

City of Boroondara

COMMERCIAL STREET FURNITURE GUIDELINES

Prepared by the Local Laws Department
Approved by Council at its meeting on 26 February 2001
Updated July 2011

Supplementing Amenity Local Law Part D



The City of Boroondara

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360 Burwood Road Hawthorn 3122

Camberwell Office
8 Inglesby Road Camberwell 3124

Kew Customer Service Centre
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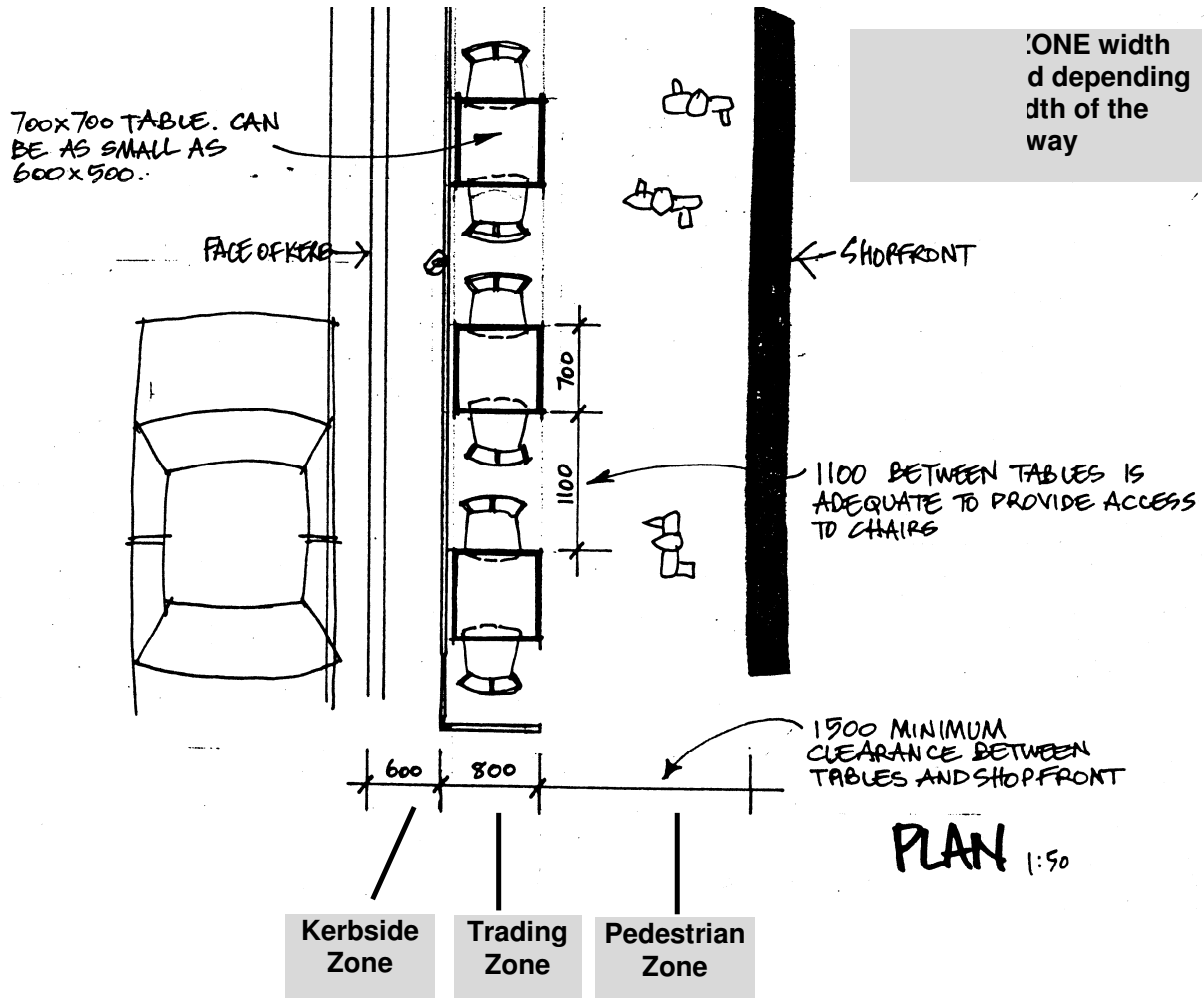
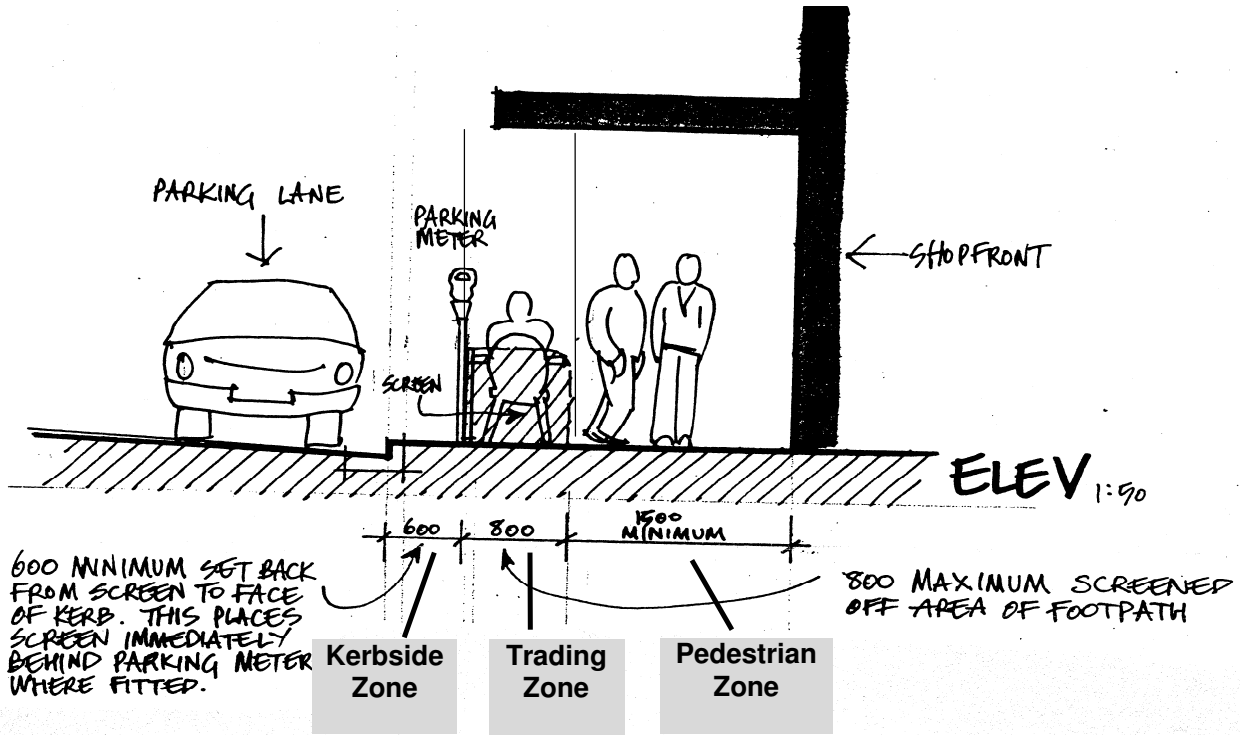
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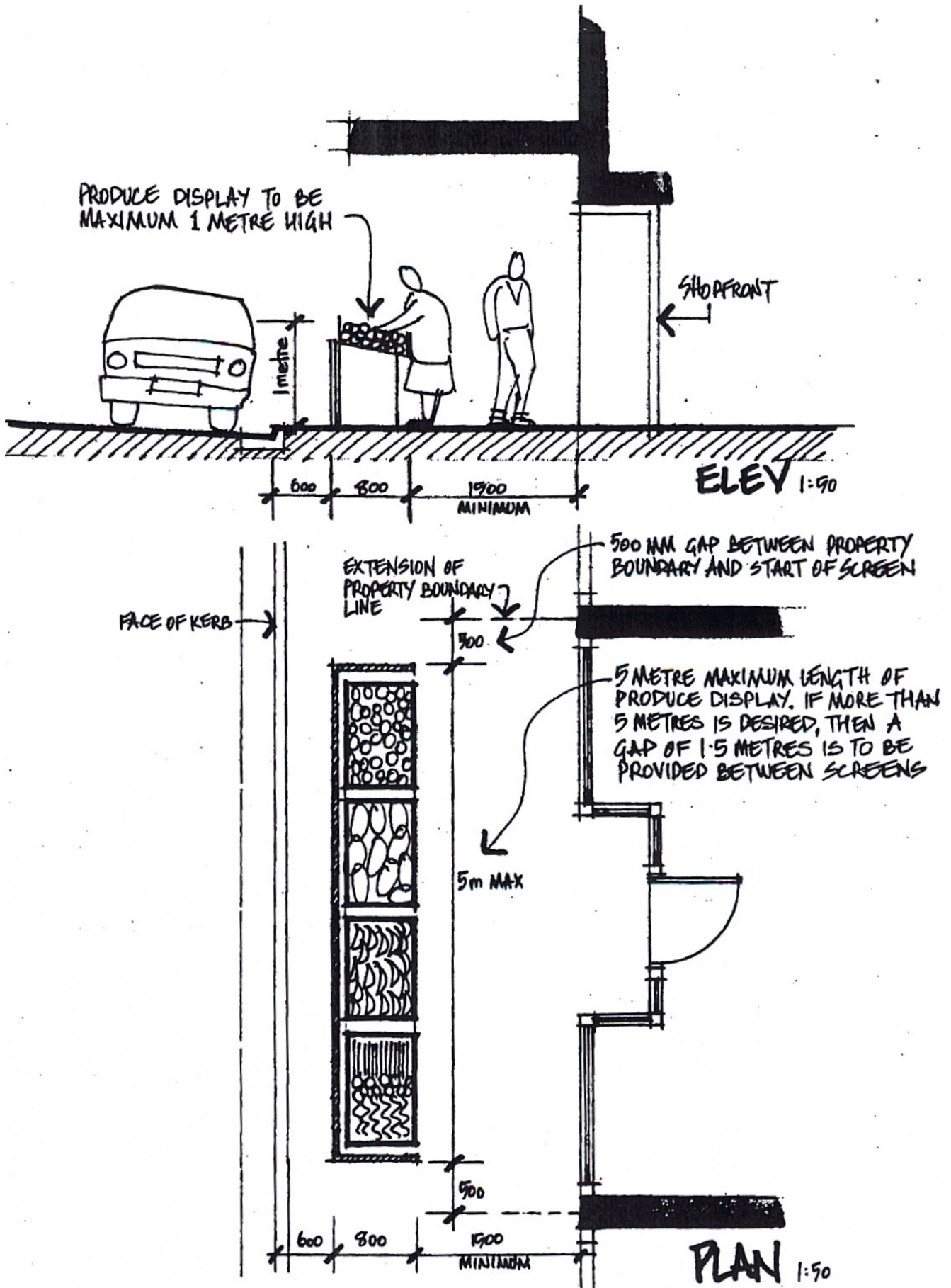
www.boroondara.vic.gov.au

