



FOOTPATH ACTIVITY CODE OF PRACTICE

2012

Adopted 11 February 2013

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1. Introduction

The City of Greater Dandenong supports footpath activity associated with established businesses throughout strip shopping centres and other business activity areas, where this activity adds to the vibrancy, diversity and cosmopolitan nature of our City and its streetscapes. It is also acknowledged that certain activities may only be suited to specific areas within the municipality.

Council expects that business operators will also recognise adequate controls need to be established and enforced, to ensure that public safety is not compromised and that pedestrians, including people with disabilities, can move freely and safely along footpaths/walkways and other public areas.

This Code has been developed to assist traders in understanding how they may be able to make use of footpaths and other public space, for the purpose of improving or enhancing their business activities. The types of activities covered by this Code include:

- Outdoor dining areas
- Goods displays
- A-Frame signs
- Planter boxes

To meet legislative and amenity requirements this Code is prescriptive in relation to a range of matters. Permit applicants may however develop proposals that vary from the Code, in response to site-specific challenges or that suit the function of their business and the design of the street. Provided the principles of this Code are met, Council will give consideration to such proposals.

Outdoor café areas and goods displays should be vibrant, innovative and attractive. Key design objectives for outdoor cafes should include layouts that are appropriate to the setting, whilst goods displays, where permitted, must make use of high quality fixtures and fittings that enhance streetscapes and meet with the specifications set out in Appendix 1 this Code.

Applicants are encouraged to contact Council to discuss their ideas, prior to submitting formal applications.

2. Background

This policy has been developed to ensure that the City of Greater Dandenong has attractive, functional streetscapes which present a balance between the needs of pedestrians and businesses, whilst also meeting Council's obligations under Federal Disability Discrimination legislation.

3. Scope

This Code applies to any person wishing to conduct commercial activity on footpaths within the City of Greater Dandenong. It also applies to all Council Officers involved in the issuing of permits under Council's Local Laws or enforcement there-of.

4. References

- Disability Discrimination Act 1992 (Federal Act)
- Road Management Act 2004
- Local Government Act 1989
- City of Greater Dandenong Local Law No. 3 of 2011 – Road Management and Asset Protection.

5. Definitions

In this Code:

“Authorised Officer” means a person appointed by Council under section 224(1) of the *Local Government Act 1989*.

“Hotel” has the same meaning as in the City of Greater Dandenong Planning Scheme.

“Liquor” has the same meaning as in the Liquor Control Reform Act 1998.

“Licence” has the same meaning as in the Liquor Control Reform Act 1998.

“Permit” means a permit issued under the Local Laws of the City of Greater Dandenong.

“Restaurant” has the same meaning as in the City of Greater Dandenong Planning Scheme.

6. Principles

This Code is developed based on the following principles:

- 6.1 The primary purpose of footpaths and related public space is to provide for the safe, free and dignified movement and interaction of pedestrians.
- 6.2 Other activities allowed on footpaths and related public space should not unduly restrict pedestrian activity.
- 6.3 Commercial footpath activity should enhance to the amenity, vibrancy and attractiveness of an area.
- 6.4 Commercial footpath activity should contribute to improved perceptions of safety and security.

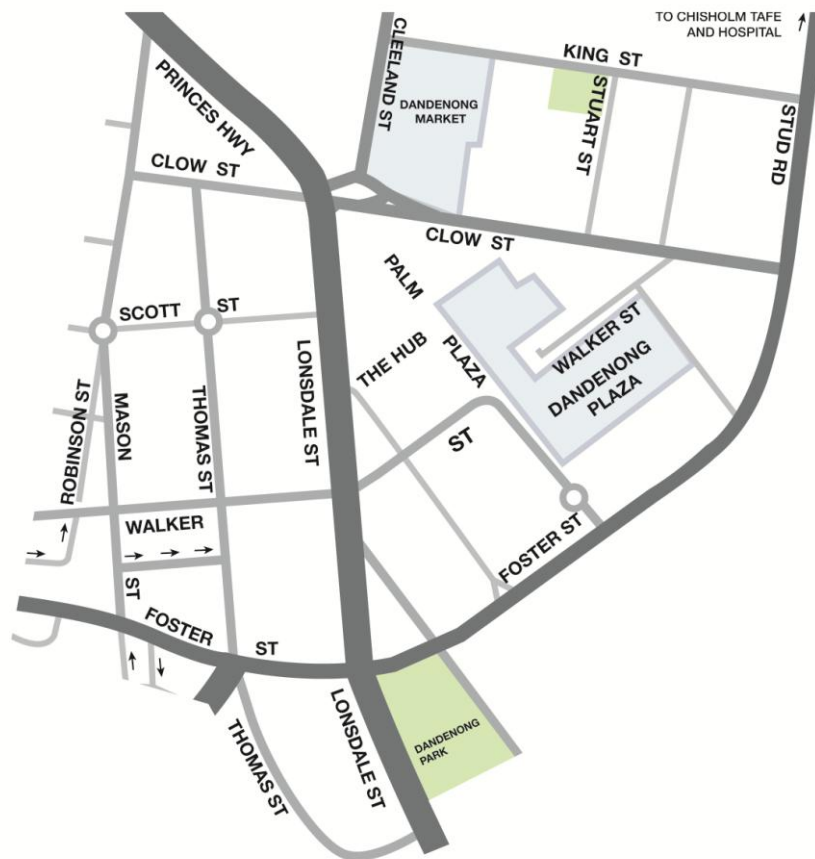
7. Area Restrictions

Council’s Local Law No. 3 of 2011 - Road Management and Asset Protection, governs activity on footpaths and other public space. The Local Law requires that such activity be controlled through the issuing of appropriate permits. The Local Law also sets out conditions that will apply to permits.

In accordance with the provisions of that Local Law, Council has adopted this Code of Practice to provide guidance to customers and Authorised Officers in preparation, lodgement and assessment of applications for footpath activity permits. The Code also clarifies the authorities and responsibilities of Authorised Officers.

The Local Law also provides that Council may restrict or prohibit these activities in specific geographical locations. Council has resolved that A frame signs and goods displays are prohibited in the Central Activity District of Dandenong, as defined in the Map reproduced below.

