



# Central Goldfields Shire Council

## Outdoor Dining and Trading – Code of Practice

September 2020



**CENTRAL  
GOLDFIELDS**  
SHIRE COUNCIL



## **Acknowledgement of Country**

Central Goldfields Shire Council acknowledges the ancestors and descendants of the Dja Dja Wurrung. We acknowledge that their forebears are the Traditional Owners of the area we are on and have been for many thousands of years. The Djaara have performed age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

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# 1 Introduction

Central Goldfields Shire Council recognises the important role and value that roadside and footpath trading contributes to creating vibrant and sustainable communities as well as the importance of supporting the local economy. However, these important issues must also be balanced with legislative responsibilities, such as those found in our General Local Laws, which enhance accessibility, protect the safety of motorists and pedestrians and ensures the amenity of our community is not adversely impacted.

Through discussions with the local business community, traders strongly expressed that they value street dining as an important part of responding to the economic constraints posed by the COVID-19 pandemic restrictions, and that they would like to see it increase into the future. This code has been developed with a focus on encouraging street dining and trading within Central Goldfields. It aims to support businesses to plan, operate and maintain street dining and trading areas by providing a set of guidelines and standards that are clear and easy to understand and by simplifying the application process.

This Code of Practice considers the needs of motorists, pedestrians, people of all abilities, footpath and roadside trading, advertising, merchandise displays and kerbside dining.

Where permitted, footpaths can be used by local businesses for the display of goods, signs and outdoor eating areas, which can promote and enhance the vibrancy and diversity of the streetscape and area.

While the trading activities on the footpath referred to are important parts of the retail environment, the primary purpose of footpaths is to provide for safe pedestrian access and footpath trading activities must be regulated to ensure that access and safety can be maintained. In considering the options that may be available for footpath trading it is important to recognise that any commercial use of public space is not a right but a privilege which may be granted where access, community safety and amenity of the streetscape can be ensured.

## **1.1 What is Outdoor Dining and Trading?**

Outdoor Dining and Trading is defined as the use of a public footpath or other public space for the purpose of extending the seating or display space of an existing business. Outdoor dining and trading typically includes elements such as tables, chairs, barrier screens, umbrellas, A-frame signage, display stands and planter boxes.

## **1.2 General Local Law**

Outdoor Dining and Trading is defined as the use of a public footpath or other public space for the purpose of extending the seating or display space of an existing business. Outdoor dining and trading typically includes elements such as tables, chairs, barrier screens, umbrellas, A-frame signage, display stands and planter boxes.

Section 2.4 of Council's General Local Law 2015 states:

Without a permit a person must not on Council land or a road –

- a) Place any temporary or permanent 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 good or services carried about or placed on the person or any other moveable thing;
- f) Solicit business or gifts of money, or fundraise;
- g) Collect any waste materials; or
- h) Busk.

Or cause or authorise another person to do so.

In addition to Council's Local Law, Council has a legal obligation in accordance with the Commonwealth Disability Discrimination Act (DDA) 1992 to provide a safe and unobstructed footpath environment for pedestrians, regardless of their mobility levels.

## **1.3 Purpose of this Code**

If you are a business looking to establish or modify a street dining or trading area within the Central Goldfields Shire Council, this document contains all of the basic information you will need to know to plan, operate and maintain your street dining and trading area. This code was developed in response to the need to allow more flexible trading options for businesses due to COVID19 and aims to simplify and improve the application process and to encourage outdoor dining and trading within the Council.

A key aim of developing this code is to provide a one-stop document that is easy-to-use and clearly explains everything traders need to consider. Council will consider each application on a case by case basis to ensure the particular location and requirements of the trader are understood and to ensure issues such as safety, accessibility and amenity are appropriately addressed. The policy aims to provide a set of principles and guidelines that give traders a clear direction and more certainty in how to plan, operate and maintain outdoor dining and trading areas within the Council.

## 1.4 How This Document Works

This Code contains all of the criteria which Council uses to assess applications for outdoor dining and trading and should be used by traders as a starting point and step by step guide. This document has been organised into three main parts to provide a simple and easy-to-use guide to help businesses to plan, operate and maintain outdoor dining and trading areas.

