

# Footpath Trading Guidelines



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# 1. Introduction

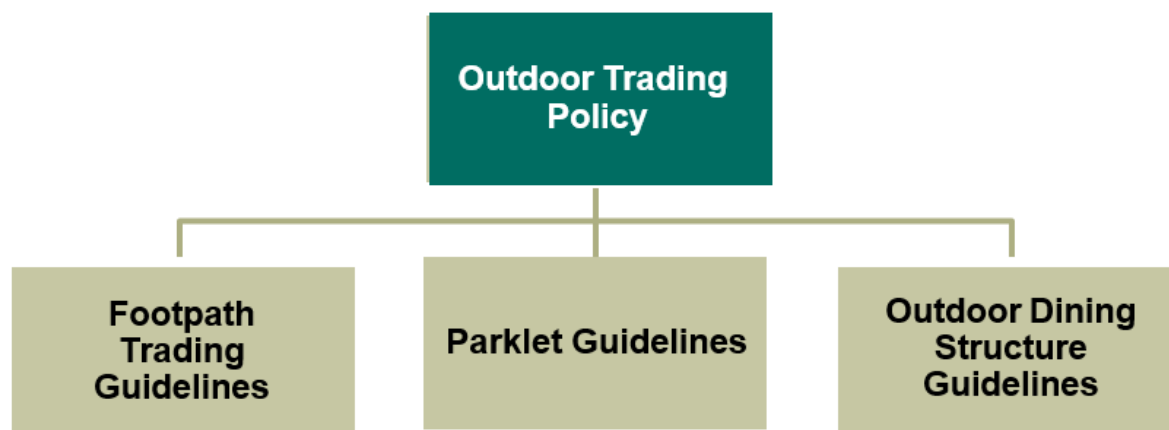
Outdoor trading has played a significant role in activating public footpaths and roadways for commercial activity. Outdoor trading works best when it is aligned with community expectations and facilitates additional patronage for businesses. Activating shopping strips brings social and economic benefits that are valued by the community and traders in Boroondara.

The Outdoor Trading Policy provides the foundation and guiding principles for outdoor trading within Boroondara and aims to support a strong and vibrant local economy for the benefit of the community and visitors to the municipality while maintaining safety and local amenity in shared spaces.

The City of Boroondara offers the following opportunities for outdoor trading:

1. **Footpath Trading:** activities occurring on the footpath, where dining furniture, display of goods, advertising signs and other associated infrastructure needs to be brought in at the end of trade.
2. **Parklets:** activities occurring within car parking spaces.
3. **Outdoor dining structures:** activities occurring on the footpath within a fixed structure that can remain in place overnight.

This document, the Footpath Trading Guidelines, is underpinned by the Outdoor Trading Policy.



## 1.1. Definitions

Term	Definition or description
Applicant	Person making the application for Outdoor Trading.
Arterial Road	Roads which provide the principal routes for the movement of people and goods between major regions and population centres, and between major metropolitan activity centres.
Authorised Officer	A person appointed by Council under section 224 of the <i>Local Government Act 2020</i> .
Council	City of Boroondara.
Council-controlled land (definition as per Amenity Local Law)	Any land which Council owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management.
Commercial Area	A locality where business and commercial activities are primarily conducted.
Footpath trading	Use of public footpaths for commercial purposes.
Outdoor Trading Activity	Nature of activity as defined by the Footpath Trading, Parklets and Outdoor Dining Structures guidelines.
Outdoor dining structure	A structure installed on a footpath which can remain in place overnight but able to be removed at the end of the permit.
Parklet	Outdoor dining area within a car parking bay(s).
Patron	Customer of a business.
Permit holder	The person or company named as the applicant in a Footpath Trading, Parklet or Outdoor Dining Structure agreement and to whom the permit is issued. In the case of a company, the director, or directors will be considered the permit holder.
Planning Permit	A permit issued under the Boroondara Planning Scheme.
Registered trader	A person, organisation or group of persons who conduct a business either under a registered business name and/or registered company.
Public Authority	Australian Government body established through legislative instruments for a public purpose.
Trader	A person, organisation or group of persons who conduct a business either under a registered business name and/or registered company.
Footpath Trading Furniture	All footpath dining furniture including tables, chairs, umbrellas, heaters, planter boxes, screens, signage and display of goods.
VGCCC	Victorian Gambling and Casino Control Commission.

## 1.2. Diagram legend

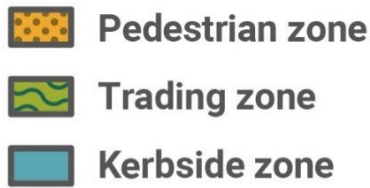


Figure 1: Legend for diagrams used in the document

## 2. What is footpath trading?

Footpath Trading is defined as commercial trading on public footpaths. It includes dining furniture (such as tables, chairs and umbrellas, heaters) display of goods and advertising signs which are placed on the footpath for the purpose of trading and removed from the footpath at the close of each trading day.

