

SHIRE OF CAMPASPE

TRADING CODE OF PRACTICE

1. PREAMBLE

Council has an obligation to prohibit, regulate and control activities, events and practices so that no detriment is caused to the amenity of the neighbourhood nor nuisance to a person in the municipality.

It has developed this Code of Practice to ensure that all persons who require a permit before carrying out an activity or practice, or holding an event, understand the minimum acceptable standards under which they operate.

2. OBJECTIVE

The objective of this Code of Practice is to:

- (1) To provide a clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths within the Shire of Campaspe.
- (2) To provide for the administration of Council's powers and functions.

3. DEFINITIONS

Any word defined in General Local Law No. 8 2015 has the same meaning in this Code of Practice. Further,

- footpath** means the area between the back of kerb line and the building line.
- the walkway zone** means the zone immediately adjacent to the building line or property line and is the zone primarily used to facilitate pedestrian access and travel, and includes pedestrian crossings and kerb crossings. Further:
- In footpaths of overall width greater than 3.5 metres, the walkway zone extends from the building line or property line for a minimum of 2 metres and for a minimum of 2.5 metres in any area affected by the heritage overlay under the Campaspe Planning Scheme.
- In footpaths of width between 2.5 – 3.5 metres, the walkway zone extends from the building line or property line for a minimum of 1.8 metres.
- trading activity zone** means the area of the footpath where goods, café furniture and ancillary items may be placed. So, it:
- Is the area between the walkway zone and kerbside zone and is the only area of the footpath where goods, café furniture and ancillary items may be placed.
- kerbside zone** means the area that extends from the kerb-line or kerb invert and allows for vehicle overhang and access to and from parked vehicles. So:
- In footpaths of overall width between 2.5 - 3.5 metres, the kerbside zone extends for a minimum of 0.7 metres. Where there is a disabled parking bay the setback from the kerb will be a minimum of 1.5 metres. Where there is a loading zone the setback from the kerb will be at least 0.7 metres.

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4. RELATIONSHIP WITH GENERAL LOCAL LAW NO. 8 2015

The Code has been incorporated by reference in Council's General Local Law No. 8 2015.

Clause 13 of that Local Law provides that "without a permit a person must not on a road or in a municipal place –

- (a) Place any advertising sign;
- (b) Display any goods;
- (c) Place any outdoor eating furniture or associated facilities;
- (d) Place any structure for the purpose of selling or offering to sell any goods or services;

- (e) Sell or offer for sale any motor vehicle
- (f) Goods or services carried about or placed on the person or any other moveable thing or do so from land adjacent to a road or a municipal place;
- (g) Solicit or collect any waste materials, gifts of money, or subscriptions, or do so from premises to premises adjacent to a road;
- (h) Busk; or
- (i) Hold a street festival or event, other than a funeral procession on any road or any public place.

Penalty: 3 Penalty Units

Clause 13(2) of the Local Law states that; "In considering an application for a permit under sub-clause 11(6), Council must have regard to the requirements of the Code.

The Code referred to in that clause is this Code of Practice.

5. CODE

- (1) All applications for a permit shall be in writing on any form prescribed by Council.
- (2) The permit holder shall take out, and maintain during the currency of the permit, in the name of the permit holder a policy of insurance to the value of at least \$10,000,000 against liability for possible personal injury, whether at Common Law or by virtue of any statute or for liability for property damage which may arise or could be held to arise from any act allowed by the permit.
- (3) The permit holder shall provide proof of the insurance policy as required to Council when applying for a permit when paying the annual fee and also at any time during the currency of the permit as Council or an Authorised Officer thereof may require.

6. ACCESS TO FOOTPATHS

Council may undertake works, without notice, that may alter the slope and surface of any footpath therefore preventing traders from accessing the trading activity zone of the footpath at their premise. These works may affect access during the period that the works are undertaken or prevent the use of the footpath for trading on an ongoing basis.

