

SOUTH GIPPSLAND SHIRE COUNCIL

# DRAFT Footpath Trading Code 2024



*Annexure to the General Local Law 2024*



South Gippsland  
Shire Council

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## Introduction

South Gippsland has a diverse geography, offering rolling hills, sweeping beaches and lush forests. An easy drive from the city, we welcome visitors for the day, overnight, the weekend, and longer. Our friendly communities offer a range of businesses to support our visitors and Council implements policies to support our business and tourism sector. Council is committed to creating vibrant shopping precincts with a focus on safety and accessibility.

Council encourages footpath trading that contributes positively to the amenity and character of the streetscape, whilst ensuring safe and unobstructed access is maintained for pedestrians under the requirements of the *Disability Discrimination Act 1992*.

These guidelines have been developed in line with Council's General Local Law 2024 and in consultation with the Shire Gippsland business community. They are in place to provide clarity and consistency for traders, while determining the suitability of utilising the footpath for signage and/or trading. They aim to ensure that traders provide clear, safe and unobstructed access for all pedestrians at all times whilst supporting local businesses and the economy.

### Relationship with the *General Local Law 2024*

Council's Draft General Local Law 2024 provides for the following:

#### Clause 28: Displaying Goods for Sale

1. Without a permit, a person must not place or display, or cause or allow another person to place or display, any goods for sale on any road or on or in any municipal place.
2. The permit holder under this clause must comply with the Footpath Trading Code.

#### Clause 29: Advertising Signs

1. Without a permit, a person must not erect, place or display on any part of a road or on or in any municipal place:
  - a) an advertising sign; or
  - b) a sign promoting a candidate or political party associated with a local, state or federal election.

or cause or authorise another person to do so.

#### Clause 30: Use of a Municipal Place for Outdoor Eating Facilities

1. Without a permit, a person must not use or allow to be used any road or municipal place for the purposes of an outdoor eating facility.
2. The permit holder under this clause must comply with the Footpath Trading Code.





## Application

All requests for footpath trading permits must be submitted through Council's application form and be accompanied by a detailed site plan and all required documentation. Business owners may apply for one, or a combination of multiple, footpath trading types.

Public liability insurance must be held, for a minimum of \$20,000,000. South Gippsland Shire Council must be noted as an Interested Party on the insurance Certificate of Currency.

An annual fee is payable during the life of the permit, and an annual inspection will be carried out by the Community Safety team to ensure ongoing compliance. Additional inspections may be conducted in response to any complaints received or concerns identified.

Approval of permits will be dependent on adherence with these guidelines. New proprietors must apply for a permit as the permit is not transferable. If Council requires any further information or documentation, this will delay the approval process, so please ensure applications are thorough. For assistance, please call Council on (03) 5662 9200.

Additional business permits may be required, such as planning, building, food or liquor licensing. Please call Council on (03) 5662 9200 to discuss any further requirements you might have.



## Siting

The following areas apply to the streetscape:



### Walkway Section

The Walkway Section abuts the shop front (property line) and allows for a footpath that is straight and clear for all pedestrians, including people with disabilities. Pedestrians with visual impairments can use the shop front as a point of reference when it is clear of goods/items.

The Walkway section must be clear of all items/goods at all times. Only the area above a 2.3 metres in height over the Walkway Section of the footpath may be used.

The minimum width of the Walkway Section must be:

- 1.8 metres for footpaths with a total width of 3.5 metres or greater.
- 1.5 metres for footpaths with a total width of less than 3.5 metres.



### Kerb Section

The Kerb Section must be a minimum of 0.75 metres wide to allow for the overhang of cars or opening of car doors. The Kerb section must be clear of all items at all times. No items are allowed to protrude onto or project above the Kerb Section.



### Trading Section

The Trading Section is the only area where items may be placed and no items may protrude from it into the Walkway or Kerb Sections.