Part	Section
Part A: Getting Started	1 Introduction
	2 Key Principles
	3 Applying for Permits
Part B: Plan and Design	4 Determining Your Trading Zone
	5 Designing Your Trading Area
Part C: Operating and Maintaining	6 Operating and Maintaining Your Area

## 2 Key Principles

This section sets out Council's position in regard to some of the key issues effecting street dining and trading for both businesses and the community. Whilst each business may have different preferences or requirements for street dining and trading based on its particular location, character and function, it is important to have a set of guiding principles in place to give certainty and balance the needs of all users and to provide a unified approach for the appearance, character and day to day functioning of the Council.

Whilst Council will consider each application on a case by case basis, the guiding principles outlined in this section reflect Council's position on the key issues and should be used as a guide for traders looking to establish or modify a street dining or trading area.

### 2.1 Statutory Planning and Heritage Provisions

A planning or building permit will be required to install fixed items attached to buildings such as awnings, blinds, heaters, etc. Council's Statutory Planning and Building Units must be contacted in the first instance to seek further information about obtaining a planning or building permit. Planning permits must be sought for the permanent installation of fixtures or fittings upon the fabric of the building and/or verandas over the footpath zone, as well as on Council land itself (e.g. on the footpath) where this is installed for an associated business purpose. Many areas of Council are located within a Heritage Overlay, which may limit what can be permitted and controls the style, appearance, and visual impact created to ensure there is not a detrimental impact on the heritage value of buildings and the streetscape. This will be confirmed through the planning or building permit process.

## **2.2 Open Space**

Outdoor dining and trading requires businesses being granted permission to make use of a footpath or public space to extend their trading activities. Whilst Council promotes and encourages outdoor dining and trading, it is important to remember that any outdoor dining and trading area is still a public space and that any activities and furniture that are introduced must balance the needs of all footpath users and the community as a whole.

Council will therefore be guided by the following key principles in determining permits:

- Applications that propose to extensively enclose a public area by installing decks, permanent screens and shelters will not be approved as it privatises public space and can impact on heritage and streetscape character.
- Outdoor dining is intended to have a character which is outdoors and feels like a part of the street. Weather conditions should be accommodated without the addition of infrastructure that encloses the space.
- Outdoor dining and trading areas should be regarded as ancillary to a businesses indoor area. A business should not be reliant upon its outdoor dining or trading area to overcome problems or limitations associated with their internal area.

## **2.3 Permit Process**

Council understands that street dining and trading plays an important role in the lifestyle and character of a city by adding life and activity to its streets and public spaces. Further, street dining and trading allows more flexibility of trade for businesses affected by COVID19 restrictions.

In order to better support traders in providing outdoor dining and trading the application and fee process has been simplified. An online application form has been created and can be completed at [Apply Now](#). Further, Council have decided to waive all outdoor dining and trading permit fees for a period of 12 months from the date of issue.

### **2.3.1 Amending an Existing Permit**

There may be instances where an existing permit holder would like to alter their permit either by moving to a more semi-fixed, fixed approach or by adding additional infrastructure to their existing area. Permit holders are required to notify Council of any changes to the design of their outdoor dining and trading area.



## 3. How to Apply for a Permit

### 3.1 Application Process

1. Read the Outdoor Dining and Trading Code of Practice.
2. Contact Compliance Services for advice if needed.
3. If needed, arrange an onsite meeting with Councils Compliance Officer.
4. Complete the Outdoor Dining and Trading permit application form on Councils website [Apply Now](#) along with:
  - A site plan indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones where applicable.
  - Photographs of the proposed outdoor dining area within its street context.
  - A current Certificate of Currency for Public Liability Insurance for cover of at least \$10,000,000.
  - A signed Form of Indemnity – a statement that indemnifies Council against all claims of any kind arising from any negligent act either by the permit holder, the permit holder's agent or their clientele.
  - A copy of the Liquor Licence and 'Red Line' plan if intending to serve alcohol at the outdoor dining area.
5. Once you have submitted all the required documents, a Compliance Officer will review the proposal.
6. If the proposal is successful, Council will issue a permit permitting outdoor dining and trading. You can then commence outdoor dining and trading in accordance with the standard conditions outlined in the permit.

## 4. Planning and Design

This section sets out the general principles that should be used to determine the potential suitability, location and extent of your outdoor dining and trading area. These principles have been established to ensure that outdoor dining and trading areas are comfortable, attractive, and functional whilst at the same time ensuring that they do not conflict with other existing or proposed public uses or street activities. It is important to note that these are general principles only, and that Council will consider each application on a case by case basis to identify any site-specific issues or requirements.

