



Footpath Trading Guidelines

Purpose & Policy

Footpath trading is an important part of the retail environment and can significantly add to the ambience and enjoyment of an area.

However, Council must balance this with the need to provide a safe environment for all people who use the network of footpaths throughout the Shire. As such footpath trading activities must be managed to ensure safe and dignified pedestrian access can be maintained at all times.

These guidelines set out how this balance is maintained.

A permit is required for all trading on community footpaths, including:

- Display of movable advertising signs
- Display of merchandise
- Outdoor dining furniture
- Barrier screens
- Umbrellas
- Heaters
- Plants or planter boxes
- Outdoor speakers

Surf Coast Shire Council:

- supports the conduct of footpath trading associated with established businesses, in shopping and business areas, in footpath trading zones (refer to clause 6.1.2)
- believes that footpath trading:
 - is a privilege, not a right, and
 - must make a positive contribution to the urban character and amenity of the area and surrounding residential areas
- will regulate footpath trading to ensure that:
 - public safety and disability access are not compromised
 - pedestrians can move freely along footpaths
 - furniture and ancillary items placed on footpaths is in keeping with the character of the town, and consistent with the themes and palettes of any relevant plans that may be developed
 - business proprietors are treated equally, and
 - footpaths, irrespective of the activities permitted on them, remain as community assets
- prioritises public assets and fixtures on footpaths over commercial interests

Footpath Zones

Council has a series of categories for trading based on the width of footpaths.

Footpaths of a width of 2.9m or greater need to comply with these Guidelines in relation to the following zones and areas

- Pedestrian zone
- Trading zone
- Kerb zone
- Access areas; and
- Corner exclusion areas

Footpaths with a width of less than 2.9m cannot be used for footpath trading.



PEDESTRIAN ZONE

Extends from the property line of premises for a minimum of 1.8m. No items may extend into this zone at any time



CLEARWAY

Measured from the adjoining property boundary line, allow 0.5m buffer zone from either side to enable pedestrian access from the kerb zone onto the footpath. This will allow a 1m access for pedestrians where neighbouring properties are both trading.



TRADING ACTIVITY ZONE

The only area of the footpath where goods, café furniture and ancillary items or activities, subject to this policy, may be placed, maximum 2m wide.

There may be areas where a variation on this distance is appropriate.



KERBSIDE ZONE

A 0.7m buffer from the kerb will be provided to allow for access to and from parked vehicles.

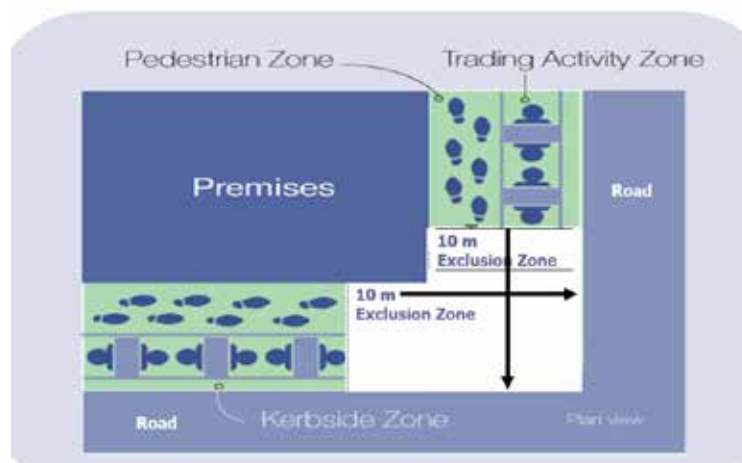
Where there is a disabled parking bay or angle parking, a 1.5m buffer from the kerb will be provided.



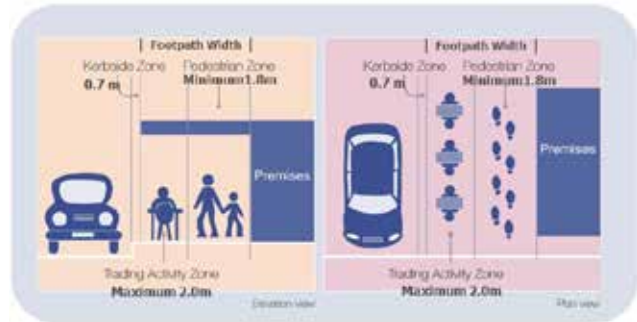
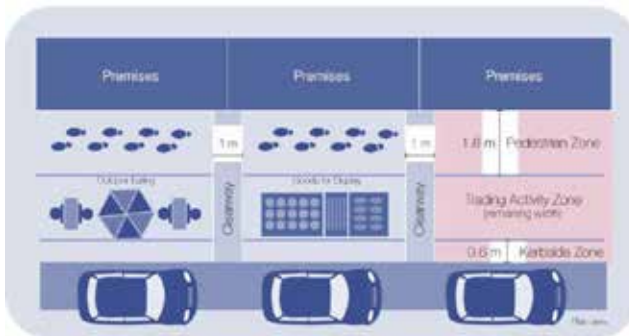
CORNER LOCATION

CORNER EXCLUSION AREA

A 45 degree corner exclusion area is considered the minimum requirement to ensure safe vehicle and pedestrian movements around corners. This is generally 10m from the kerb in each direction. Council may increase this exclusion area for safety.