Diagram 1 – Restricted Area Dandenong Central Activity District



Note: The restriction on A-frame signs and good displays applies to the sections of all of those streets and roads as shown in the map above.

8. Code Objectives:

- 8.1 To provide clear guidance to traders considering footpath activity and/or making application for permits;
- 8.2 To ensure that footpath activity reflects the streetscape, amenity and diversity of the specific area of the City where it occurs;
- 8.3 To ensure that pedestrian and vehicle access to public areas is not unreasonably constrained by footpath activity;
- 8.4 To maximise public safety; and
- 8.5 To clearly define responsibilities of Authorised Officers in determining whether permits should be granted for footpath activity.

9. Service Quality Guarantee

- 9.1 All applications for permits, that are completed as required and supplied with all necessary documentation, will be processed and completed within five working days.
- 9.2 Where an application is not completed as required and/or supplied with all necessary documentation, the applicant will be notified within five working days.

10. Permits

Authorised Officers may only consider permit applications if they are submitted on the prescribed forms. When considering applications, the following matters must be taken into account.

10.1 The following activities can be permitted on footpaths:

- a) Alfresco (outdoor) eating facilities;
- b) A-frame advertising signs;
- c) Goods displays; and
- d) Planter boxes

10.2 Council has restricted these activities in certain areas – see Clause 7.

10.3 The Local Law requires that Authorised Officers must consider the following matters when reviewing a permit application:

- a) whether the proposal provides for safe, unimpeded and dignified access for all - consistent with the *Disability Discrimination Act 1992*;
- b) how the proposal assists with the provision of a practical balance between the competing needs and interests of pedestrians and businesses;
- c) whether the proposal will impact upon the safety of pedestrians, motorists and businesses through the development of an unsafe layout;
- d) whether the proposal is compatible with existing streetscapes and street furniture;
- e) how the proposal increases diversity within commercial precincts, and helps promote the City of Greater Dandenong's strip shopping areas as vibrant commercial and community precincts;
- f) whether the proposal includes an intention to sell or otherwise supply liquor for consumption at an outdoor eating facility; and
- g) Any other relevant matter.

Permit applicants need to consider these matters when preparing their applications.

10.4 A range of conditions can be attached to Permits. The Local Law provides that these conditions may address the following matters:

- a) specific location of the activity;
- b) size, style, condition and mobility of signs, display units, furniture or other items permitted;
- c) amount of space allowed for a particular activity;
- d) maximum total advertising area in displays;
- e) permit operating times;
- f) sale and consumption of liquor;
- g) safety requirements such as weighting of items to prevent them from being blown over;

- h) prohibition of obstruction to:
 - i. the safe, continuous and dignified access of pedestrian traffic along the footpath;
 - ii. the movement or safe operations of vehicular traffic along a road or intersection;
 - iii. visibility or lines of sight at an intersection of a road (or private access).
 - iv. requirement for permit holders to remove any items that are the subject of the permit, to facilitate access for works by Council, utility providers or emergency services; or to facilitate public events.
 - i) maintaining cleanliness and appearance of permit area;
 - j) illumination of signage or displays;
 - k) requirement to remove items as requested to do so by an Authorised Officer;
 - l) colour contrasting of items to ensure that they do not blend into the surrounds;
 - m) any other relevant matter.
- 10.5 To ensure that the principles and objectives of this Code are achieved, the next section sets out the details of the general permit conditions that will apply.
- 10.6 Authorised Officers are required to ensure that permit applications demonstrate compliance with these conditions can be achieved, before granting approval.
- 10.7 Where an application does not comply, but is seen as reasonable in the circumstances, the Authorised Officer will submit a report to their Supervisor, setting out the reasons why the application is supported and any special conditions that should be applied to that permit.
- 10.8 Plans submitted with applications must show how compliance will be achieved.
- 10.9 When permits are approved, submitted plans will be attached to and form part of the permit. Plans must clearly delineate the area that will be used for the approved activity. If consumption of liquor is provided for in the permit, the licensed area must also be shown on the plan – see Clause 11.5 for further information on liquor licensing.
- 10.10 The placement of items on the footpath may be influenced by local conditions including the width of footpaths, proximity to major roads, access to parking bays for people with disabilities, traffic lights, pedestrian crossings; pram crossings, placement of other existing or proposed street furniture, landscaping or the volume of pedestrians using footpaths at particular times.

