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FOOTPATH TRADING POLICY

November 2015

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1.0 Introduction

This Policy is used to manage the use of public footpaths within the Darebin Municipality for commercial purposes. It acknowledges the primary role of the footpath as a pedestrian thoroughfare and the importance of clear and unimpeded access for pedestrians of all abilities.

Footpaths are also a location for community infrastructure including electricity poles, signs, public seating and rubbish bins. The footpath can also be a location for commercial and non-commercial activities like advertising boards, display of goods and outdoor cafes recognising that opportunities for these activities are limited.

The Footpath Trading Policy should be considered in conjunction with Council's General Local Law 2015, which contains provisions that enable enforcement and the Darebin Planning Scheme. Planning and Liquor Licensing controls apply to the supply and consumption of liquor on the footpath.

The policy does not address obstructing the footpath for building construction and works, festivals, street stalls, fundraising and collections or busking. These activities are governed by Council Local Law and separate policies and guidelines apply.

1.1 Policy Objectives

1. Provide a safe, clear and unimpeded path of access for pedestrians of all abilities.
2. Improve pedestrian accessibility in areas that attract high pedestrian volumes.
3. Provide for appropriate footpath trading activities that contribute to the vibrancy and economic viability of Activity Centres.
4. Enhance the urban amenity and identity of Activity Centres.
5. Ensure high quality design and finish of all footpath trading activities e.g. cafe furniture, display cases and racks and signs.
6. Ensure access is maintained to public infrastructure including items such as street furniture, signs, public transport, service pits and the roadway.
7. Improve the management of road related areas

1.2 Definitions

Footpath means the area between a property boundary and the face of the nearest kerbside of a road, which is provided for use by pedestrians.

Footpath Trading Activities means the use of the footpath for commercial gain and includes outdoor eating, display of goods and signs.

Pedestrian means any person travelling along a footpath, including people with mobility aides.

Wayfinding sign means sign providing directional information to major activities and community services.

Flags/Totems refers to the different sign types used to indicate public transport roadside stops e.g. bus and tram stops and taxi ranks.

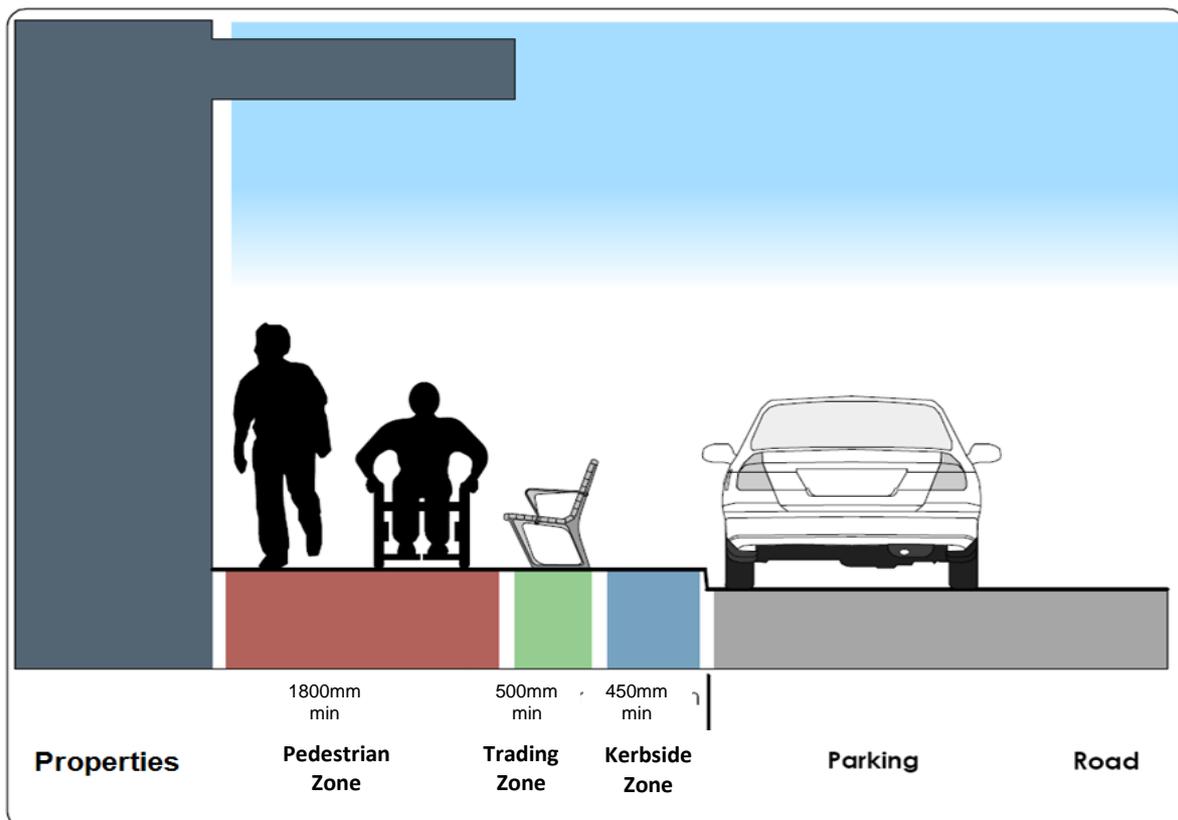
2.0 Footpath Zones and Setbacks

2.1 Footpath Zones

The footpath is defined by three zones that govern its use including the Pedestrian Zone, the Kerbside Zone and the Trading Zone.