All furniture or other items associated with footpath trading must be located within the Trading zone (see Section 4) and only directly in front of the business with the permit. In some cases, Council may consider extending footpath trading to an adjoining property.

## 3. Footpath zones

A footpath trading permit can only be considered in a location where the footpath width is greater than 2.4 metres.

To ensure a clear, safe and unobstructed walkway for pedestrians, footpath trading is made up of three zones (see Figure 1 Footpath trading zones):

1. Pedestrian zone
2. Trading zone
3. Kerbside zone

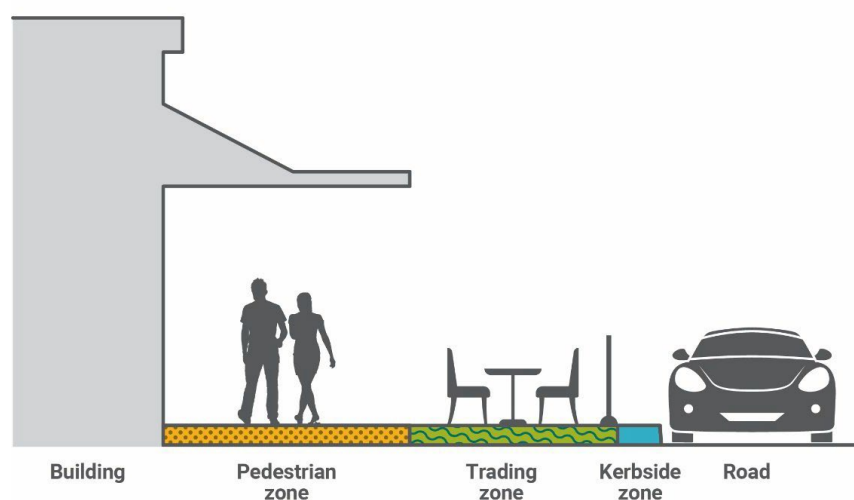


Figure 2 Footpath trading zones

### **3.1. Pedestrian zone**

The pedestrian zone is located on the footpath and extends immediately from the property line to the trading zone. This allows for an uninterrupted and accessible path of travel for pedestrians. This area is for the exclusive use of pedestrians.

The pedestrian zone must be a minimum width of 1.5 metres for a footpath that is up to four metres wide, and 1.8 metres for a footpath that is four metres wide or more, measured from the property line. This area must always be kept clear.

Council reserves the right to vary the pedestrian zone depending on pedestrian needs, vehicle traffic and access, and existing footpath widths.

### **3.2. Trading zone**

The Trading zone is the area located between the pedestrian and kerbside zones after the appropriate clearances are applied. The Trading zone will vary depending on the overall width of the footpath, the Pedestrian zone, the Kerbside zone and any clearances from infrastructure located within the Trading zone. It is the only area of the footpath where commercial activity can be conducted in accordance with a permit.

Where the use of the footpath is not directly in front of a business, for example a plaza or courtyard, Council may use its discretion to approve a permit if the outcome is to the benefit of the streetscape and the community.

Council will assess such applications on a case-by-case basis and reserves the right to approve or refuse any application.

### **3.3. Kerbside zone**

The Kerbside zone is located between the Trading zone and the face of the kerb or road. This zone is important for the safety of pedestrians crossing the road, allowing access to and from parked vehicles including loading and delivery bays. It must always be kept free from any items or structures.

The minimum distance between the face of the kerb and the Trading Zone is 0.5m.

Council may vary the width of the kerbside zone to achieve minimum clearances for pedestrian activity, existing public infrastructure, essential services, adjacent parking restrictions and public transport access requirements.

## **4. Minimum clearances and setbacks**

The following clearances and setbacks from an object ensure access can be maintained safely for the duration of the occupation of Council land for outdoor trading. These safety standards are aligned to the *Road Management Act 2004* and the Austroads Guide to Road Design.

## 4.1. Minimum clearances from an object

Object	Minimum clearance
Council or public infrastructure; examples include: <ul style="list-style-type: none"> <li>• Litters and recycling bins</li> <li>• Public seating</li> <li>• Bicycle stands</li> <li>• Drinking Fountains</li> <li>• Garden beds and climber frames</li> <li>• Way-finding signs</li> </ul>	1 metre
<ul style="list-style-type: none"> <li>• Trees</li> </ul>	Determined on application
Essential services; examples include: <ul style="list-style-type: none"> <li>• Substations</li> <li>• Exit doors, including fire exit doors</li> <li>• Switchboards</li> <li>• Hose reel cupboards and fire equipment</li> <li>• Boosters</li> <li>• Fire hydrants or fire plugs</li> <li>• Payphones</li> <li>• Traffic lights</li> <li>• Pedestrian-operated lights</li> </ul>	1 metre
<ul style="list-style-type: none"> <li>• Electricity boxes</li> </ul>	0.5 metres
<ul style="list-style-type: none"> <li>• Street light poles and electricity poles</li> </ul>	No minimum set back