11. General Permit conditions

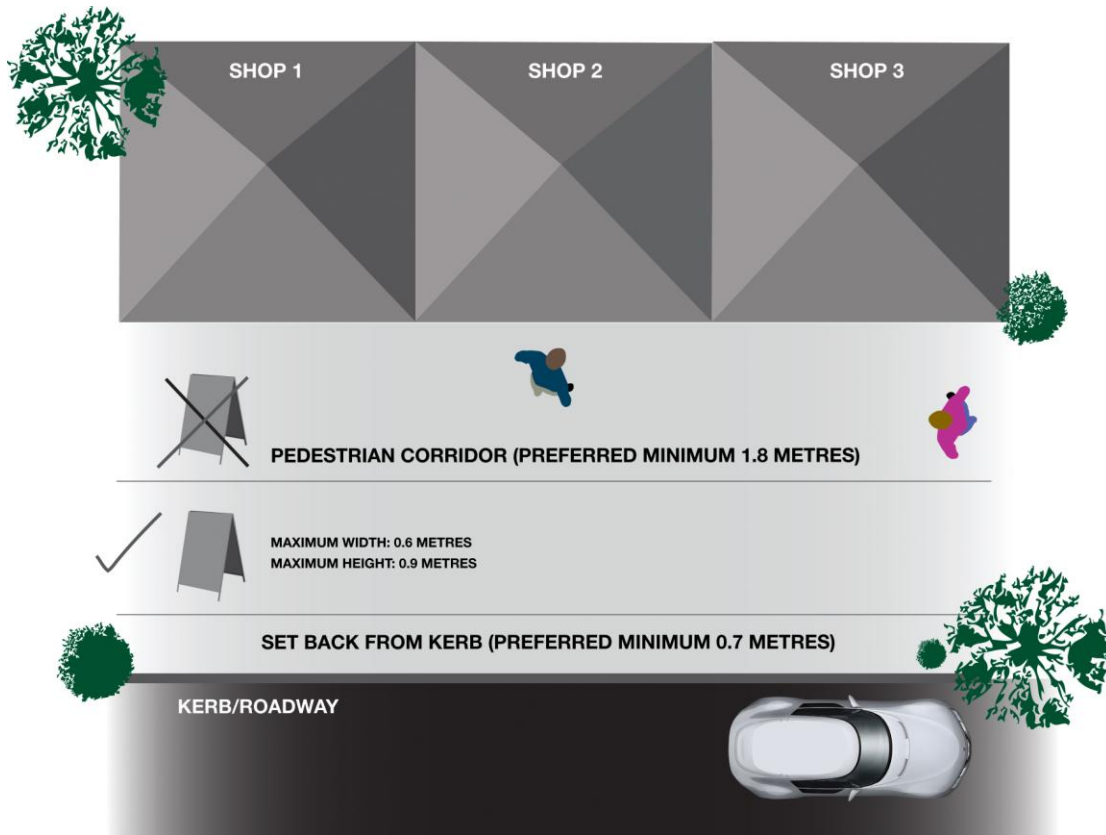
11.1 *Specific location*

- a) Permit will specify address at which activity is allowed.
- b) Permit is not transferable to another person, business or address.

11.2 ***Size, style, condition and mobility of signs, display units, furniture or other items permitted***

- a) The feet or wheels of all items placed on the footpath should be covered with a suitable rubber stopper/tyre or other device to protect the pavement surface from damage. Permit holders are responsible for ensuring that their items do not cause damage to Council assets.
- b) All signs, outdoor furniture and display items should be safe, structurally sound and of a design and construction so as to be able to withstand windy conditions. Safety should always be the first consideration.
- c) Unless otherwise approved in a permit, items cannot be permanently affixed to any footpath, building, street furniture, pole or other structure.
- d) Council will consider applications for solid panel screening and/or full length plastic blinds in connection with outdoor eating facilities. See Appendix One for minimum standards that will apply to such screening.
- e) Items must be soundly constructed, stable, kept in good condition and not detract from the overall appearance and amenity of the area.
- f) Where required, items must also meet Council specifications in terms of design and quality. Design standards for outdoor café furniture and goods displays are set out in Appendix One and Two. These standards must be complied with.
- g) Only one A-Frame sign is allowed per premises (see Diagram 2 below).

Diagram 2 - Placement of A-frame Signs



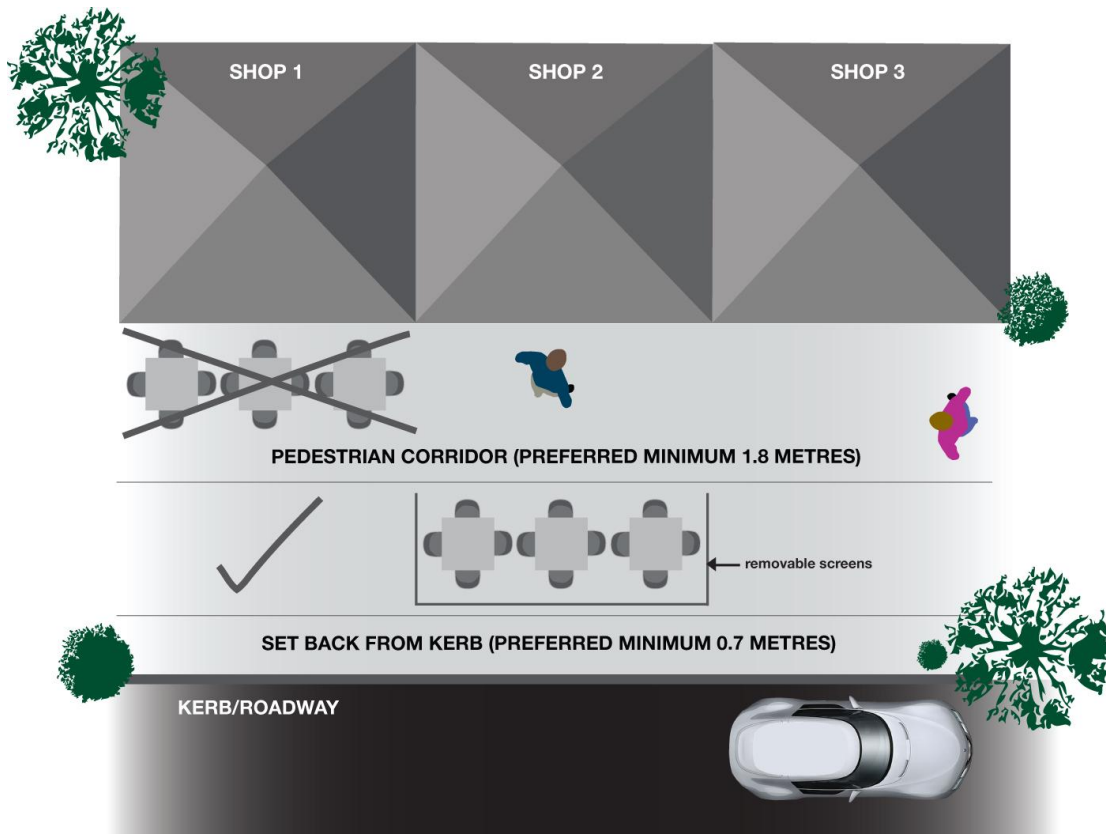
11.3 Amount of space allowed for activity

- A plan will be attached to the permit. That plan will delineate the area approved for the activity and will show the specific layout approved. The approved area and layout may not be varied without the written approval of an Authorised Officer.
- Unless otherwise approved in a permit, tables and chairs may only be placed outside the premises to which they relate and must be confined within the property boundary lines. (See Diagram 3 below).
- Permission may be granted to extend the placement of tables and chairs beyond the immediate boundary of the operator's premises, if the application is accompanied by written permission from the proprietor of the premises that fronts the area on which the tables and chairs are intended to be placed. Solid Screens may only be placed outside the premises to which they relate.