The setbacks associated with each zone are intended to provide for pedestrian access, safe driving conditions, and access to infrastructure, public transport, the roadway and intersections. These setbacks are consistent with requirements and guidelines outlined in the *Disability Discrimination Act 1992*, the *City of Darebin Disability Access & Inclusion Strategy 2015 - 2019*, *Australian Standards for Access and Mobility (AS1428.2-1992)*, *Road Management Act 2004*, *Road Rules Victoria 1999*, *Liquor Control Reform Act 1998*, *Tobacco Act 1987*, *Planning and Environment Act 1987*, *Building Act 2003* and *Building Regulations 2006*.

Typical Section



2.1.1 Pedestrian Zone

The Pedestrian Zone is the area of the footpath adjacent to the building or property line and should provide a continuous accessible path of travel for people of all abilities. The Pedestrian Zone also includes the area above the footpath to a height of 2.4m. No items should protrude into the Pedestrian Zone.

In order to comply with both the Disability Discrimination Act and Australian Standard requirements the minimum width of a Pedestrian Zone will be set at 1.8m. The Pedestrian Zone will be reduced to 1.5m where footpaths are too narrow to accommodate a 1.8m Pedestrian Zone in accordance with Appendix 1. However, if the Trading Zone is used to display goods for sale then the Pedestrian Zone will be retained at 1.8m in width to prevent customers accessing goods from blocking the walkway.

Pedestrians must have clear access on and above this section of the footpath. A clearance of 2.4 metres should allow people to walk along safely without hitting their head on items above the Pedestrian Zone of the footpath. Some items may be allowed to overhang the Pedestrian Zone, if they are at least 2.4 metres above the footpath.

Generally the verandah height (or equivalent) will be the maximum height of items above the footpath. The City of Darebin's Outdoor Advertising Policy and Guidelines will direct the use of advertising in this area (this includes permitting fixed under-verandah signs but prohibiting moveable banners, flags etc.).

2.1.2 Kerbside Zone

The Kerbside Zone provides a buffer section between the footpath and the roadway. It also allows for access to and from parked vehicles.

The following minimum setbacks apply:

- 0.6m kerbside setback is required for Angle parking
- 0.45m kerbside setback is required for Parallel parking

2.1.3 Trading Zone

The Trading Zone is the area between the Pedestrian and the Kerbside Zones that has been allocated for footpath trading activities. The Trading Zone varies according to the width of the footpath and other conditions that may influence it and may not always be available.

An application for use of the Trading Zone that is adjacent to an intersection (may affect 2 – 3 properties within the vicinity of an intersection), will be assessed by Council's Traffic Engineer to determine the required setbacks.

2.1.4 Setback Requirements

There are a number of standard setbacks that apply to the Article Section:

| Conditions | | Setback |
|-------------------|---|--|
| 1. | Setback of Trading Zone from property front | 1.8m (minimum) * |
| 2. | Setback of Trading Zone from Kerbside (Kerbside Section) | 0.6m * |
| 3. | Setback of Trading Zone from adjoining property boundary (Access Section) | 0.45m |
| 4. | Setback of footpath trading items from infrastructure e.g. street trees, rubbish bins, bicycle racks, public seating, telephones, wayfinding signs, fire hydrants | 1m |
| 5. | Setback of permanent cafe screens from service pits (underground infrastructure) | 1m |
| 6. | Setback of Trading Zone from Bus Stops | Prohibited in the area from the bus flag to 9 metres on the approach to the bus flag/totem |
| 7. | Setback of Trading Zone from Tram Stops | Prohibited in the area from the tram flag to 20 metres on the approach to the tram flag/totem* |
| 8. | Setback of Trading Zone from parking spaces for people with a disability | 1.6m |
| 9. | Setback of Trading Zone from Loading Zones | 0.6m * No permanent or temporary cafe screens permitted |

| Conditions | | Setback |
|------------|--|--|
| 10. | Setback of Trading Zone from Taxi Ranks | Prohibited in the area from the taxi totem/flag to 6 metres on the approach to the taxi totem/flag * |
| 11. | Required Clearances for properties adjacent to intersections and crossovers (may affect 2 – 3 properties near an intersection) | To be assessed by Council's Transport Management Officer |
| 12. | Public Transport Super stops and kerb outstands | To be assessed by Council's Transport Management and Planning officers |

