

# Footway Trading Guidelines



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# Introduction

The footways of our area are important focal points for community and economic activity.

Whilst acknowledging the importance of footway trading opportunities for traders, we must be mindful that footways are available for everyone to use.

Bayside Council is committed to ensuring that everyone in our community is able to enjoy the many social, cultural and business benefits of living and working in the area. This includes the young, the elderly, families, employees, employers, people with a disability and visitors.

These guidelines assist traders in making a positive contribution to the area's character whilst maintaining the use of footpaths for all the community.



# Footway Trading Policy

The following principles underpin the Footway Trading Policy (The Policy) and guidelines:

- ▶ In accordance with Council's statutory responsibilities, Council aims to at all times provide clear, safe and unobstructed access to the area's footways for pedestrians of all abilities.
- ▶ Footway activity must have a positive contribution to the urban character and amenity of the area.
- ▶ The Policy must be clear, consistent and equitable for all traders.
- ▶ Council supports the long-term viability and sustainability of vibrant retail strips and town centres.
- ▶ Footway Trading is a privilege, not a right.

# Land to Which the Policy Applies



# Trading Zones

Whilst acknowledging the importance of footway trading opportunities for traders, we must be mindful that footways are available for everyone to use. The following zones have been established to ensure this:

**Trading Zone** An area of public land that has the potential to be used for trading purposes.

**Pedestrian Zone** Unobstructed clearway for pedestrian traffic. In busy areas, a minimum of 1.8 metres must be maintained. In less busy areas, 1.5 metres is acceptable.

**Kerb Zone** Area occupied by public infrastructure, such as street furniture and trees. This zone is commonly the footway area immediately set back from the kerb.



Refer to the Footway Trading Maps on Council's website [www.bayside.nsw.gov.au/footway-trading](http://www.bayside.nsw.gov.au/footway-trading) to see how these zones affect your business.

# Trading Zones on RMS Classified Roads

Roads and Maritime Services (RMS) require a minimum clear zone of at least 2.5 metres to be maintained from the vehicle travelling lane on the following roads:

- ▶ Bay Street
- ▶ Bexley Road
- ▶ Botany Road
- ▶ Bunnerong Road
- ▶ Coward Street
- ▶ Croydon Road
- ▶ Forest Road
- ▶ Gardeners Road
- ▶ Harrow Road
- ▶ Kent Road
- ▶ King Street
- ▶ M5 Motorway
- ▶ Maloney Street
- ▶ Marsh Street
- ▶ O’Riordan Street
- ▶ President Avenue
- ▶ Princes Highway
- ▶ Queens Road
- ▶ Ramsgate Road
- ▶ Robey Street
- ▶ Rocky Point Road
- ▶ Sandringham Street
- ▶ Stoney Creek Road
- ▶ The Grand Parade
- ▶ The Seven Ways
- ▶ Watkin Street
- ▶ West Botany Street
- ▶ Wickham Street
- ▶ Wollongong Road

Other RMS conditions may also be applicable based on the speed limit of the road and the amenity and infrastructure of the road and footway.



# Identification of Footway Trading Zones: Brass Markers

A trader's approved Footway Trading Zone will be identified by the installation of brass markers on the footway. A minimum of two brass markers will be used to identify the Trader's Footway Trading Zone.

The trader must ensure the footway trading brass markers remain visible and must trade within the markers at all times.



## Trading in Front of Adjacent Premises

Traders seeking to extend their Footway Trading Zone across adjoining premises must have written permission from the trader occupying the adjacent business.

If any of these parties change, the approval would become void. To continue footway trading, a new approval must be entered into.



# Public Infrastructure

Public infrastructure on footways has priority at all times. Existing street furniture and infrastructure must not be used for any trading purposes. The following clearances from existing infrastructure and public street furniture apply.

- ▶ 1 metre clearance from public infrastructure, such as bins, fire hydrants, public seats and bike stands.
- ▶ 0.5 metre clearance from all other street furniture, such as bollards, trees, shrubs and telegraph poles (see Pic 1).
- ▶ 1.8 metre clearance from pedestrian crossings and bus zones (see Pic 2).

Where public infrastructure already exists, traders can apply to Council to have the infrastructure removed or relocated. Council will assess these requests and, if approved, all costs for removal and reinstatement will be borne by the trader.