### 4.1 Suitability of Location

Determining whether an area is suitable for use as an outdoor dining and trading area needs to be carried out on a case-by-case basis as it involves the site specific consideration of a wide range of issues such as public use and safety, pedestrian and disability access, car parking and protection of public assets such as street trees, signage and furniture. The following provides a list of issues that Council will consider in determining the suitability of proposed outdoor dining and trading areas:

Suitable Locations	Unsuitable Locations
Outdoor dining and trading zones are most suitable:	A site may be considered unsuitable for outdoor dining and trading where:
In street with a minimum paved footpath width of 3m so that outdoor dining and trading can be accommodated without interfering with pedestrian access and other street activities.	Compromises public safety, access and circulation or significantly reduces sight lines;
In public places or in laneways that are closed to vehicular traffic and have a suitable width.	Will negatively impact on neighbouring uses in terms of noise, amenity and/or safety of the outdoor dining/street trading area
Where the outdoor dining and trading area will be clearly visible from the inside of the associated business to ensure effective monitoring.	Interferes with the safety or functioning of bus zones and taxi zones or designated accessible parking spaces.

Once the general suitability of a proposed location is determined, the actual extent of an outdoor dining and trading area can then be defined by identifying the basic footpath zones and required setbacks. The size of each dining and trading zone is dependent on the overall width of the footpath and associated standard setbacks. The following section provides a general step-by-step guide for determining the outdoor dining and trading areas.

#### How do I work out my Outdoor Dining + Trading Zone?

**Step 1:** Measure the width of the footpath (from the building to the kerb as in Figure 2)

**Step 2:** Subtract the required Pedestrian Zone width (based on the footpath widths identified in Table 2)

**Step 3:** Subtract the required Kerb Zone width (based on the kerb requirements identified in Table 3)

**Step 4:** Your general Outdoor Dining and Trading Zone is then defined by the remaining footpath width less the required setbacks identified in Section 4



## 4.2 Pedestrian Zone

The pedestrian zone is the area primarily dedicated to pedestrian movement along the footpath. The pedestrian zone measured from the edge of the property line to the inner edge of the outdoor dining and trading zone (refer to Figure above). The pedestrian zone must be kept clear of outdoor furniture, signage or any other items that may cause safety hazards for pedestrians. The minimum required pedestrian zones based upon footpath width are identified below:

Footpath Width	Pedestrian Zone Requirement
Less than 3m	Outdoor dining and trading not permitted.
3m-3.5m	Minimum 1.8m
3.5m-4.5m	1.8m or greater
4.5m or greater	2m or greater

## 4.3 Kerb Zone

The Kerb Zone refers to the distance between the outer kerb edge and the outer edge of an outdoor dining zone. The kerb zone ensures clear access from the road to the footpath and must be kept clear of any furniture, signage or any other items that may cause hazards for pedestrians or vehicles. Kerb zone requirements will vary according to the use of space adjacent to the kerb. Minimum Kerb Zone requirements are outlined below:

Kerb Zone Adjacent to:	Kerb Zone Requirement
Parallel Parking	800mm
Loading Zone	900mm
No Stopping	1,000mm
90°, 60°, 45° angle parking	1,200mm
Bus and Taxi Zones	1,500mm

## 4.4 Outdoor Dining and Trading Zone

The Outdoor Dining and Trading Zone refers to the area within the footpath where outdoor dining and the display of goods and advertising can occur. The width of the Outdoor Dining and Trading Zone varies from street to street depending on the width of the footpath and the required setback tables found in Section 4.5. It is the responsibility of the business to ensure that all outdoor dining items including tables, chairs, umbrellas, screens, planter boxes, heaters, A-Frame signs and any other approved items remain within the Outdoor Dining and Trading zone at all times.

## 4.5 Required Setbacks

After working out the general location and width of your potential Outdoor Dining and Trading Zone it is then necessary to identify the more detailed setback requirements such as spacing between outdoor dining areas and clearances from existing street furniture and infrastructure in order to determine the exact extent of the Outdoor Dining and Trading Zone. Setback requirements will be confirmed by the Compliance Officer as part of the application process, however the following section identifies these general setback requirements to be used as a guide by traders.

### 4.5.1 Setback from Side Property Lines

A 500mm setback is required from either side boundary to ensure access points are maintained between the Pedestrian Zone and the road.

### 4.5.2 Setback from Side Property Lines

Generally, Council will not relocate or remove existing street furniture or fixtures at the request of traders. Traders should take into account the existence of existing Council fixtures and relevant adjacent parking zones or conditions when proposing to apply for a permit.



