City of GLEN EIRA

GLEN EIRA
CITY COUNCIL

BENTLEIGH.
BENTLEIGH EAST.
BRIGHTON EAST.
CARNEGIE.
CAULFIELD.
ELSTERNWICK.
GARDENVALE.
GLEN HUNTLY.
MCKINNON.
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ST KILDA EAST.

FOOTPATH ACTIVITIES GUIDELINES

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 municipality. 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, and including the placing of:

- advertising signs;
- goods;
- tables and chairs;
- windbreaks;
- umbrellas; and
- heaters.

These *Guidelines* comply with best practice guidelines issued by the Human Rights and Equal Opportunity Commission and Glen Eira City Council's *Community Local Law 2019*.



TRADING ZONES AND AREAS

In order to provide a clear and consistently unobstructed footway for pedestrian access, the footpath is divided into specific zones and areas. The varying width of footpaths provides a different landscape to manage, creating both opportunities and restrictions.

Footpaths of a width of 2.9 metres and greater need to comply with the *Guidelines* in relation to following zones and areas:

- pedestrian zones;
- trading zones;
- kerb zones;
- access areas; and
- corner exclusion areas.

No items may be placed in the pedestrian zone, kerb zone, corner exclusion area or access area. Council reserves the right to request traders to remove all or part of their display, goods or items whenever necessary. The cleanliness of the trading zone is to be maintained by the permit holder.

All items approved for use under a permit must be removed from the footpath at the close of normal trading hours.

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



Trading zone

The only area of the footpath where goods, café furniture and ancillary items or activities — subject to this policy — may be placed. Where premises are adjacent to an intersection, the trading zone must not extend into the corner exclusion zone. Location of items within the trading zone is also subject to conditions. Please see section 'Placement of goods, furniture and signs within the trading zone.'



Kerb zone

Measured from face to kerb, a 0.6 metre buffer from the kerb to allow for access to and from parked vehicles is required. A 1.5 metre allowance is required where there is a disabled parking bay.
A setback of one metre from the kerb is to be maintained beside a loading zone.



Access area

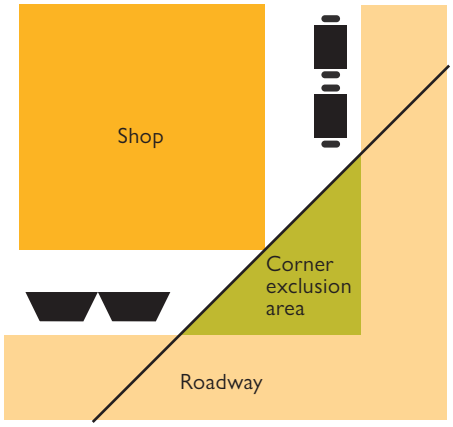
Measured from the adjoining property boundary line, allow a 0.5 metre buffer zone from either side of the adjoining property boundary to enable pedestrian access from the kerb/parking zone onto the footpath. This will allow a one metre access for pedestrians where neighbouring properties are both trading. Trading must commence from 0.6 metres from kerbside edge to allow maximum clearance for pedestrian access — allow a 1.5 metre clearance for disabled parking bays.



Pedestrian zone

Extends from the building line or shop front of premises for a minimum of 1.8 metres. No items may extend into this zone at any time.





Corner exclusion area

A 45 degree corner exclusion area is considered the minimum requirement, to ensure safe vehicle and pedestrian movements around corners. Council may increase this exclusion area for safety reasons.

