

Wellington Shire Council

footpath trading guidelines

2011



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland



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These Guidelines in this document should be read
in conjunction with:

LOCAL LAW No. 2-2011
STREETS & ROADS



introduction



A Guide To Footpath Trading

Traditionally footpaths were designed for pedestrian traffic.

More recently a move by businesses to increase trading opportunities has seen footpaths used for the display of goods, advertising signs and alfresco dining.

The Wellington Shire Council supports footpath trading so long as it adds to the development and liveability of our business activity areas while maintaining wellbeing and safety.

It is important to note that footpaths are public spaces, used primarily for access. Footpath trading is a privilege offered to traders in situations where safety and amenity are not compromised.

It is paramount that footpath trading does not obstruct pedestrian access, or create an unsafe or unsightly environment for any members of the community.

This guideline aims to enhance access for all footpath users and provide a consistent basis for the continuation of footpath trading.

A photograph of an outdoor cafe setting. In the foreground, a light-colored wooden table with a slatted top holds a white ceramic pot with a green herb plant, a white ceramic sugar dispenser, and a glass salt shaker. A wooden chair with horizontal slats is visible in the background. The scene is set outdoors with a blurred background of a body of water and a distant shoreline. A yellow diamond pattern is overlaid on the image.

permits



Photos are for illustrative purposes only.

Permits

A permit must be obtained from Council for all footpath trading. This includes the following:

- Tables and chairs
- Umbrellas
- Heaters
- Advertising signs
- Goods

Footpath trading may also be influenced by the width of footpaths; the proximity of major roads, traffic lights and parking bays; the amount of foot traffic and access for people with a disability.

Permit Holder Responsibilities

Both Council and individual traders have a duty of care to footpath users and consumers.

At all times traders must be mindful of the impact kerbside furniture could have on people with a disability; people with prams; and people with trolleys.

It is vital traders provide access for pedestrians to move easily along the footpath at all times and adhere to the following conditions:

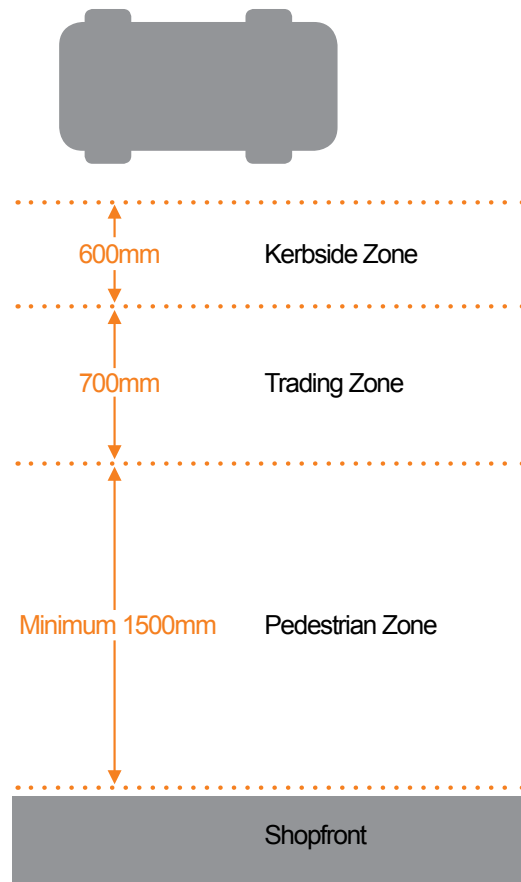
- The permit holder must maintain a public liability insurance for no less than \$10 million. A completed indemnity form must also be provided to Council.
- Items placed on footpaths must allow for free access to public transport stops; water hydrants; pedestrian crossings, post boxes and all other facilities provided within the area.
- Permit holders must ensure the area is kept clean and tidy.
- Permit holders are responsible for ensuring any items placed on the footpath do not damage any of Council's amenity.
- All signs, outdoor furniture and displays must be structurally sound and windproof as pedestrian safety is paramount.
- Where required all items must meet Council specifications and must not detract from the overall appearance or amenity of the area.
- At the close of the day's trade all items must be removed from the footpath.

Your Trading Address

Tables and chairs and goods/services are permitted only outside your business premises unless a separate written agreement has been granted.



footpaths



Footpath in Commercial Areas

The footpaths in Commercial Areas can be divided into three zones.

1. Pedestrian Zone
2. Footpath trading / Alfresco Dining Zone
3. Kerbside Zone

Pedestrian Zone

The pedestrian zone is the area immediately adjoining the shop front in which traders have historically placed tables and chairs or signage. Although Council recognises that this may be the preferred location for some traders, it is also the area that generates the greater number of complaints.