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7. ADVERTISING SIGNS ON ROADS AND PUBLIC PLACES

An advertising sign shall be:

- (1) A minimum of 600mm high and 400mm in width;
- (2) If placed on a footpath, a maximum of 900mm high (measured from the ground) and 600mm wide;
- (3) If placed on any other part of a road, of a maximum size approved by Council.
- (4) All permitted signs are to be secured in place by a means that is not reliant on, or physically tied to any Council infrastructure. The means by which these signs are to be secured must not extend beyond the circumference of the permitted sign and must be to the satisfaction of an Authorised Officer. Any securing device is to be removed with the sign in accordance with permitted display timeframes.

The following requirements will also apply in respect of advertising signs:

- (5) Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags and banners are prohibited from the footpath.
- (6) Signs must only be placed on the footpath during the normal hours of trade.
- (7) Signs must not be placed on roundabouts, or on kerb outstands outside the 'normal' alignment of the kerb adjacent to these outstands.
- (8) Signs may not be tied to poles or trees or any other street fixture, must only be on the footpath while a business is open and must only be outside the premises to which they relate.
- (9) Permission may be granted to allow the placement of an advertising sign outside a premises not occupied by the applicant. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which the items are intended to be placed. In this instance public liability insurance must be extended to include this situation of risk.
- (10) The maximum number of signs permitted per premises is two (2).
- (11) Any free-standing advertising sign shall be of such material and construction to minimise the risk of being blown over or of causing injury to any person.
- (12) No advertising signs shall remain on the footpath or road outside of trading hours.
- (13) Persons placing advertising signs shall produce the permit issued to an Authorised Officer of the Council as required.
- (14) Any permit issued by Council can be cancelled by Council or have conditions altered or added by Council at any time and for any reason.
- (15) Permits shall be subject to a minimum annual fee payable by the permit holder at the time of taking out the permit and thereafter of the commencement of each financial year.
- (16) Advertising signs can only be placed as listed below:
 - (a) In Echuca, no advertising signs are permitted on the footpath or road in the metered parking area;
 - (b) In all other areas only where directed by Council.

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8. STREET FURNITURE ON ROADS AND PUBLIC PLACES

- (1) Café furniture and associated ancillary items will only be permitted at premises, which are registered as such under the Food Act 1984 to serve food and/or beverages.
- (2) The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must;
 - (a) ensure that patrons do not move tables and chairs from their positions and obstruct the footpath;
 - (b) ensure that patrons do not allow pets, prams or any other personal items to obstruct the footpath; and
 - (c) not serve food or beverages to patrons standing on the footpath except for take away sales.
- (3) An Authorised Officer may place a condition on a permit requiring a permit holder to place written reminders to patrons in the outdoor seating area, regarding the above, if deemed appropriate by that Authorised Officer.
- (4) A set back of 0.5 metres is required from each side boundary of a premise to ensure access points from the footpath to the road are retained between each premise. Access points of minimum width 1.0 metre shall also be provided at minimum of every 6 angled parking bays. This applies also to the construction of eating platforms that comprise of plinths, bollards, ropes or chains that would ordinarily obstruct movement of pedestrians.

A trader must supply each table outside with a wind-proof ashtray at all times. Traders are responsible for cigarette ash, butts and any other litter generated by patrons of their footpath dining areas.

- (5) Serving staff at cafes with kerbside trading/serving should facilitate free access by pedestrians and give pedestrians (prams, disabled, etc) passing priority over their own movements into and out of cafes.
- (6) Each operator is responsible for maintaining the outdoor seating area in a tidy manner. A permit may be cancelled or suspended if instances of littering or ongoing untidiness are noted.
- (7) Items which are placed on the footpath must be stable and of good design and are not able to damage the footpath.
- (8) Tables and chairs should have a contrasting colour to their background to assist the vision impaired.
- (9) Traders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths caused by chairs/tables etc.
- (10) Tables and chairs may only be displayed outside the premises to which they relate and must be contained within the property line, with the required setback from the property line of 0.5 metres on each side to allow for access. Permission may be granted to extend the placement of tables and chairs to one adjacent premise, however, there must still be a 0.5 metre setback from each property line and an access point provided every 6 parking bays. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which the items are intended to be placed. In this instance public liability insurance must extended to include this situation of risk as per the permit conditions.
- (11) Footpath trading will only be permitted till 11pm unless, in the opinion of the Authorised Officer, the amenity, safety or access of nearby residences will not be affected.
- (12) Any premises that propose to serve alcohol on the footpath must have their liquor licence endorsed as part of the "licensed area" on the liquor licence for those premises.
- (13) An Authorised Officer reserves the right to prohibit chairs backing on to the walkway zone.