(Note: requests to relocate existing infrastructure may require additional approvals from Council and may incur costs by the applicant). The table below identifies required clearances to be provided for typical street fixtures:

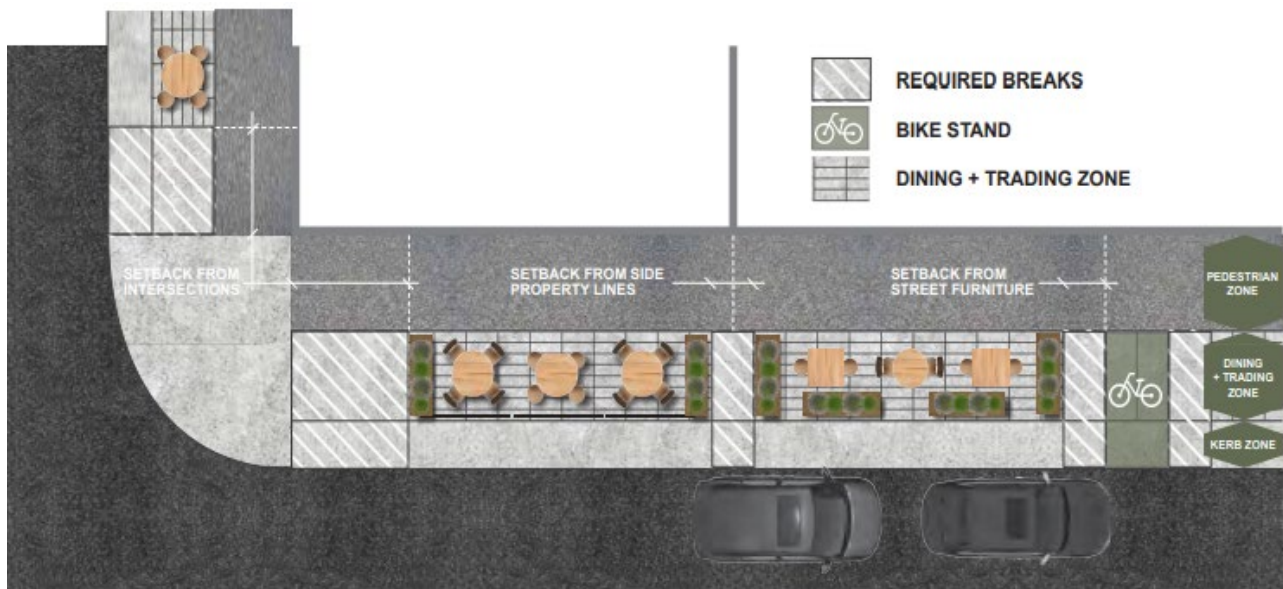
Type of Fixture	Required Clearances
Bicycle Racks	1,000mm
Fire Hydrants	1,000mm
Public Heating	1,000mm
Litter Bins	1,500mm
Parking Meters	1,000mm
Electricity Poles and Meter Boxes	500mm
Street Lights	500mm
Trees or Tree Guards (surrounds)	500mm

#### 4.5.3 Setback from Intersections

In order to provide suitable pedestrian circulation space, clear sightlines and safe conditions for all road users around intersections it is important to ensure that outdoor dining and trading areas are adequately set back from intersections. The amount of setback that will be required will vary depending on factors such as the type of intersection and the level and speed of vehicular traffic. Generally a minimum setback of 2.5m as measured from the corner of the building line will be required. However, increased setbacks may be required at some locations due to factors including intersection alignment, crash history or building proximity to the roadway.

#### 4.5.4 Breaks in Extended Outdoor Dining and Trading Areas

Where an outdoor dining area runs continuously for 10m or more, an access break of a minimum of 1m 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.



## 4.6 Use of Neighbouring Outdoor Dining and Trading Zones

A trader can apply for a permit to extend their outdoor dining or trading area to the footpath in front of neighbouring premises. A statement from the neighbouring business owner must be provided to Council with the permit application confirming that the neighbouring business owner:

- Give permission for the applicant to extend the location of the adjacent outdoor dining and trading area to the front of their premises;
- Are aware that if permission is granted that the area will no longer be available for their own use (i.e. they cannot place any signage related to their own business in that area).

In the case where permission is withdrawn by the neighbour (current or future), the outdoor dining and trading activities must be removed with 10 business days from the neighbouring area.