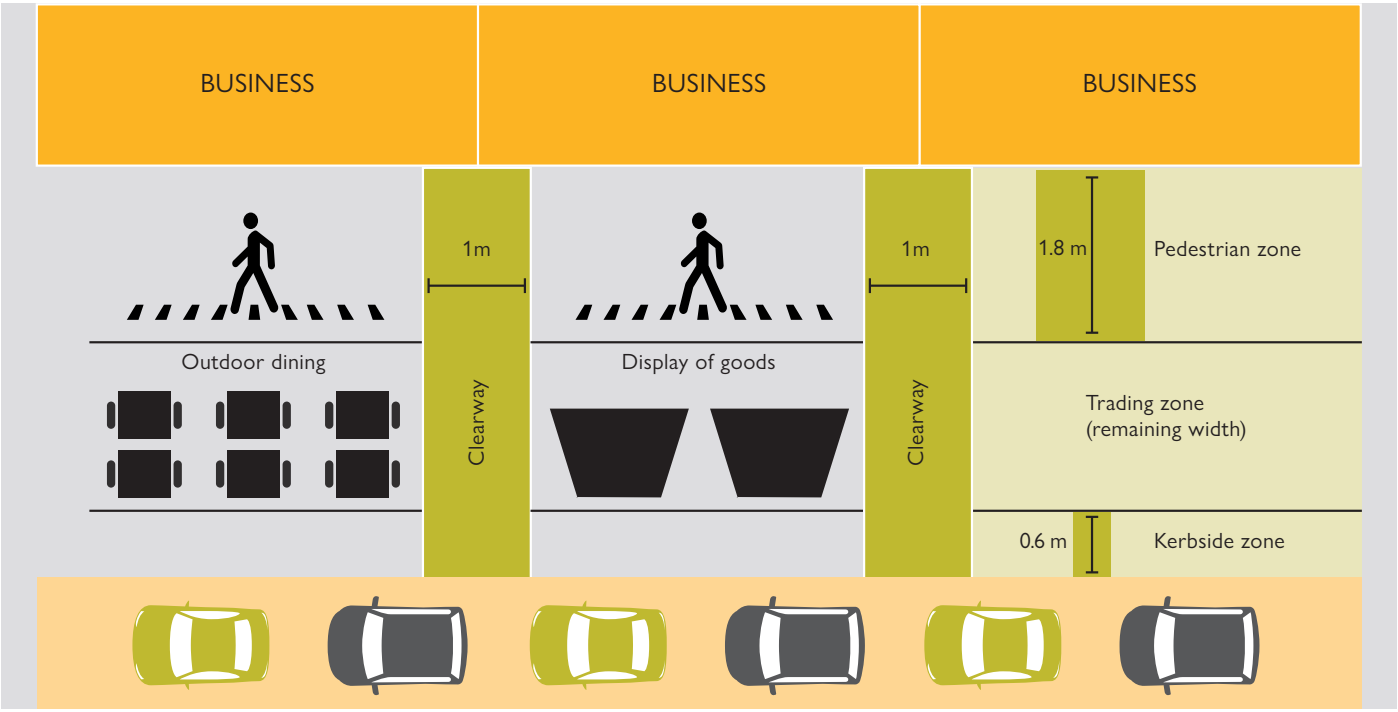
The diagram shows the minimum line of sight and allowable trading area.

Trading items

Must only be placed on the footpath during the normal business hours. All items (tables, chairs, windbreaks, display of goods, umbrellas, heaters)

YOUR TRADING ADDRESS

Tables and chairs and goods/services are permitted only outside your premises. They must not encroach on neighbouring properties or within the 0.5 metre access area, unless an exemption to your permit has been granted.



EXISTING PUBLIC INFRASTRUCTURE

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

- **0.5 metre clearance**

Bollards, telecommunication pits, planters, poles and trees.

- **one metre clearance**

Fire hydrants, bins, pay phones, public seats, bike stands and loading zones.

- **1.5 metre clearance**

Disabled parking bays.

- **two metre clearance**

Pedestrian crossings, tram crossings, tram stops and front and rear of bus zones. (Allow clearance for passengers to alight from buses and trams safely. This distance may be reviewed if goods do not interfere with safe pedestrian movement.)



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

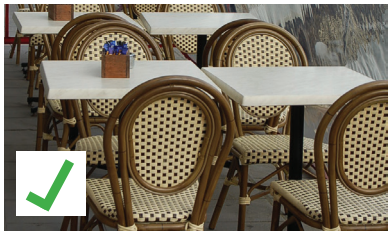
As a general rule, public infrastructure already in place will not be moved or removed (relocated or repositioned) as a result of unavailable space to trade. If there is existing infrastructure at the front of your shop, an application to vary permit requirements may be made and a decision may be made 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.

Existing street furniture and infrastructure must not be used for any trading purposes, including for business signage or displays.

ALFRESCO DINING

Tables and chairs

- Must not back onto the kerb or the pedestrian zone.
- Must remain within the trading zone and be removed at the close of business.
- Must be of a high standard in appearance and style in keeping with the amenity of the area.
- Placement must commence 0.6 metres from kerbside edge (a 1.5 metre set back applies for disabled parking bays).
- Must be constructed from high quality materials that are safe and durable.
- Legs of chairs must not extend on an angle that would cause tripping points to pedestrians.
- Table and chair legs should have a minimum 30 millimetre rubber stopper installed.
- Must be windproof (lightweight plastic furniture is not acceptable).
- Should be made of a contrasting colour to their background (to aid the vision impaired).
- No café or commercial advertising is allowed on chairs or tables unless required for identification purposes ONLY. Property owner identification must be placed secretly.
- Tables and chairs are permitted only outside the premises to which they relate.
- Windbreak or screening barriers must be provided to suit the amenity of the area.