Note:

Special conditions apply to A-Frame signs used by Real Estate agents to advertise homes open for inspection or being auctioned. Council produces a Fact Sheet "Real Estate A frame signs", which provides information on those matters. The fact sheet is available on our website or from a Customer Service Centre

Diagram 3 - Placement of Tables and Chairs



11.4 Maximum total advertising area in displays

- a) Advertising signs must not exceed 0.6 metres in width or 0.9 metres in height. Despite this requirement, an Authorised Officer may approve an existing sign to exceed these dimensions, provided the sign is stable, does not cause an undue obstruction and meets all other criteria in this Code of Practice.
- b) Applicants may feature the name of their business premises or relevant product names on umbrellas, planter boxes or screens. Details of any proposed signage on screens, umbrellas or other furniture must be submitted with applications and is subject to approval by an Authorised Officer.

11.5 Permit Operating Times

- a) Subject to item (c) below and Clause 11.6, permit operating times shall be the same as those allowed in any planning permit applicable to the subject premises.
- b) Where there are no planning permit conditions governing operating times, the permit operating times shall, subject to item (c) below and Clause 11.6, be the same as the normal operating times of the business.
- c) Unless otherwise approved in a permit, outdoor café activity must cease at 10 pm Sunday to Thursday and 11pm Friday and Saturday.

- d) Unless otherwise approved in a permit, at the close of a day's trade, all items must be removed and the footpath kept clear to facilitate cleansing by Council.

11.6 ***Sale and consumption of liquor***

- a) Businesses holding Outdoor café permits allowing sale and consumption of liquor must obtain and maintain an appropriate liquor licence, before sale or consumption commences.
- b) Outdoor café permits allowing sale and consumption of liquor on Council land will only be granted in respect of businesses operating as restaurants and hotels.
- c) Where an outdoor café permit allows consumption of liquor, service of liquor must cease 1 hour before the activity is required to cease.
- d) Any liquor licence referred to in Clause 11.6 (a) must contain operating hours in respect of the outdoor café, that match those set out in this Code.

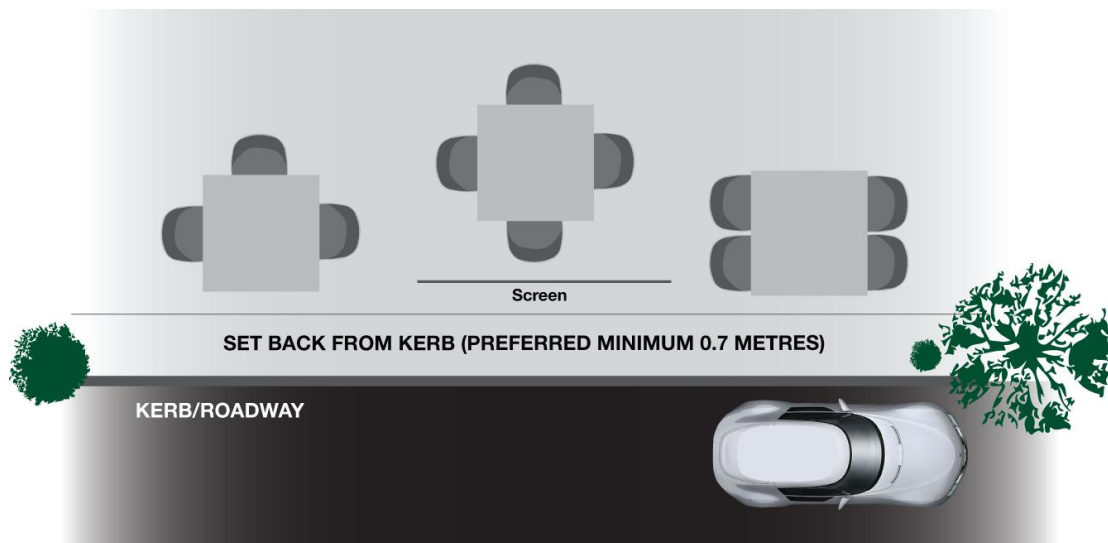
11.7 ***Safety requirements***

- a) The permit holder must maintain public liability insurance for an amount of at least \$5 million.
- b) Items need to be placed as close as possible to the kerbside of the footpath, whilst still allowing a gap of 0.70 metres between the item and the kerb. This gap is required to allow for the opening of car doors or the overhang of vehicles in angle parking areas. (See Diagram 4).
- c) Where an applicant can show that appropriate levels of safety will be maintained, an Authorised Officer may give written approval for a gap of less than 0.70 metres.
- d) In outdoor cafes, chairs should not be placed with their backs to the kerb, unless protected by a screen, planter box or similar. See Diagram 3 for an example of a screened setup. Diagram 4 shows set ups where no screens are provided.
- e) *Gas Heaters*

The use of outdoor radiant heaters must be undertaken in accordance with Australian Standard AS4565. They may only be used in association with, and sited in accordance with, the guidelines for (outdoor) alfresco eating facilities.

They must not be positioned where they may present a fire hazard (e.g. in close proximity to awnings/umbrellas).