\*Any distance other than a statutory requirement may be varied at the discretion of a Compliance Officer.

## 5 Designing and Furnishing Your Outdoor Dining and Trading Area

### 5.1 General Standards for Furnishing your Outdoor Dining and Trading Areas

The type, quality and presentation of furniture within outdoor dining and trading areas has a significant impact on the appearance and character of a street. In order to simplify the application process, Council does not specify fixed standards for the number and placement of furniture within outdoor dining and trading areas but rather leaves this process to the responsibility, judgement and experience of traders. However, Council has a list of basic standards that it requires traders to meet to ensure that outdoor dining and trading areas are furnished in a manner that is safe and functional and is attractive and of a quality that contributes to the streetscape. If Council considers that these standards are not being met it reserves the right to advise traders to make changes or to cancel a permit until the standards are met. Council standards require that all furniture be:

- Positioned within, and must not extend outside of, the permitted outdoor dining and trading zone;
- Arranged so that it provides a suitable level of accessibility, circulation and safety for staff and clientele;
- Of a high standard quality and materials so that it is durable and adds to the amenity of the street;
- Removed from the footpath and packed away at the end of each trading day;
- Must be kept clean and in good working order and meet basic safety standards such as being wind resistant (not easily blown over or away) and free of sharp edges or other features likely to cause injury;
- Has suitable bases that protect the footpath pavement from damage (e.g. some tables and chairs create divots in asphalt on hot days which can become trip hazards).

### 5.2 General Types of Furniture

Council classifies furniture for outdoor dining and trading into 3 general types - Temporary Furniture, Semi-Fixed Furniture and Fixed Furniture. The following section provides a definition for each type and explains Council's preferred approach to the furnishing of outdoor dining and trading areas.

#### 5.2.1 Temporary Furniture

Temporary Furniture refers to furniture that is completely removable and mobile and is packed away at the end of trading hours. Council encourages the use of temporary furniture for outdoor dining and trading within the Shire as it:

- Leaves the streetscape unchanged in appearance and function once it is packed away and minimises heritage issues;
- Minimises damage to pavements/public infrastructure;
- Avoids footpath obstructions when the business is closed and minimises maintenance / cleaning issues;

- Provides more flexibility in layout and design of the outdoor trading area and reduces the impression that a footpath or public space has been privatised.

For these reasons Council prefers that traders provide all the basic standard elements of their outdoor dining and trading areas such as chairs, tables, canvas screens and planters as Temporary Furniture.

### **5.2.2 Semi-Fixed Furniture**

Semi-Fixed Furniture refers to furniture that is semi-locked into ground sockets built into the footpath but is removed and packed away after business hours without the need for specific tools. Council's preference is that all umbrellas be semi-fixed to the pavement to provide improved stability and safety. Whilst Council prefers all other furniture to be Temporary Furniture, it is acknowledged in some instances that it may be appropriate to semi-fix furniture such as canvas screens or planters and these will be assessed on a case-by-case basis. It is important to note that installation of any semi-fixed furniture or associated fittings will require additional permits and must be carried out by Council approved contractors and at the expense of the applicant.

### **5.2.3 Fixed Furniture**

Fixed Furniture refers to furniture that is permanently fixed to the footpath trading area and is not packed away after business hours. Council generally does not support the use of fixed furniture for outdoor dining and trading as it:

- Cannot be re-arranged or adapted in response to changing conditions or the needs of traders and outdoor dining patrons;
- Presents footpath obstructions even when the business is closed and restricts access for maintenance/cleaning;
- Can result in damage to pavements / public infrastructure and involve costs to restore the footpath if removed;
- Permanently changes the streetscape and can have additional implications from a heritage viewpoint.

Council acknowledges that in some instances fixed furniture may have benefits in terms of streetscape and urban design outcomes and in assisting traders with their day to day functions. As such, Council provides the option for considering fixed furniture under particular circumstances but requires that these be subject to a more detailed assessment and permit process. Examples of instances where fixed furniture may be considered would be for elements such as fixed planters or bench seating - and these will be considered on a case-by-case basis. It is important to note that Council will not support the installation of large fixed elements such as gazebos and pavilions as it privatises the streetscape.



