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Professional Opinion Report

Footpath Trading and Queuing at Prince of Wales Hotel Bandroom

City of Port Phillip

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1. Background

The City of Port Phillip's current Footpath Trading Guidelines were adopted by Council in June 2010. They explain how to trade on the footpath. The Guidelines acknowledge that the commercial use of public space is a privilege, not a right. Obligations relating to trading on the footpath are outlined.

The Guidelines incorporate and outline Council's priorities for footpath trading based on 6 levels. The top priority is public safety and the second highest priority is accessibility for all. Key elements outlined in Council's Footpath Trading Guidelines in relation to safety and accessibility include the following:

- a) A continuous accessible path of travel must be provided along the building line;
- b) The pedestrian zone should have width of 1.8m or greater wherever possible and not be less than 1.5m in width. Footpaths of 2.49m or less in width are not suitable for footpath trading;
- c) There should be full compliance with the Disability Discrimination Act 1992 (DDA) requirements at all times.

1.1 Footpath Trading Standards for Fitzroy Street

The City of Port Phillip Footpath Trading Standards for Fitzroy Street, St Kilda describe how the Footpath Trading Guidelines are applied in Fitzroy Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Fitzroy Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Fitzroy Street experiences heavy pedestrian traffic at all times of the year, making it one of the most popular shopping strips within Port Phillip. Whilst there are ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Generally, the precinct can comfortably accommodate footpath trading. However, existing street furniture can limit activities in some instances.

The pedestrian zone must include an unobstructed, pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including waiters' tables, planter boxes, plants, advertising signs, chairs and tables, are permitted within this zone. The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, Table 01 - Minimum pedestrian clearance for footpath trading. For footpath widths of 5.1m - 6.9m the minimum pedestrian zone is 2.5m.

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The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

Council is reviewing the current provision of trading and queuing along Fitzroy Street footpath for patrons of the Prince of Wales Hotel Bandroom, as currently the location and number of patrons queuing to access the venue can create a significant access barrier along the footpath.

The Institute of Access Training Australia (IATA) (*which incorporates Access Audits Australia*), are qualified and Accredited Access Consultants with specialist expertise in working with Councils in developing, implementing, and reviewing Footpath Trading Guidelines, Policies and Codes and have been contracted by Council to undertake a site visit of the area under review and provide a report identifying options for Council to consider to address the access issues created by patron queuing.

2. Professional Opinion Report – The Prince of Wales Hotel Bandroom

IATA undertook an onsite inspection of the footpath trading and patron queuing location outside the Prince of Wales Bandroom on Fitzroy Street, St Kilda, on Wednesday 27th May, 2015, to review existing queuing arrangements. In addition, IATA reviewed images provided by City of Port Phillip Council staff, to gain further understanding of the current conditions and possible options for addressing the current access issues.

2.1 Existing hotel infrastructure, Footpath Trading arrangements and queuing

2.1.1 Footpath Trading

Whilst the current outdoor dining arrangements do not fully comply with Councils Footpath Trading Guidelines, in terms of provision of a clear path of travel along the building line, it is our opinion that the current arrangements at this specific location, with modification, (*see further details below*) could provide an appropriate alternative solution, that supports safe and effective use by both pedestrians and patrons of the hotel.

The following considerations support the maintenance of the Footpath Trading arrangements in the current location:

- a) The existing 'mesh barriers' could provide a support for a person using a white cane to effectively 'shoreline' whilst moving along the footpath;

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- b) The provision of a minimum 1800mm wide clear path of travel along the external side, parallel to the 'mesh barriers', provides adequate space for pedestrians to move safely along the footpath without encountering barriers;
- c) The 'mesh barriers' do not incorporate any open pedestrian areas, either within or underneath, apart from at the hotel entry points, which reduces the likelihood of pedestrians becoming disoriented or trapped within the enclosed 'mesh barriers';
- d) The colour contrast of the 'mesh barriers' against the dark background and surrounding surfaces, particularly at night time, enhances visibility for pedestrians and supports a person with vision impairment who may be using the 'mesh barriers' as a shoreline;
- e) The 'mesh barriers' assist in containing patrons of the hotel from spilling out onto the footpath area and reduces the risk of patrons creating barriers on the footpath during busy hotel operating periods;
- f) The ability for the outdoor dining arrangements to be made known to local residents is relatively easy to undertake. This could consist of letter box drop and local paper advertising (in large print) and information on Councils website. In addition, information provision to Vision Australia, to assist in alerting any residents with vision impairment in the local area, (particularly those who would benefit from information in Braille), as well as orientation and mobility awareness training;
- g) The location of this hotel would ensure that the enforcement of the outdoor dining area requirements could be done effectively without creating any inconsistency or confusion with any adjoining businesses;
- h) Whilst the introduction of barriers along the building line sets a precedent for other traders to apply for exemptions that will create confusion and inconsistency amongst traders, in this instance the usability of the footpath for all pedestrians, particularly during busy hotel operating times would be enhanced by the use of the 'mesh barrier' arrangement;
- i) It is not anticipated that the introduction of appropriate barriers along the building line in this instance, to support effective queuing arrangements, would increase the likelihood of complaints being made against both traders and Council as it would provide an effective and usable solution to an otherwise potentially confusing and unsafe situation.