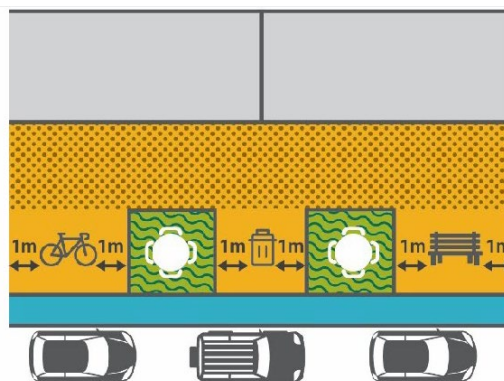


Figure 3: Minimum clearances from an object



## 4.2. Minimum clearances from the kerbside zone

Parking	Minimum clearance
Parking meters and multi-bay parking meters	1 metre
Parallel parking bays	0.5 metres
No stopping and no standing zones	1 metre
Angled Parking	1.2 metres
Disabled Parking Bays	1.5 metres
Loading zones	1 metre
Kerb line at any intersection	10 metres
Numbers painted on the footpath indicating bay number and direction of the multi-bay machine	0.5 metres

## 4.3. Setback from an intersection and required line of sight

Outdoor dining located next to intersections must be set back from the intersection to allow a clear line of sight for turning vehicles, cyclists and pedestrians.

Applications within the 10-metre setback from the intersection, will be considered on a case-by-case basis taking into consideration speed of vehicles and existing obstructions.

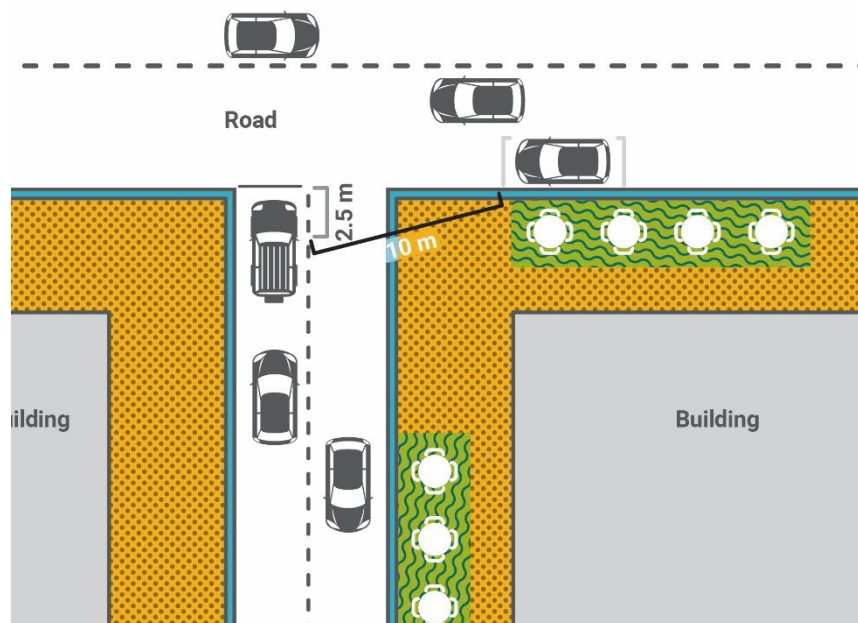


Figure 4: Setback from an intersection and required line of sight

## 4.4. Setback from tram and bus stops

Clearances from tram and bus stops must be maintained to ensure direct access from the Pedestrian zone is provided to passengers boarding and alighting from a tram or bus. A minimum of 1.5 metres clearance must be kept from the departure side of a tram stop sign and 10 metres from the approach side.

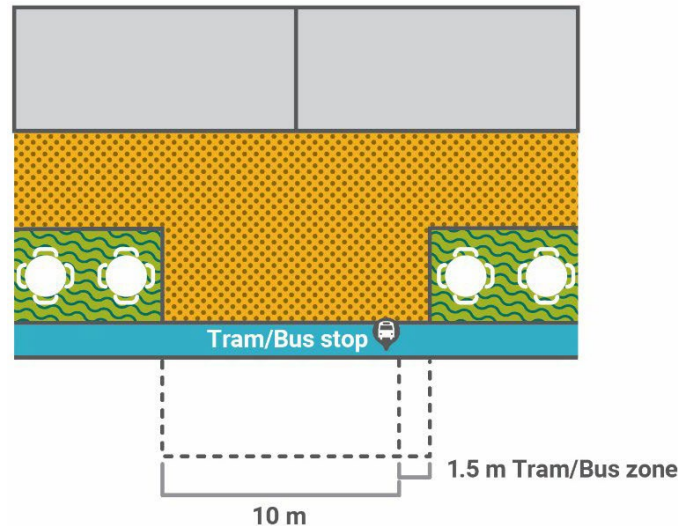


Figure 5: Setback from tram and bus stops

## 4.5. Setback from taxi zones

Clearances from a taxi zone must be maintained to ensure direct access from the Pedestrian zone is provided to all users of this service. A minimum of 1.5 metres clearance must be kept to either side of taxi zone signage to ensure adequate access for users and maintain visibility for taxi drivers.

