

HORSHAM RURAL CITY COUNCIL

FOOTPATH TRADING GUIDELINES



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INTRODUCTION

Horsham Rural City is a vibrant, multi-cultural community situated in the heart of the Wimmera region of Victoria, approximately 300 kilometers north-west of Melbourne.

Council is committed to working with the community to develop the municipality through strong leadership, vision, good governance, responsive services and quality infrastructure, whilst enhancing our liveability and natural environment.

Council encourages vibrant and economically viable shopping precincts with safe and accessible pedestrian spaces. As the popularity of outdoor dining and footpath trading increases, there is a need to provide clear guidelines for the use of public footpaths for the purpose of outdoor dining and product display.



GUIDING PRINCIPLES FOR FOOTPATH TRADING IN HORSHAM RURAL CITY COUNCIL

- Provide clear, safe and unobstructed access for pedestrians of all abilities at all times on footpaths and public spaces within the Horsham municipality in accordance with Council's statutory requirements
- Ensure footpath trading activity makes a positive contribution to the character and amenity of shopping centres and surrounding residential areas
- Any commercial use of footpath space needs to be in accordance with these guidelines and will require approval from Council and payment of an annual fee



DO I NEED TO SUBMIT AN APPLICATION?

If you are planning to use the footpath for trading or product display, then you will need to complete an application form if:

- You plan to occupy the footpath with a display or advertising sign
- You plan on installing permanent infrastructure
- You plan to place furniture on the footpath in front of your business

If you answered yes to any of the above questions, then you are required to complete a Footpath Trading Permit Application Form

Footpath Trading Permit Application Forms are available online at: [Footpath Trading Application Forms](#) or www.hrcc.vic.gov.au under '[Popular Forms](#)'.

ASSOCIATED PERMITS

- You as the permit holder are responsible for obtaining all necessary approvals (i.e. obtaining a planning or building permit if required). For example, if you are changing the use of your premises (i.e. from a newsagent to a bakery) please contact Council to discuss your proposed changes
- All food associated uses of the footpath must hold a permit from Council's Environmental Health department prior to the footpath permit application process being commenced
- A Liquor Licence permitting the sale and consumption of alcohol must be obtained when alcohol is to be served on a footpath trading area
- For assistance with applying for a planning or building permit or registration under the Food Act 1984, please call Council on 5382 9777

APPROVAL PROCESS



Steps to complete a Footpath Trading Permit Application

Your permit will be granted on a ‘Deemed Approval’ basis. This means that your application will be processed within 14 business days and automatically approved by Council to allow businesses to get up and running as soon as possible.

The approval is conditional on these Footpath Trading Guidelines being adhered to.

Council officers will, over the course of the year, inspect areas used for footpath trading to ensure compliance with these Guidelines. Officers may also visit in response to any concerns received regarding your footpath trading infrastructure.

Approval is subject to the submission of a suitable site plan. This plan can be hand drawn and must show the infrastructure you wish to place on the footpath in compliance with the relevant sections of this specification.

PERMANENT INFRASTRUCTURE

In all circumstances, permanent furniture must be approved by the Council before use. Works to install permanent furniture must not commence until approval is given by Council including approval of the method of installation.

All costs associated with works carried out by Council on behalf of the applicant will be paid for by the applicant.

DESIGN

The type and design of permanent infrastructure must be of a high standard in appearance and style and made of quality materials, with finishes that are practical, elegant, durable and unobtrusive.

All permanent outdoor furniture must:

- Be weatherproof and designed for commercial outdoor use
- Allow access to existing street furniture and infrastructure
- Consider public safety and comfort
- Not have sharp edges or entrapment risks
- Be solid enough to resist wind gusts

Furthermore:

- Permanent outdoor furniture frames must be made of steel – either stainless steel, galvanised or powder coated black
- Tables and seats should each have 4 legs for stability, or two legs with extended base plates
- Seating and table battens are to be composite recycled material (Modwood, Enviroslat, etc) rather than timber
- All fixed seating is to be bench style

Furniture that is designed for indoor use will not be permitted. Any form of advertising branding requires Council approval.

