



## FOOTPATH TRADING GUIDELINES

### WHY DO I NEED A PERMIT?

Council has a legal responsibility under the *Disability Discrimination Act 1992* - Section 23 Access to Premises, to ensure safe and equitable usage of footpaths for people with a range of disabilities.

*The Human Rights and Equal Opportunity Commission recommends that in order for local government to fulfil its responsibilities under the Disability Discrimination Act 1992, footpaths should as far as possible allow for a continuous accessible path of travel that extends from the property line at least 1.8 metres wide and 2.0 metres high with no obstructions or projections, in order to provide the best possible guidance line for all users including people with disabilities.*

With this in mind, the Buloke Shire Council's *Footpath Trading Policy* has been developed.

For the policy to be effective, Council has a permit system in place to standardise the placement of items on footpaths - tables and chairs, "A" frame signs; and good displays, etc.

Council's *Community Local Law 2019 - Clause 53*, prohibits the placement of items on footpaths unless a permit has been issued.

A permit grants limited rights to business operators to place items on the footpath and to use public space for business and commercial purposes. The permit may specify conditions such as hours of use, period of permit and type of items to be placed. Council reserves the right to withdraw the permit should the public space be required for any other purpose and/or if conditions of use are not being adhered to.

Applicants are required to submit an application, which includes a site plan detailing the proposal and evidence of public liability insurance coverage.

It is anticipated that in some circumstances, eg narrow footpaths, Council may not be in a position to issue a permit. The permit period will normally be twelve (12) months from 1st July and renewed annually. New applications will expire on 30th June.



Wycheproof Rotunda & Post Office

**This permit is conditional on the permit holder complying fully with these guidelines and any other statutory obligation associated with the activity.**

## General

1. You must supply a copy of your current public liability insurance policy to Council to the value of 20 million dollars (\$20,000,000) for the duration of the permit.
2. Signed indemnity form
3. The permit must be renewed by 30th June each year. Annual permit fee applies.
4. The tables, chairs, A-frame advertising sign, goods/food displays and screens/planter boxes must be positioned at kerbside of footpath allowing a minimum of 0.4 metre clearance from the kerb.
5. An unobstructed minimum of 1.5 metres wide pedestrian zone is required along the footpath parallel to the premises property line where the total footpath width is less than 3.5 metres wide.
6. An unobstructed minimum of 1.8 metres wide pedestrian zone is required along the footpath parallel to the premises property line where the total footpath width is more than 3.5 metres wide.
7. Failure to comply with these conditions or any directions given by an Authorised Officer of Council may result in the said goods being impounded, the permit being revoked, possible fines being issued and/or prosecution action before the Magistrates Court.
8. All items must be stored or removed at the cease of trading each day according to permit conditions.
9. Council reserves the right to refuse and cancel any application.
10. Any tables, chairs, A-frame advertising sign and saleable goods, which in the opinion of an Authorised Officer of Council, detract from the aesthetic appearance of the building or streetscape, will not be permitted.
11. Operators must take all necessary steps to ensure no noise or other disturbance or emanates from the kerbside activity, which causes a nuisance to to others or causes detriment to the amenity of the neighbourhood.
  - a. No sound amplification equipment, juke boxes or loud speakers shall be placed used in the kerbside seating area for the purpose of announcement, broadcast, playing music or similar purposes.
  - b. No live entertainment is permitted without the written permission of the Authorised Officer.
12. The placement of items on the footpath must allow for free access to public transport stops, water hydrants, pedestrian crossings, bins, seats, post boxes and all other facilities provideed within the footpath reserve.
13. Applicants should consider heritage overlays, existing streetscapes and any design or colour themes agreed amongst trader associations when selecting furniture. Also applicants should consider the vision impaired when deciding on advertising signs, goods, chairs and tables in regards to using contrasting colours to assisit the vision impaired.

## Footpath Zones

The Buloke Shire Council has divided the footpath into Zones for ease of understanding.

In order to provide a clear and suitably unobstructed footway for pedestrian access, there are three (3) main functions of each footpath - the Pedestrian Zone, the Trading Zone and the Kerbside Zone.

Walkways must extend out from the building line and provide a safe, clear and consistent pathway to meet the needs of a range of users including parents with prams, pet owners and people of all ages and abilities. In order to achieve this any street furniture, signs, trader's activities or displays should be placed towards the kerbside, not along the property line.

**Pedestrian Zone:** extends from the property line to allow suitable passage by footpath users. This area of the footpath must be kept free from any items or structures at all times.

**Trading Zone:** this is the only area of the footpath where the placement of goods, cafe furniture and ancillary items may be authorised.