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9. DISPLAY OF GOODS ON ROADS

- (1) In order to provide a consistent, unobstructed walkway, goods displays may only be displayed in the Trading Activity Zone.
- (2) Goods and goods stands must only be placed on the footpath during the normal hours of trade.
- (3) Goods (except furniture) must be displayed on stable stands approved by an Authorised Officer. Goods must be displayed on stable stands that are able to withstand adverse weather conditions. Stands must be secured in a manner which ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. Goods and goods stands must not cause any damage to the footpath.
- (4) Goods displays will not be permitted where access to a loading zone or disabled parking bay will be impeded.
- (5) Goods displays will not be permitted where they will cause difficulty to pedestrians and people exiting or accessing parked vehicles or the footpath. It is recognised that the opportunity exists for Council staff to work with traders to identify opportunities for street trading at sites where conditions of this nature exist. Stands and goods must be free of sharp edges and protrusions and must not present a hazard to pedestrians.
- (6) Goods displays will not be allowed to exceed a height of 1.5 metres and a length / width of 0.75 metres.
- (7) Goods should have a contrasting colour to their background to assist the vision impaired.
- (8) Goods displays will not be permitted to overhang either the kerb or walkway. Full-length shop awnings to protect goods may only be installed with a planning permit.

10. HERITAGE AREAS OF THE SHIRE

(1) Advertising Signs

Advertising signage must be in keeping with the heritage nature of the area, but regardless of location, be in a style that is neat and professional.

(2) Street Furniture

- (a) Corporate sponsorship not exceeding 30% of the surface area may be permitted for advertising purposes on screens and umbrellas only in accordance with the specifications set out in the application form to the satisfaction of Council.
- (b) In keeping with the heritage areas, tables and chairs must be of a type and style approved by Council's Planning and Development Department generally in accordance with seating type and lettering style guidelines attached to the application form.
- (c) Colours are to be chosen from the palette of 6, being Taubmans, "Brown Mitchell Brown" (closest to Hamersley Brown), "Grey Woolstone Grey", "Yellow/ochre Kirribilli", "Green Mid Bristol Green", "Red Phillip" and "Cream Lachlan Cream".
- (d) Windbreaks will not be permitted where outstands and bollards have been constructed.
- (e) Plastic chairs are not permitted.

11. ANCILLARY ITEMS (umbrellas, enclosures, heaters and pot plants)

Unless authorised by an Authorised Officer, ancillary items will be allowed only in conjunction with café furniture, only for premises that are registered to serve food and/or beverages under the Food Act 1984.

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12. OUTDOOR SPEAKERS / AMPLIFICATION EQUIPMENT

- (1) Speakers that owners propose to affix to a building or veranda may require a planning permit. Where these items are fitted without permission, an Authorised Officer may require the items to be removed. In that event, the speakers must be removed.
- (2) No live entertainment in a Municipal place is permitted without a permit.

13. NOISE EMISSION

- (1) The permit holder of kerbside seating must take all necessary steps to ensure that no noise or other disturbance emanates from the footpath activity which causes a nuisance to others or causes detriment to the amenity of the neighbourhood.

14. HEATERS

- (1) Due to narrow footpath widths outdoor heaters should, wherever possible, be affixed to the awnings or verandas so as to be located off the footpath. A planning permit may be required to undertake this activity.
- (2) If patio heaters, which have a base on the footpath, are to be used they must be licensed as part of a Public Space Permit Agreement and covered by traders' public liability insurance.
- (3) All outdoor heaters must comply with safety standards as specified by the Office of Gas Safety.
- (4) Solid fuel heaters must not be used on Council owned land.

