

Footpath Activities Standards

City of Kingston



City of
KINGSTON

A grayscale photograph of a city sidewalk. In the foreground, there is an outdoor seating area for 'DUCALE COFFEE' with several round tables and metal chairs. A black metal railing separates the seating area from the street. In the background, there are storefronts with large windows, pedestrians walking, and parked cars along the street.


DUCALE
COFFEE

Introduction

The City of Kingston is committed to supporting and enhancing local business, street life and village shopping.

While acknowledging the importance of street trading as a means to enhance the vibrancy of our local community and support the sustainable growth of local businesses, Council must be mindful that footpaths are available for all persons.

Council has a clear obligation to allow for pedestrians to move through the streetscape in a safe and accessible manner.

The Footpath Activities Standards should be read in conjunction with the City of Kingston's Footpath Activities Policy. Compliance with this policy will establish a safe and vibrant environment reflecting the energy of our community as well as facilitating a wide range of street trading opportunities.

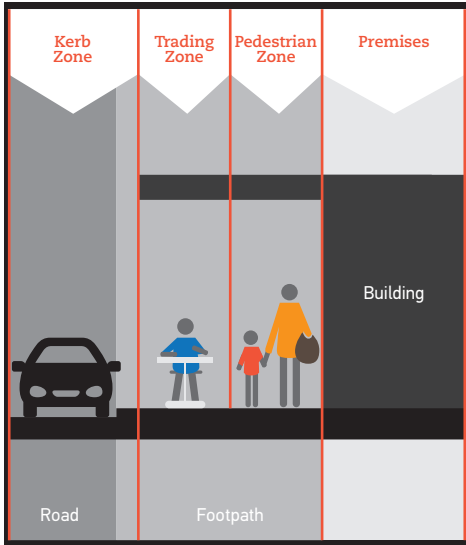
It allows private businesses to trade on the City's footpaths, enabling those enterprises to profit from the use of public land.

A permit is required for all trading on public footpaths and includes the placing of:

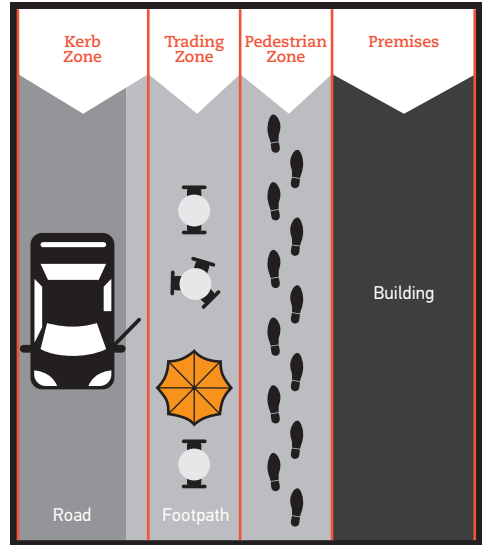
- Tables and chairs
- Portable wind barriers
- Permanent Glass Screens
- Umbrellas
- Transparent drop-down blinds
- Heaters
- A-Frame signs
- Tear drop banners and flags
- Display of goods
- Cooking on the footpath



Footpath Zones



Footpath Zones Elevation View



Footpath Zones Plan View

In order to provide a clear and consistently unobstructed pathway for pedestrian access, the footpath is divided into four zones to ensure a balance between public and commercial uses.

The location of trading on the footpath must provide for a clear, continuous and safe access of travel for pedestrians and also provide a relaxed environment that enhances the streetscape.

The four zones are:

Pedestrian Zone	Trading Zone
Kerb Zone	Access Zone

Pedestrian Zone

No goods, services or furniture can be placed in the Pedestrian Zone at any time. The Pedestrian Zone extends from the building line or shop front of premises. No items may extend into this zone at any time.

Trading Zone

The Trading Zone is the only area of the footpath where commercial activity can take place. This includes the placement of furniture, goods/services, café tables and chairs and ancillary items.

A Trading Zone extending greater than 5.0 metres in length must provide an opening or gap of at least 1.0 metre in the centre of the trading zone to provide for pedestrian safety when crossing the road and to allow passengers alighting from vehicles to gain immediate access to the pedestrian zone.

Kerb Zone

The Kerb Zone is the area between the Trading Zone and the face of the kerb. The width of this area will vary depending on the adjacent parking conditions. No items of goods/services or trading may extend into this zone at any time.