## 5.3 Tables and Chairs

Traders should select high quality tables and chairs that are attractive, comfortable and durable. Preference will be given to tables and chairs that are of a style and colour that does not dominate the streetscape or conflict with the heritage character. Traders will be required to provide photos or brochures of their proposed tables and chairs as part of their permit application to ensure that they meet Council's preferred standards. Council standards require tables and chairs to be:

- Made of good quality materials and be sturdy yet portable - the use of a metal or timber frame is preferred;
- Wind resistant (i.e. designed to resist wind gusts);
- Constructed of durable and hard-wearing materials (such as powder-coated or polished aluminium, brushed or stainless steel frames);
- Easy to clean and be well maintained;
- Free of any advertising material
- Removed and packed away outside of trading hours;
- Have bases that will not cause damage to footpaths.

## 5.4 Outdoor Dining Screens

Screens can help to delineate an outdoor dining area, create a sense of safety and comfort for patrons and also add variety and interest to a street. Council standards require that screens be:

- A maximum height of 900mm to preserve the general appearance and sense of openness of streetscapes (screen heights may only be increased to a maximum of 1200mm where Council assesses that it is necessary to improve street activation, safety or amenity);
- Designed with a minimum 20mm clearance from the footpath to allow for drainage;
- Made of good quality and durable materials that can withstand weather exposure and general wear;
- Neutral and darker colours that do not dominate the street;
- Stable, secure and wind resistant (council will support semi-fixed screens where it can be demonstrated that it is necessary to improve wind resistance and safety);
- Portable so that they can be removed and packed away outside of trading hours (Council will only consider fixed screens in special circumstances where it can be demonstrated that it is necessary to improve street activation, safety or amenity);
- Of a design and appearance that complements the streetscape and business but limits advertising - the name of the business or sponsor is acceptable but must not exceed approximately 33% of the total surface area of the screens.

The three basic types of screens are described below:

### 5.4.1 Canvas Screens

Removable canvas screens that comply with the above general requirements are the preferred standard for Council.

### **5.4.2 Alternative Screens**

Council encourages creativity and innovation and will consider alternative screens where they will add variety and amenity to a streetscape. Alternative Screens refer to screens that meet Councils required standards but are of a different design or materials to regular canvas screens. Alternative Screens will be assessed on a case-by-case basis and upon design merit with consideration being given to issues such as streetscape and heritage, durability, presentation, safety and materials. Alternative Screens must also be designed so that materials and treatments face outwards towards the street.

### **5.4.3 Fixed Glass Screens**

Consistent with the principles of respecting the heritage character and enclosure of public spaces, fixed glass screens are generally not permitted. Glass screens will only be considered in special circumstances where it can be demonstrated that it is necessary to improve street activation, safety or amenity. Any proposal for fixed glass screens will require an additional assessment, and potentially a planning and/or building permit and involve Council undertaking a review of the wider heritage and streetscape character.

## **5.5 Planter Boxes**

In principle, Council encourages the use of planter boxes in place of barrier screens, or as features within outdoor dining and trading areas as a way to add greenery and interest to streetscapes. Council standards require planter boxes to:

- Be a maximum width of 500mm and a maximum length of 1200mm;
- Have a total height of no more than 900mm from footpath;
- Be elevated 20mm above the footpath to allow for drainage;
- Be constructed of sturdy and durable materials such as steel and timber and be complementary in appearance to the streetscape;
- Be properly secured in place during use (e.g. have lockable wheels / casters) and removed from the footpath outside of trading hours (Council will only consider fixed planters in special circumstances where it can be demonstrated that it is necessary to improve street activation, amenity and safety, and that cleaning and vandalism issues can be appropriately addressed;
- Be designed and positioned so that water and soil from the planters does not enter into the storm water system, stain pavements or cause a safety hazard to pedestrians.

Planter boxes must be well maintained with healthy plants and must be kept clean of litter - if this is not adhered to then Council will require the planter boxes to be removed from use. Empty planter boxes must be removed or replanted.

## **5.6 Pots**

In principle, Council supports the introduction of pots within outdoor dining and trading areas as a way to add greenery and interest to streetscapes. The same standards for maintenance, watering, safety and storage used for planter boxes apply to individual pots. The placement of pots must ensure that the safety and access of pedestrians, staff and clientele is not compromised.