15. UMBRELLAS

- (1) Umbrellas may only be placed in the Trading Activities Zone.
- (2) Where umbrellas are allowed they must be 2.2 metres high at the lowest point and must not protrude over the kerb. At times when it is raining water from large umbrellas should be discharged in the areas outside pedestrians walking path.
- (3) Umbrellas may be secured to the footpath by a lock-in device. Lock in devices will only be approved where the device lies flush with the footpath when the umbrellas are not displayed. Approval for a lock-in device will be given upon special application to Council's Local Laws Unit. Plans and specifications of the items will be required to be lodged with Council prior to any umbrella being placed with a lock-in device. If a lock in device is fitted without prior Council approval, an Authorised Officer may require that the lock-in device is removed and the footpath is reinstated to its original condition. In that event, the lock-in device must be removed.
- (4) Where a lock-in device is not used, umbrellas must be secured to the satisfaction of an Authorised Officer.

16. BARRIER SCREENS

- (1) Screens or screening devices must be placed where there are tables and chairs for safety reasons.
- (2) There are several types of screens approved by Council:
 - (a) Temporary canvas screens – of the type commonly provided by coffee companies;
 - (b) High barrier screens – made of safety glass or heavy duty opaque plastic and fitted to the footpath with a locking device; and

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- (c) Full-length awnings/blinds attached from veranda to the footpath – may require a planning permit, these awnings/blinds are most appropriate for protection of perishable goods displays such as fruit or flowers.

17. TEMPORARY CANVAS SCREENS

- (1) May only be placed in the Trading Activity Zone. A set back of 0.5 metres is required from each property boundary to ensure a 1 metre access point between premises. Temporary canvas barrier screens must be placed so that the screens are stable and secured or weighted so that they will not be moved by patrons or weather conditions. Barriers must be removed from the footpath when a premise is not open. The signs should not be used for excess advertising other than for identification purposes.

18. FULL LENGTH VERANDAH AWNINGS / BLINDS

- (1) Should be fitted in accordance with direction and approval from Council's Statutory Services.

19. PLANTER BOXES

- (1) Planter boxes will only be allowed in the Trading Activities Zone.
- (2) Planter Boxes must provide a positive contribution to the visual amenity of the street. Permits that allow planter boxes require that they be well maintained with healthy plants. If this is not adhered to the permit for the planter boxes will be revoked and the planter boxes will be removed.
- (3) Permission may be given for:
 - (a) Temporary Planters - must be brought in during non-trading hours.
 - (b) Permanent Planters – must be of solid design.
- (4) Unless written permission is provided by an Authorised Officer, permanent planters may not be used as enclosures unless the outdoor seating area is located on a kerbed outstand and must be placed so as to cause no obstruction to street cleaning vehicles.

20. ANCILLARY ITEMS, OWNED BY BUSINESS REMAINING ON THE FOOTPATH ON A SEMI PERMANENT BASIS

- (1) Semi permanent café furniture that is fixed with lock in devices will be allowed subject to Authorised Officer approval.
- (2) Lock-in Screen and Umbrellas – plans and specifications to be lodged with Council's Construction Department. Guidelines outlining requirements will be available upon request.
- (3) Painting lines or placing markers in the footpaths in the business precincts to clearly indicate the footpath-trading zone.
- (4) Council reserves the right to place markers along the footpath when deemed necessary to ensure appropriate minimum pedestrian corridor is maintained at all times. Premises that breach the minimum required clearance may have the footpath marked as part of enforcement action.

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21. BIKE RACKS BENCHES AND OTHER PERMANENT FIXTURES ON THE FOOTPATH

- (1) Bike racks, benches, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, multi-bay parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests. A minimum clearance of 0.5 metres, or greater if deemed appropriate by an Authorised Officer, will be required on either side of any asset permanently affixed to the footpath. Failure to maintain this clearance will constitute a breach of permit and may result in fines and / or possible cancellation of permit. No items may be placed between multi-bay parking meters and the walkway zone.
- (2) As a general rule, rubbish bins and parking meters will not be relocated at the request of traders. Traders should take this into account when selecting a site.
- (3) Operators may apply to Council to relocate other Council maintained fixtures such as bike racks and benches. A request in writing must be submitted with the application for a footpath trading permit.
- (4) The request must include a plan showing the site of the proposed relocation and a letter signed by the trader outside whose premises the rack or bench will be relocated. Council will charge traders for the cost of relocation of public assets.

The Shire of Campaspe Trading Code of Practice was adopted by Council on 20 October 2015.

..... Councillor

..... Councillor

..... Chief Executive Officer