INSTALLATION

Installation of permanent outdoor infrastructure must be according to the below guidelines

- Fixed tables and seats must be permanently bolted to the existing pavers/concrete. If this furniture is removed, it is the responsibility of the business to make good the paving/concrete underneath
- Pavers required for permanent installation can be obtained at cost from Council's depot
- It is the responsibility of the business to ensure that the furniture and pavement underneath is kept clean. Council will not be able to clean under the furniture with their standard pavement cleaning equipment
- The business is responsible for any maintenance or upkeep on the furniture as this infrastructure remains the asset of the business
- The furniture should be fixed level or as near as practicable. This is to be done by brackets or stirrups fixed to the pavement to enable adjustment in the furniture level. No adjustment is to be made to the paved surface to facilitate this levelling

Examples of permanent furniture:



SITING

Street, footpaths and public walkways are represented by the following zones and attracts the following specifications:

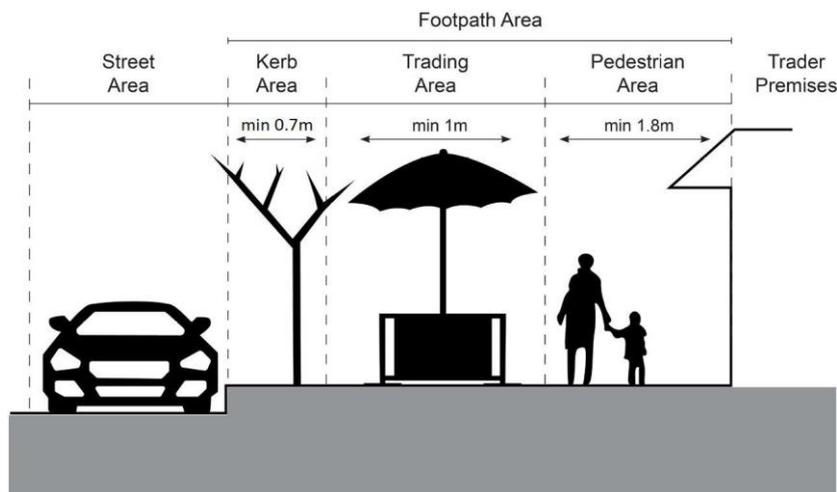


Figure 1: Footpath Trading zones (Not to Scale)

KERB AREA

The Kerb Area must be between 0.7 – 1.0 metres wide to allow for the overhang of cars or opening of car doors. No furniture or displays are permitted within the Kerb Area. The minimum width of a Kerb Area from the gutter must be:

- 0.7 metres when adjacent to angle (45°/90°) parking
- 0.7 metres when adjacent to parallel parking
- 1.0 metres when adjacent to a disability access parking space
- Less may be considered on a case by case basis

TRADING AREA

The Trading Area is where your footpath trading will occur. It must be at least 1.0 metre wide and cannot intrude into the Pedestrian or Kerb Areas.

The Trading Area may be located outside an adjoining property only with written consent of both the adjacent landowner and occupier. These extensions will be reviewed as required to reflect changing circumstances or at a minimum, annually.

Where an outdoor dining area runs continuously for 10 metres or more, an access break of a minimum of 1 metre in width must be provided generally in the center of the dining and trading zone to ensure regular access points are maintained between the Pedestrian Zone and the road.

For longer continuous dining and trading areas an additional 1m break needs to be provided for every 10m of dining and trading area.

PEDESTRIAN AREA

Council promotes equal access or best practice of 1.8 metres for the Pedestrian Area. A pedestrian walkway of less may be considered on a case by case basis. No furniture or displays are permitted within the Pedestrian Area.

STREET AREA

The Street Area is defined as the area between the faces of the kerbs and includes traffic lanes and parking areas. With special permission these areas may be for trading activities. For example mobile food trucks or temporary parklets.