*Dispensations may apply

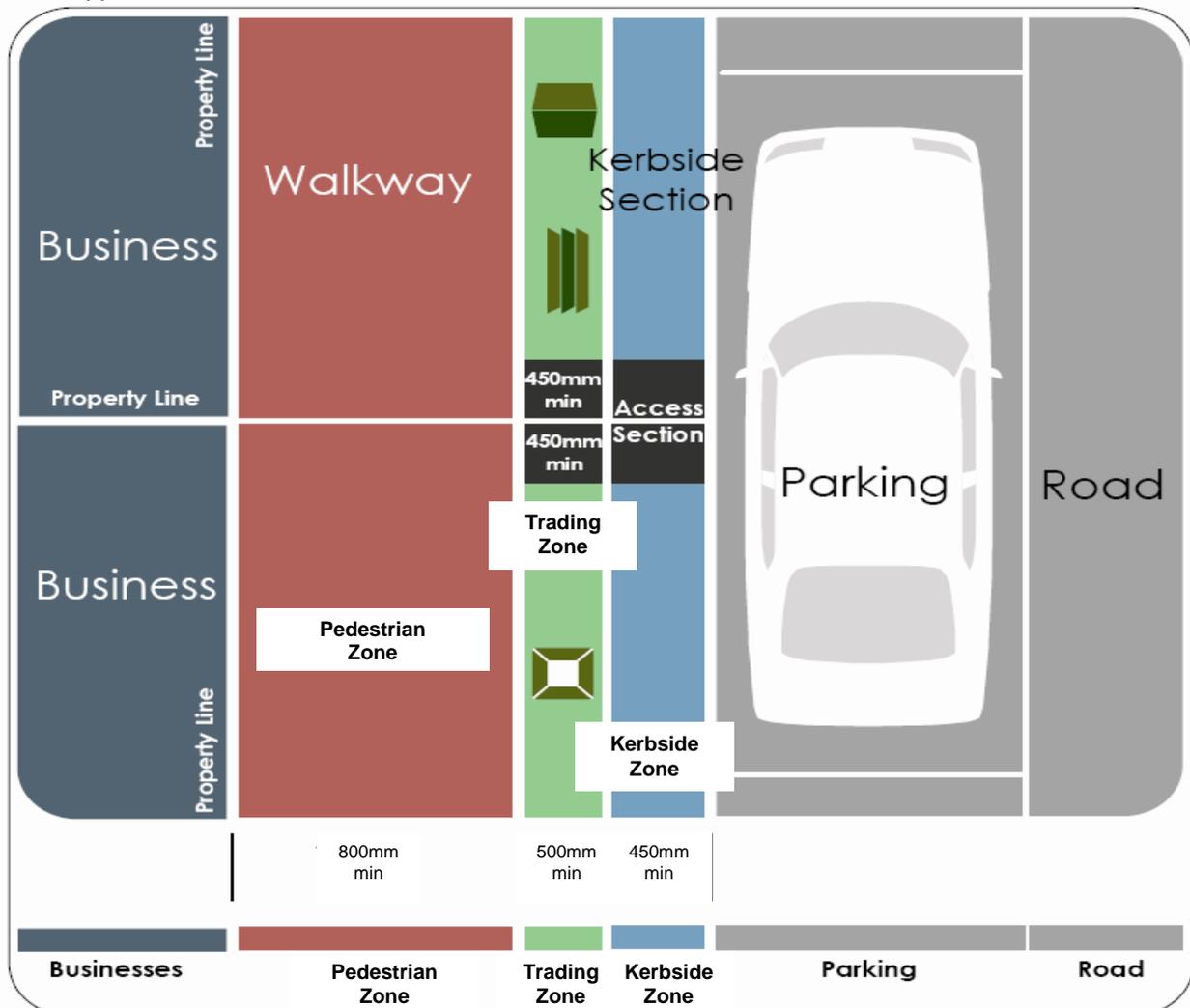
2.1.5 Access Section

To ensure that pedestrians can easily and safely access footpaths from the road there will be designated Access Points between each business. No fixed or temporary items/structures may be placed within the area set aside for an Access Point.

The Access Section must be a minimum of 0.9m in width.

Generally additional Access Sections will be located approximately every ten metres.

Typical Plan



3. Operation and Design Guidelines

3.1 General Requirements

Footpath trading activities must:

- a) Only be placed in the Trading Zone of the footpath and where applicable within Council installed markers.
- b) Positively contribute to the amenity of the area.
- c) Not impact detrimentally on people or property in the neighbourhood because of unreasonable noise caused by patrons, amplified music, litter and a lack of cleanliness of the area.
- d) All activities placed within the Trading Zone must align to the boundary adjacent to the Kerbside Zone to maximise the amount of space for pedestrian movement.
- e) Not be of a permanent nature or of a fixed installation (with the exception of approved cafe screens).
- f) Be of a high quality design, construction and finish that Council considers attractive and will complement the character of the streetscape and contributes to the visual and urban amenity of the area.
- g) Be of sturdy and safe construction.
- h) Not include sharp, protruding or moving parts.
- i) Not be fixed to any Council or other infrastructure.
- j) Not cause damage to the footpath.
- k) Not be illuminated, reflective, flashing or animated in any way or can be mistaken for a traffic sign.
- l) Does not obstruct a driver line of sight, distract or confuse a driver.
- m) Must be maintained to an appropriate standard at all times as determined by Council.
- n) Only be placed on the footpath during the normal trading hours of the business.