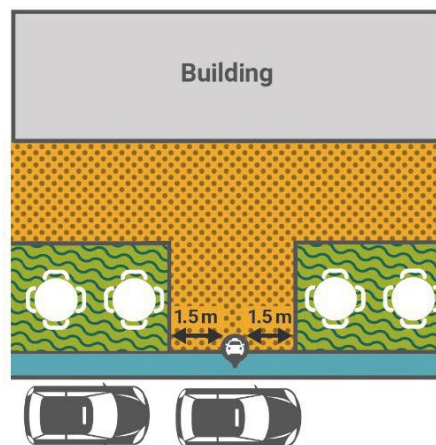


Figure 6: Setback from taxi zones

## 4.6. Pedestrian access

### 4.6.1. Minimum gap between neighbouring Trading zone

A gap of one metre is required between adjoining Trading zones to ensure pedestrian safety when crossing the road or to allow access for vehicle passengers entering or exiting their vehicle.

Each trader is required to set back their Trading Zone 0.5m from the adjacent property line to achieve the 1m gap. This also applies for the placement of screens.

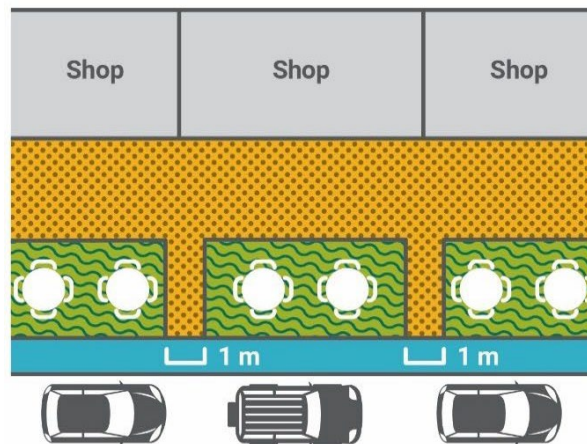


Figure 7: Minimum gap between neighbouring Trading zones

### 4.6.2. Minimum gap with extended Trading zone

Where a Trading zone exceeds 10 metres, a gap of 1.5 metres must be left.

## 5. Access to public infrastructure

In the event of an emergency, maintenance or renewal works, access to any Public Authority or Council infrastructure will be required.

To determine if this may impact a proposed trading area, an application to 'Dial before you Dig' should be made via the website [Dial before you Dig](#). This service is free and will provide information regarding any infrastructure beneath a proposed trading area.

If assistance is required to understand how the infrastructure may impact an application, please contact Council on 9278 4444. Council may deem the location proposed by an applicant not suitable for outdoor trading.

Council does not provide compensation for any loss of availability to use the trading area, or any costs incurred to temporarily remove the structure or other related components where entry is required to maintain, access or create new public infrastructure.

## 6. Waste service vehicle access

The installation of outdoor trading activities must not compromise access by essential waste vehicles, obstruct loading and construction zones or entrances to private buildings and carparks.

It is essential access to services of the permit holder's property and neighbouring properties is maintained, therefore:

- Footpath trading should not impede pedestrian flow including waste transport trollies and bins, and access to waste bin storage areas including Council's communal waste service locations
- Waste collection and service vehicle access must be maintained to all properties or public land where bins are stored.

## 7. Advertising

Council accepts traders may have advertising on commercial street furniture. There is a limit of 30% of the total area of footpath trading furniture to avoid excess advertising.

Signage or advertising over 8m<sup>2</sup> or in a heritage zone may require a planning permit. Contact Council's planning department on 9278 4444 or email [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au) for further information.

## 8. Heritage zones

Our community values our local heritage and footpath dining locations need to consider heritage impact. Footpath trading in these locations has the potential to impede views to significant heritage frontages and detract from the significance of our heritage buildings.

Applications will be referred to Council's planning department and/or heritage advisor where an application is received for a parklet within a heritage zone.

## 9. Awnings and verandas

Awnings can be horizontal and fixed to a building and project over a footpath to form a veranda. They can also be vertical and drop down either partially or full length and are fixed to a veranda and/or project over a footpath.

The installation of an awning or veranda attached to the building will require Building approval and may be subject to Planning approval.

Horizontal awnings must have a vertical clearance of at least 2.4 metres from the ground to its underside and must not extend over the roadway or adjacent carpark.