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Footway zones (Café)



Footway Zones (Goods)



Fees

(Note transition period under Enforcement, page 15)

The fees Council collects help to defray the costs of inspections by the dedicated Commercial Street Furniture Officer. He will liaise with shopkeepers prior to their application for a permit, and then visit the premises to ensure the policy conditions can be met. Education and negotiation are the key words here. The officer will assist traders to comply with the guidelines through constructive advice and supportive comments. Random and frequent inspections will be made to ensure that all necessary licences have been obtained, and that licence conditions are being adhered to, but with the stated aim of helping the trader comply with the guidelines, rather than punishing him for non-compliance. The licence-holder may receive a written report if the Officer determines **One-off** that licence conditions have been breached, and the officer will then assist the trader to rectify the situation.

- **First-time application - \$64.00**
- **Transfer (eg: shop relocation with no changes to licence) - \$64.00**
- **Real estate agents (portable signs) - \$250.00 per year per company**
- **Portable signs - one square metre***
- **Display of goods - per square metre***
- **Cafes - per square metre***
- **Barbecues and food sampling - per square metre***
- **Directory boards - one-off \$320.00 per entry**
- **Fingerboards - one-off \$320.00 per entry.**

* **Per square metre fee based on the unimproved capital value of the median price of the land within the shopping centre multiplied by 5%, but with a fee cap of \$240.00 per square metre. The minimum fee per square metre is \$110.00.**

Fees - Burke Road Camberwell

Licence fees will reflect the trading differences in the shopping centres. High-return centres, such as in parts of Burke Road, Camberwell and the Market Plaza at rear, will cost more per square metre, as will parts of Glenferrie Road, Hawthorn.

These are only areas where the licence fee per square metre, for the commercial use of a community asset, is more than the minimum **\$110.00**. All other shops will pay the minimum fee per square metre.

The shopping centre plans on pages 7 and 8 illustrate the various rate value areas. Fees in these areas are based on a calculation of median unimproved capital value (UCV) per metre multiplied by 5% but with a cap of **\$240.00** per square metre. (Figures from Boroondara's Valuations Department.)

Shopping centre	Median unimproved capital value per square metre	UCV x 5% (per m ² per annum)	Fees Effective 1 July 2011
Burke Rd (part of) Camberwell	\$5,000	250	\$240.00
Glenferrie Rd (part of) Hawthorn	\$3,000	150	\$183.00
All other areas			\$110.00

Burke Road



City of Boroondara Location Map



Rate Value

■ \$4500p/m2

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Glenferrie Road



City of Boroondara Location Map



Rate Value

■ \$3000p/m2

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What do I get for my money?

When a license is granted, licensees gain the use of public land for a commercial activity. In most cases they receive added exposure for their businesses in the retail area. The fees are based on the rental value of a square meter within each shopping centre, with a minimum fee of **\$110.00**, and compare favorably with other commercial rental costs in shopping centers.

Public Liability Insurance is provided to the permit holder which is limited to activities sanctioned by the permit and only applies if those activities are carried out strictly in accordance with the guidelines and any special conditions applicable (which, if any, are stated on permit).

A license sticker indicating what activities the license permits will be issued, to be adhered to the front window of the premises, or in another conspicuous place. In the case of cafes the sticker will indicate the number of tables and chairs allowed under the license.

How will my application be assessed?

The Commercial Street Furniture Officer (“the Officer”) will assess each application on its own merits. Generally speaking, if the application satisfies the guidelines, and the FOOTWAY ZONING PLAN as set out on page 5 and 6 of this document, a licence may be issued.

However, under no circumstances will a license be granted for an application that does not meet the guidelines.

When assessing applications, Council will give particular consideration to the following criteria:

The application must meet the policy conditions and:

- must not negatively impact on the streetscape and appearance of the area;
- must not negatively impact on vehicular traffic flows and safety;
- must not negatively impact on pedestrian movement and safety;
- must not prejudice any proposed road widening, installation of traffic lights, building setback or a Council planning policy; and
- must take into account any relevant urban design guidelines or health and safety issues.

Trading zone

Based on the average footway width of 2.9 meters, a typical **TRADING ZONE** will be 800mm wide and will usually be located 600mm in from the kerb in front of the business premises. The width of these zones may be varied at the discretion of the Officer depending on the total width of the footway. (See Footway zone plan on pages 5 and 6).

Areas such as courtyards and plazas will be assessed on an individual basis.

Traders should place items of commercial street furniture in this zone on the footway, enabling Council to conform with the requirements of the Australian Standards AS1428.2 and the Disability Discrimination Act 1992.

Pedestrian zone

This is the area immediately adjoining the shop front in which traders have historically displayed goods, tables, chairs and signs. Although Council recognises that this may be the preferred location for some traders, this practice has generated the greatest number of complaints. Most complaints relate to signs, goods or cafes narrowing the footway, forcing those with sight difficulties or those who use a cane, to zigzag along the footway trying to avoid obstacles outside shop windows.

The zone will provide an uninterrupted, accessible path of travel with a minimum width of 1.5 meters for at least six meters between the shop front and the **TRADING ZONE**. After that distance, the minimum width should be increased to 1.8 meters for a distance of 1.6 meters.

No commercial street furniture will be permitted immediately in front of any premises.