# Location of Furniture and Accessories



- ▶ All furniture and accessories must remain within the approved Footway Trading Zone.
- ▶ It is the responsibility of the trader to ensure that no furniture or accessories are moved by patrons to an area outside the approved Footway Trading Zone.
- ▶ Furniture and accessories must not damage the pavement or surrounds.
- ▶ All items must be removed from the footway at the end of each day.

# Tables and Chairs

## DESIGN STANDARDS

Furniture design and construction must:

- ▶ Be attractive in appearance and style.
- ▶ Be made of quality material.
- ▶ Have finishes that are safe and durable.
- ▶ Be in keeping with the amenity of the town centre.
- ▶ Not be constructed solely from plastic.
- ▶ Be portable, but windproof and strong.
- ▶ Be a contrasting colour to their background for easy visibility.
- ▶ Have legs that do not extend on an angle and cause a tripping point.



# Advertising



- ▶ All advertising is subject to all relevant planning instruments and is subject to Council approval.
- ▶ The name or logo of a business/product may be displayed on licensed screens or umbrellas, subject to all relevant planning instruments.
- ▶ Details of any proposed signage on furniture must be submitted with any application to trade on the footway.
- ▶ No commercial advertising is allowed on chairs or tables.
- ▶ Advertising on any awnings or blinds that are affixed to the building may require Development Approval.

# Portable Advertising Signs and Stands

- ▶ All signs must be portable, free-standing, stable, windproof and of high quality.
- ▶ The dimensions of all signs must be between 0.75 metre – 1.1 metres in height with a maximum width of 0.65 metre (see Pic 1).
- ▶ Only one portable sign per street-fronted premises will be considered unless the combined shop frontage is greater than 11 metres.
- ▶ Electric, illuminated, flashing, revolving or spinning signs are prohibited.
- ▶ All signs must be displayed within the Trading Zone as far away from the pedestrian zone as possible.
- ▶ Signs must only be displayed during approved trading hours and are to be removed at the close of business.
- ▶ Signs are not to be placed within 3 metres of a street corner or an arcade.
- ▶ Signs must not be fixed to the footway, poles or infrastructure.
- ▶ All signs must display a current Approved Sign/Stand sticker (see Pic 1).





# Display of Goods

- ▶ Display furniture must be approved by Council.
- ▶ Placement of goods must give maximum clearance for pedestrians.
- ▶ All goods must be suitable, stable and windproof.



- ▶ Goods must sit on display furniture.
- ▶ Display furniture must be of a satisfactory appearance and style, made with quality materials and with finishes that are safe, durable, attractive and in keeping with the amenity of the town centre. Milk crates, pallets or boxes are not acceptable.
- ▶ Goods must be removed at the close of business.
- ▶ Goods and their display must not be fixed to any public footway, building, assets or other structure without Council approval.
- ▶ Goods displayed must not exceed a height of 1.5 metres and must be a minimum of 0.75 metre in height.
- ▶ Goods should have a contrasting colour to their background to assist the vision impaired.
- ▶ Any changes in type, style, or number of display stands must be approved by Council.

# Screens and Windbreaks

- ▶ Screens and windbreaks must be approved by Council.
- ▶ For safety reasons, placement must be considered together with the placement of tables and chairs.
- ▶ Temporary canvas coffee screens are permitted provided they stay within the approved Footway Trading Zone.
- ▶ The feet of temporary canvas screens may only exceed the Footway Trading Zone if they are needed to maintain the structural integrity of a screen and the encroachment is minimal.

# Awnings and Blinds

- ▶ Awnings and blinds must be approved by Council.
- ▶ Lock-in devices must be approved by Council as part of the application process.
- ▶ A Development Application may be required.
- ▶ Must be fitted in accordance with manufacturer's specifications.