Footpath Zones (cont.)



No items may be placed in or extend into the pedestrian zone, kerb zone, access areas or any other exclusion zone, all of which extend to a height of 2.4m above the path.

EXISTING PUBLIC INFRASTRUCTURE

The following clearances apply to existing public infrastructure and public street furniture:

- 0.5 m clearance – bollards, telecommunications pit, planters, poles and trees
- 1m clearance – Fire hydrants, bins, public seats, bike racks and loading zones
- 1.5m clearance – disabled parking bays
- 2m clearance – pedestrian crossings, front and rear of bus zones

Public infrastructure on footpaths has priority over commercial interests (footpath trading) at all times.

As a general rule, public infrastructure already in place will not be moved or removed. If there is existing infrastructure at the front of your premises, an application to vary permit requirements may be made and a decision may be made to remove or relocate the infrastructure. All costs for removal and pavement reinstatement will be borne by the person applying for the permit. Traders should take this into account when selecting a site.





Al Fresco Dining on Footpaths

TABLES AND CHAIRS

- Café furniture and associated ancillary items will only be permitted at premises, which are registered as such under the Food Act 1984.
- Tables and chairs may only be displayed outside the premises to which they relate, must be contained within previously defined Trading Activity Zone.
- Tables and chairs should have a contrasting colour to their background to assist people with vision impairment.
- An authorised officer reserves the right to prohibit chairs backing on to the pedestrian zone and the kerbside zone.
- Items which are placed on the footpath must be stable, of good design and not able to damage the footpath.

FOOTPATH SERVICE

- The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:
- Ensure that patrons do not move tables and chairs from the trading zone;
- Ensure that patrons do not allow pets, prams or any other personal items to obstruct the pedestrian zone; and
- Not serve food and/or beverages to patrons standing on the footpath, except for take-away sales.
- Staff serving at cafés offering kerbside trading/service are required to facilitate free access by pedestrians, including giving priority to all passing pedestrians over their own movements into and out of their respective workplaces.
- Any premise that proposes to serve alcohol on the footpath must have its liquor licence endorsed as part of the 'licensed area' prior to consideration of any application.
- Footpath trading will only be permitted until 11pm. All items must then be removed from the footpath.

- Extension of trading beyond 11pm will be only be allowed on receipt of a written request to vary the permit conditions. An authorised officer will conduct an assessment to determine any adverse impacts on the amenity of the area, safety of pedestrians or nearby residents, or access to nearby residences.
- Each permit holder is responsible for maintaining the outdoor seating area in a tidy manner.
- If deemed appropriate an authorised officer may place a condition on a permit requiring a permit holder to place written reminders to patrons in the outdoor seating area regarding the above.

BARRIERS SCREENS (MOVABLE)

- May only be placed in the trading zone where there is an approved outdoor dining facility. The 1.0m access point between premises, created by the 0.5m clearway from each property boundary, must be maintained.
- Temporary canvas barrier screens must be placed so that the screens are stable and secured or weighted so that they cannot be moved by patrons or weather conditions.
- Barriers must be removed from the footpath when a premise is not open.
- Barrier screens must not be used as an opportunity for advertising. Only the name of the business or a relevant business logo design may be used on the screens, which should be stipulated on the permit application. Products, specials or sales may not be displayed on the screens.

BARRIER SCREENS (FITTED BY LOCK IN DEVICE TO THE FOOTPATH)

- May only be placed in a trading zone where there is an approved outdoor dining facility. The 1.0m access point between premises created by the 0.5m clearway from each property boundary, must be maintained.
- If screens exceed more than 10m in length, there must be a 1.0m break in the centre to allow for pedestrian access from the kerbside zone

Al Fresco Dining on Footpaths (cont.)

- Permit holders must gain approval during the permit application process for all structures in relation to their safety and impact on Council assets before they will be considered for approval in relation to aspects of this Footpath Trading Policy.
- High barrier screens must be at least 1.5m in height, be transparent and constructed of safety glass or heavy-duty plastic. Each screen must have writing or symbols affixed at between 1.0 and 1.5m up from the footpath to provide a visual guide to pedestrians.