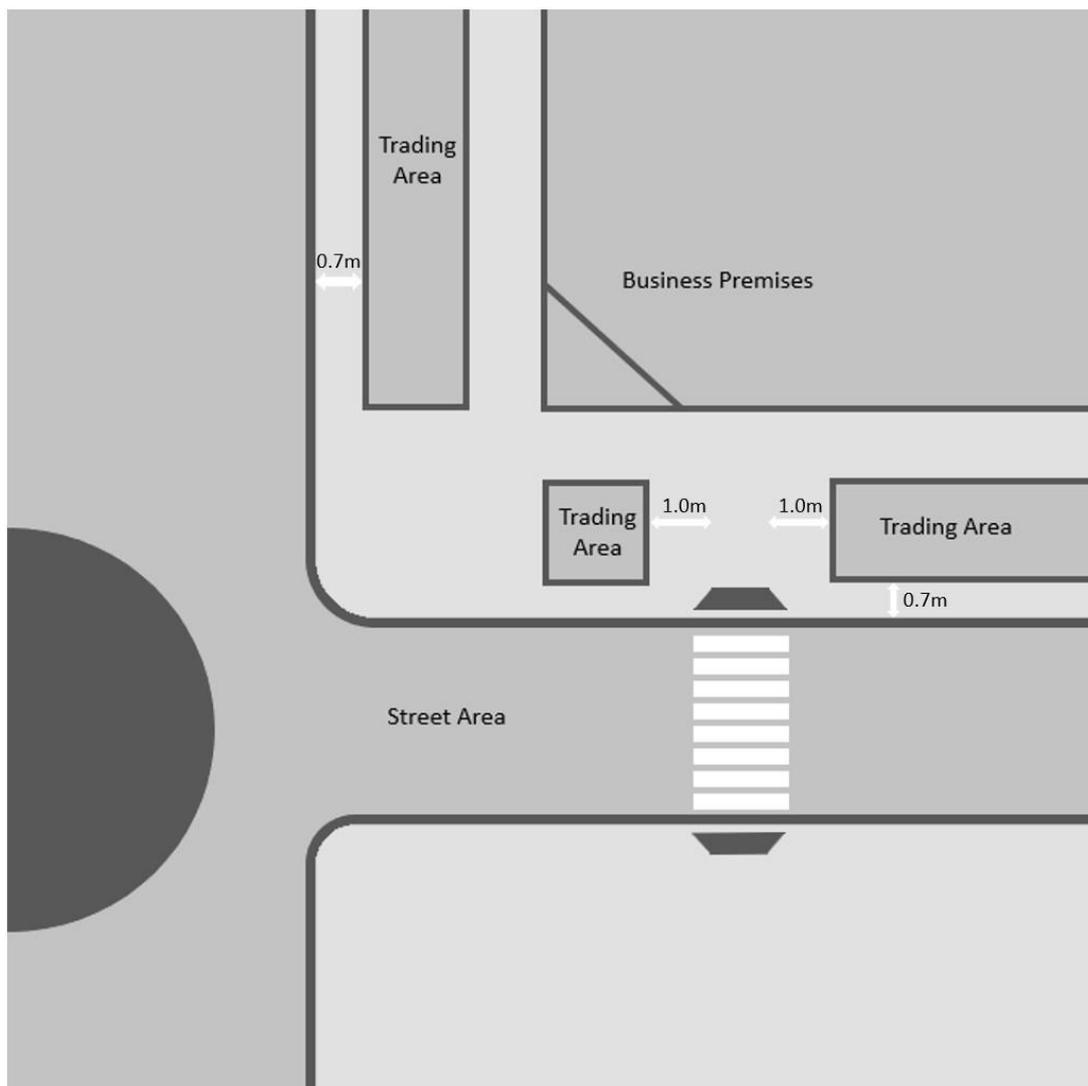


Figure 2: Footpath and Street Area (Not to Scale)

YOUR GUIDE TO FOOTPATH TRADING

Below is a list of mandatory Council requirements designed to ensure you are providing a safe, attractive and accessible footpath trading environment.