3.2 Advertising Boards (A-Boards)

- a) A-Boards may be allowed only in the Trading Zone of the footpath and not against the building line or shop front.
- b) A maximum of one (1) A-Board per ground floor rateable property. Where a property has multiple frontages on different streets or roads e.g. properties located on intersections Council will consider (1) one A-Board for each different street frontage. This does not apply to properties that have multiple adjoining street frontages on the same street or road e.g. a double fronted property.
- c) Council will consider the location of one (1) A-Board adjacent to an access for properties that are located upstairs, downstairs or to the rear of the property. Council **will not** permit additional A-Boards for properties occupied by multiple tenants that share a common access.
- d) Only be placed on the footpath during the normal trading hours of the business.
- e) Must not exceed a total height of 1.2m and total width of 0.75m.
- f) Must be removed from the footpath during unsuitable weather conditions e.g. excessive wind.
- g) Must be of a design and construction approved by Council.
- h) Must not cause undue obstruction for pedestrians or road users.

- i) Must not contain information that Council considers offensive or is illegal or offensive.
- j) A-Boards are for advertising, however no additional advertising material should be attached to the board (i.e. balloons, banners, streamers etc.)

3.3 Display Cases and Racks

- a) Display cases and racks must be designed specifically for display purposes.
- b) Must be safe, sturdy, and windproof.
- c) Must be setback to the kerbside zone.
- d) Must be setback 300mm from the Pedestrian zone to prevent customers accessing goods from blocking the walkway.
- e) Display cases and racks must be secured by a Council approved locking device.
- f) Should be designed to prevent damage to footpaths.
- g) Must be of a design and construction approved by Council.
- h) Should not cause tripping points to pedestrians.
- i) Should not be of a material that will easily deteriorate or discolor.
- j) Must be removed after trading hours (no permanent displays will be considered)
- k) Council will not permit improvised devices such as shopping trolleys, milk crates, laundry baskets, moving trolleys and market style shopping carts.
- l) The maximum dimensions for a display case and/or rack inclusive of product are: Height – 1.2m Length – 1.8m Width – 0.75m
- m) There is a maximum limit of two (2) display cases or racks in front of any one property. Council will consider applications for more than 2 display cases or racks where a property has multiple frontages or a frontage that exceeds 6m.
- n) Goods can only be displayed in an approved display case or rack and not placed directly on the ground.
- o) Display cases and racks to be free of all coverings.
- p) Display of foodstuffs must comply with Council's Health requirements.
- q) Goods for sale must be in the Article section of the footpath.
- r) The walkway width must be kept to a minimum of 1.8 m in areas where the article section contains goods displayed for sale.
- s) Goods displayed must be for sale and not for storage purposes

3.4 Outdoor Dining Areas - General

- a) All items associated with outdoor dining areas including tables and chairs, umbrellas, cafe screens, and outdoor heaters may only be placed outside a premises registered under the *Food Act (Vic.) 1984* to serve food and/or beverages. It is the responsibility of the applicant to show evidence of current registration.
- b) The outdoor dining area is to be kept clean and tidy at all times.
- c) All items are to be placed in the Trading Zone only and the business must monitor and relocate items that may be moved by patrons into the Pedestrian, Kerbside and Access Sections.
- d) Ensure that patrons do not move furniture or block the Pedestrian Zone with chairs and their own items e.g. prams and pets when using the area.
- e) For safety reasons, where the Trading Zone is narrow (1m in width) no chair should back onto the Pedestrian Zone.

- f) Waiting staff at the premises must prioritise and facilitate access by all footpath users.
- g) Liquor is not to be sold, consumed or served within the Article Section unless in accordance with a liquor license. Any premises where alcohol is served or consumed on the footpath must include the footpath as part of the “licensed area” on its liquor licence and evidence provided when applying for a Footpath Trading Activities permit.
- h) Cash registers, counter, waiting stations, storage facilities or other items of this nature are not permitted on the footpath.
- i) No food or drink is to be prepared, cooked or heated on the footpath.
- j) The applicant will reimburse Council the cost of reinstating any damage to the footpath or nearby Council infrastructure as a result of the applicant’s use of the footpath area.