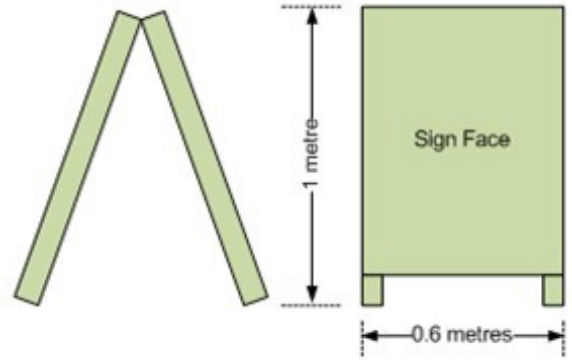
**Kerbside Zone:** a minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading Zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

### HOW DO I IDENTIFY THE VARIOUS FOOTPATH "ZONES"

	Total Footpath Width Less than 3.5m wide	3.5m or wider
Pedestrian Zone	Minimum 1.5m from the property line towards the kerb	Minimum 1.8m from property line towards the kerb
Trading Zone	Remaining area once walkway and Kerbside Zones are identified	Remaining area once walkway and Kerbside Zones are identified
Kerbside Zone	Minimum 0.4m from the kerb of the road	Minimum 0.4m from the kerb of the road
	Minimum 1.5m if a disabled parking space adjoins the footpath	Minimum 1.5m if a disabled parking space adjoins the footpath
	Minimum 0.7m if a loading zone adjoins the footpath	Minimum 0.7m if a loading zone adjoins the footpath

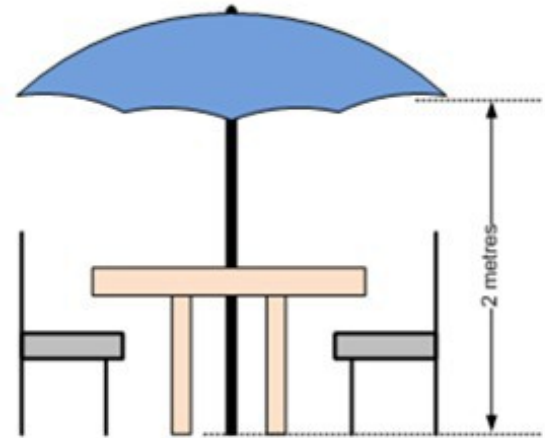
## A-Frames

1. Any temporary sign must not exceed 0.6 metres in width or 1.0 metre high when displayed. Temporary signs may only be displayed outside the premises to which they relate, and only at times during when the premises are open to the public.
2. The maximum number of signs allowed per premises is two (2)
3. Any sign with an area in excess of 1.5m<sup>2</sup> may require a planning permit.



## Tables/Chairs/Umbrellas

1. No chairs are to back on to the kerb unless a screen or planter box separates them.
2. Umbrellas may be provided for tables on the condition that there is a minimum of 2 metres height clearance from the underside of the umbrella to the footpath and they are securely weighted or fastened. The umbrella must not extend into the Pedestrian Zone.
3. Where service of food to tables on footpath is permitted, operators must clear away litter, cigarette butts, food scraps and other rubbish left on the site and deposit it within the operator's own bins that are kept inside the premises. The operator must not sweep or deposit any dirt, litter, cigarette butts or other rubbish left on site into the gutter.
4. No food or drink is to be prepared, cooked or heated at the kerbside seating. The preparation, handling and serving of food and drinks to patrons at tables and chairs is to be in accordance with Food Act 1984, Codes of Practice and any requirement as specified by Councils Environmental Health Officer.
5. A current Liquor Licence (or Council Planning Permit) is required covering the Trading Zone, prior to allowing the consumption of alcohol at tables or chairs.
6. The permit holder is responsible for the conduct of patrons at tables and chairs and ensuring patrons do not rearrange tables and chairs to obstruct the footpath.
7. Tables and chairs are to be of commercial grade, designed for a public environment (preferably timber or metal), to ensure the safety of patrons and pedestrians. The use of plastic (residential grade) garden furniture is strictly prohibited.