To address these issues Council will only allow commercial street furniture items such as goods, signs, and tables and chairs, to be placed in the **TRADING ZONE**.

Kerbside zone

This zone will create a safety buffer between the face of the kerb and any commercial street furniture.

The following minimum clearances will apply at:

- **Parallel Parking Bays** **600mm**
This distance will allow passengers to safely open doors of vehicles without coming into contact with commercial street furniture, and also provide sufficient space for the passenger to safely alight without being obstructed.

- **90 degree Parking**
800mm
The additional clearance is required to allow the front of a vehicle to overhang the footway when parking at a 90-degree angle-parking bay.

- **Disabled Parking Bays** **1000mm**
This clearance will provide a safe area for disabled persons to load/unload wheel chairs onto the footway from a vehicle.

- **Loading Zones** **1000mm**
This clearance will provide safety when opening truck doors, and allow drivers to place goods onto the footway during loading/unloading. If this clearance cannot be achieved on a narrow footway, furniture may be placed in the Trading Zone along the front half of the Loading Zone with a 600mm clearance from the kerb. This will provide the required unload/loading area at the rear half of the zone for large delivery vehicles.

- **No Stopping/No Standing Zones** **600mm**
At No Stopping/No Standing Zones (this distance will ensure standards of safety are maintained).

Display of goods

- Goods may **only** be displayed for sale within the **TRADING ZONE**, usually adjacent to the licence premises. The maximum width of usable footway space is illustrated on the Footway Zone Plan (see page 6).
- The maximum height of any display is one metre.
- Screens may be placed around the goods for added security, but must be within the size limits as specified for screens and kept within the footprint of the Trading zone.
- Display stands must not be fixed to the footway or any street sign or pole, or other item.
- A space of 500mm must be left for each business back from the projected property line to provide a gap between adjoining businesses. This will avoid an unbroken line of obstacles on the footway, and as to allow a person to safely step onto the footpath from the road. A gap of 1.5 meters must be left every five meters.
- Commercial street furniture must not be placed within 1.5 meters of multi-bay parking meters, or within 500mm of the number/arrow painted on the footway at a parking bay.
- No display of goods will be allowed in areas of high pedestrian movement, or where pedestrians gather at intersections, tram or bus stops.

Portable signs

Portable signs in retail shopping centres are of particular concern to Council, as they tend to clutter the footway and detract for a street's overall appearance.

A licence may be granted to place a portable sign, such as an A-board, in the **TRADING ZONE**, but only if the following conditions are met:

- If the application relates to a business in a Heritage zone, such as Maling Road, Canterbury, it must be accompanied by a Town Planning application.
- Only one sign/board per property frontage will be licenced, or at the discretion of Council.
- Signs may only be placed in the **TRADING ZONE**
- Signs must be no more than one metre high and 700mm wide, and no less than 500mm wide.
- They must be well constructed from quality materials (no hand written signs), and weighted sufficiently to avoid causing damage in windy conditions; any materials used must be shatterproof.
- Signs may only be displayed when the business is open and removed when it is closed, or to allow street cleaning (see "Safety/Hygiene").
- Signs must not extend more than 500mm.
- Signs must not be chained, attached, or placed upon against any street pole, rubbish bin or other fixture.
- Signs must not have oscillating or moving parts, and no sharp, pointed, or jagged edges, corners or protrusions.
- Flags or rotating signs are prohibited (see "Safety").
- Signs must not be reflective or illuminated by any power source.
- Signs must not emit any sound.
- No notices, signs or other objects are to be attached to the sign.
- Signs will not be licenced in a residential zone.

Where the applicant cannot meet the conditions of this guidelines regarding signs, it may still be allowable to place a portable sign on the footway outside another premises provided the owner/occupier of that premises gives permission in writing. The owner/occupier would then relinquish his/her right to a portable sign.

In certain circumstances, such as where a business is near a main road, or in an arcade or side street, Council may place a fingerboard or directory board on a pole nearby in lieu of the business having a portable sign outside their premises.