Most complaints relate to the inability for persons to walk a clearly defined path along the street. Footpath trading on the street reduces the width of the footpath for pedestrians. Some traders use the kerb side whilst others use the area abutting the shop window causing pedestrians to alter from their normal path to avoid tables and chairs, advertising signs and goods for sale.

With an ageing population and the increase in the use of electronic wheelchairs or mobility aides, there is an ever increasing need to keep a clear pedestrian zone adjacent to shop fronts. Council has a legal obligation to maintain safe and unobstructed passage for pedestrians in line with the Federal *Disability Discrimination Act*.

The pedestrian zone will allow an uninterrupted, accessible path of travel with a minimum width of 1.5 metres between the shop front and the Footpath Trading / Alfresco Dining Zone.

The minimum width Pedestrian Zone of 1.5 metres is based on a standard 3 metre Footpath. Where wider paths exist it is envisaged that the Pedestrian Zone will be increased and that traders will locate their signs / goods closer to the Kerbside so that only one path of travel is available to path users.

This minimum width must be maintained at all times. **No Footpath Trading goods will be permitted immediately in front of any premises.**



footpaths

Kerbside Zone

The kerbside zone is the area directly adjacent to the kerb and will alter in width according to the style of parking in the area. e.g. parallel, angle parking and the type of parking allowed in that area such as general parking, loading zone or disabled parking.

Parallel Parking: 600mm

In areas where parallel parking is permitted this distance will allow passengers to safely alight from vehicles without coming in contact with street furniture, goods for sale or tables and chairs.

Angle Parking: 300mm

This clearance is required to allow the front of a vehicle to overhang the kerb when parking at an angle to the kerb.

Disabled Parking Bays: Clear

As disabled passengers require additional area to alight from a vehicle and may require to unload wheel chairs or appropriate walking aides it is deemed inappropriate to have street furniture in the area adjacent to

disabled parking bays. Exceptions to this rule will be dependant on a site visit and determination by an Authorised Council Officer. An appropriate notation will be endorsed on the permit issued.

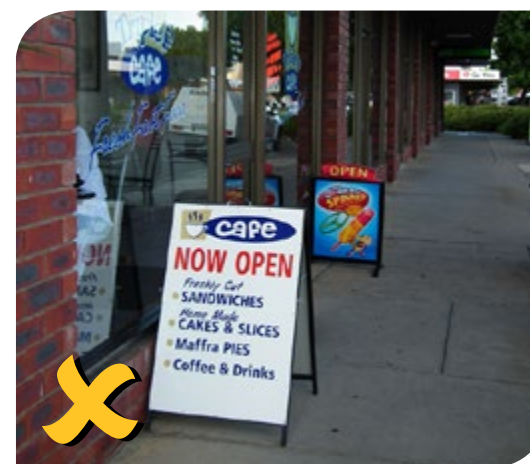
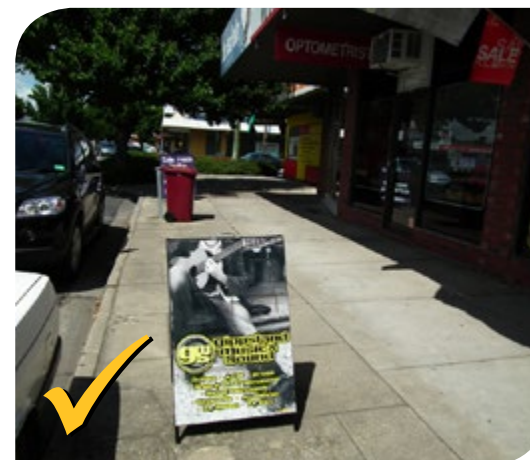
Loading Zones: 1000mm

The clearance in this area will provide safe operating areas for truck drivers when loading and unloading goods onto the footpath and loading trolleys for delivery of goods.

If this clearance cannot be maintained due to the total width of the footpath in the particular area, furniture may be placed in the front half of the Loading Zone with a 600mm clearance from the kerb. This will only be permitted if it can be demonstrated that it does not interfere with the overall use of the Loading Zone.

No Stopping / No Standing Zones

At No Stopping Zones (usually placed for safety reasons) the required distances will be assessed by the Authorised Officer and will be required to ensure that safety standards are not compromised.



Photos are for illustrative purposes only.