A-FRAME SIGNS	TIPS AND ADVICE
<p>A-frames must not exceed a height of 1.1 metres and a width of 0.9 metres. (See figure 3)</p>	<p>Use your A-frame sign to advertise daily specials and promotions. A sign with a changing message will attract attention.</p>
<p>A-frames must be located within the trading area. (See figure 1)</p>	
<p>Each business is permitted a maximum of two A-frame signs.</p>	
<p>Placement of A-frames is not permitted on roadsides, roundabouts or median strips.</p>	

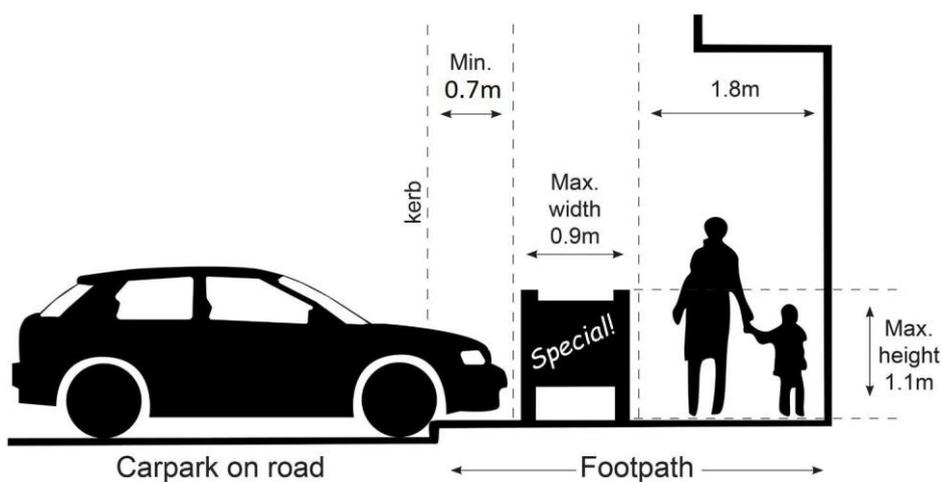


Figure 3: A-frames

AWNINGS

TIPS AND ADVICE

A Building Permit is required for awnings attached to buildings or verandas.

Horizontal awnings must have a vertical clearance of at least 2.4 metres from the ground to the underside and must not extend over the roadway or carpark. (See Figure 4)

Vertical awnings are not recommended. For situations where a vertical awning is the only option available, a vertical clearance of at least 2.4 metres must be maintained. (See Figure 5)

Call Council's Building Department for assistance with preparing a Building Permit application. There are lots of awning products available. Consider the use of clear or tinted materials to maintain access to natural light while also providing weather protection.

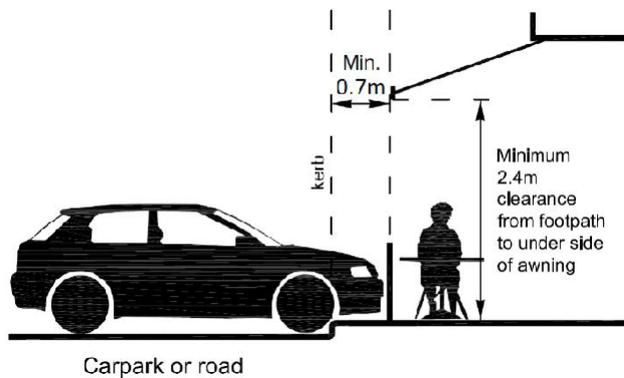


Figure 4: Horizontal Awning

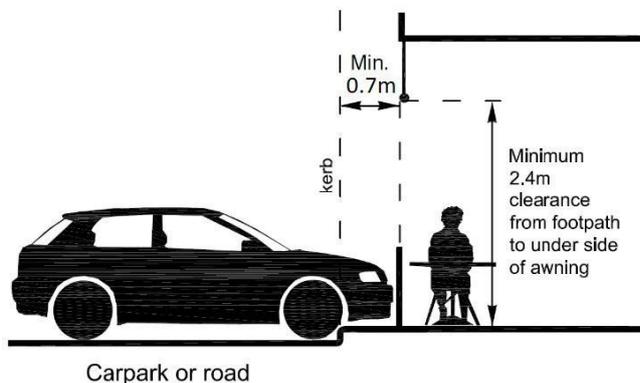


Figure 5: Vertical Awning

CAFÉ WIND BARRIERS – TEMPORARY

TIPS AND ADVICE

Café screens must be self-supporting so that they cannot be blown over by the wind.