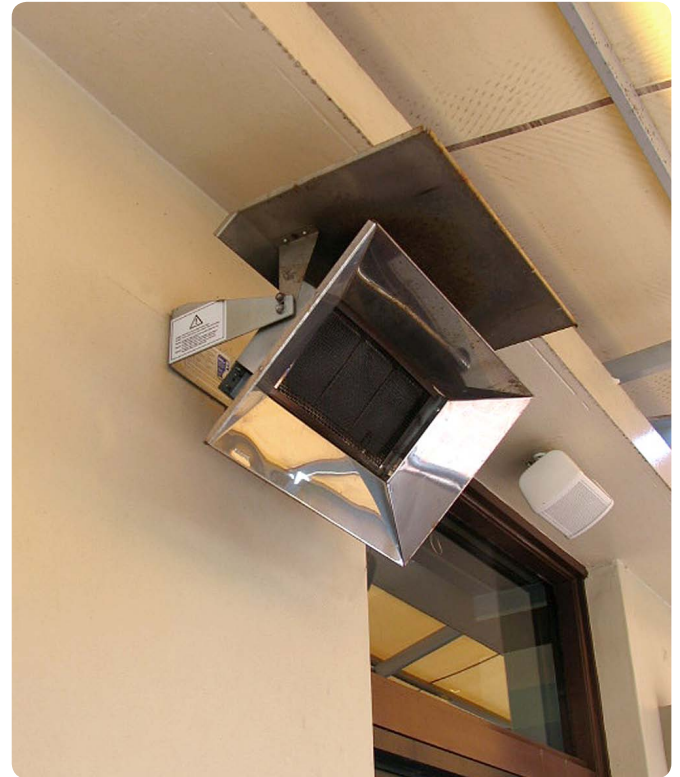
# Umbrellas



- ▶ The size, placement and location of umbrellas must be approved by Council.
- ▶ Umbrellas must be a minimum of 2.1 metres above the level of the footway.
- ▶ All umbrellas must be of a strong design and are to be secured at all times.
- ▶ Umbrellas must not cause any damage to surrounds.
- ▶ All umbrellas must be removed at the end of the day.
- ▶ Permanent umbrellas will be considered based on their impact to the amenity and appearance of the footway and surrounds.

# Heaters

- ▶ All heaters are subject to Council approval.
- ▶ All heaters must comply with Australian Standards.
- ▶ Heaters must turn off automatically if knocked over.
- ▶ Heaters must be placed where it could not be considered a fire hazard and must be removed at the end of each day.
- ▶ Training for installation and safe use of heaters must be demonstrated by the trader and staff.
- ▶ Heaters are to be covered by trader's public liability insurance.



# Planter Boxes



- ▶ Planter boxes will only be allowed to sit within the approved Footway Trading Zone.
- ▶ The size, placement and location of the planter boxes must be approved by Council as part of the approval conditions.
- ▶ Planter boxes must provide a positive contribution to the visual amenity of the street.
- ▶ Plants must be well-maintained, healthy and clear of rubbish and cigarette butts.
- ▶ Planter boxes should be movable and must be removed from the street in non-trading hours.
- ▶ Permanent planter boxes may be considered based on the impact on amenity and appearance of the footway and its surroundings.

# Hygiene, Cleanliness, Safety and Noise

## HYGIENE AND CLEANLINESS

- ▶ For safety reasons, all spills must be cleaned as soon as possible.
- ▶ The footway must be maintained to Council's satisfaction.
- ▶ Any items placed on the approved Footway Trading Zone must be cleaned and maintained to Council's satisfaction.
- ▶ Rubbish and scraps must be disposed of in the trader's own bins, not in gutters or public bins.

## SAFETY

- ▶ No items in the Footway Trading Zone can cause undue obstruction or danger, restrict reasonable access or exit from premises or obstruct the vision of motorists.
- ▶ Any trader permitted to trade outside of daylight hours must provide adequate lighting within the Footway Trading Zone.

## NOISE

- ▶ Traders must ensure that their footway trading activities do not create any noise or disturbance that affects the amenity of the neighbourhood.
- ▶ Music and entertainment requires a separate application to be lodged with Council.



# Additional Considerations



## CONCRETING AND PAVING

Proposals to extend concreting and paving will be considered by Council and assessed on merit.

## AMENDMENTS TO APPROVALS

A new application must be lodged together with an application fee in the following circumstances:

- ▶ Change of business ownership.
- ▶ Changed size of approved Trading Zone.
- ▶ Change of furniture type or location.
- ▶ At the expiration of a current approval.

# Public Liability Insurance

If your application is successful, you will be required to provide a Certificate of Currency for Public Liability Insurance that shows:

- ▶ The policy number and policy expiry date.
- ▶ The address of the business.
- ▶ For the purposes of Footway Trading clearly stated.
- ▶ Coverage of a minimum \$10 million.
- ▶ Bayside Council as an interested party.