UMBRELLAS

- Umbrellas may only be placed in the trading zone.
- Where umbrellas are allowed, the lowest point of the canopy must be a minimum of 2.4m above the footpath surface at all times and must not protrude over the kerbside or pedestrian zone.
- At times when it is raining, water from large umbrellas should be discharged in the areas outside the pedestrian zone.
- Umbrellas may be secured to the footpath by a lock-in device, to the satisfaction of an authorised officer.
- Lock-in devices will only be approved where the device lies flush with the footpath when the umbrellas are not displayed.
- Permit holders must gain approval during the permit application process for all lock-in devices, in relation to their safety and impact on Council assets, before they will be considered for approval in relation to aspects of this Footpath Trading Policy.
- Where a lock-in device is not used, umbrellas must be secured to the satisfaction of an authorised officer.

HEATERS

- Due to narrow footpath widths, outdoor heaters should wherever possible be affixed to the awnings or verandas so as to be located off the footpath. Permit holders must gain approval during the permit application process for all structures, in relation to their safety and impact on Council assets, before they will be considered for approval in relation to aspects of this Footpath Trading Policy.
- If patio heaters, which have a base on the footpath, are to be used, they must be included on the permit application and be covered by the trader's public liability insurance. All heaters must be placed within the trading zone.
- All outdoor heaters must comply with safety standards as specified by Energy Safe Victoria

OUTDOOR SPEAKERS

- No sound amplification equipment or jukeboxes may be utilised in the outdoor seating area to ensure that any public nuisance is minimised and to protect the amenity of the area.
- Speakers that owners propose to affix to a building or veranda require approval during the permit application process, in relation to their safety and impact on Council assets, before they will be considered for approval in relation to aspects of this Footpath Trading Policy.
- The provision of live entertainment in an outdoor area requires the written permission of an authorised officer.
- The footpath trading permit holder must take all necessary steps to ensure that any activity conducted in the trading zone does not cause excessive noise or other disturbance, which causes a nuisance to others or detriment to the amenity of the neighbourhood.

MOTORISED SCOOTERS

- Council encourages traders to consider the needs of those using any mobility aids.
- Council recognises the increasing prevalence of the use of motorised scooters by members of the public. Such mobility aids enable many to access services and facilities previously inaccessible to them, and as such are a valuable asset for improving the independence of these individuals.
- The parking of motorised scooters is permitted on Council-owned footpaths.
- Where scooters are parked on Council-owned footpaths, it is essential for the access of all that the scooter is parked within the trading zone, rather than against the shop wall, thereby not obstructing the pedestrian zone.

PLANTS / PLANTER BOXES

- Planter boxes will only be allowed in the trading zone.
- Planter boxes must provide a positive contribution to the visual amenity of the street. Permits that allow planter boxes require that they be well maintained with healthy plants. If this is not adhered to, permission for the planter boxes may be revoked and the planter boxes will be removed by the permit holder.



Trading Goods and Displays on Footpaths

MERCHANDISE

- In order to provide a consistent, unobstructed walkway, goods displays and ancillary activities may only be displayed or conducted in the defined trading zone of the footpath.
- Use of the 2m maximum width of the trading zone to display goods shall consider the width of the display and the standing room required by customers.
- The trading zone occupied by goods displays will not be permitted to encroach in any way into either the kerbside or pedestrian zone, direct access from the kerbside zone is not permitted.
- A clearway of 0.5m from each side boundary of a premise is required to retain access points from the pedestrian zone to the road between each premise.
- Goods displays will not be allowed to exceed a height of 1.5m, with a 1.0m minimum height and a 1.5m maximum length. There must be a 1.0m gap between goods displays.
- Goods and goods stands must only be placed on the footpath during the normal hours of trade.
- Goods (except furniture) must be displayed on stable stands, approved by an authorised officer, and secured in a manner that ensures adverse weather conditions will not create a risk for pedestrians, property and passing traffic.
- Goods displays shall have a contrasting colour to their background to assist people with vision impairment

PORTABLE ADVERTISING SIGNS (A FRAMES)

- An A Frame sign will not exceed 0.8 square metres in area being a maximum of 1.0m high and 0.8m wide. Both sides of the sign may be used for advertising
- Signs must use colours contrasting with the surroundings to facilitate visibility for those with vision impairment
- Signs must be removed when the business is closed, or between 11:00pm and 7:00am, unless otherwise approved
- Signs must be placed within, or as close to the property line as possible
- Signs must not be placed on the road reserves alongside of the Surf Coast Highway, Great Ocean Road or Princes Highway (the shopping precincts of Anglesea, Aireys Inlet, Fairhaven, Lorne and Winchelsea are exempt from this requirement)



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