## **5.7 Umbrellas**

Umbrellas should only be used where existing shelter such as verandahs, canopies or trees do not provide sufficient protection from the elements. The use of umbrellas where existing awnings or verandah's are present gives a cluttered appearance and detracts from the building façade and appearance of the street. Council standards require umbrellas to be:

- Of neutral and darker colours that do not dominate the street and that complement the other outdoor furniture being used (i.e. the barrier screens);
- Positioned in the Outdoor Dining and Trading Zone only and must not extend into the Pedestrian Zone or the Kerbside Zone;
- A minimum of 2.2 metres high at the lowest point;
- Firmly secured either through an in-ground socket device or through the use of a temporary umbrella base which should be made of a high quality material that ensures public safety and that can not be lifted by strong winds (any damage caused to people or property arising from the umbrellas will be the responsibility of the permit holder);
- Positioned so as to not obstruct traffic signals or visibility at intersections, parking and other signage;
- Of a design and appearance that complements the streetscape and business but limits advertising - the name of the business is acceptable but must not exceed approximately 33% of the total surface area of the umbrellas.

## **5.8 Blinds**

In certain situations drop down blinds can improve the dining experience in streets where there is poor protection from the elements. Transparent drop-down blinds may be permitted, subject to a building permit from Council. Applications will be assessed on a case by case basis considering available space, prevailing urban character, existing street infrastructure, and traffic conditions. Council standards require blinds to be:

- Installed only where a verandah or balcony already exists and must be designed and integrated properly into the permanent structure;
- Used only when warranted by the weather conditions. All screens must be rolled up or removed outside of trading hours and when weather does not warrant their use;
- Fixed firmly in position when in use. Blinds may be attached to screens or to the footpath surface (refer to standards for in-ground socket / lock-in devices). In cases where attachment is made to the screen, the stability of the screen must not be compromised - this can be achieved by ensuring screens are secured to the footpath via an in ground socket or lock-in device;
- Free from advertising and have maximum transparency - coloured or decorated materials will not be permitted as they can limit sight lines and reduce the visual openness of a street;

- Made from high quality material kept clean at all times and maintained to a safe standard and any damage must be repaired immediately or removed;
- Reviewed by Council's Heritage Advisor where they are proposed in a heritage overlay area;
- Positioned so as to not intrude into the pedestrian or kerb zone;
- Positioned so that they run parallel to the street only and not at right angles which enclose the area.

## **5.9 Gas Heaters**

Gas heaters are popular for heating outdoor dining areas in the public place. Whilst Council permits the use of either fixed or freestanding heaters, permit holders should be mindful of the energy consumed by heaters and their contribution to greenhouse gases.

### **5.9.1 Fixed Heaters**

Outdoor gas heaters may be affixed to awnings/verandahs (so as to be off the footpath area) and connected to a reticulated gas supply. Applicants should note that a building permit is required to undertake this option and must consider impacts on heritage buildings if applicable.

### **5.9.2 Freestanding Heaters**

If patio type heaters positioned on the footpath are to be used, they must be included on the application and must be specifically covered by the applicant's public liability insurance. Council standards require that all heaters be:

- Placed within the Trading Zone;
- Carry the appropriate certification by the Australian Gas association and must be used in accordance with the manufacturer's instructions and any safety or technical advice available through the Office of Gas Safety;
- Be associated with the footpath permit for an outdoor dining facility.

## **5.10 In-Ground Sockets and Lock-In Devices**

It is important to note that installation of any in-ground sockets or lock-in devices requires an asset protection permit and must be carried out by Council approved contractors and at the expense of the applicant. The following design standards apply for in-ground sockets:

- Sockets must be made of stainless steel and have an auto shut lid to prevent the lid staying open and creating a hazard on the footpath;
- Sockets must be installed flush to the level of the footpath, and no parts should project above footpath level when not in use;
- Sockets must be installed in accordance with manufacturer's specifications and any Council permit conditions;
- Any damage to the footpath must be reported to Council by the permit holder. Rectification works are at the permit holders expense.



## **5.11 Decking**

Consistent with the principles of respecting the heritage character and enclosure of public spaces, decking of outdoor dining and trading areas will generally not be permitted. Decking will only be considered in special circumstances where it can be demonstrated that it is necessary to improve street activation, safety or amenity. Any proposal for decking will require an additional assessment, fee and permit process and involve Council undertaking a review of the wider heritage and streetscape character.

## **5.12 Advertising (A-Frame/Portable Advertising Signs)**

Council understands the need for businesses to utilise the footpath area to advertise their business and will permit use of advertising signs with certain conditions.

All advertising signs must be placed in the Trading Zone. Advertising signs are not permitted in the Pedestrian or Kerb Zones where they could potentially become hazardous for pedestrians.