Real estate agents signs

- Real estate agents' portable signs must comply with the conditions previously described.
- Licences issued to real estate agents allow signs to be placed at or near a property for which the agent is acting, providing that the sign is removed at sunset and is not placed on any road or road related area, or is a hazard to pedestrians or vehicles.
- One licence allows up to six signs and one flag to be used at any one time (per site).
- Auction flags or banners that overhang the footway must have a minimum height of 2.4 meters at their lowest point to ensure people with sight difficulties can safely walk underneath.
- Open for inspection signs at premises for sale (not including display premises) must not be placed out for more than 2 hours prior to opening and must be removed on closing.

Please note that portable signs placed on footway within a Heritage Zone, such as Maling Road, Canterbury, will also require a Town Planning Permit.

Safety/hygiene

Safety is paramount. If people don't feel safe, the streets will not be used and if people consider the footways are cluttered they may decide to shop elsewhere, which will have a negative impact upon local business. Commercial street furniture should not create hazards for pedestrians. It should also be able to withstand hot and windy conditions.

Portable signs have blown over in strong winds damaging cars and property; and in some instances causing people to trip over them. And, motorists sometimes complain that their car doors are damaged by bumping into commercial street furniture that has been placed too close to the kerb.

Applications for cafes must be accompanied by a Certificate of Registration of Food Premises.

Umbrellas must be 2.4 meters high at the lowest point. They must not protrude over the

KERBSIDE ZONE. This minimum height, which is the same as the Building Regulations 1994 Part 3, will ensure pedestrians are not at risk of receiving head or facial injuries.

Another important safety consideration is that glass or other material used in the construction of commercial street furniture must be shatter proof.

Street furniture must not exceed height restrictions and must have no moving parts, or sharp, pointed, or jagged edges, corners or protrusions.

Insurance

The public liability provided by Council may not cover your entire range of possible exposures to risk of liability from the activity stated in the permit and you should seek professional advice as to whether you should take out some separate liability insurance in that regard.

All commercial street furniture (with the exception of semi-permanent cafes), must be removable for footway cleaning, and must be removed between 9pm and 6.30am Monday to Sunday.

Street litterbins must not be used to dispose of trade waste as this will reduce the capacity of the bins to accept general rubbish from the public. Trade waste should be disposed of in a Council-approved bin, or a commercial bulk rubbish container.

Clearances

The following clearances will apply when street furniture is placed on the footway at:

- **Multi-bay parking meters** **1.5 meters**
This will allow motorists to see and access the meter.

- **Numbers painted on the footway indicating the bay number and direction of the multi-bay machine** **500mm**
It is vital that motorists be able to easily identify the bay at which they have parked, and the direction of the meter.

- **Council rubbish bin and street seating** **1.5 meters**
Contractors who empty bins must be able to locate and have easy access to them.

- **Kerb line at any intersection** **5 meters**
For safety reasons this distance must be left clear at intersections. Street furniture near intersections can cause safety and sight problems for motorists. Also, small children can run onto the road from behind furniture without being seen by motorists.

Advertising

While Council accepts that traders may require advertising on commercial street furniture, it should not simply be a vehicle for advertising. To avoid excessive advertising a limit of 30% of the total area of a screen surrounding a cafe, or display of goods, will apply.

Business should distinguish themselves by using appropriate building signage, and by the quality and originality of their commercial street furniture.

Temporary cafes

(Tables and chairs that are removed from the footway at the close of business each day.)

Tables and chairs may be placed within the **TRADING ZONE**, the width of footway that can be utilised is illustrated in the **FOOTWAY ZONE PLAN (Page 4 and 5)**.

Tables and chairs should be accessible by all users. Therefore, tables should be of a height to accommodate wheelchairs, and seats robust enough, and of suitable design, to be used by those with a disability.

Screens around cafes are mandatory to ensure distances are maintained from the kerb for safety. (Effective from 28 February 2001. See - **KERBSIDE ZONE** for details.

Umbrellas must be 2.4 meters high at the lowest point and must not protrude over the **KERBSIDE ZONE** or over the road.

Outdoor heaters that conform to Australian Standards may be placed in line with the table and chairs within the footprint of the **TRADING ZONE**.

Tables and chairs are to be placed parallel to the kerb in the 800mm trading zone. Chairs must not be placed so as to back onto the **PEDESTRIAN ZONE** or **KERBSIDE ZONE**. (Refer to Footway Zones plan).