Footpath Trading / Alfresco Dining Zone

Based on an average footpath width of 2.9 to 3 metres, a typical Footpath Trading / Alfresco Dining zone will be 1000mm wide and will be located between the Pedestrian Zone and the Kerbside Zone that must be allowed for access to vehicles parked at the kerb.

The width of the zones may vary depending on the overall width of the footpath and the type of parking available at the kerbside.

Traders will place items of goods for sale, commercial street furniture, tables and chairs in the area set aside as the Footpath Trading / Alfresco Dining Zone thus clearing the way for clear access to shops via the Pedestrian Zone.

It is preferable that traders delineate between the Kerbside Zone and the Footpath Trading / Alfresco dining zone with the use of appropriate screens.



Photos are for illustrative purposes only.

Existing Public Infrastructure

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

- 1 metre clearance required from public infrastructure such as bins, public seats, bike stands, pay phones and fire hydrants.
- 0.5 metre clearance required from other street furniture such as bollards, backs of seats and poles, trees and planter boxes.

Existing street furniture must not be used for any trading purposes, including business signage or displays unless specific authorisation has been granted.

As a general rule public infrastructure already in place will not be moved or removed to accommodate footpath trading.

A woman with long dark hair, wearing a light green top, is sitting at an outdoor dining table. She is smiling and looking towards the camera while holding a fork with a small piece of food on it. In front of her are two glasses of beer. The background is a blurred outdoor setting with other people and structures. The text 'alfresco dining' is written vertically in white on an orange background on the left side of the image.

alfresco dining

alfresco dining



Alfresco Dining

Traders may apply for a permit to place tables and chairs within the Footpath Trading / Alfresco Dining Zone to facilitate the serving of food and drinks based on the following conditions:

- Tables and chairs must be kept within the Footpath Trading / Alfresco Dining Zone.
- Chairs must not be placed as to back onto the Pedestrian Zone or the Kerbside Zone. If an Authorised Officer deems that a wider than normal footpath may result in this condition being altered, the details must be endorsed on the permit.
- Tables and chairs are to be of a height and design so that they are accessible by all users including wheelchair bound customers.
- Tables, chairs and screens, planter boxes or any other furniture must only be in place when business is open and removed when closed.

- All tables, chairs and screens must be kept in good order and condition so as not to cause injury to any user or pedestrian.

Tables and Chairs

In all circumstances furniture must be approved by Council before a permit is granted and the following must be adhered to:

- Chairs and tables should only be placed outside the premises they relate to and should be confined within the property boundaries. Special permission can be sought to place tables and chairs beyond the property boundary but only if written permission is given by the proprietor of that premises



alfresco dining

Gas Heaters

The use of heating devices must comply with Australian Standard AS4565.

Heaters must only be used in association with the guidelines for (outdoor) alfresco eating facilities.

Heaters must not be positioned where they may present a fire hazard.

The permit holder must ensure the outdoor café area is kept clean at all times, particularly in regard to litter and cigarette butts. In areas where smoking is permitted, smokeless ashtrays must be provided.

Umbrellas

Umbrellas may be provided for each table as long as there is a minimum of 2.1 metres height clearance from the lowest edge to the pavement surface.

They must be securely fastened and weighted.

The umbrella must not extend into the pedestrian corridor or cause a hazard to people walking on the footpath.

Planter Boxes and Screens

Planter boxes or removable screens can be used in alfresco dining areas to divide one café from another but should not extend beyond the building line of the premises.

They can also separate the seating area from the kerb, provided a minimum setback of **0.6 metres** is maintained.