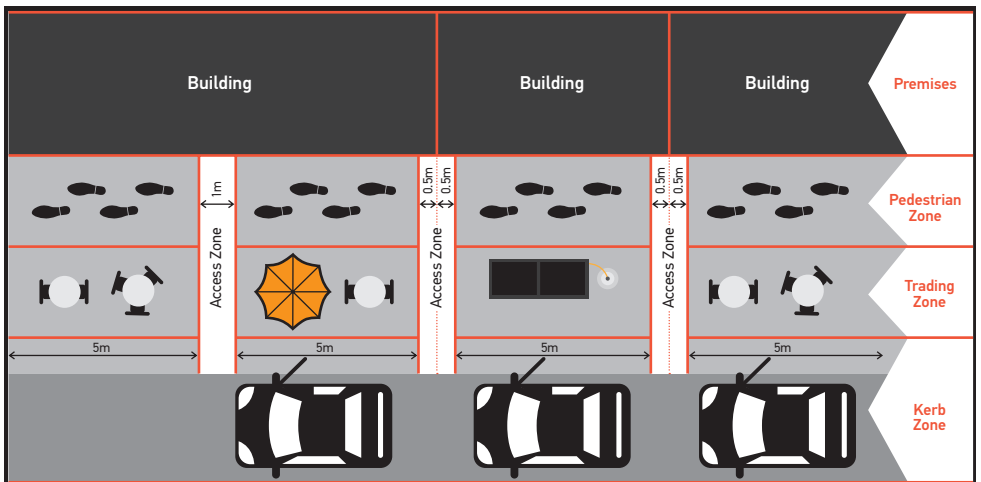
Footpath Zones (cont...)

Parking restrictions	Minimum setback from kerb	Variations
Parallel parking	0.6m	
Loading zone	0.9m	
No standing anytime	1.0m	Trading Zones within 9 metres of an intersection or pedestrian crossing requires the approval of Council's Traffic Department.
Angle parking	1.2m	
Disabled parking	Parallel – 1.3m Angle – 1.2m	There must also be an area of 1.5 metres at the end of the Trading Zone to allow for access from the Kerb Zone to the Pedestrian Zone.
Bus or taxi zone	Subject to approval of Council's Traffic Department	

Access Zone

The Access Zone is the area between two Trading Zones. Pedestrians must be provided with adequate access to the footpath when crossing the road or alighting from a parked vehicle. A gap of 1.0 metre must be left between adjoining Trading Zones with each zone set back 0.5 metre from their respective

property boundary. If there is no adjacent Trading Zone, the current business may trade up to the property line. However, if an adjacent Trading Zone is established at a later date, the required 0.5 metre gap will apply to both properties.



Access Zones Plan View

Footpath Widths

CATEGORY ONE: Footpaths wider than 3.0 metres

Where a footpath is wider than 3.0 metres the following restrictions apply:

Pedestrian Zone minimum of 1.8 metres from the building line or shop front. No items of goods/services or trading may extend into this zone at any time.

Trading Zone the area where all goods/services and trading must be placed. This zone must not be wider than 3.0 metres.

Kerb Zone minimum of 0.6 metre from the kerb to allow for vehicular and pedestrian movement but subject to the additional restrictions as outlined in the Kerb Zone table on page two. No items of goods/services or trading may extend into this zone at any time.

CATEGORY TWO: Footpaths between 2.7 metres to 3.0 metres wide

Where a footpath is between 2.7 metres and 3.0 metres the following restrictions apply:

Pedestrian Zone minimum of 1.5 metres from the building line or shop front, with required passing spaces for wheelchairs. The passing spaces must be provided at intervals of not more than 6.0 metres as follows:

- Where the space is on one side of the path of travel, 1.8 metres wide over a 1.6 metre length; and
- Where the space is distributed evenly on both sides of the path of travel, 1.8 metres wide over a 0.2 metre length.

No items of goods/services or trading may extend into this zone at any time.

Trading Zone the area where all goods/services and trading must be placed.

Kerb Zone minimum of 0.6 metre from the kerb to allow for vehicular and pedestrian movement but subject to the additional restrictions as outlined in the Kerb Zone table on page two. No items of goods/services or trading may extend into this zone at any time.

CATEGORY THREE: Footpaths less than 2.7 metres wide

There are several streets within the City of Kingston shopping precincts where footpaths are less than 2.7 metres wide. In most of these areas, footpath trading will not be permitted.