Generally, only the footpath directly in front of a business may be used by that business. Utilising the footpath outside of an adjacent property will only be considered with written consent of both the landowner and occupier (if different) and the required insurance coverage.

Placing items on or above the Article Section (between the Walkway and Kerb Sections) shall be consistent with the placement of street furniture/ infrastructure.

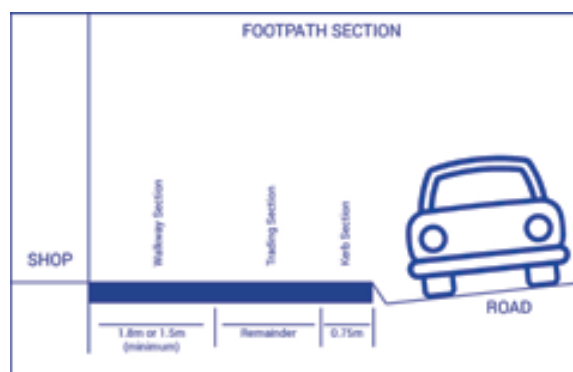


### Exclusions

No footpath usage will be approved that restricts access to the following:

- Loading Zones.
- Disabled Parking bays.
- Pedestrian crossing points.
- Service pits.
- Bus stops.
- Taxi ranks.
- Public telephones.
- Permanent Council items, such as seating or bins.
- Within 0.5 metres of trees and pits.

Council is under no obligation to remove or move any permanent furniture items. In rare circumstances, where an alternative location can be found, and all parties agree, the item may be moved providing that the business that makes the request bears all costs.





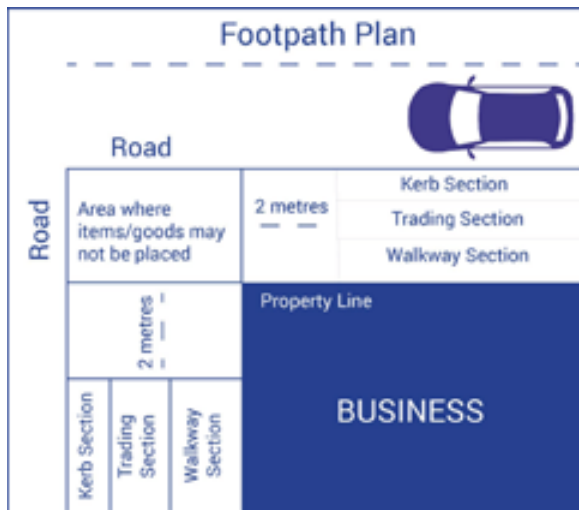
### Access Points

In order to allow access between the road and the footpath, access points are required. These are to be located approximately every 10 metres. When two adjoining businesses apply for a footpath trading permit, or when the business frontage is wider than 10 metres, access points of at least 1 metre in width must be established and kept clear of any items.



### Line of Sight

To assist pedestrian and vehicle safety, set backs are required at intersections/corners. Items/goods will not generally be allowed within 2 metre of a corner when pedestrians cross in both directions.





## Displaying Goods for Sale

Displays must only be placed in the Trading Section and must not protrude into or project above either the Walkway or Kerb Section.

The total height of the display must not exceed the height of your business's doorway. Keep in mind that taller displays block natural light and visibility between your business and the road.

Displays must be secure and stable, and not able to roll or fall. They must also not allow items to become dislodged in adverse weather. Displays must not be tethered to, or leant against permanent Council furniture, bins, trees, signs, or parts of adjacent properties.

Displays must be removed from the footpath at the close of business each day.

Displays must not be made of materials that may cause injury to pedestrians, or have any sharp edges, protruding hooks or hangers or any other feature that could cause harm.



### Tips and Advice

Remember that your display reflects your business, and is the first thing pedestrians will see.

Do not over brand, or cram too many items onto displays. Remove items that become faded, worn or damaged from exposure to the elements.