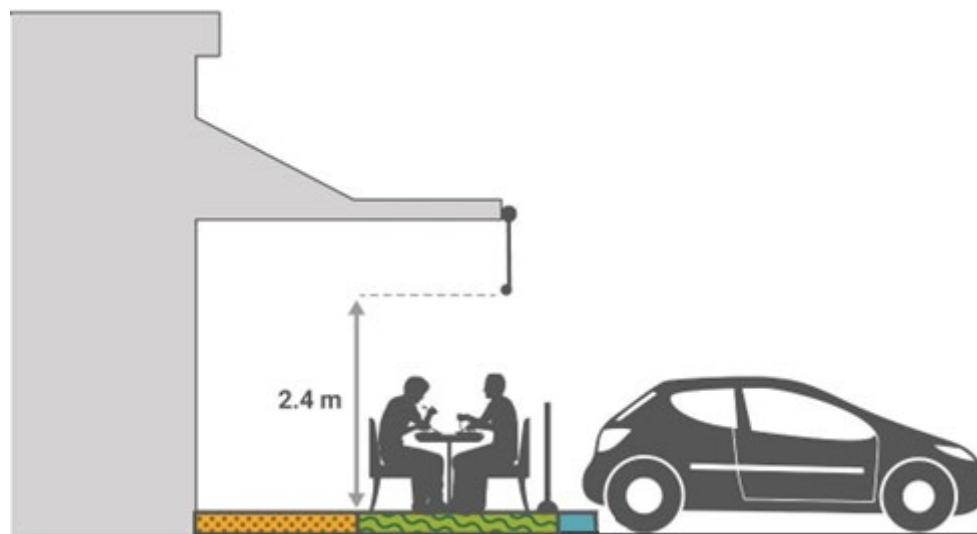


Figure 8: Awning

Café blinds must be clear and retractable and secured at the base. They can only be placed adjacent to the road. Café blinds attached to a veranda or awning require building approval. Retractable café style blinds must be retracted at the end of each trading night.

It is not permitted to place the café blind on the side of the trading area as this encloses the space and reduces airflow.

## 10. Patron numbers and hours of operation

Planning permits determine how many patrons can receive seated service and the hours of operation. Applications may be referred to Council's planning department to confirm these details.

## 11. Supporting structures and facilities

### 11.1. Planter boxes

Planter boxes are permitted and must be located within the Trading zone.

The construction of the planter box can be a maximum height of one metre with planted foliage a maximum height of 0.5 metres or a total combined height of 1.5 metres.

Planter boxes must be removed at the end of the trading day and are required to be regularly maintained by the trader. Maintenance includes regularly watering and pruning and the removal of any rubbish or debris.

Planter boxes cannot be located within 10 metres of an intersection as they may impede line of sight for oncoming vehicles, pedestrians, and cyclists.

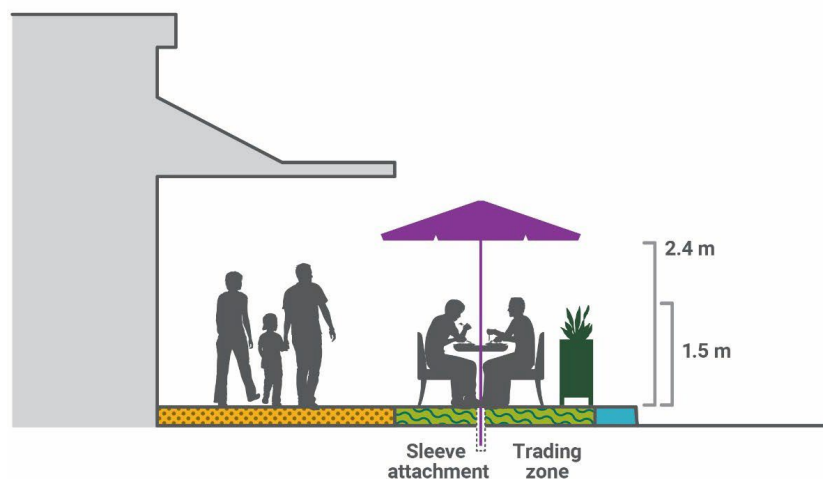


Figure 9: Planter boxes and umbrellas with heights and installation options

### 11.2. Umbrellas

The lowest edge of an umbrella canopy must be 2.4 metres above the footpath and must not protrude over the road. An umbrella must be securely anchored to the ground using a sandbag or a sleeve attachment.

Prior to installation of a sleeve attachment, a Road Opening permit and payment of a bond is required. In the event an umbrella is no longer required, or the permit holder ceases to trade, the sleeve is required to be removed and footpath reinstated at the Permit holder's cost. If this work is not undertaken by the Permit holder, the bond will be used to undertake these works. See [road opening permit](#).

Sleeve attachments must be:

- installed flush to the level of the footpath, and no parts should protrude above the level of the footpath when not in use.
- Made of stainless steel and have an auto shut lid to prevent the lid staying open and creating a hazard on the footpath when not in use.
- The installer must check for underground services by contacting Dial Before you Dig on [Dial before you Dig](#).

### 11.3. Temporary screens

Screens can be placed around outdoor dining areas within the Trading zone. Screens provide additional safety for patrons within outdoor dining areas and provide separation from other traders.

Screens:

- must be secured by a locking mechanism or sandbags for stability
- must be no higher than one metre
- must be placed so as to provide a gap of 1.5 metres every 10 metres to allow for pedestrian access
- must be set back a minimum of 0.5 metres from the adjacent property
- must be placed in the Trading zone
- must be brought inside at the end of the trading day
- must *not* be placed independently to serve the purpose of quasi-advertising.