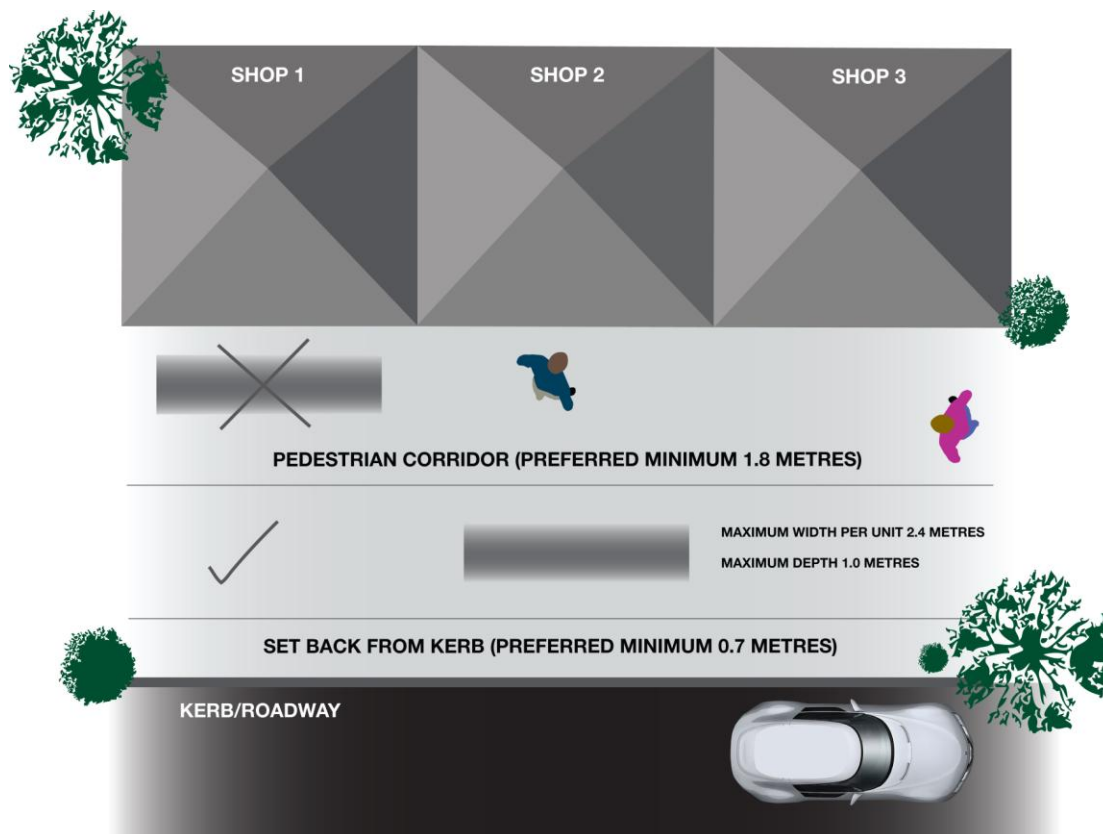
Diagram 4 - Outdoor Café Seating Plan



11.8 Prohibition of obstructions

- a) Use of footpaths and other public space must allow for the safe, continuous and dignified access of pedestrian traffic.
- b) Items placed on footpaths must allow for free access to public transport stops, water hydrants, parking meters/parking ticket machines, pedestrian crossings, post boxes, and all other facilities provided within that space.
- c) A clear pedestrian corridor of at least 1.8 metres width is generally required between the building line of the business premises and the items placed on the footpath. (See Diagrams 3 and 5)
- d) On streets with narrower footpaths, this corridor may be reduced to 1.5 metres, provided that sufficient passing points for wheelchairs prams etc can be provided. Passing points must be shown on submitted plans.
- e) Goods display units must provide pedestrian access/egress to the kerb at intervals of 2.4 metres along their length. This access space must be at least 0.75 metres in width. (See Diagram 5 below)
- f) No items can be placed on the footpath along the building line of a premises. (See Diagram 5)
- g) The approved use must not obstruct movement or safe operations of vehicular traffic along a road or intersection.
- h) The approved use must not restrict visibility or lines of sight at an intersection of a road (or private access).

Diagram 5 - Placement of Good Displays



11.9 Cleanliness and appearance of permit area

- a) Permit holders must keep their allocated space in a clean condition and clear away any litter, food scraps, cigarette butts, chewing gum and any other rubbish left on the site and deposit it within their own bins, kept inside the premises. Private bins cannot be stored on the footpath.
- b) The permit holder must ensure the outdoor cafe and surrounds are kept in a clean and hygienic state at all times, including collecting and removing used plates, utensils, rink containers, food packaging, cigarette butt and chewing gum waste.
- c) All businesses are encouraged to promote smoke free dining. In areas where smoking is permitted, smokeless ashtrays must be provided for customer use.

11.11 Illumination of signage or displays

Portable electric signs, illuminated, revolving, spinning or flashing signs are not allowed.

11.12 Removal of obstructions or inappropriate items

Permit holders may be required to remove any items that are, in the opinion of an Authorised Officer:

- a) causing unreasonable obstruction; or
- b) which detract from the overall streetscape and appearance of the area in which the activity is occurring.

11.13 Colour contrasting of items

Items used in footpath activity should be manufactured or painted in colours that contrast with the existing streetscape, to ensure that they do not blend into the surrounds and cause hazards for the vision impaired.

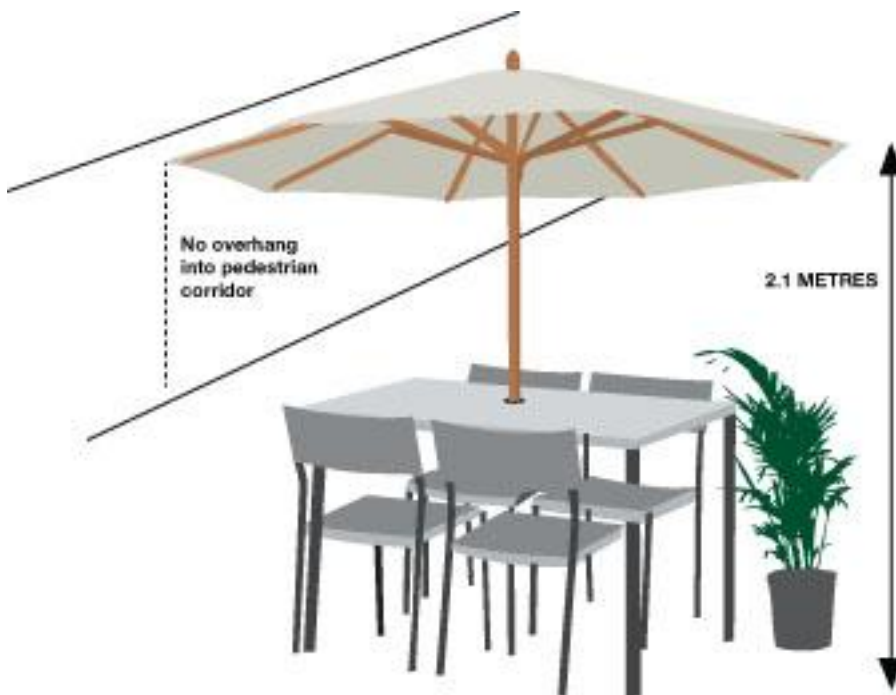
11.14 Other relevant matters

- a) Authorised Officers may recommend additional conditions be included in permits, to address particular issues associated with a particular application or location.
- b) Any such additional conditions must be approved by a supervisor before being included into a permit.