3.5 Tables and Chairs

- a) Must be safe, sturdy, portable and windproof.
- b) In order to prevent damage to the footpath, items must:
 - a. have a minimum 30mm, diameter solid leg in areas where the pavement is of asphalt construction
 - b. have rubber stoppers on legs in all other locations
- c) Must be of a design and construction approved by Council.
- d) Should not be of a material that will easily deteriorate or discolor.
- e) Must be removed after trading hours (no permanent furniture will be considered)
- f) Should be placed perpendicular with the road (and not placed with the back facing the road if there is no screen)
- g) Stools are permitted provided the above design criteria is met

3.6 Umbrellas

- a) Must provide an underside clearance from the footpath of 2.1m.
- b) Must not extend beyond the Trading Zone.
- c) Must not be used under/beneath verandahs.
- d) Must be removed from the footpath during unsuitable weather conditions e.g. excessive wind.
- e) Rain water from umbrellas should be discharged outside the “Pedestrian Zone”.
- f) Must not cause undue obstruction for pedestrians or drivers.
- g) The design must include an appropriate locking device that is flush to the footpath surface. The footing installation shall be capped or fitted with a cover such that any openings in the footpath, when the umbrella is removed, do not form a trip hazard. The design must comply with the requirements of AS1482.1 Section 7. The device should be inserted no deeper than 350mm into the footpath. Sandbags, bricks and improvised devices are not permitted. Ring “Dial before you Dig” before conducting works on Council’s footpath. Traders will need to appoint a suitably experienced and qualified contractor to undertake the works.
- h) Business identification and promotional advertising on umbrellas must not exceed 50% of the total area of umbrella.
- i) Promotional advertising to be limited to products or services sold by the business excluding tobacco, alcohol, gambling or any offensive material. Other information and photography are not permitted



3.7 Café Screens

Cafe screens generally delineate an outdoor cafe area and provide a level of protection from the wind and weather. Council allows either fixed glass screens or temporary canvas style cafe screen designs. Glass cafe screens are of a fixed nature e.g. do not require removal outside trading hours and canvas cafe screens are installed during trading hours only.

Fixed Screens

- a) Must only be associated with the use of the footpath for an outdoor eating area.
- b) Must be a fixed height of 1.5m. A screen must provide some protection to patrons from the wind and weather.
- c) Fixed screens must secure to a lock in device. The device should be inserted no deeper than 250mm into the footpath. Sandbags, bricks and improvised devices are not permitted. Ring "Dial before you Dig" before conducting works on Council's footpath.
- d) Must be positioned in the Trading Zone of the footpath.
- e) If glass is used it must contain transparent panels of toughened safety glass or equivalent that will be fire resistant and not easily deteriorate or discolour.
- f) Must be of a stable and safe construction and installation.
- g) The design is limited to one section located parallel to the roadway and may include fixed end sections or folding end panels.
- h) Design effects that limit screen transparency in anyway are not permitted.
- i) If the screen is not marked by either advertising or a decorative pattern, a horizontal colour strip must be provided approximately 1.4m above the footpath to be visible for vision impaired people.
- j) Business identification and promotional advertising on cafe screens must not exceed 25% and be restricted to the lower part of the screen.
- k) Promotional advertising to be limited to products or services sold by the business excluding tobacco, alcohol, gambling or any offensive material.
- l) The writing of menu's and specials is restricted to the end sections of fixed glass café screens and must be positioned below 1.2m, be hand written with a removal marker and be specific to menu items, costs and daily specials only.

- m) Fixed screens must be maintained free of damage at all times and cleaned regularly. Any failure to maintain the fixed screen including immediate replacement when scratched, cracked or broken and repair of damage to the frame structure will result in cancellation of the permit and removal of the screen at the applicant's cost.
- n) If a permit lapses, and the fixed screen is not removed from the Article Section, Council will remove the screen at the applicant's cost.
- o) The applicant will reimburse Council the cost of removing a fixed screen, and repairing or replacing any damage to the footpath or nearby Council infrastructure as a result of the applicant use of the footpath area.

Temporary Cafe Screens

- a) Must only be associated with the use of the footpath for an outdoor eating area.
- b) Must not exceed a total fixed height of 0.9m.
- c) Must be positioned in the Trading Zone of the footpath.
- d) Temporary Cafe Screens may be secured by sandbags. Improvised devices are not permitted.
- e) Business identification and promotional advertising on cafe screens must not exceed 25% of the total area of each panel of the cafe screen.
- f) Promotional advertising to be limited to products or services sold by the business excluding tobacco, alcohol, gambling or any offensive material.
- g) Must be constructed from durable material.
- h) Must not be a fluorescent, neon or reflective colour.
- i) Only be placed on the footpath during the normal trading hours of the business.
- j) The applicant will reimburse Council the cost of removing the lock in device and repairing or replacing any damage to the footpath or nearby Council infrastructure as a result of the applicant's use of the footpath area.



3.8 Blinds and Awnings

Note: A Building Permit is required

Blinds and awnings are generally attached to building verandahs for the purpose of providing shade and protection to the footpath area, e.g. outdoor café or produce (i.e. meat or other food stuffs displayed in the window). Inappropriate and excessive use can detrimentally impact on the desired character safety and function of streets.

Blinds and awnings may only be installed under verandahs or balconies as ancillary to the more permanent verandah or balcony.