*Figure 10: Example of advertising on screens*

### 11.4. Gas heaters

Outdoor free-standing heaters conforming to Australian Standards may be placed in line with the table and chairs within the Trading zone.

Council will consider a gas heater or a fixed heater attached to an awning.

Fixed heaters attached to a veranda require a building permit and will be referred to Planning if in a heritage zone.

Where permanent heating is installed, a certificate of compliance issued by a registered gas fitting plumber who is licenced and registered to undertake gas fitting work is required to be produced to Council on the completion of works.

Heating attached to an umbrella is not permitted.

## **11.5. Bicycle and mobility device parking**

Bicycle parking and provision for mobility devices (including prams) is recognised as an opportunity to support sustainable modes of transport in conjunction with outdoor dining, especially where parking spaces have been occupied or there is no provision for these items within close proximity to the outdoor trading area.

A bike stand or mobility parking can be incorporated into footpath trading and will be assessed on a case-by-case basis, taking into consideration:

- Pre-existing bike stands within the vicinity.
- There is adequate width of footpath available.
- Clearance of 1m from furniture to permit access.
- Line of sight requirements.
- Any safety issues that may be related to the storage and amenity of the bike stand.
- Pedestrian zone requirements to be adhered to.
- Available Council resources.

Various types of parking should be considered to accommodate non-standard bikes (e.g. cargo bikes) and mobility devices (e.g. motorised mobility devices/scooters recognised by the Department of Transport).

## **12. Lighting**

To ensure lighting is provided safely, the following options are available:

- Solar power
- Light supply from an overhead structure.

Light supplied from an overhead structure is required to be installed by a licensed electrician. A certificate of compliance issued by a licensed electrician is required to be produced to Council on the completion of the works.

Portable power leads cannot be run from the property to the outdoor trading area.

## **13. Toilet and sanitary conveniences**

Outdoor dining increases seating capacity and additional toilet facilities may be required for staff and customers. Where Outdoor dining increases seating capacity greater than 20 seats, additional facilities may be required for staff and customers. Council's Building Services Department will confirm if this applies.

Contact Council's Building Services Department on 9278 4444 or [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au) for further information.



## **14. Service and amenity**

### **14.1. Cleanliness of trading area**

Permit holders are responsible for maintaining the safety and cleanliness of their Trading zone including the equipment and structures contained within. Regular cleaning is required to ensure rubbish does not accumulate or is not windblown into neighbouring areas.

Permit holders are also responsible for providing hand sanitising stations and other patron management systems as part of any legislated health directives.

Footpath trading furniture, fittings and other infrastructure should not create hazards for pedestrians and be able to withstand hot and windy conditions. Appropriate selection of furniture and fittings as well as regular maintenance of items is required.

### **14.2. Managing noise and amenity**

Where permitted, loudspeakers directing sound to the outdoor dining area must not be used outside the permitted trading hours provided in the conditions of the permit and must always be limited to background levels, unless otherwise specified on a permit.

## **15. Service of alcohol**

Permit holders and staff must practice responsible service of alcohol and are responsible for monitoring and managing patron behaviour.

Applicants will need to apply for a Planning permit and Liquor Licence to serve alcohol within the Trading zone. A Liquor Licence is required to be applied for separately through the Victorian Gambling and Casino Control (VGCCC). Please visit [Liquor licensing | Victorian Government \(www.vic.gov.au\)](https://www.vic.gov.au/liquor-licensing) for further information.

## **16. Smoking and vaping**

Smoking or vaping must comply with the requirements of the *Tobacco Act 1987*.

## **17. Patron queuing**

A trader is responsible for ensuring the pedestrian zone in front of their business remains clear of patrons queuing outside their premises to gain entry.

A minimum of 1.5 metres of unobstructed footpath must always be maintained to ensure pedestrians can walk past a venue unimpeded.

A trader can apply to Council for a permit to rope off a section of the footpath at no cost to meet the requirements set out above.

## 18. Display of goods

The display of goods can only be located within the Trading Zone in front of the traders' business who has been issued a permit and is nominated on the permit.

The following standards apply to the display of goods:

- must be located within the Trading zone
- Display of goods must not exceed 1.5 metres
- A gap of 1.5 metres is required every 10 metres
- where there is a neighbouring Trading zone, the trading zone is required to be setback 0.5 meters from the adjacent property line to provide a gap for pedestrian access
- must be secure in adverse weather conditions but must not be fixed to the footpath, any street sign, pole, tree, or other infrastructure
- displays must be removed from the Trading zone at the close of the trading day
- must be removed for footpath cleaning, between 9pm and 6.30am Monday to Sunday.

Temporary Screens may be placed around goods to protect the display, these screens must be located within the footprint of the Trading zone and removed at the end of the trading day.

No display of goods will be allowed in areas of high pedestrian movement, or where pedestrians gather at intersections, tram, or bus stops (see section 5 minimum setbacks).