12. Other items

- a) Screens, Planter boxes and umbrellas can be used within alfresco dining areas or simply to improve the appearance of a business streetscape. The following conditions apply to use of these items.
 - i. Planter boxes or removable screens can be used in alfresco dining areas to divide and delineate one kerbside cafe site from another however they should not extend beyond the building line of the relevant business unless otherwise approved in a permit. (See Diagram 3)
 - ii. They may also be used to separate the seating area from the kerb, provided a minimum set back of 0.70m is maintained. (Diagram 3)
 - iii. The maximum height for screens or planters (including plant height) is 1.0 metre.
 - iv. Each planter or screen should not exceed a length of 2.4 metres, and those parallel to the kerb must have a spacing of 0.75 metres between.
 - v. There are several guiding principles that should be applied when selecting plant species for planter boxes. Council can provide these principles upon request.
 - vi. Umbrellas may be provided for each table as long as there is a minimum of 2.1 metres height clearance from the underside of the umbrella to the pavement surface and they are securely weighted or fastened.
 - vii. Umbrellas must not extend into the pedestrian corridor so as to cause a hazard to people moving past the site. (Diagram 6)

Diagram 6 - Placement of Umbrellas



13. Permit Fees and Period of Permit

- 13.1 Permit fees are reviewed every year. Current fees can be obtained from Council's website www.greaterdandenong.com or by calling a Customer Service Officer on 9239 5100.
- 13.2 Permits will expire 12 months from the date of issue, unless otherwise specified on the permit.
- 13.3 Short term permits are available for a maximum period of up to seven days. All other conditions set out in this code apply to short term permits. An Authorised Officer may extend a short term permit for a period of up to one month, provided there is no significant detriment to local amenity.
- 13.4 Where such additional extension is granted, a pro rata fee equal to 1/12 of the annual fee must be applied for the whole the period allowed, irrespective of the period that extension.
- 13.5 A permit also immediately expires if:
 - the permit holder ceases to be the proprietor of the business; and/or
 - the permit holder ceases to maintain public liability insurance.
- 13.6 Permits may also be cancelled or revoked for non-compliance with conditions, including the requirements set out in this Code of Practice.

14. Permit Approvals and Authorities

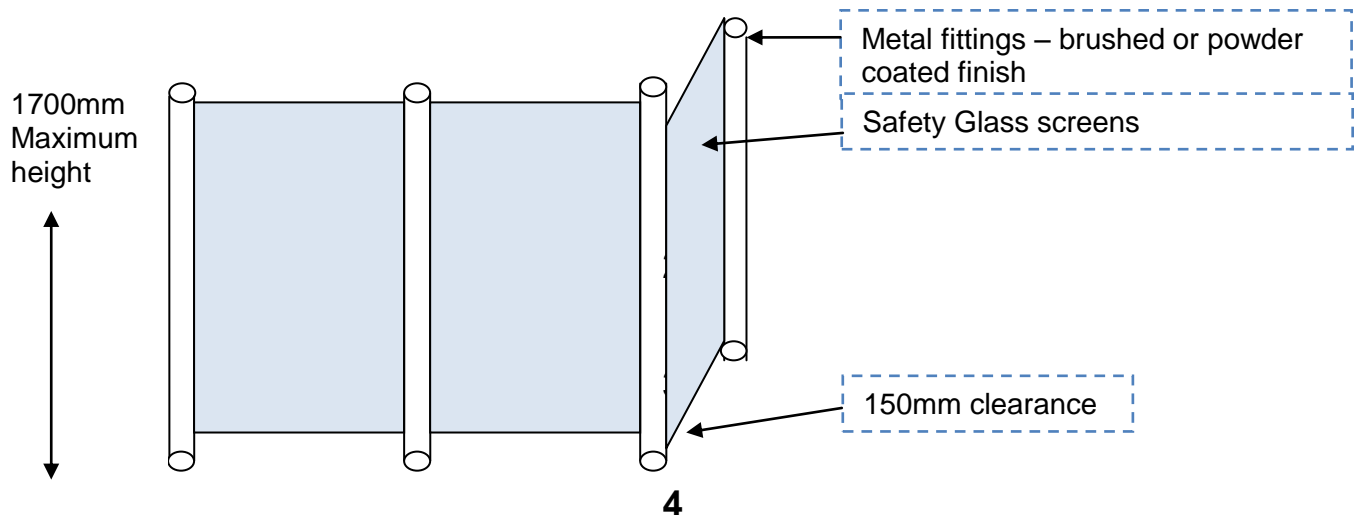
- 14.1 Before an Authorised Officer can consider an application, the following information must be provided by the applicant:
 - a) a completed and signed application form (Appendix 3);
 - b) in the case of an individual applicant, proof of identity eg driver's licence; in the case of a company, proof of business registration;
 - c) proof of current public liability insurance;
 - d) a site plan (See Site Plan template – Appendix 3) that shows:
 - dimensions of proposed alfresco dining area, goods display, planter box/es or advertising signs etc;
 - total footway width;
 - width of proposed café/display/sign;
 - setbacks from kerb;
 - site boundaries;
 - pedestrian passing points (where pedestrian corridor will be less than 1.8m wide);and
 - any existing street infrastructure, for example, trees, light poles, rubbish bins, etc;

15. Other Activities on Footpaths

Council's Local Laws control a range of other activities on footpaths such as busking, charity collections and other fund raising activities eg sausage sizzles. Information on how to obtain permits for these activities can be obtained at Council's website or via Customer Service – see Clause 13.1 above.

APPENDIX 1

Solid Screen Guidelines



Solid Screens

- Solid screens should be constructed of high quality modern and stylish materials, which complement the local streetscape.
- Metal fittings in screens should be brushed metal or powder coated finishes to suit business décor and local streetscape.
- Screens must be made of transparent materials such as safety glass that meets relevant Australian Standards.
- No sign writing, company logos or other forms of advertising may be placed on screens.
- Base of screens should be at least 150mm from ground level, to prevent wind-borne material collecting.
- Screens must be locked in place but removable, to facilitate cleansing, maintenance and other uses of the space.
- When screens are removed, fittings must be flush with pavement surface, to avoid tripping hazards.
- Screens must be setback 700mm from the kerb.

