on the certificate of currency which must be provided to Council annually as a condition of consent.

4.8 Street Performance (Busking)

- Applications will be considered on merit and street performers may be required to provide reference and/or samples prior to approval.
- Where street performances are performed as a group (being more than one person and up to a maximum of six persons); the person who is issued a Permit must be part of, or supervising, the performing group.
- Street performances of more than six people are generally not permitted.
- The permit will specify the area and times where the street performance may take place.
- Street performances will only be permitted in daylight hours between 7am and 5pm daily.
- Any litter generated by the activity is cleared once the activity has finished.
- No inconvenience or obstruction is to be caused to either pedestrians or vehicles.
- The use of fire, animals, materials, substances or equipment as part of the street performance that, in the opinion of the authorised officer, may pose a threat to public safety is prohibited.
- For children under the age of 16 to be permitted to perform, they must be accompanied by a person over the age of 18, and have with them parental or guardian written permission.

- Street performers must keep 2 metres of the footpath adjacent to the building line clear for pedestrians.
- A street performer must leave any given location upon direction from police or an authorised officer.
- School groups or students with relevant ID are exempt from paying a permit fee (where applicable).
- Music or vocal amplification devices are not permitted.

4.9 Fundraising

The following conditions apply:

- Snowy Valleys Council reserves the right to request additional information or documents that may support the application.
- Two dates per calendar year will be permitted.
- Fundraising activities are only permitted for the dates, times and locations shown on the permit.
- Only one registered charity or not-for-profit organisation will be approved to conduct fundraising activities at any given location and time.
- Representative(s) must not harass or interfere with pedestrians, traffic, entrances to business premises or other street activities.
- Representative(s) undertaking fundraising / promotional activities must carry a valid permit.
- Applications will be submitted from the first Friday in November and run to the first Friday in December annually to allow collation and allocation for the following year.
- Any instructions issued by an authorised Council officer or a member of the Police must be complied with immediately.
- Amplification or spruiking is not permitted.

4.10 Vehicles for Sale

Only second hand vehicles for sale are permitted for display. The following is required for all vehicles.

- Displayed in the area designated by Council for the sale of second hand vehicles.
- Registered or on a trailer that is registered.
- Parked nose to road and does not interrupt the flow of the traffic.
- Not parked in front of amenities or picnic areas.

4.11 Roadside Vending

Council regulates roadside vendors to ensure these activities are carried out in a safe manner for road users and pedestrians. This activity means the commercial supply of goods or services on a road.

All roadside vending must be conducted in a Council approved locations and from an approved stationary roadside vending street stall or stand. This does not apply to summer ice cream bicycle vendors etc which have a local permit authorization to travel from place to place on a road, but such activity must not involve the waiving down of customers or stopping in any way which would impede pedestrians or vehicles. All such sales must be done from the kerbside and not the street side of the vending apparatus.

Roadside Vending is approved in designated areas of the LGA and is limited to local commercial producers of local fruit and vegetables, flowers and plants. Manufactured non-food products are not permitted.

State-authorised, insured and licensed vendors of fresh seafood, flowers, etc, who hold a state-wide vending permit may conduct operations in authorised areas in accordance with any associated Council or legislative requirements.

4 ASSOCIATED LEGISLATION

Liquor Act 1992

Food Act 1989

Roads Act 1993

Local Government Act 1993

Environmental Planning and Assessment Act 1979

5 ASSOCIATED COUNCIL DOCUMENTS

The Use of Footpaths for Commercial Business and/or Activities application Form

Street Stall Application Form SVC-COR-F-038

Street Stall Notification

Roadside Vending Application Form

Roadside Vending Permit

Enforcement Policy SVC-ENV-PO-077

6 HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number

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