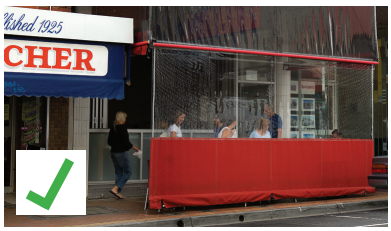




Chairs must not back on to a pedestrian zone.

Screens/windbreaks/awnings

- All tables and chairs should be protected by windbreaks or screening barriers to suit the amenity of the area.
- All barriers must be installed clear of the access area, allowing a 0.5 metre clearance from either side of the adjoining property boundary (giving one metre access clearance between display barriers).
- Allow 0.6 metre clearance of kerb edge or 1.5 metres where there is disabled parking.
- Barriers may have commercial advertising on no more than 33 per cent of the total surface area and no more than 20 per cent on each panel. A planning permit may be required.
- Details of any proposed signage on furniture must be submitted with any application to trade on the footpath.
- Must be adequately weighed down.
- Lock in or fixing devices will require the approval of Council's Asset Engineering Department before a permit can be granted.
- Irrespective of the issue of the permit, Council at all times remains entitled to access and use the footpath, and the permit holder shall cease footpath trading and remove the permitted items whenever directed by Council to do so.
  If the permit holder fails to comply with any such direction, Council may remove the items at the cost and risk of the permit holder.







Planter boxes

Planter boxes may be approved on application. Conditions apply. For further information, contact Council's Service Centre on **9524 3333**.

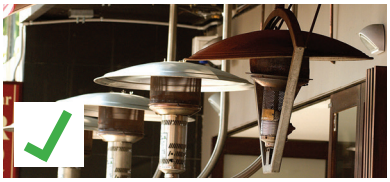
Umbrellas

- Can be used in areas where there are no canopies overhead or where the use of the umbrella will not interfere with or damage existing items.
- Must be of a minimum of (at the lowest point) 2.2 metres above the level of the footpath (minimum clearance of 2.2 metres).
- All umbrellas must be removed at the end of the day.
- Umbrellas must not extend into the kerbside zone/parking bays.
- They must be of robust design and secured at all times.
- Must be adequately weighed down to prevent dislodgement.
- Must be removed or closed in times of strong winds or storms.
- The name or logo of a business may be displayed on each panel of an umbrella as long as the size and/or logo covers no more than 33 per cent of the total area of panels. May be subject to planning approval.
- May have commercial advertising on each panel on no more than 20 per cent of the surface area.





Heaters





- Any heating device must be certified by the Australian Gas Association and be installed in accordance with the relevant Australian Standards.
- Heaters are to be approved as part of a permit and shown to be covered by trader's public liability insurance.
- Must be located within the trading zone only.
- Must be clear of passing pedestrians.
- Free standing heaters must be removed at the end of each day.
- Wherever possible, be affixed to the awnings or verandahs so as to be located off the footpath but only if a minimum height clearance of 2.7 metres can be achieved. A planning permit may be required to undertake this activity.
- Installation, training and safe use of portable heaters must comply with the *Safety guide for use of portable gas heaters in public spaces* including *Guidelines of staff* and *Guidelines for employers* prepared by Energy Safe Victoria in collaboration with other relevant organisations.
- For further details, contact Energy Safe Victoria on **9203 9700** or visit **www.esv.vic.gov.au**

TRADING GOODS AND DISPLAYS ON FOOTPATHS

Trading goods and displays on footpaths

- Must not exceed a height of 1.5 metres, unless an exemption has been granted by Council.
- Must not exceed a width of 0.75 metres (appropriately designed displays may, upon approval from Council, exceed this measurement if in the opinion of Council the stand enhances the amenity of the streetscape and meets with safety considerations).
- Must be located within the trading zone.
- Must start from 0.6 metre from the kerbside edge — giving maximum clearance for pedestrians (a 1.5 metre set back applies for disabled parking bays).
- Goods are permitted only outside the premises to which they relate.
- Must be secured, protected and displayed in an approved barrier so they are not displaced by wind or other elements or create an unsightly display on a public thoroughfare.
- Displays must enhance the amenity of the streetscape and meet all safety considerations.
- Must not be fixed to any footpath, building, asset (including trees), pole or other structure.
- Have a contrasting colour to their background to assist the vision impaired.