Sizes

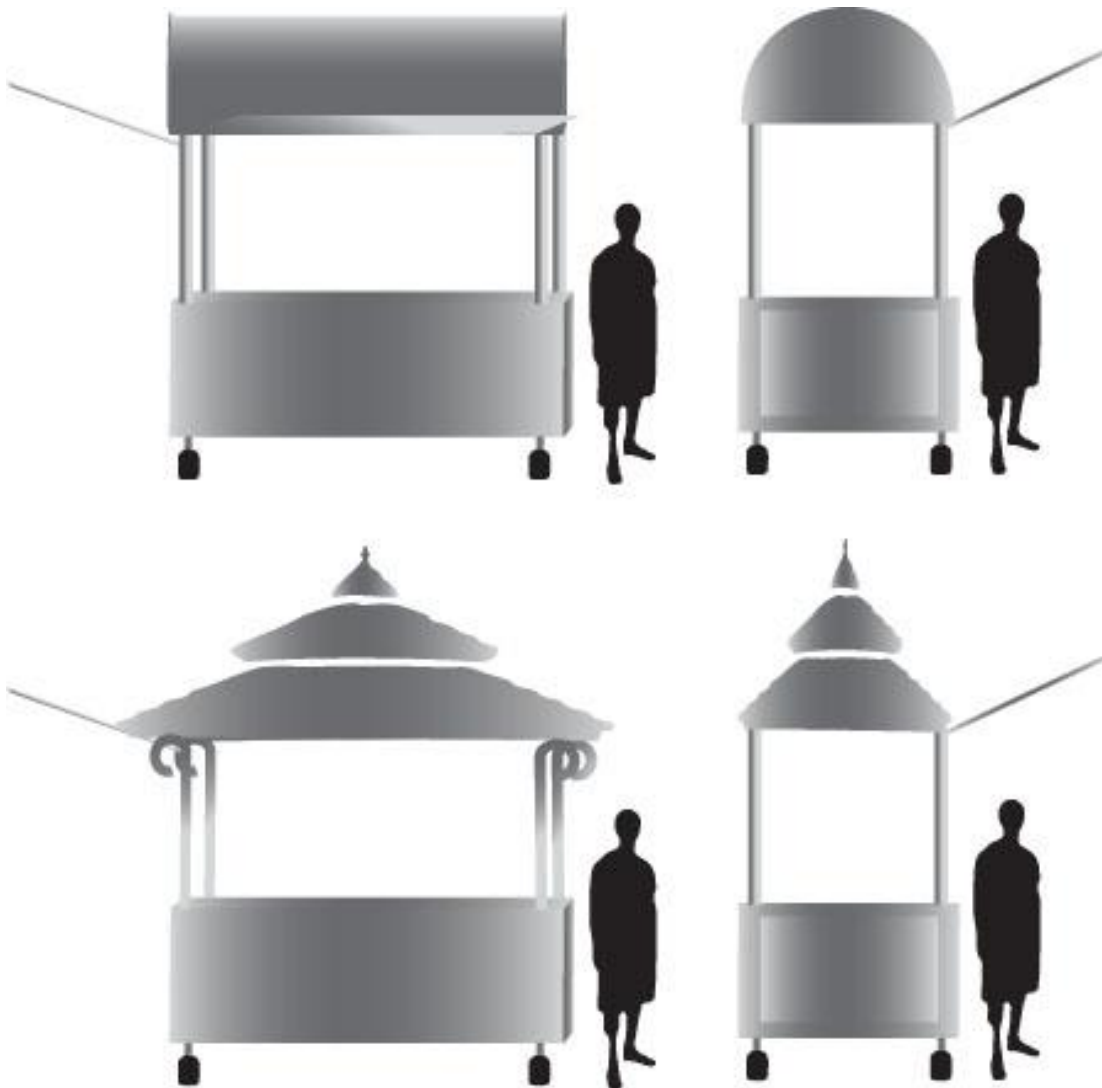
- Maximum width per glass panel= 1200mm
- Minimum Width = 900mm
- Maximum Height =1700mm
- Minimum Height = 1000mm

Café Blinds

- Must be able to be retracted into tamper proof housing when not in use;
- Must be of high quality PVC that will not discolour or tear in normal use;
- Must be fixed to the ground/walls when in place
- Ground fittings must be flush with pavement surface, to avoid tripping hazards.
- Housing, blinds and related fittings should be brushed metal or powder coated finishes to suit business décor and local streetscape.
- Base of screens should be at least 150mm from ground level, to prevent wind-borne material collecting.

APPENDIX 2

Goods Display Cart Design Guidelines



Carts should conform to the technical specifications set out below and have a high quality finish.

Colour scheme, style and any sign writing should complement the streetscape in which the cart is to be displayed; for example, in the Springvale Shopping precinct, carts may have an Asian theme.

- All metal construction
- Solid side and rear walls to a maximum height of 900mm
- Solid floor
- Transparent panels above 900mm on side and rear walls, fabricated from clear safety glass or clear perspex
- Flat colorbond or high quality painted finish to match local streetscape
- Sign writing or advertising signs not permitted on the side/rear walls
- Maximum Width = 2400mm
- Minimum Width = 900mm
- Maximum Depth = 1000mm
- Minimum Depth = 600mm
- Maximum Height = 1500mm
- Minimum Height = 1000mm
- Maximum height of goods = 1200mm

APPENDIX 3

Application for Local Law Permit Footpath Activity

Name of Applicant:

Business Name:

Address of Business:

Telephone: (B):

(M):

Email:

Address to which permit will apply (if different from above):

Type of Permit: (please tick)

- ☐ A- Frame Sign
- ☐ A- Frame Sign - REAL ESTATE AGENT
- ☐ Goods Display
- ☐ Planter Box
- ☐ Outdoor Eating Area

Additional items sought under Outdoor Eating Area Permit:

- | | |
|---|--|
| <input type="checkbox"/> Portable screens | <input type="checkbox"/> Plastic Blinds |
| <input type="checkbox"/> Solid Screens | <input type="checkbox"/> Placement of items outside adjoining property |
| <input type="checkbox"/> Gas heaters | |

Application Checklist:

Have you attached:

1. Site plan (see template provided on rear)?
2. Proof of identification/business registration?
3. Pictures, diagrams or details of items to be placed on footpath ?
4. Proof of public liability insurance?
5. Permit fee?