Branding and advertising should take up no more than 50 per cent of the screen space.

The use of sand bags, or similar, to stabilise screens is discouraged. A secure sleeve in the ground is recommended to avoid tripping hazards and to improve occupational health and safety for staff.



Figure 6: Temporary Café Screen



CAFÉ WIND BARRIERS – PERMANENT

TIPS AND ADVICE

Before installing permanent café screens, you will need to check with Council’s Better Approval team for what permits may be required.

Graphics applied to glazed panels are to be limited to frosting (i.e. colorless and opaque) and should take up no more than 25 per cent of the screen space.

Posts are required to be finished in anodized aluminum with no other structures attached.

All glazing is required to be permanent safety glass.

A copy of the manufacturer’s certificate of compliance for manufacture and installation is required to be submitted with your application.

Call Council’s Planning Department on 03 5382 9777 or download an application form at: www.hrcc.vic.gov.au/Business/Better-Approvals

All reputable café screen suppliers will be able to provide you with a compliance certificate. Ask up front. If they can’t, then use a supplier who can.

Permanent infrastructure remains the property of the Business owner and all liability associated.



Figure 7: Permanent Café Screen

UMBRELLAS	TIPS AND ADVICE
<p>The lowest part of the umbrella canopy must be 2.4 metres above the footpath. (See figure 8)</p>	<p>Consider using light coloured umbrella materials to reflect summer heat and allow diffused light through to the footpath. A lockable socket and sleeve system is preferable to using weights and sand bags. Permanent sleeves must be installed in accordance with Council standards. A copy of the standard construction drawing and further information is available at: www.hrcc.vic.gov.au/Business/Better-Approvals</p>
<p>Umbrellas must be securely anchored to the footpath to Council's approved standards.</p>	
<p>Advertising must be restricted to 25 percent of the umbrella canopy.</p>	