However, there may be circumstances where some limited footpath trading may be possible. An applicant should contact Council at the earliest convenience to obtain an assessment on whether or not a permit will be considered. Council will assess each request on a case-by-case basis. However, footpath trading will not be permitted if the pedestrian zone is less than 1.5 metres.

Public Infrastructure

Public infrastructure is provided to meet community needs and includes public seating, bicycle stands and litter bins. For the wellbeing of the community it is important that public infrastructure is appropriately positioned.

Existing street furniture and infrastructure must not be used for any trading purposes, including business signage or displays.

As a general rule public infrastructure will not be moved or removed to accommodate footpath trading.

The following clearances apply to existing public infrastructure and public street furniture:

- 1.0 metre minimum clearance required from public infrastructure such as fire hydrants, litter bins, public seats, pay phones and bicycle stands.
- 0.5 metre minimum clearance required from public infrastructure such as bollards, tree pits, planter boxes and poles.

Occupying an Adjacent Premises

Footpath trading is permitted only outside the premises to which they relate and must not encroach on neighbouring properties, unless written permission has been provided by the business owner of the adjacent premises.

Requests to extend a trading zone will be assessed on a case-by-case basis. If approval is granted, the required one metre clearance must be in place between the two trading zones.

In line with the permit renewal process, written permission to occupy an adjacent premises must be provided annually.



Design Standards

Tables and Chairs

Tables and chairs must, at all times, remain within the Trading Zone and adhere to the following:

- Furniture must be constructed from high quality materials that are safe, durable and windproof.
- In instances where the Trading Zone is narrow, no chair should back on to the Pedestrian Zone.
- Furniture must be removed at the close of permitted trading hours.
- Legs of chairs must not extend on an angle that would cause tripping hazards to pedestrians.
- All tables and chairs must have rubber pads (at least 30mm diameter) on their legs to protect the footpath surface.
- It is the responsibility of the cafe owner that no chairs or tables are moved by patrons to obstruct the Pedestrian Zone.
- Tables and chairs are permitted only outside the premises to which they relate (unless specifically approved by Council).

Screens

Portable Screens

- Portable screens or wind barriers are to preserve the general appearance and openness of the streetscape.
- A maximum height of 0.9 metre and length of 5.0 metres is required.
- Should be of robust design and secured at all times.
- Portable screens must be removed at the close of permitted trading hours.

Glass Screens

- Applications for glass screens will be assessed on a case-by-case basis and must adhere to the technical and design specifications as set by Council.
- Applications will only be considered if the premises are within a nominated activity centre, commercial or industrial zoning.
- Glass screens are to preserve the general appearance and openness of the streetscape.
- Applications will be assessed according to urban character, existing street infrastructure, pedestrian activity and traffic conditions.
- To ensure pedestrian access to the footpath, Council is unlikely to permit glass screens where they create a cluster of continuous glass screens along the footpath.
- A maximum height of 1.5 metres from the footpath is required.
- A gap of 150mm must be maintained between the bottom of the screen and the footpath.
- A 1.0 metre clearance is required from service pits.
- A clearance of 0.5 metre from either side of the adjoining property boundary must be maintained.
- Glass screens are not permitted adjacent to a loading zone.
- Advertising on glass screens is not permitted. Only the business/company logo can be displayed on every second panel and on the two end returns closest to the pedestrian zone.
- No other structures (i.e., blinds, awnings, menu boards) can be attached to the glass screens at any time.
- If required, glass screens must be designed with folding (swing-in) or removable ends to enable footpath cleaning.

Design Standards (cont...)

- Reinstatement of the footpath by the permit holder is required if glass screens are removed.
- Applicants will be required to provide a Maintenance Management Plan
- Applicants will be required to enter into an agreement with Council that will cover installation requirements, maintenance and removal.

Umbrellas

Umbrellas must:

- Only be used in areas where there are no conflicts with existing building canopies, trees or any other structures.
- Provide a minimum clearance of 2 metres above natural ground level and not extend beyond the Trading Zone.
- Be of robust design, secured at all times and removed in times of strong winds or storms.
- Be removed at the close of permitted trading hours.

Transparent Drop-Down Blinds

Transparent drop-down blinds may be permitted subject to available space, prevailing urban character, existing street infrastructure and traffic conditions. Pedestrian access to the footpath must be preserved so Council is unlikely to approve an application for a transparent drop down blind if it would create a continuous row of blinds along the footpath. Applications will be considered on a case-by-case basis and are subject to the following conditions:

- Anything attached to a building or verandah requires building approval.
- No advertising is permitted on a blind.
- Blinds must be UV resistant to avoid breakdown of the material and loss of transparency.
- Blinds must be secured with appropriate weights or fixing devices. If weights are

used they must be placed so as not to cause any tripping hazard.