I warrant that the information provided in this application is true and correct. I agree to abide by all terms and conditions specified in the permit.

Signature:

Date:

Please return completed form and attachments, along with permit fee payment, to: (Cheques made payable to City of Greater Dandenong)

By mail: PO Box 200
DANDENONG VIC 3175

Email: council@cgd.vic.gov.au

In person: Customer Service Centres:

Dandenong
39 Clow Street, Dandenong

Keysborough (Parkmore)
Shop A7 Parkmore Shopping Centre
Cheltenham Road, Keysborough

Springvale
397 - 405 Springvale Road, Springvale

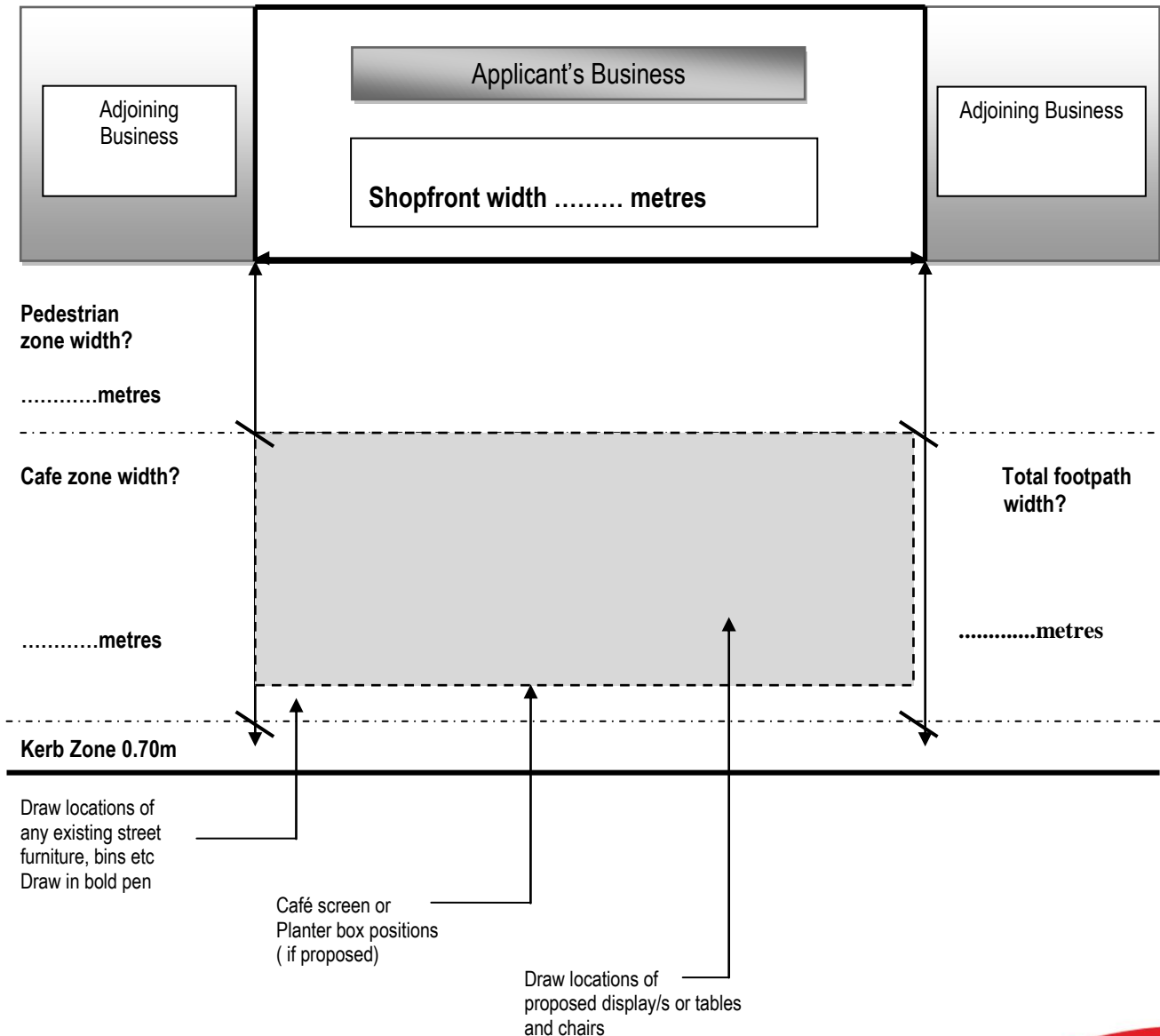
Footpath Activity Permit Furniture/Goods Display Placement Plan

Business Name.....

Address.....

Contact Person.....Phone/Mobile.....

Email.....



The diagram illustrates the layout for a footpath activity permit. It shows a central area for the 'Applicant's Business' with a 'Shopfront width metres'. This area is flanked by 'Adjoining Business' areas. Below the business area, the 'Pedestrian zone width?' is indicated as '.....metres'. A 'Cafe zone width?' is also indicated as '.....metres'. The 'Total footpath width?' is indicated as '.....metres'. A 'Kerb Zone 0.70m' is shown at the bottom. Arrows point to various areas for drawing: 'Draw locations of any existing street furniture, bins etc Draw in bold pen', 'Café screen or Planter box positions (if proposed)', and 'Draw locations of proposed display/s or tables and chairs'.

Placement Plan Checklist (please tick off each item)

- Your business name
- Dimensions written on plan where required?
- Any existing street furniture drawn on plan?
- Proposed locations and number of goods display/s or tables and chairs drawn on plan?
- Pictures of proposed display unit/s or furniture attached?
- Pictures of proposed screens/planter boxes attached?