For premises on RMS classified roads (see page 7 for a full list):

- ▶ Coverage must be for a minimum \$20 million.
- ▶ RMS and Council must be listed as interested parties.

Please note: Council will not accept Certificates of Currency without all the relevant information included.

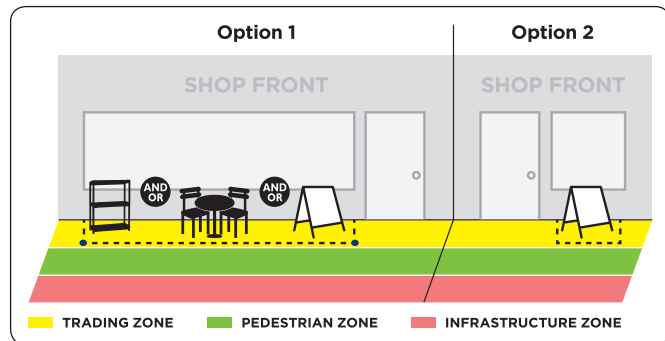




# Apply for a Permit: The Application

Read the Footway Trading Guidelines and the fees information before you apply. This information can be found on Council's website **[www.bayside.nsw.gov.au/footway-trading](http://www.bayside.nsw.gov.au/footway-trading)**

The application form can be accessed at the above website or obtained over the counter at Council's Customer Service Centre.



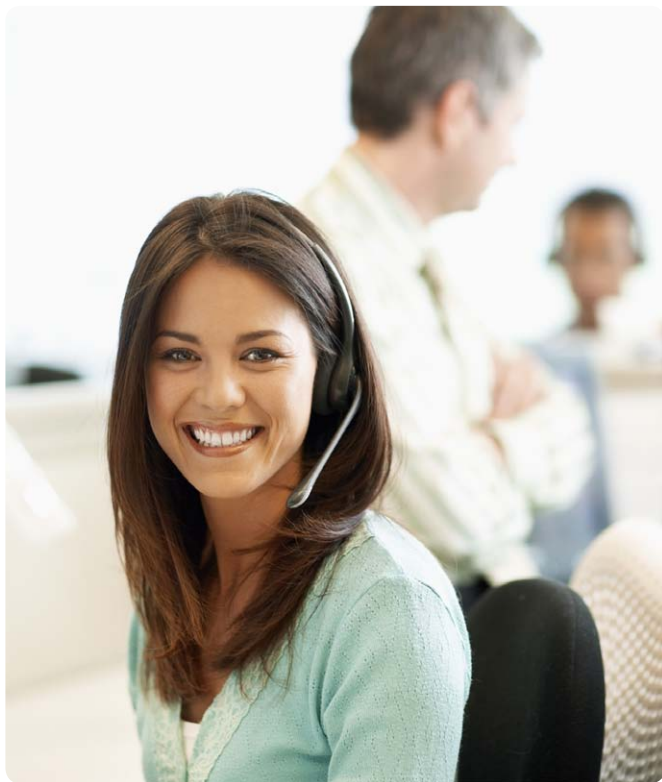
As part of the application, include:

- ▶ An application form showing all relevant information.
- ▶ A site plan that shows the proposed trading area in relation to your business and surrounding shop fronts.
- ▶ The application fee(s).
- ▶ A copy of the applicant's current driver licence for identification purposes.
- ▶ Letter(s) of consent from adjacent traders and owners (where applicable).

Include a copy of a current Liquor Licence, if applicable. Council will advise on the status of your approval and organise for installation of brass markers for Footway Dining and Display of Goods.



# Enquiries



For more information on any Footway Trading issues contact:

## **BAYSIDE COUNCIL**

Eastgardens Customer Service Centre  
152 Bunnerong Road  
Eastgardens NSW 2036  
Monday to Friday 8:30am – 4:30pm  
Saturday 9am – 1pm

Rockdale Customer Service Centre  
444-446 Princes Highway  
Rockdale NSW 2216  
Monday to Friday 8:30am – 4:30pm  
Saturday 9am – 1pm

Phone **1300 581 299 | 9562 1666**

Email **[council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)**

Web **[www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)**



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