- All fixings must be fully concealed within the pavement and not create a trip hazard when not in use. The fixings must be marine grade stainless steel. Specific Council approval must be obtained prior to inserting fixings into the pavement as not all pavement treatments are suitable. The applicant will be responsible for any pavement restoration work that is required as a result of the use of fixings.
- All blinds should be retractable.
- Blinds must not intrude into the Pedestrian or Kerb zones.
- A clearance of 0.5 metre from either side of the adjoining property boundary must be maintained.
- Blinds should not obscure sight lines within 10 metres of an intersection and all applications will be referred to Council's traffic engineer for approval.

A footpath activities permit and building approval must be obtained prior to any construction and works.

Heaters

Heaters must:

- Be covered by the business owner's public liability insurance.
- Comply with Australian Standards. For more information contact Energy Safe Victoria esv.vic.gov.au.
- Be located within the Trading Zone only. In some instances, where the footpath has a narrow Trading Zone, the use of heaters may not be permitted.
- Have a building permit if the heater is attached to the building.
- If portable, be removed at the close of permitted trading hours.

A-Frame Signs

A-Frame signs must:

- Have a maximum height of 1 metre and width of 0.75 metre and not be fixed to any footpath, pole or any other structure.
- Be limited to one sign per premises.
- Be securely placed and windproof.
- Be displayed within the Trading Zone in front of the business. A permit may be granted for an application where the business has no street frontage and the sign is placed outside premises not occupied by the applicant, for which written agreement has been provided.
- Be removed at the close of permitted trading hours.

Tear Drop Banners and Flags

Tear drop banners or flags will be considered as an alternative to A-Frame signs to advertise the name of a business.

- Banners must be secured with appropriate weights or fixing devices. If weights are used they must be placed so as not to cause any tripping hazard.
- Any footpath fixings must be fully concealed within the pavement and not create a trip hazard when not in use. Council approval must be obtained prior to inserting fixings into the footpath as not all footpath treatments are suitable. The applicant will be responsible for any footpath restoration work that is required as a result of the use of fixings.
- Banners must be located within the Trading Zone and must not be fixed to any building, asset, pole or any other structure.
- The banner or flag must not protrude into the Pedestrian Zone or Kerb Zone and must be removed at the close of permitted trading hours.

- Signage, whether A-Frame or banner, is limited to one sign per premises.

Display of Goods

The following standards apply to the approved use of the footpath for display of goods:

- Goods must be secured, protected and displayed in an approved barrier so they are not displaced by wind or other elements or create an unsightly display on the public thoroughfare.
- No loose items or boxes containing items are permitted on the footpath. All display of goods must be located within a stand or table.
- Display stands on wheels must ensure that the wheels are lockable so as not to create a safety hazard.
- Displays must be of a maximum height of 1.5 metres and a width of 0.75 metre. Appropriately designed displays that exceed these dimensions may be granted approval if Council deems that the amenity of the streetscape will be enhanced and safety considerations are met.
- Goods or their displays must not be fixed to any footpath, building, asset, pole or any other structure and must be removed at the close of permitted trading hours.
- The display must not take up the entire width of the Trading Zone. Sufficient space should be provided for customers within the trading zone to stop and browse at the display without intruding into the Pedestrian Zone.
- Goods must be located within the Trading Zone and must not be hung on shop fronts or awnings.
- The selling of goods on the footpath is not permitted.

Advertising

Council understands the need for businesses to engage in marketing and advertising as a part of their comprehensive business strategy. As such, Council allows for identification and promotion signs that meet not only the needs of the business but considers the amenity of the area and streetscape appearance for the whole community.

- Business Identification signage must not cover more than 33% of the total area of the footpath trading elements and should be displayed on every alternate panel.
- Third party signage must not cover more than 20% of the surface area of footpath trading elements and should be displayed on every alternate panel.
- Details of any proposed signage on furniture must be submitted with any application to trade on the footpath.
- No café or commercial advertising is allowed on chairs or tables unless required for business identification purposes only and must be placed in an unobtrusive manner.
- Third party advertising on glass screens is not permitted.
- Portable electric, illuminated or flashing, revolving/spinning signs are prohibited.