A space of 500mm must be left for each business back from the projected property line to avoid an unbroken line of screens on the footway, and so as to allow a person to safely step onto the footpath from the road. A gap of 1.5 meters must left every five meters

At an intersection see "**CLEARANCES**".

Furniture associated with cafes must be displayed adjacent to the licence premises, however in certain circumstances a cafe may be extended onto the footway Trading zone in front of one adjoining property. The owner and occupier of the adjoining property must first advise Council in writing that they have no objection to the extension of the cafe in front of their property. Please note, extra fees will apply.

Applications for 12 seats or more on the footway will be considered as semi-permanent.

Semi-permanent cafes

(Tables and chairs built into the footway and left out overnight).

Lodge applications for a semi-permanent cafe with the Local Laws Department. A detailed plan will be required illustrating the location, layout, materials etc. Applications will then be referred to other Council departments for assessment. Council will consider these issues:

- Any proposed road or footway works/construction/maintenance
- Town planning zoning requirements
- Car parking requirements
- Sight distance if the proposal is near an intersection, pedestrian traffic lights, etc
- Pedestrian access
- Height and the unbroken length of any screens
- All furniture must be easily removed and only fixed to the footway by a locking mechanism
- The percentage of advertising on any screens
- Access for footway cleaning by Council contractors. A minimum two-metre pedestrian screen is required.
- The location of any existing street furniture owned by Council, or other statutory authority, i.e. PTC, Vic Roads, Telstra, Melbourne Water. The proposal must ensure continued access.

Screens (temporary)

Screens up to a maximum height of one metre may be placed on the kerbside of the TRADING ZONE, provided they are confined within the Trading zone.

(See **FOOTWAY ZONES** plan on page 3.)

Screens must be placed where there are tables and chairs for safety reasons, but they *may* be placed around goods at the trader's discretion. Screens must be brought inside when tables and chairs are removed. They must not be placed independently in a quasi-advertising role.

Screens must not be fixed permanently to the footway or other street fixtures, but may be secured by a locking mechanism, or spike into the pavement, for stability.

A space of 500mm must be left by each business back from the projected property line, to avoid an unbroken line of obstacles on the footway, and so as to allow a person to safely step onto the footpath from the road. A gap of 1.5 meters must left every five meters.

This is particularly important where adjoining premises have commercial street furniture placed in the **TRADING ZONE**.

Barbecues (food sampling)

Traders who wish to place barbecues etc on a footway for food sampling must:

- Have an Application for Temporary Registration under the Food Act approved by Council's Health Services Department.
- Submit the approved registration with a plan of the structure to the Local Laws Department.
- All barbecues (food sampling) must be located in the **TRADING ZONE and must be placed at a 90-degree angle to the kerb**. This will allow customers to stand in front of, and queue along the footway in the Trading zone, leaving the Pedestrian zone clear for pedestrians to walk past.
- Customers must not be served on the side of the barbecue facing the Pedestrian zone.
- The structure, screen and any staff cooking food samples must stay within the **TRADING ZONE**.
- Cardboard, or associated material, must be placed on the footway to absorb any food or other spillages.
- Comply with the conditions as set out in **CLEARANCES, SCREENS** and **SAFETY/HYGIENE** sections of this policy.

Planter boxes

Planter boxes are prohibited because they require a high level of maintenance; they have a high mortality rate, and they are frequently and irresponsibly used as ashtrays and rubbish bins by members of the public.

Nightclub queues

A licence may be issued to a nightclub for the "roping off" of a section of the footway for crowd management purposes, if their commercial activity extends onto the footway.

However, at all times a minimum width of 1.5 meters of clear and unobstructed footway must be maintained to ensure pedestrians have free, uninterrupted passage to walk past the venue.

The premises must provide insurance as set out in the Insurance - Public Liability section of this policy.

This licence is free, but the liability remains with the nightclub.

Special events

Traders' association special events, festivals etc that are recognised by Council, may have some of the policy conditions varied. For example, commercial street furniture may be permitted on a larger area of the footway during the event. Trader groups preparing for special events should contact Council's Economic Development Department.