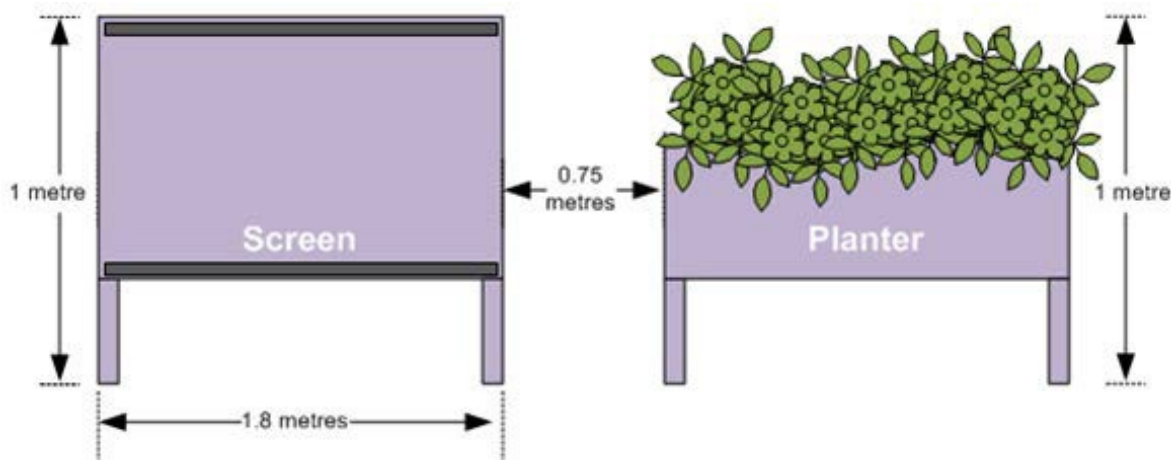


## Displays (Goods/Food)

1. Goods may only be displayed directly outside premises to which they relate, must be confined within the Trading Zone and must not be affixed to any footpath, building, street furniture, pole or other structure. Sandbags or similar devices should be used to prevent disturbance by wind.
2. Goods for display other than food shall not exceed a height of 1.2 metres or 0.75 metre in width.
3. Food display units must be of solid construction and capable of bearing the weight of the proposed display; secured in place so that it can not move due to wind; have a total maximum height of 2.1 metres, width 2.0 metres depth of 1.0 metre; and the underside of any roof or canopy on the unit must be a minimum of 1.9 metres from the footpath level and be able to be removed from the footpath (including ornaments and any other item attached to the unit) within ten minutes of a request by an Authorised Officer of Council.
4. No goods may be stored on the footpath under or beside the unit.
5. The display of fresh fruit and vegetables, tinned and dry packaged foods are permitted subject to such displays being in units specifically designed for that purpose.

## Screen/Planter Boxes /Display Units

1. The maximum height for screen or planter boxes (including plant height) is 1.0 metre and each planter box or screen must not exceed a length of 1.8 metres.
2. Screens, planter boxes and display units must have a space of 0.75 metre between each. where adjoining businesses have the same, there must be a minimum of 0.75 metre space between units at the property boundary, thus providing a total of 1.5 metres pedestrian access.
3. Depending on its merits, the maximum number of planter boxes allowed will be four, and the permit holder is responsible for the care, maintenance and replacement of planter tubs/boxes and any plants there in.



## HOW TO PREPARE YOUR APPLICATION

Follow the steps below to prepare your Application to Place Items on a Footpath:

- Arrange public liability insurance (in the form of a Certificate of Currency) for \$20,000,000 and detailing coverage that extends to all items placed on footpath in accordance with Council's Footpath Trading Policy.
- Submit a site plan detailing all items to be placed on the footpath, including the dimensions of the items and any Council infrastructure, such as bins, benches, poles, parking signs, etc
- Complete the application form
- Sign indemnity form
- Pay permit application fee

## HOW TO LODGE YOUR APPLICATION

**Mail:** place the signed application form, a copy of your public liability policy, signed indemnity form and site plan in an envelope. Post it to Buloke Shire Council, PO Box1 Wycheproof VIC 3527.

**In Person:**  
**367 Broadway, Wycheproof**

**Fax:** (03) 5493 7395

**Email:** [buloke@buloke.vic.gov.au](mailto:buloke@buloke.vic.gov.au)

## APPLICATION APPROVAL

An 'Existing Permit holder - the permit must be renewed by the the 30th June each year. Renewal applications will be sent to you prior to this date. Ensure you submit your signed application and a renewed copy of your public liability insurance.

A 'New' Application for a Permit: please refer to the above instructions on 'How to lodge your application'.

## MORE INFORMATION

For more information, contact the Buloke Shire Council on 1300 520 520

SITE PLAN DRAWING

Business Name:

Address:

Contact Person:  Phone:

Site Plan Checklist (please tick off each item)

- Dimensions written on plan (see Buloke Shire's Footpath Trading Guidelines)
- Any existing public infrastructure drawn on plan
- Proposed locations and number of goods display/s, A-Frame, table and chairs, screens etc
- Pictures of proposed display unit/s or furniture attached