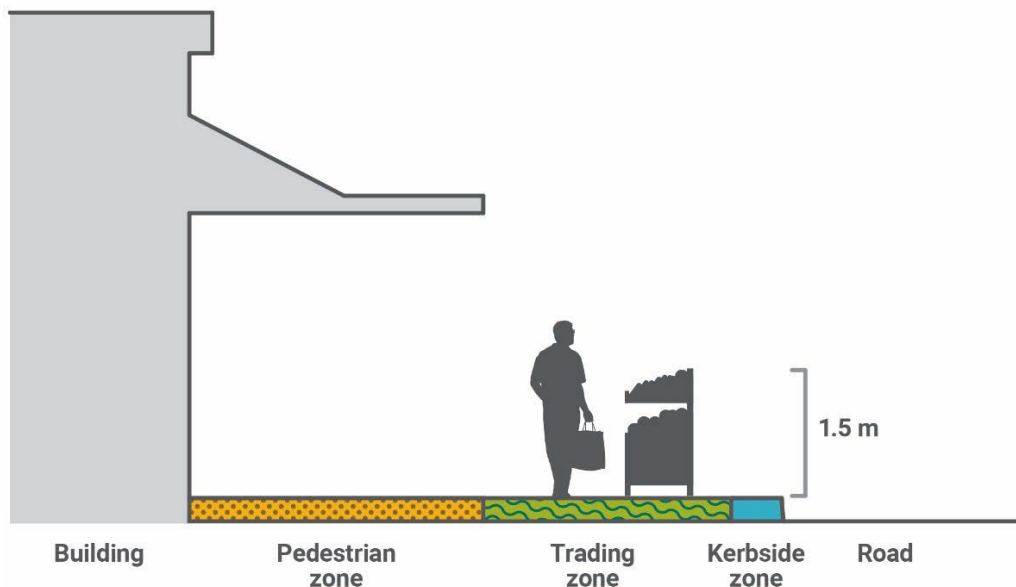


Figure 11: Display of goods

## 19. Signage

### 19.1. Portable A-frame signs

A permit may be issued to place a portable advertising sign in an approved Trading Zone. The following conditions apply to any placed signage:

- only one portable sign per shop front
- where a trader is located on an upper floor but has an access door to the footpath
- a permit sticker is displayed on the front window of the permit holder's business
- signage can only be located within the permit holder's Trading Zone during its normal operating hours
- signage can only advertise the permit holder's business or service
- size of the signage must not be more than one metre high by 0.7 metres wide and extends no less than 0.5 metres, with a 0.1-meter clearance from the ground to allow airflow.
- signage must be well constructed and weighted for windy conditions, shatterproof and free of sharp, pointed, or jagged edges.

**Signs are *not permitted* if they:**

- oscillate, rotate, have moving parts (including flags and balloons) or protrusions
- are reflective or are illuminated by any power source
- emit any sound
- have any notices or other attached objects
- are made from 'corflute' (lightweight corrugated plastic).

Signs must not be fixed to any footpath, pole, rubbish bin or other public infrastructure. Permits will not be provided for signs located in a residential zone.

Where a trader cannot meet the conditions of the Guidelines it may still be possible to place a portable sign in the Trading zone outside the ground floor premises, provided they meet the following conditions:

- the ground floor premises does not already have their own sign
- the owner/occupier/body corporate gives permission in writing
- the trader making the application has public liability which extends to cover the sign.

This may apply where a first-floor business has no street frontage. As there is a permit limit of one sign per shop front, the ground floor owner/occupier would forfeit their ability to apply for permit for a portable sign.

Where a business is sold or changes ownership, or agreement lapses, the permit will be cancelled and the sign removed.

## **19.2. Real estate agent signs**

A permit may be issued allowing signs to be placed at or near a property which an agent is acting on behalf of a property owner (open house inspection).

A permit allows for up to six signs and one flag at the property.

Signs must not be placed on any road, roundabout, traffic island, garden bed or anywhere a sign could create a hazard to pedestrian or vehicle safety.

Signs may only be placed out two hours prior to house opening and must be removed on closing.

All signs are subject to the same requirements as A-frames.

Temporary auction and open house flags or banners overhanging the footpath must have a minimum height of 2.4 metres at their lowest point to ensure pedestrians may safely walk underneath.

## **19.3. Display home signs**

A permit allows for up to two signs and one flag (at the display home). All signs and flags must be removed at the end of the trading day.

## **19.4. Fingerboards or directory boards**

Where a business is located near a main road, in an arcade, a side street, or where multiple businesses are located inside a single multistorey building, Council may place a fingerboard or directory board on a pole nearby in lieu of the business having a portable sign outside their premises.

Contact Council on 9278 4444 or [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au) for more information.

## **20. Public liability**

Traders must hold a valid public liability insurance policy to the value of at least twenty million dollars (\$20,000,000) at the time of application. The insurance policy must cover injury, loss or damage to persons arising out of the activity carried out under or the granting of a permit.