Ensure you undertake regular maintenance of displays to ensure they are kept in good working order and are not worn.

Maintain a clear view from the inside of premises to the display for surveillance.

Allow gaps between long displays to improve access.





## Advertising Signs

Advertising signs must only be placed in the Trading Section and must not protrude into either the Walkway or Kerb Section. They cannot be placed on the roadside, median strip, nature strip or on roundabouts.

Advertising signs on the footpath include A-frame or sandwich board style signage and must not exceed 1.1 metres high or 0.9 metres wide.

They must be secure and stable and not able to roll or fall, or close in on themselves. They must not be tethered to, or leant against permanent Council furniture, bins, trees, signs, or parts of adjacent properties.

Advertising signs must be removed from the footpath at the close of business each day.

Each business is limited to a maximum of two advertising signs.



### Tips and Advice

Remember that your advertising sign reflects your business, and is the first thing pedestrians will see.

Ensure the message on your advertising sign is written clearly and easily read.

Ensure you undertake regular maintenance of advertising signs to ensure they are kept in good working order and are not worn.



## Outdoor Dining

Outdoor dining furniture must only be placed in the Article Section and must not protrude into either the Walkway or Kerb Section.

All furniture must be secure and stable, and not able to fall.

Each item must be removed from the footpath at the close of business each day.

Furniture must not be made of materials that may cause injury to pedestrians or diners, or have any sharp edges or protruding features that could cause harm.

Tables and chairs must be kept clean for diners, with all rubbish and dishes removed as quickly as possible and all surfaces wiped clean with appropriate solutions.



### Tips and Advice

Remember that your furniture reflects your business, and is the first thing pedestrians will see.

Consider the comfort of your diners and allow enough space between tables and chairs for easy access, including for those with mobility aids or prams.

Replace furniture that becomes faded, worn or damaged from use or exposure to the elements.

Ensure you undertake regular maintenance of all furniture to ensure it is kept in good order and does not become unstable.

Before purchasing furniture, consider how the materials will wear, how functional it is, how it will reflect your business, and how easy it will be to keep clean.



## Other Footpath Trading Items



### Temporary Café Screens and Wind Barriers

Café screens and wind barriers must only be placed in the Trading Section and must not obstruct either the Walkway or Kerb Section.

They must not exceed 1 metre in height.

Free standing café screens and wind barriers must be secure and stable, and not able to roll or fall. Nothing used to secure or stabilise the screens and barriers should cause a tripping hazard. They must not be tethered to, permanent Council furniture, bins, trees, signs, or parts of adjacent properties.

Screens and barriers must not be made of materials that may cause injury to pedestrians, or have any sharp edges or protruding features that could cause harm.

Branding and advertising on screens and barriers should not exceed 50 per cent of the surface area.

Screens and barriers must be removed from the footpath at the close of business each day.

Gaps should be allowed between long stretches of screens and barriers to allow access for pedestrians.



### Flags and Banners

Flags and banners must only be placed in the Trading Section and must not obstruct, or extend to, either the Walkway or Kerb Section. Approval is not guaranteed and will be assessed on a case-by-case basis. If approved, the following conditions apply. Small removable flags can be placed into holders affixed to the building if they:

- Are secure and cannot fall or blow out of the holders.
- Do not extend lower than 2.3 metres into any section of the footpath.
- Are removed at the close of business each day.
- Are kept in good condition and are removed or replaced if become faded, worn, or tattered.

Free standing flags and banners, such as tear drops, must:

- Be secured and unable to blow over or fall either onto any section of the footpath or road. (Nothing used to secure or stabilise the banner or flag should cause a tripping hazard).
- Not obstruct line of sight or flap into the path of pedestrians.
- Be removed at the close of business each day.

- Be kept in good condition and be removed or replaced if become faded or worn.

- Not exceed 2.3 metres in height.

It is recommended you speak to officers to get some advice on placement options prior to purchasing any flags or banners.