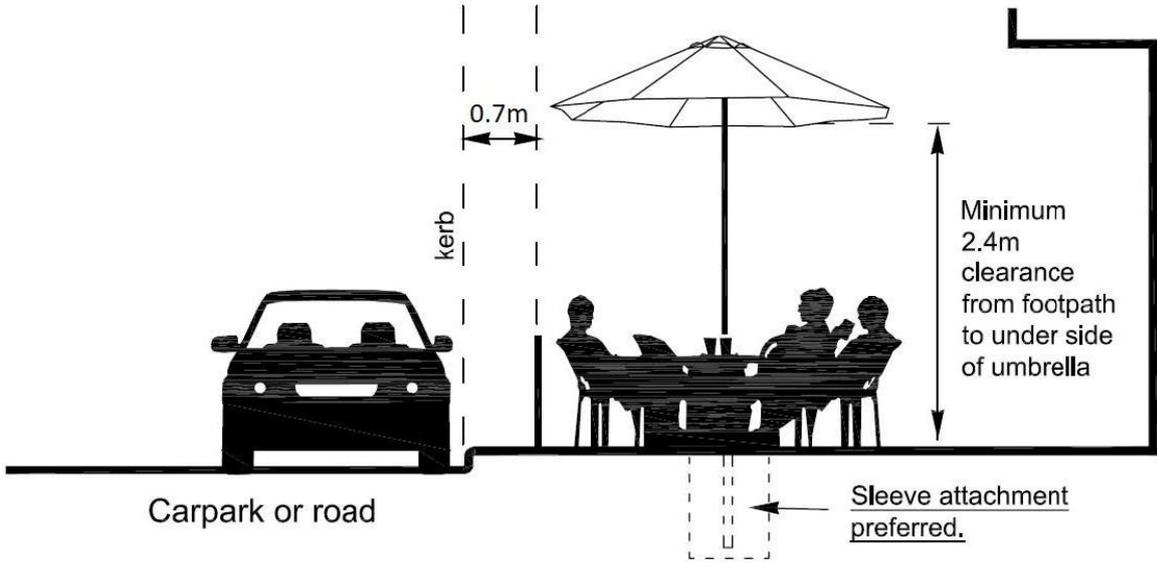


Figure 8: Minimum setback & clearance

OUTDOOR CLIMATE CONTROL

TIPS AND ADVICE

Must be maintained and managed in accordance with Australian standards.

If using gas, a fixed line gas supply is preferred to a bottle. Where a portable gas bottle is the only option available, ensure that guards are put in place to restrict children from accessing hoses, taps and hot surfaces.

The operators' public liability policy needs to cover the use of outdoor heaters.

Search for a product that maximises efficiency and minimises energy use.



Figure 9: Outdoor Gas & Electric Heating

PLANTER BOXES	TIPS AND ADVICE
<p>Must only be located in the Trading Area. (See figure 1)</p>	<p>Planter boxes can assist in defining trading areas and adding character to the streetscape. Better Approvals can assist in the development of a consistent theme for planter boxes in your centre.</p>
<p>Planter box and vegetation should not exceed 1.4 metres in height.</p>	
<p>Plants must be kept free of litter and in a healthy condition by the trader.</p>	
<p>Plants should be evergreen, drought tolerant, non-toxic, low pollen producing and not prickly.</p>	



Figure 10: Planter Box

OUTDOOR DINING

Outdoor dining furniture and activity must be set back a minimum of 1.8 metres from the shopfront to allow for unobstructed pedestrian movement. (See Figure 11)

Outdoor dining furniture and activity must be set back a minimum of 0.7 metres from the road or carpark edge. (See Figure 11)

Outdoor dining areas must be no longer than 7 metres with a 1 metre gap between neighbouring footpath trading areas to allow pedestrian access from the road to shops. (See Figure 1)

Temporary dining furniture (seats, tables and umbrellas) must be removed from the footpath at the close of business each day.

TIPS AND ADVICE

Consider the comfort of your customers:

- Provide shade
- Provide adequate room between tables
- Keep pavement area clean

Trading Areas should complement and enhance the existing streetscape, with individual trading areas tables & chairs being uniform in their style and design. In instances where cars park perpendicular to the kerb, a greater set back is required to ensure the safety of your patrons and footpath furniture.

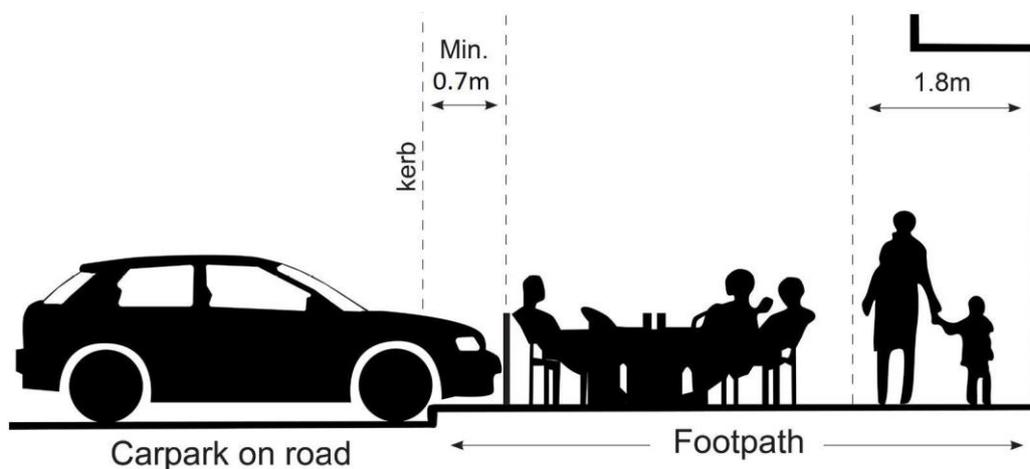


Figure 11: Outdoor Dining – Minimum Setbacks

OUTDOOR DISPLAYS

Product displays and activity must be set back a minimum of 1.8 metres from the shopfront to allow for unobstructed pedestrian movement. (See Figure 12)