This insurance policy must be maintained for the duration of the permit and specifically note the interest of the City of Boroondara as an insured party. The Certificate of Currency may be requested by Council and must be readily available.

## **21. Enforcement**

Council aims to support traders to achieve compliance through education of their permit conditions and the Amenity Local Law.

Traders contravening these Guidelines may be subject to enforcement including notices, infringements and prosecution. Council reserves the right to revoke or cancel permits.



## 22. Implementation and monitoring accountabilities

The responsible department coordinates the implementation, maintenance, and review of this document, arranging for its availability on Council's website and hard copies at Council offices and libraries to ensure stakeholders are aware of their accountabilities.

For all queries or feedback regarding this document, please use the contact details for the responsible department below:

Contact department	Contact number	Contact email
Permits and Appeals team, Civic Services	9278 4444	<a href="mailto:boroondara@boroondara.vic.gov.au">boroondara@boroondara.vic.gov.au</a>

**Note:** Any changes to the Footpath Trading Guidelines must be made in conjunction with the Outdoor Trading Policy, Parklets and the Outdoor Dining guidelines.

## 23. References

Related documents:

- Austroads Guide to Road design Part 4A, 2021
- City of Boroondara Amenity Local Law 2019
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*
- *Tobacco Act 1997*
- *Food Act 1984*
- VicRoads Supplement to the Austroads Guide to Road Design Part 4A - Signalised and Unsignalised intersections

## Appendix 1: Application process

### How to apply for a permit

To apply visit [www.boroondara.vic.gov.au](http://www.boroondara.vic.gov.au)

So we can assess an application in a timely manner please include the following information with the application:

- completed and signed application form
- a site plan showing the proposed location of the outdoor trading activity including dimensions and position of local infrastructure a copy of a current business registration certificate.
- Certificate of Public Liability Insurance for a minimum of twenty million

(\$20,000,000), noting the interest of the City of Boroondara as an insured party.

Additional requirements as relevant include:

- the proposed hours of operation
- details of the advertising signage
- copy of current registration to serve food and/or beverages under the *Food Act 1984*.

Permits may also be subject to change at any time during the permit period to ensure safety and amenity is not compromised.

## **Application assessment timelines**

Council is committed to helping traders take advantage of outdoor trading opportunities by activating public footpaths. To achieve this, applications to Council must have all the necessary information requested and enable applications to be processed in a timely manner.

Consideration will be given to site-specific constraints such as access, traffic and parking conditions, line of sight and permits may be issued with specific conditions.

Assessments may take up to one month due to complexities of the application especially where approvals are required from several departments.

Please contact our Concierge Business Support Service on 9278 4444 if you need any assistance in completing your application.

This service provides a one stop shop for traders which includes general advice and assistance to determine which Council permits and approvals they may require and triage any other business's needs.

## **How to amend your permit**

Applications to amend the approved permit can be submitted via Council's website.

Please include the following information:

- letter of consent from the neighbouring trader – if required
- a site plan of the proposed changes
- details of the proposed changes including type of furniture.

## **How to extend your Trading zone**

If seeking to occupy the Trading zone of an adjacent premises, Council requires the applicant to obtain and submit written consent from the owner, body corporate and/or occupier of the adjacent premises. This consent should be provided on the third party's official letterhead or signed by the relevant party.

A new letter of consent is required to be submitted by the permit holder to Council if:

- the adjacent premises is sold
- the business is sold or otherwise changes ownership.

Consent from the adjacent owner, body corporate and/or occupier may be withdrawn at any time. The footpath is public space and as such is not owned by any one business. A trader cannot charge “rent” for the use of the footpath in front of their premises.

Council will decide on a case-by-case basis if the permit should be withdrawn prior to the expiry of the permit. In the event of withdrawal of consent, no refund will be made in respect of fees paid in advance for the use of the area in front of the neighbouring premises.

## **Fees and charges**

A fee is charged for all outdoor trading. Additional fees may apply for changes and amendments. Fees and charges are reviewed annually.

## **Costs associated with moving existing infrastructure**

The costs will be at the expense of the applicant for:

- Installation of new infrastructure
- repair or amendment of existing infrastructure; and
- removal of outdoor dining

## **Display of permit**

A Permit sticker must be displayed on the front window of the permit holder's business.

## **Renewals**

Permit renewal fees are paid every year from the date of approval and accompanied by the renewal form. Renewal notices will be sent to permit holders in the month prior to their permit expiry date.

Renewals are not automatic. Council will consider whether compliance with the conditions of the permit during the permitted occupation of Council land for footpath trading have been met, whether all reasonable requests made by officers were complied with and any additional impacts that may affect the ability to support the continued occupation of Council land.

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

## **Removal of footpath trading**

A footpath trading zone may need to be removed temporarily or permanently for improvement, maintenance or other works as required by the City of Boroondara or its contractors, or a public authority to access their infrastructure.

The City of Boroondara will give the permit holder as much notice as possible. Costs to

remove and store any footpath trading items are borne by the permit holder both at the conclusion of the permit or if requested by Council to remove the items either temporarily or permanently.