### Umbrellas

Umbrellas must only be placed in the Trading Section and must not obstruct either the Walkway or Kerb Section.

No part of the canopy of the umbrella can extend lower than 2.3 metres into any section of the footpath.

Umbrellas must be secure and stable, and not able to blow over or fall onto any section of the footpath or road. Nothing used to secure or stabilise the umbrella should cause a tripping hazard.

Branding and advertising on umbrellas should not exceed 50 per cent of the surface area.

When purchasing umbrellas consider the materials used, how much shade or weather protection they will provide, how well they will wear being exposed to the elements and how their quality reflects the business.

Umbrellas must be removed from the footpath at the close of business each day.



### Windproof Ashtrays

Where smoking is permitted under the *Tobacco Act 1987*, windproof ashtrays must be provided for patrons.

The permit holder must regularly remove cigarette litter and dispose in bins kept inside the premises.

Failure to provide suitable windproof ashtrays may result in enforcement action and possible cancellation of the permit.

Permit holders found sweeping cigarette butts into the gutter immediately forfeit all rights to trade on the footpath.



### Outdoor Heaters

Heaters may only be placed in the Trading Section and must not obstruct either the Walkway or Kerb Section.

They must be a maximum of 2.3 metres in height, secure, stable and not able to blow over or fall either onto any section of the footpath or road. Nothing used to secure or stabilise the heater should cause a tripping hazard.

All heaters must be manufactured, maintained and managed in accordance with Australian standards, including regular inspections.

Heaters that utilise portable gas bottles should ensure that guards are in place to ensure hoses and taps are inaccessible.

Pedestrians and diners should not be able to come into contact with any hot surfaces.

Any heater that becomes damaged, or is faulty, should be removed immediately.

All heaters must be removed from the footpath at the close of business each day.

The business' public liability insurance must also include cover for use of outdoor heaters.

When considering heaters, purchase ones that maximise efficiency and minimise energy use.



### Planter Boxes

Planter boxes may only be placed in the Trading Section and must not obstruct either the Walkway or Kerb Section.

They must not exceed 1 metre in height on their own, and 1.4 metre in total including the plants.

Planter boxes must be secure and stable, and not able to roll or fall. They must not be tethered to, permanent Council furniture, bins, trees, signs, or parts of adjacent properties.

Displays must be removed from the footpath at the close of business each day.

They must not be made of materials that may cause injury to pedestrians, or have any sharp edges that could cause harm.

Planter boxes should be kept free of litter or other items not intended to be in them.

Plants should be well maintained and healthy, non-toxic, low pollen producing and not have spikes or prickles.

Branding and advertising on planter boxes should not exceed 50 per cent of the surface area.

When considering planter boxes, purchase or construct ones made from strong, high quality materials that will wear well and reflect well on the business.



### General Furniture

Approved general furniture may only be placed in the Trading Section and must not obstruct either the Walkway or Kerb Section.

General furniture includes, but is not limited to, items such as a bench seat or other casual seating.

Furniture must be removed from the footpath at the close of business each day.

It must not be made of materials that may cause injury to pedestrians, or have any sharp edges that could cause harm. It should be kept in good condition and removed or replaced if it becomes damaged, unstable, or unsafe.

It is recommended that you speak to officers before purchasing general furniture to discuss placement and suitability.



## Responsibilities of the Permit Holder

Permit holders must comply with the requirements of these guidelines, and any other conditions applied.

Permit holders must maintain the required level of insurance at all times during the life of the permit.

Permit holders must agree to, and be available for, at least one annual audit and comply with any directions given to rectify breaches identified.

Permit holders must remove all items and furniture if the business ceases to operate.

Permit holders must advise new owners, on the sale of the business, that a new permit application is required before footpath trading can occur.

Permit holders who have agreements with adjacent business, must remove all furniture and items from the footpath in front of that business should the business close, ownership change, or the agreement cease.





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