Renewals

Licence renewal fees must be paid annually from the date of approval, and accompanied by the renewal form. Renewal notices will be sent to licence holders in the month prior to their licence expiry date.

Renewals are not automatic. Council will consider whether the guidelines have been met; whether the quality of the commercial street furniture, including signs and screens, has been maintained, and if all reasonable requests made by Local Laws Officers have been complied with.

Also, it will consider whether there have been any breaches of the licence conditions, or if the licence is suspended.

Where Council considers a renewal is not appropriate, licence holders will be notified in writing of the reasons why their licence is not being renewed.

Enforcement

Where there is confusion in relation to the Trading zone, Council may line-mark the footway.

Local Laws officers will be advising and liaising with traders in relation to the policy conditions and issuing Notices to Comply. Traders demonstrating an unwillingness to comply with the policy may receive infringement notices and the continuation of their licence will be reviewed.

Council's enforcement philosophy is that a cooperative approach will achieve compliance with the guidelines. Only after several warnings have been issued will infringements or legal action be taken against a trader. Where a trader is found to be breaching licence conditions:

1. A verbal warning will be issued in the first instance,
2. If non-compliance with licence conditions continues, a Notice To Comply will be issued,
3. For continued or repeated non-compliance following these steps a Local Laws penalty notice will then be issued,
4. Possible suspension of licence and/or prosecution of offender/s.

Commercial Street Furniture Permit Application Form

Applicants please note:	
<ul style="list-style-type: none"> The requirements relating to placing of commercial furniture which may include – portable signboards; goods for display/ sale; tables, chairs and barrier screens, are set out in the Guidelines document, a copy of which is available on request to the Local Laws Department phone 9278 4949 or on the website www.boroondara.vic.gov.au . Applicants should read the Guidelines before applying for a permit. <u>At least 14 days should be allowed for the processing of an application.</u> <u>An application fee of \$64 is payable.</u> There is also an annual fee for the permit and an invoice will be issued, if the application is approved. That fee and the application fee must be paid before the permit is issued. The annual fee (which is reviewed each year) is related to the locality and the area used (in square metres). A minimum fee, based on one square metre, applies. All sections of the form below must be completed. The applicant named below must be a person or a company, not a trading or business name. 	
Applicant or company name	_____
	ABN _____ (if applicable)
Trading or business name	
Contact person	
Contact details	Phone: (____) _____ Fax: (____) _____ Email:
Address of business	
Postal address (if different to above)	
Details of the furniture/ items to be placed on the footpath:	
<input type="checkbox"/> Portable sign (maximum dimensions 1000mm high x 700mm wide)	Area to be used in square metres: 1sqm minimum charge
<input type="checkbox"/> Display of goods	Area to be used in square metres:
<input type="checkbox"/> Cafe	Area to be used in square metres:
Number of tables:	Are tables and chairs additional to the number inside? Yes No
Number of chairs:	
Postal Address: City of Boroondara Local Laws Department Private Bag 1 Camberwell VIC 3124	Fax to: City of Boroondara Local Laws Department (03) 9278 4877
Indemnity statement:	
<p>The applicant, in signing this application form, agrees to comply with permit conditions and to indemnify the Council from and against any loss, damage or expense (including legal costs) arising from any claim, demand, action, suit or proceeding that may be brought by any person against the Council in respect of the death or injury of any person or the loss or damage to any property, where such death, injury, loss or damage arises out of or in connection with the applicant's actions on any land owned or managed by the Council and is caused by the negligent act or omission of the applicant or of the applicant's employee, agent, contractor or client. PROVIDED THAT the applicant shall not be liable for any liability or loss to the extent that such loss or damage is caused by the error, omissions or actions of the Council. Where negligence is found to have been contributory, each party shall bear full responsibility in accordance with the party's fault.</p>	
Signature of applicant	Date
<p>Privacy statement: The personal information requested on this form is being collected by Council for the purpose of setting up commercial street furniture within the City of Boroondara. The personal information will be used by Council for that primary purpose or directly related purposes. The personal information collected will not be disclosed. If the information is not collected we are unable to process your application. The applicant understands that the personal information provided is for purpose of setting up commercial street furniture within Boroondara and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer.</p>	