Goods must not be unsightly.



Goods must be secured, protected and displayed in an approved barrier. Displays must enhance the amenity of the streetscape.

Display furniture design

- Must enhance the amenity of the shopping centre.
- Be constructed to a high standard.
- Be made of quality materials, with finishes that are safe and durable.
- Be wind protected and resistant.
- All goods on footpaths will require protection through the use of safe, quality displays by a windbreak or barriers.



Portable advertising signs (A-frames)

- Only one sign per premises will be considered for permit, unless a variation is granted by Council.
- An advertising sign must not exceed a height of one metre or width of 0.75 metres and a minimum height of 0.75 metres must be achieved.
- The placement of the sign must start from the 0.6 metre clearance from kerb edge, or 1.5 metre clearance to allow for disabled parking.
- Must be securely placed and windproof.
- Portable electric, illuminated or flashing, inflatable, revolving/spinning signs are prohibited at all times.
- Signage can only be displayed during the business's normal hours of operation and must be removed from the trading area at the close of business.
- A-frames or advertising signs must not be fixed to any footpath, pole or other structure.
- Permission may be granted for an application where the business has no street frontage providing the owner of the premises knows where the sign is to be placed. Written permission must be provided and there must be public liability extended to cover the goods/sign. Permission will need to be renewed annually or on change of business ownership.
- A-frames must not be placed within a corner exclusion area or within two metres of a pedestrian crossing, bus or tram zones (unless special requirements exist).
- A-frames must have 0.5 to one metre clearance from public infrastructure.



Signs must not encroach into kerb zone.



Signs can be displayed within the property boundary.

ADVERTISING

Council allows for identification and promotion signs that meet not only the needs of the business, but the amenity of the area and streetscape appearance for the whole community.

- The name or logo of a business may be displayed on each panel of a café screen or umbrella as long as the size and/or cover is no more than 33 per cent of the total area of the panels, and no more than 20 per cent of the surface area on each panel. **Please note:** a planning permit may be required.
- No café or commercial advertising is allowed on chairs or tables unless required for identification purposes ONLY and placed in an unobtrusive manner allowing for identification of business property for traders.
- Advertising on any awnings or blinds, which are affixed to the building may require a planning permit.
- Heritage buildings may require a planning permit for any form of advertising or attachments, ie. blinds and signs. Contact Council for further advice.



Heritage buildings may require a permit.





Advertising on no more than 33 per cent of panels.

AMENDMENT TO A PERMIT

Permit holders must apply via email to Glen Eira City Council by emailing ccu@gleneira.vic.gov.au for any amendment to their existing Footpath Trading Permit. Amendments may include:

- changes to furniture style or design;
- addition of gas heaters;
- addition of umbrellas;
- addition of canvas or PVC screens;
- addition of graphics or advertising; and
- increase area beyond their property boundary.

APPLICATION PROCESS — APPLY FOR A PERMIT

Please read and ensure you understand the guidelines contained within this document, prior to submitting your application to Council for footpath trading. A full copy of Council's *Footpath Activities Guidelines* is available on Council's website.
Please note: all footpath trading permits expire on 31 December each year.
For more information and how to apply, scan the QR code or go to:
www.gleneira.vic.gov.au/footpath-trading-permits

Obtaining a permit

To apply for a permit, scan the QR code or complete the online application on Council's website:
www.gleneira.vic.gov.au/footpath-trading-permits
Make sure you have the following information available when you apply.

Complete site plan to 1:100 and include:

- width of building frontage;
- width of footpath from the kerb to building line;
- commercial use of abutting properties;
- distance from existing infrastructure and other features (including any Council or utility company infrastructure, e.g. seats, bicycle hoops, trees, signs, bins, letterboxes, phone boxes etc. Also include distance from bus/tram stops, disabled parking, and loading bays);
- photographs of existing site clearly showing proposed activity zone relative to buildings and existing features.

Details of:

- proposed furniture (e.g. chairs, tables, planter boxes, windbreaks, heaters, umbrellas, etc.);
- details of any advertising on furniture — provide size and location within the trading zone;
- evidence of approval from other Council departments (e.g. Public Health, Town Planning);
- details of liquor licensing if applicable (including plan of licensed area);
- letters of consent — should you wish to operate in front of an adjacent property; letters include proof of consent from landlords and tenants. **Note**: this permission must be provided to Council each year when requested. If an adjoining business already has a permit, you will not be able to proceed with this;
- include a copy of your public liability insurance $20 million coverage required.

Upon receipt of your permit application, a Council officer may visit your premises to inspect your site.