A blind or awning must not without Council consent project beyond the street alignment –

- a) more than 2.4m and
- b) at any height less than 2.4m above the level of the footpath
- c) must not be used in conjunction with or attached to a screen or display case

Other Requirements

- a) Must be fixed firmly in position when down to avoid extensive 'flapping', and so that any sharp exposed plastic edges are protected. Ground level restraints have to be designed and constructed so as to avoid hazardous situations.
- b) Must be rolled up or removed:
 - Outside trading hours.
 - When the weather does not warrant their use.
 - As frequently as possible to avoid 'closure' and cluttering of the streetscape.

3.9 Outdoor Heaters

Applications for outdoor heaters that are attached to the verandah will need to comply with the requirements of Energy Safe Victoria where installations must comply with the Gas Safety Act, Gas Safety (installation) Regulations and AS5601.1. This standard covers the minimum heights, ventilation requirements and offsets from combustible materials etc.

The installation of outdoor heaters is regulated by the VBA (plumbing division) which requires the installer to be licenced and a registered practitioner.

Portable heaters must comply with the following

- a) Australian standard AS 1596.
- b) Be located within the Trading Zone.
- c) Gas bottles are to contain no more than 12 kilograms of LPG.
- d) No more than 50 kilograms of LPG can be stored on your business premises at any one time.
- e) All reasonable precautions are to be taken to prevent accidental injury to any person as a result of the use of these heaters.
- f) Only heaters that provide a low centre of gravity so as to be stable and have safety guards so that hot elements, controls and gas lines are not openly accessible or exposed.
- g) Heaters need to comply with any relevant code of practice for safety, use and storage.

Copies of the relevant Australian Standard AS 1956 is available from:

Standards Association
1st Floor, 19-25 Raglan Street
South Melbourne 3205
Phone (03) 9693 3555

- h) Must only be located in the Trading Zone of the footpath.
- i) Should provide a positive contribution to the amenity of the street.
- j) Must be safely fixed.
- k) Moveable heaters (or at least the gas supply) must be removed after hours.
- l) Heaters should not be allowed if they are not serving patrons who are dining on the footpath.
- m) Must be of adequate height above patrons (at least 2.1m)
- n) Other heating devices may be considered subject to Council approval

3.10 Speakers

- a) Speakers and speaker systems are not to be installed outside the shop. They must be located entirely inside the shop and situated not less than three metres from any public entrance.

3.11 Planter Boxes

- a) No permanent planter boxes are permitted.
- b) Must contribute to the improved visual amenity of the area.
- c) Must not exceed 1.2m in height about the footpath level (inclusive of plant).
- d) Planter boxes on wheels must include a wheel locking device approved by Council.
- e) Plants must be kept healthy and well maintained.
- f) Planter boxes must be kept free of all litter including cigarette butts.
- g) Advertising on planter boxes is not permitted.
- h) Must only be located in the Trading Zone of the footpath.

3.12 Windproof Ashtrays

Windproof ashtrays must be provided for patrons at all times. The permit holder is required to regularly remove all cigarette butts and dispose of them in bins kept inside the premises. Failure to provide suitable windproof ashtrays may result in the cancellation of the permit.

Business operators must maintain the area clean and free of litter including cigarette butts

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

Traders with outdoor dining facilities are responsible for ensuring that the Walkway section is kept free of patrons congregating in front their establishment. Complaints about litter and or cleanliness may result in the operator losing access to trade on the footpath.

3.13 Toilet and Sanitary Facilities

Outdoor dining increases the overall customer seating capacity of the premises. The establishment should therefore have adequate and accessible toilet facilities for the use of customers and staff. The Building Code of Australia provides guidance on what is considered an adequate number of toilets. The Building Regulations require toilet facilities to be provided for patrons (including patrons with disabilities) and staff of restaurants, cafes and bars.

Before submitting an application for a **new** permit, the applicant must ensure that adequate toilet facilities are provided for the maximum allowable number of patrons capable of being seated inside and outside of the premises. Additionally, it is important to note that the introduction of outdoor dining will increase the overall number of patrons. To accommodate this increase, it may be necessary to upgrade the existing toilet facilities and include accessible toilets.

The following table provides guidance about the required sanitary conveniences for the maximum allowable number of patrons.

| Seating Capacity | Number and ratio of toilet facilities | | | |
|------------------|---------------------------------------|---------------|---------------|-----------|
| 0 - 20 | Customer Toilet not required | | | |
| 21 – 50 | Females: | 1 closet pan | 1 wash basin | |
| | Males: | 1 closet pan | 1 wash basin | |
| 51 – 100 | Females: | 2 closet pans | 1 wash basin | |
| | Males: | 1 closet pan | 1 wash basin | 1 urinal |
| 101 – 200 | Females: | 3 closet pans | 2 wash basins | |
| | Males: | 1 closet pan | 2 wash basins | 2 urinals |
| 201 – 300 | Females: | 4 closet pans | 2 wash basins | |
| | Males: | 2 closet pans | 2 wash basins | 3 urinals |

3.14 Hygiene and Cleanliness

To ensure the hygiene and cleanliness of footpath areas is maintained, the following standards apply:

- a) Litter must be cleared from the trading area by the permit holder at all times.
- b) Food scraps and any other rubbish within the immediate area must be removed and deposited within the permit holder's own bins kept within the premises.
- c) Windproof ashtrays must be provided and made available during hours of trading for patrons wishing to smoke within the footpath trading area.
- d) Litter generated by footpath trading must not be swept into the street gutter, or adjacent footpath areas. It must be picked up and deposited within the permit holder's own bins kept within the premises.
- e) Trade waste must not be placed in public street bins.
- f) Screens and awnings must be kept clean and in good repair.
- g) The preparation, handling and serving of food and drinks to patrons located on the footpath must be conducted in accordance with the relevant food safety requirements.
- h) For more information visit www.foodsafety.vic.gov.au or contact Council's Public Protection Unit on 8470 8888.

- i) The Council's street cleaning services operate in the early morning to ensure minimum disruption to local businesses. However, the permit holder has a responsibility to keep the street and footpath clean and must work with the Council to ensure this is achieved.

3.15 Real Estate Agent Signs (Pointer Boards)

- a) The placement of temporary real estate agent signs requires an A-Board Permit. Real estate agents may be granted a permit for signs (pointer boards) to be placed on the nature strip at or near a property for which the agent is acting.
- b) A permit must be obtained for each real estate agency prior to using signs/pointer boards on public land.
- c) No sign may be placed on the road, on any roundabout, traffic island or garden bed, or where it creates any hazard to pedestrian or vehicle safety.
- d) Real estate agent signs (pointer boards) are only to be placed within two hours of the activity that they are advertising, and removed within two hours after the activity has ceased. ('Corflute' style pointer boards or similar are not to be attached to any Council controlled assets)

4. General Management

4.1 Application Process

The use of a Council footpath for footpath trading activities is determined by this Policy and related legislation and permissible only through the issue and compliance with a Footpath Trading Permit.

The first step in obtaining a permit is to complete and submit the application form. Council will then assess the application in accordance with this policy. Council officers will contact the applicant to discuss conditions and modifications if required. If the application complies with the policy then a permit may be issued. A permit becomes valid once the application is approved and total fee paid. All approved permit holders will be sent a sticker which must be displayed in the front window of the business to show that they have a current permit.

4.2 Information to be included with Application

The Application should be accompanied by the following information to enable Council officers to commence the assessment process:

A copy of the current planning permit (only applies to outdoor dining applicants): or written advice from the Council's Statutory Planning Unit indicating that a planning permit is not required for the proposed or existing use of the premises.

Site plan of existing conditions: a plan at scale 1:100 accurately showing the width of the building frontage, the footpath from the outside edge of the kerb to the building line, location of building line and the type of abutting properties, existing trees, light poles, signs, existing street furniture, pits, fire hydrants, car parking and other features. All dimensions associated with the footpath area should be shown.

Site plan of proposed footpath trading activity: a plan at scale 1:100 accurately showing the area and layout of the proposed footpath activity. This includes the proposed location of chairs, tables, screens, heaters, umbrellas, advertising signs, etc.

Photographs of the site: clearly showing the proposed footpath trading activity zone relative to buildings and existing features in the footpath area.

Details of furniture: colour photographs or detailed design drawings of proposed furniture to be used including screens, planter boxes, heaters and umbrellas.

Details of advertising: a colour photograph or detailed design drawings of any proposed advertising logo, and clear indication of its size and all locations within the trading zone.

Public Liability Insurance: Covered by Council **and included in the Permit fee**

Copy of Liquor Licence: including plan of licensed area.

Letters of consent: in writing from the owner and/or occupier if the applicant wishes to operate from in front of the adjacent property. This permission must be submitted to Council each year.

Any other relevant details where applicable including;

- a) Current registration to serve food and/or beverages under the Food Act (Vic.) 1984.
- b) Liquor license that includes the footpath as part of the “licensed area” when alcohol is to be consumed or served in this area.
- c) If an application includes advertising on a cafe screen, Council requires photographs of the external business premises (front and sides as applicable) showing all advertising in context with the building.
- d) Council officers may request additional information.
- e) Council will consider the relocation of street furniture including public seating, bicycle racks and rubbish bins on the following basis:
 - Council officers are able to locate an alternative and suitable location.
 - If the applicant can find an alternative location and obtain approval from affected parties.
 - The applicant agrees to the up-front cost of relocation.
 - The relocation of street furniture can be a time consuming activity and applicants should be aware that an alternative location may not always be available or achieved in the timeframe desired by the applicant or not at all.