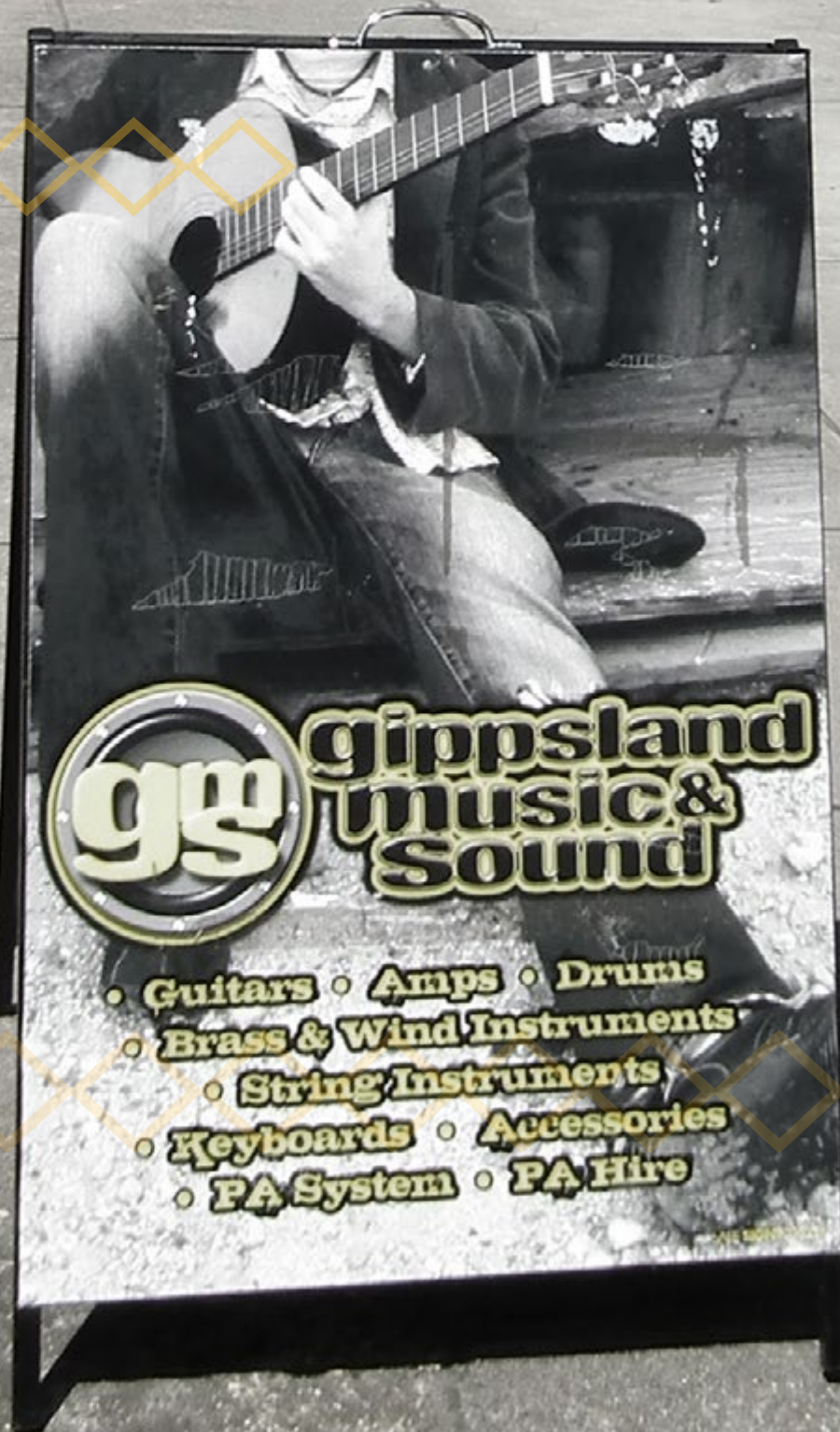
The maximum height for screens or planters (including the plant height) is **1.3 metres**.

Each planter or screen should not exceed a length of **1.8 metres** and must have left a gap of **0.75 metres** from the kerb.

The permit holder is responsible for maintaining a healthy planter box including regular watering, pruning, replacement of plants and removal of litter.



signage





signage

Portable Advertising Signs

A permit may be granted to place a portable advertising sign, such as an A-board sign, in the Trading Zone if the following conditions are met.

- Only one sign board per property unless the premises continuous frontage to the road exceeds 25 metres. In this case one additional sign is permitted.
- Signs may only be placed in the Footpath Trading / Alfresco Dining Zone and only outside the premises to which the sign relates. Signs will not be permitted on the road pavement or any reservations located on the road pavement.
- The sign must be securely located on the footpath within an envelope of a minimum 300mm and a maximum 1 metre from the kerb line or securely located in a position approved by Council.
- Signs must be constructed from quality material and weighted sufficiently to be

stable in all weather conditions.

- Signs shall not exceed 700mm wide and 1.3 metres high.
- Signs must not have oscillating or moving parts, (other than the single hinged top for 'A' frame signs), sharp, pointed or jagged edges or protrusions.
- Signs must not be illuminated by any power source.
- Signs must not emit any sounds.
- Boards or signs must not obstruct a driver's line of sight at a corner or bend or between roads at a junction or at any point of vehicular egress from the property.
- The message on the sign must relate to the business, or the goods and services provided by that business.
- All lettering, designs and art work must be carried out by skilled personnel using proper materials.



Photos are for illustrative purposes only.