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2.2.3 Existing queuing arrangements

Staff indicated that the current location of queuing occurs along the footpath in the front of the hotel, on the public side of the existing 'mesh barriers'. These barriers are used primarily for bordering/enclosing the outdoor dining/drinking area at the front of the hotel and provides an artificial building line that, with modification, could be used as a 'shoreline by people with vision impairment. **See Photo 1 and 2 in Appendix.**

Whilst this structure would appear adequate for its intended use, as it is not solid, i.e. it is made from mesh, and there is no kerb extending along the bottom of the structure to provide an **effective** 'shoreline' for a person with vision impairment, who may use a white cane, to assist with their wayfinding. A cane could get caught in the mesh.

As the hotel is located in a busy precinct, that incorporates entertainment venues and restaurants, footpaths are used by high volumes of pedestrian traffic late into the night. The queuing arrangements are in place at night when the bandroom is open.

As indicated above, the existing queuing arrangements occur along the footpath at the front of the hotel. Patrons queue from a westerly direction, parallel with the mesh fence structure on the footpath, whilst waiting to gain access to the bandroom

The length of the queue varies as patrons are accepted into the venue and as others join the queue.

As the queue occurs on the footpath, any shoreline that may be created for a person with vision impairment along the 'mesh barrier' is obstructed during busy times and renders this wayfinding cue for footpath users inaccessible.

2.3 Options for consideration

2.3.1 Option One

Revoke the footpath trading permit for the hotel and remove the existing infrastructure and dining furniture and require all queuing to occur directly along the front of the hotel building.

Positives

This option would potentially provide the most effective solution to the access issue created by the queuing and also address the lack of existing 'shoreline' along the front of the hotel.

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Negatives

It is anticipated that this option would be strongly opposed by the management of the hotel, as it is understood that the area at the front of the hotel containing tables and chairs currently has a permit to allow for dining. It is understood to be well utilised by patrons at various times when the hotel is open. This arrangement also adds to the vibrancy of the precinct with people and activity occurring.

2.3.2 Option Two

Utilise the area on the footpath closest to the hotel between the bandroom entry and the hotel entry points (as proposed as an option by Council staff) to establish a chicane for queuing purposes. This would require relocation of part of the existing mesh structure to allow for adequate space for up to approximately 12 people to queue, (2 side by side).

Positives

Provides a designated space for some queuing to occur, reducing the obstruction along the footpath.

Negatives

This is unlikely to meet the demand of the numbers of patrons queuing at the venue at high demand times, resulting in the queue flowing onto the footpath.

This option would require relocation/removal of some of the hotels furniture and mesh structure to provide adequate space, leading to a reduction in outdoor dining spaces.

This option is likely to be opposed by the hotel management for reasons stated in Option One Negatives above.

2.3.3 Option Three

Introduce a queuing screen parallel to the existing mesh fence along the front of the hotel, where queuing currently occurs, to 'enclose' the queue and create a false shoreline.

Positives

This would provide both a designated queuing area and a defined 'shoreline' for users with vision impairment during queuing periods.

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Negatives

This would reduce the available footpath width for pedestrians using the area during queuing times and create a potential 'bottleneck' outside the hotel on the footpath due to installations close to the road (kerbside) such as bike racks.

This screen would need to be removed by hotel management when not used for queuing.

2.3.4 Option Four

Create a queuing area, parallel to the front of the building, **within** the existing dining area of the hotel, close to the inside of the existing mesh barriers.

Replace the existing 'mesh barriers' with solid barriers or install a kerb along the bottom of both sides of the 'mesh barriers', to ensure a person using a white cane (or any other mobility aid) does not get this caught whilst using this as a shoreline.

Positives

This will still provide an outdoor trading area for hotel patrons and provide a contained and designated queuing area, so no spillage occurs outside on to the footpath, therefore eliminating any barriers due to people queuing on the footpath. It will provide a shoreline for users with vision impairment free from barriers and it will provide a wide footpath free of barriers for all footpath users outside the mesh barriers.

Negatives

It is anticipated that this option may be opposed by the management of the hotel, as it is understood that the area at the front of the hotel containing tables and chairs currently has a permit to allow for dining. It is understood to be well utilised by patrons at various times when the hotel is open. There would also be potential for conflicts between hotel users and patrons queuing within in this space.

2.3.5 Option Five

Upgrade the principal pedestrian entrance at the rear of the Bandroom to provide access for all patrons, as well as queuing. Whilst an inspection of this area was not required by Council or undertaken by IATA, it is understood from Council staff that there is adequate space at the rear for effective access and queuing to occur.

Positives

This has the potential to provide both a designated principal pedestrian entrance and an effective queuing area.

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Negatives

It is anticipated that this option would be strongly opposed by the management of the hotel, as it is understood that it could have significant impact on the visibility of the venue entrance, impacting on the perception of the vibrancy of the precinct without less people and activity occurring at the front entry

3. Conclusion

Each of the Five Options listed above have identified Positive and Negative implications that Council should consider in the determination of a solution to this issue.

IATA believes that Option 4 will provide acceptable outcomes for all stakeholders. This option will still provide an outdoor trading area for hotel patrons and provide a contained and designated queuing area, so no spillage occurs outside on to the footpath, therefore eliminating any barriers due to people queuing on the footpath. It will provide a shoreline for users with vision impairment free from barriers and it will provide a wide footpath free of barriers for all footpath users outside the mesh barriers.

In addition, Council could consider some 'Good Access is Good Business' © training with the hotel management and other traders in the precinct, to highlight the benefits and opportunities of providing access for all potential patrons and to learn some practical tips for improving their patronage.

IATA can deliver this training through our Good Access is Good Business program and would be happy to discuss options with Council if interested.

Please do not hesitate to contact me if you require any further information or we can be of any further assistance.

Yours faithfully



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