The total height of an outdoor display stand and product must not exceed 1.4 metres, additional permit is required.

Display stands must be no longer than 7 metres with a 1 metre gap between to allow pedestrian access from the road to shops.

Display stands must be secure in adverse weather conditions with no items tied to or leant against Council street furniture and/or trees.

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

TIPS AND ADVICE

Your display stands say a lot about your business:

- Do not over-brand or cram too much information onto displays
- Remember “eye level is buy level” so put your best/newest stock where it can be seen
- Undertake regular maintenance
- To keep your display inviting, ensure aisles are wide enough for prams or wheelchairs and are clear of boxes and excess stock
- Taller displays block natural light and reduce pedestrian visibility
- Maintain a clear view from inside the shop premises to the outdoor display area for surveillance
- Allowing gaps between long displays will improve customers’ access to your shop

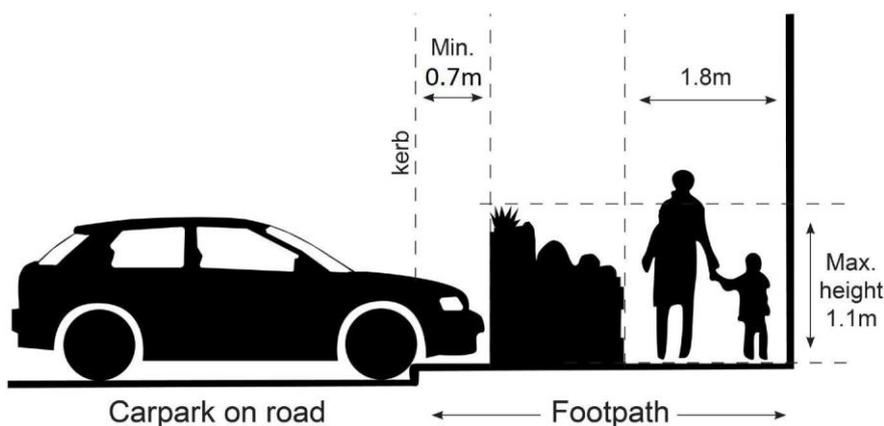


Figure 12: Outdoor Displays – Minimum Setback & Maximum Height

STREET TREES, FURNITURE & OTHER PUBLIC INFRASTRUCTURE

TIPS AND ADVICE

All footpath trading furniture or displays must be set back a minimum of 1.8 metres from any Council owned street furniture and/or utility infrastructure. (See Figure 13)

Ask Council for advice on the best way to accommodate footpath trading in front of your business if there is other infrastructure or a pedestrian crossing nearby.

All footpath trading furniture or displays must be set back a minimum of 1.4 metres from bus stops, pedestrian crossings and paths connecting to pedestrian crossings.