Portable Advertising Signs (Continued)

- The sign shall not detract from the aesthetics of the area or contain words or illustrations that could be considered offensive.
- The sign shall be maintained in an “as new” condition. Damaged or defaced advertising matter shall be removed as soon as possible, but no later than close of business on that day and may not be displayed again until damage is rectified.
- Signs will only be displayed whilst the premises to which they relate are open for business and must be stored at all other times.

goods on footpaths



goods on footpaths



Photos are for illustrative purposes only.

Goods on Footpaths

A permit may be granted to place goods in the Trading Zone on a footpath if the following conditions are met.

- In order to provide an unobstructed and consistent walkway; goods may only be placed in the Footpath Trading Zone and only outside the premises to which the goods relate.
- Goods must be kept to a minimum. For example - a specials table only. Full shop width displays are not permitted.
- Goods shall not exceed 700mm wide and 1.3 metres high. In exceptional cases the Authorised Officer may allow some leeway to this rule and this amendment will be noted on the permit.
- Goods must not have oscillating or moving parts, sharp, pointed or jagged edges or protrusions and must not cause damage to the footpath.
- Goods displays will not be permitted where the Authorised Officer deems it likely to cause problems to persons accessing or exiting parked vehicles.
- Goods displays will not be permitted adjacent to loading zones or disabled parking bays.
- Stands must be stable and able to withstand all weather conditions.
- Goods displays will not be permitted to overhang either the Kerbside Zone or the Pedestrian zone.
- Goods must not obstruct a driver's line of sight at a corner or bend or between roads at a junction or at any point of vehicular egress from the property.
- Goods and stands must be removed at the end of the days trading.
- Goods should have a contrasting colour and be of a solid nature to assist the vision impaired.
- Traders must have their Public Liability Insurance cover amended to cover street trading and must provide proof if required. A completed indemnity form must be supplied with all permit applications.
- Any goods left or displayed contrary to these conditions may be removed by an Authorised Officer and impounded.

health requirements



health requirements



Health requirements

The preparation, handling and serving of food and drinks to patrons and the display of food goods on a road must be in accordance with the Food Act and regulations.

Applicants should consult with the Environmental Health Department of Council.

Planning requirements

The provision of tables and chairs on a footpath may also require planning approval.

Erection of any permanent advertising signage may also require planning approval. Applicants should consult with the Statutory Planning Department of Council.

A photograph of a set table with several wine glasses, a folded white napkin, and a centerpiece with greenery. The background is a blurred outdoor setting with trees. A yellow diamond pattern is overlaid on the image.

permit fees

permit fees



Permit Fees

Fees collected by Council assist to defray the costs of inspections by Authorised Officers of council. The officer may liaise with shopkeepers during the application period and visit the premises to ensure that policy conditions can be met. The officer will assist traders to comply with the Local Laws and guidelines by offering constructive advice and supportive comments. Random and frequent inspections will be made to ensure permit conditions are being met.

Permit fees are reviewed each year.

A permit immediately expires if:

- The permit holder fails to maintain public liability insurance

All fees will be based on the Council financial year and charged annually in advance during the month of July.

Council or its representative has the right to change/alter or cancel any new application or existing permit conditions.

Consultation will take place with the permit holder / applicant and variations will only occur if the council or its representative forms the opinion that the standard conditions and requirements do not suitably protect the permit holder, public or Council.

application process

application process



How do I apply for a permit?

Please read and ensure you understand these guidelines and the requirements in Local Law No 2 - 2011 prior to submitting your application to Council for footpath trading.

A current list of fees can be obtained from Council's website on www.wellington.vic.com.au or by calling a Customer Service Officer on 1300 366 244.

To obtain a permit applicants need to:

1. Complete and sign an application form (Local Law Permit Application)
2. Complete and sign an indemnity form
3. Provide proof of current public liability insurance
4. Provide a site plan that shows:
 - The dimensions of proposed alfresco dining area; goods/food displays; planter boxes, screens or advertising signs
 - Total footpath width
 - Width of proposed café/display/signs
 - Setbacks from kerb

- Site boundaries
 - Any existing elements e.g. trees, light poles or rubbish bins
5. Once completed the permit application, together with the above information and permit fees, should be posted to:

Wellington Shire Council
PO Box 506,
Sale, Victoria 3850

or delivered to any of Council's customer service centres.

Applications will be assessed by one of Council's Local Laws Officers and each application will be assessed on its own merits with regard to these guidelines and Local Law No. 2 - 2011.

For further information on these guidelines please contact Council's Local Laws team on 1300 366 244.



Wellington Shire Council

Port of Sale Civic Centre
18 Desailly Street (PO BOX 506)
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contact us