4.3 Annual Permit

- a) Council only issues annual permits and all permits expire on 30 June each year.
- b) Council will send current permit holders a renewal application however renewal is not automatic and it is the applicant’s responsibility to complete and submit the renewal application within the appropriate timeframe to avoid the permit lapsing.
- c) Annual permits are not transferrable.
- d) Permits are only valid during the hours the premises is open for business.
- e) Council may revoke a permit in the event that the applicant breaches the conditions prescribed in the policy (see 4.6 Compliance) or:
 - A change in a law or regulation that impacts the conditions upon which the permit was issued.
 - Council may be required to make changes i.e. car parking, roadworks or footpath improvements that may impact the conditions upon which the permit was issued.
- f) Under defined conditions outlined in Section 2. Footpath Zones and Setbacks, Council will consider dispensation. Dispensation can only be issued by Council and the reduced widths will be specified in the permit.

4.4 Transition Period

- a) Existing permit holders that are impacted by the policy changes listed below will not be required to comply with the new policy provisions until 1 July 2016.

4.5 Compliance

At different times Council will inspect footpath areas to ensure permit holders are complying with this Policy and the related statutory requirements. Council also responds to complaints made about footpath obstructions from local residents, visitors and businesses. Compliance action will be taken in the event that Council learns a permit holder is in breach of this policy and the permit issued.

Council can issue notices, on the spot fines, revoke a permit, impound items or take Court action for any breach to this Policy or offences under Council's Local Laws.

Depending on the seriousness and regularity of the breach, the general process for compliance consists of:

1. Verbal warning
2. Notice to comply
3. Penalty Infringement Notice

A Penalty Infringement Notice will result in the cancellation of the permit and restrict eligibility to obtain another permit for a minimum of twelve (12) months from the date the permit is cancelled.

5. Fees

- a) Council charges annual fees for the placement of items on the footpath as per the schedule of fees below.
- b) New applications that have never been issued a permit by Council will be issued at half the fee prescribed in the schedule of fees when the application is received from 1 January to 1 June.
- c) Once approved, Council does not issue fee refunds unless Council has been required to cancel the permit due to a change in a law or regulation that impacts the conditions upon which the permit was issued.
- d) Council charges a fee to transfer a Footpath Trading Permit from one permit holder to another.
- e) Fees are reviewed annually as part of Council's budgeting process.

Appendix 1 Footpath Widths

Darebin has many narrow footpaths and to balance the use of footpaths for trading/activity the preferred minimum of 1.8m is not always required. Footpath widths impact on the consideration of an application. If a footpath is wider than 3.5m, a clear walkway of at least 1.8m must be provided. Footpaths that are below 3.5m wide must provide for 1.5m of clear walkway.

The following table provides an indication of the width for the main retail centres of Darebin. Many footpaths have a total width of less than 3.5m and therefore may provide a minimum Walkway Section width of 1.5m.

There may be some disputes about the actual width of a footpath in front of a specific business. Generally it is the responsibility of the applicant to measure the footpath. Footpaths do vary in width and in some circumstances Council may be required to conduct a site visit and measure the footpath.

| Retail Centre | Footpath Width* | Width of Kerb Zone | Minimum required for Pedestrian Zone | Width of Trading Zone (for temporary items) | Width of Trading Zone if 1.8m was required |
|---------------------------------------|-----------------|--------------------|--------------------------------------|---|--|
| High Street, Westgarth (East Side) | 2.8m | 0.45m | 1.5m | 0.85m | 0.55m |
| High Street, Westgarth (West Side) | 2.9m | 0.45m | 1.5m | 1.05m | 0.75m |
| High Street, Northcote (East Side) | 2.7m | 0.45m | 1.5m | 0.75m | 0.45m |
| High Street, Northcote (West Side) | 3.7m | 0.45m | 1.5m | 1.45m | 1.15m |
| High Street, Thornbury (East Side) | 2.8m | 0.45m | 1.5m | 0.85m | 0.55m |
| High Street, Thornbury (West Side) | 2.7m | 0.45m | 1.5m | 0.95m | 0.65m |
| High Street, Preston (East Side) | 3.3m | 0.45m | 1.5m | 1.35m | 1.05m |
| High Street, Preston (West Side) | 3.3m | 0.45m | 1.5m | 1.35m | 1.05m |
| Broadway, Reservoir (North Side) | 4.0m | 0.45m | 1.8m | 1.75m | N/A |
| Broadway, Reservoir (South Side) | 4.1m | 0.45m | 1.8m | 1.85m | N/A |
| Edwardes St, Reservoir (North Side) | 3.8m | 0.45m | 1.8m | 1.55m | N/A |
| Edwardes St, Reservoir (South Side) | 4.3m | 0.45m | 1.8m | 2.05m | N/A |
| Station Street, Fairfield (East Side) | 3.9m | 0.45m | 1.8m | 1.65m | N/A |

| Retail Centre | Footpath Width* | Width of Kerb Zone | Minimum required for Pedestrian Zone | Width of Trading Zone (for temporary items) | Width of Trading Zone if 1.8m was required |
|---------------------------------------|------------------------|---------------------------|---|--|---|
| Station Street, Fairfield (West Side) | 3.9m | 0.75m | 1.8m | 1.35m | N/A |

*(includes top of kerb approximate 0.1m in width)

Note: Every effort has been made to determine the accurate widths of footpaths in retail centres.