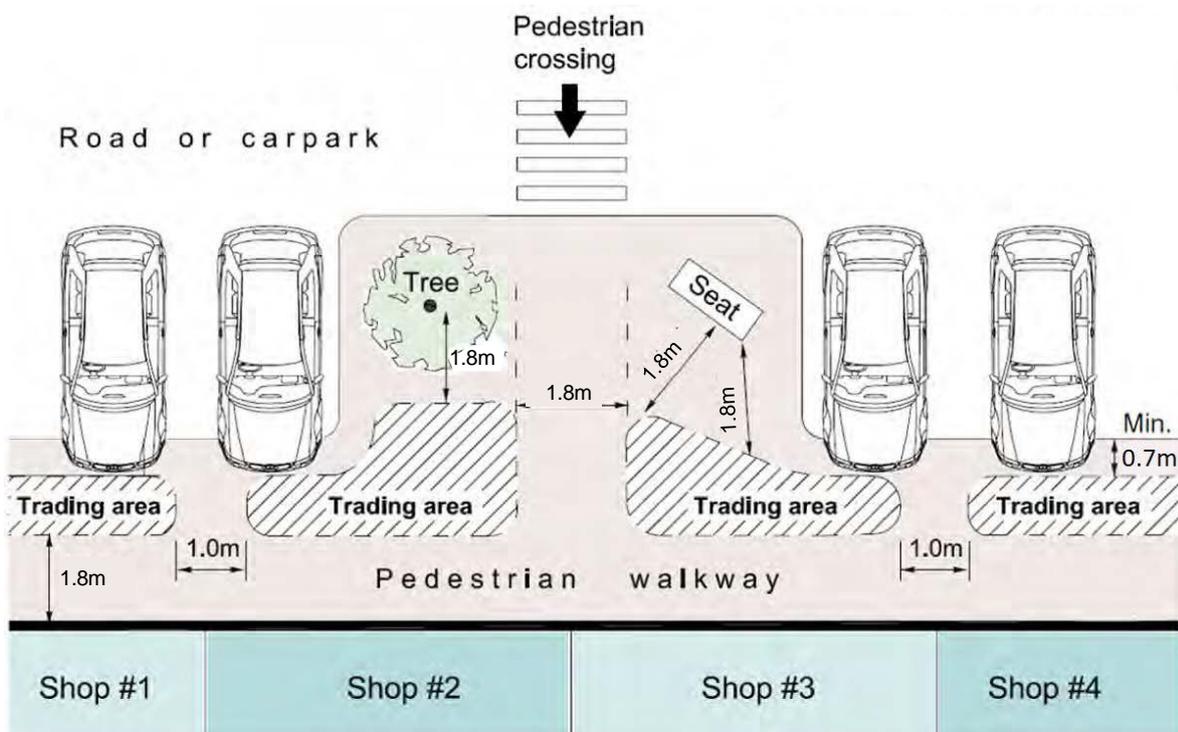


Figure 13: Minimum Setbacks, Street Trees, Furniture & Other Public Infrastructure

RESPONSIBILITIES OF A PERMIT HOLDER

- Complying with these guidelines.
- Complying with the conditions contained in their Footpath Trading Permit, Planning Permit and/or Building Permit (if required).
- Complying with all laws relevant to trading on footpath areas.
- Maintaining a minimum of \$10 million Public Liability Insurance.
- Where permanent infrastructure is installed, the business owner is responsible to replace, maintain and clean the area used.
- Remove street furniture on ceasing of permit holding trading.

RESPONSIBILITIES OF COUNCIL

- Council regularly cleans and maintains public footpaths. Furniture or fixtures must not impede this activity.
- Council reserves the right to revoke a permit for footpath trading.
- Council Better Approvals team (Local Laws, Urban Design, Statutory Planning, and Building Officers) are available to provide on-site assistance and explain the application process.

MORE INFORMATION:

For more information on Footpath Trading in Horsham Rural City Council please call Council on 03 5382 9777 or visit:

www.hrcc.vic.gov.au/Business/Better-Approvals

[Site plan Template](#)

[COVID-19 Express applications & exemptions](#)

[Victorian Government Industry Restart Guidelines](#)

[Food Safety Information](#)

Horsham Rural City Council

Civic Centre, 18 Roberts Avenue

PO Box 511

Horsham Vic 3402

Ph: 03 5382 9777

F: 03 5382 1111

TTY: 133677 ask for 03 5382 9777

E: council@hrcc.vic.gov.au

W: hrcc.vic.gov.au

Natimuk Office

62 Main St

Natimuk Vic 3409

Ph: 03 5382 9777

E: council@hrcc.vic.gov.au