Waste and Litter

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

- Litter must be immediately cleared from the trading area by the permit holder.
- Food scraps or other rubbish generated by footpath trading must be immediately removed and deposited within the permit holder's own bins kept within the premises.
- Litter generated by footpath trading must not be disposed of into street gutters, stormwater drains, adjacent footpath areas or placed in public litter bins.
- No noise or other disturbance can emanate from the footpath activity so as to cause a nuisance to others or detriment to the amenity of the neighbourhood.
- Windproof ashtrays should be provided as required. The permit holder is responsible for all cigarette ash, butts and other litter generated by patrons of their footpath trading areas.



Cooking food on the footpath

Applications for a permit for cooking on the footpath (including barbeques) will be assessed on a case-by-case basis and will only be considered where the footpath is a minimum of 3.2 metres wide to ensure that public accessibility is not compromised. Pedestrian access to the footpath must be preserved so Council is unlikely to approve an application for cooking on the footpath if it would create a continuous row of food equipment along the footpath.

- Permanent barbeques and cooking stations are not permitted.
- Cooking on the footpath is permitted once a week on either a Friday or Saturday only.
- No sale of product is to occur on public land, any exchange of money is to be within the business premises.
- Council retains the right to add any additional conditions to the permit as required to ensure public safety is not compromised.

To be eligible the business must:

- Have a minimum 3.2-metre-wide footpath.
- Be able to accommodate the BBQ or cooking station within the designated Trading Zone.
- Be able to accommodate the required health and safety equipment within the designated Trading Zone.
- Undertake the cooking activity on either a Friday or Saturday only, as nominated by the business.
- Be able to meet applicable Food Safety requirements.
- Submit and adhere to a Risk and Safety Plan.
- Can remove and store the equipment on private premises at the end of each trading day.

- Meet all the requirements for holding a Footpath Activities Permit, including Public Liability Insurance of \$20 million.
- Submit a proposal with their application (See the Footpath Activities Policy for further details)

The business must submit a proposal with their application covering the following:

- A diagram with the layout of the proposed cooking station.
- An explanation of the food to be cooked and how it will be served.
- Nominated day (Friday or Saturday) for this activity to occur.
- How the business will maintain a clear and accessible footpath, taking into consideration queuing and serving of food.
- A Risk Management Plan covering the activities to take place and how it will be managed to eliminate any risk to customers and pedestrians.
- Identification of potential impacts such as smells, fumes, splatter and how this will be controlled.
- How the footpath will be cleaned and the frequency of this.
- Waste Management Plan, including how any waste generated from this activity will be managed and disposed of.

Note: Charitable organisations are exempt from this provision.



Operator Responsibilities

The permit holder must operate in accordance with Council's Local Law, Council's Footpath Activities Policy and Footpath Activities Standards, and any specific conditions placed on individual permits at all times.

It is the responsibility of the permit holder to monitor and manage their footpath trading at all times. See Footpath Activities Policy for further details.

The Permit holder is responsible for the conduct of patrons utilising tables and chairs and must:

- Ensure that tables and chairs remain in the Trading Zone and are not moved by patrons.
- Ensure any cooking equipment and any associated queuing is maintained within the Trading Zone.

- Ensure that prams, bikes and any other personal items do not obstruct the Pedestrian Zone.
- Ensure patrons dogs are supervised and not impeding the pedestrian access.
- Maintain a clear and accessible footpath, taking into consideration queuing and serving of food.



Applying for a Permit

Please read and ensure you understand Council's Footpath Activities Policy and the standards contained in this document, prior to submitting an application to Council.

These documents are available at kingston.vic.gov.au/footpathtrading.

If you plan to buy or lease a property it is a good idea to check the footpath trading requirements with Council first. To discuss your proposal, or if you have any questions regarding the Footpath Activities Policy or Footpath Activities Standards, please contact us on **1300 653 356**.

To submit an application you need to complete and return to Council a Footpath Activities Permit Application Form – available at kingston.vic.gov.au/footpathtrading.

The application form will provide you with details on what information must be included in your application.

After you have submitted your footpath activities permit application, if you comply with the Footpath Activities Standards you have a 'deemed' right to start trading as soon as you're ready, while your application is being assessed.

Once your application has been received, a Council Officer will arrange for a site visit to discuss and assess your application. If required, your application may be referred to relevant Council departments and/or external agencies for advice. Please allow up to 15 working days for assessment of your application.

Once your application has been assessed you will be informed of the outcome. If approved, you will receive notification requiring you to provide payment of relevant fees.



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