A maximum of one advertising sign is permitted per business to minimise cluttering of the street. An additional advertising sign maybe considered at the discretion of Compliance Officers. Advertising signs must be no greater than 1 square metre per side in area and have no dimension greater than 1200mm.

Positioning of signs should generally be located adjacent to the premises frontage, however where the footpath does not allow for a trading zone, alternative locations may be considered on a case-by-case basis. Advertising signs must also not be attached to any existing Council fixtures such as bins, street furniture, footpath or signage without the prior approval of a Compliance Officer. Applications wishing to do so will be considered on a case-by-case basis.

### **5.12.1 Alternative Signs**

Council does not permit the use of inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs or the use of flags and banners. However, Council understands that traders may wish to use alternative methods of advertising which will be considered on a case-by-case basis taking into consideration available space, prevailing urban character, public safety, existing street infrastructure and traffic conditions.

Generally advertising signs will not be permitted within residential areas but maybe considered for permitted business at the discretion of the Compliance Officer.

## **5.13 Display of Goods**

Council supports traders in displaying goods for sale or hire where deemed safe and appropriate to do so. Goods for sale or hire must be placed within the Trading Zone and not in the Pedestrian or Kerb Zones to allow clear access for all pedestrians.

The area used to display goods for sale or hire must be no greater than 2m<sup>2</sup>, allowed only on footpaths wider than 3.5 m and be completely removable after business hours so as not to obstruct pedestrian movement. Additionally, no goods for sale or hire may be positioned on any road, median strip or roundabout at any time.

No item displayed for sale or receptacle used to display such goods, can be greater than 800mm wide, 1.5 metres long and no greater than 1.5 metres high. A Compliance Officer may at his or her discretion allow the display of goods of a greater dimension and area in Industrial type areas.

## **5.14 Special Considerations**

There are some circumstances where special considerations may be considered that will differ from the usual advertising standards. Applications for businesses operating in industrial and residential areas will be considered on a case-by-case basis, allowing officers to assess the impact of proposed advertising and goods for display on surrounding areas.

Similarly, applicants wishing to place advertising signs at entrances to lane-ways or shopping malls instead of fronting their businesses, will need further assessment. Officers will need to ensure pedestrian movement is not restricted and that the street remains uncluttered.

## **6 Operating and Maintaining your Outdoor Dining and Trading Area**

### **6.1 Roles and Responsibilities**

Council is responsible for the general maintenance of the footpath and will play an important role in ensuring a safe, clean and welcoming environment for all residents. At particular times this may require Council, Service Authorities or Special Events Organisers to access or alter the footpath to ensure the safety and amenity of the street is maintained. Where possible reasonable notice of proposed footpath works will be given to permit holders.

The role and responsibility of the permit holder is to over-see the daily management of the outdoor dining and trading area and ensure they remain compliant with the current policy. Maintaining clear pedestrian access, a clean environment and welcoming atmosphere during operating hours will ensure traders implement a successful outdoor dining and trading area.

### **6.2 Liability and Insurance**

The permit holder is responsible for any liability issues associated with the outdoor dining and trading area, including outdoor dining that has been permitted outside a neighbouring premise. Permit holders must provide and maintain a Certificate of Currency of appropriate public liability insurance for cover of at least \$10,000,000 which is valid for the duration of the permit and the proposed footpath activity.

It should be noted that the permit holder will be required to submit a copy of their Certificate of Currency annually.

### **6.3 Maintaining Safe Places and Streets**

Traders are required to maintain clear access for all patrons in and around outdoor dining and street trading areas. Particular consideration should be given to people with disabilities and vision impairments when determining placement of items within the trading zone.

Allowing 24-hour access to existing infrastructure such as fire hydrants, communication switchboards, boosters and underground services should be maintained at all times. Similarly providing the same access for Council workers operating street cleaning equipment is integral for day to day maintenance.

### **6.3.1 Behaviour of Patrons**

Monitoring and managing the behaviour of patrons within the outdoor dining and trading area is the responsibility of the business operator. Particular attention should be given to monitoring patrons at businesses operating a licensed premise. It is the responsibility of the trader to ensure that all staff practice responsible service of alcohol.

Creating a safe and inclusive environment along the pedestrian zone of the footpath should also be maintained and managing noise generated through outdoor dining is important. Operators should consider the potential noise and amenity impacts of surrounding businesses and in residential areas.

## **6.4 Maintaining Plants and Vegetation**

Council actively encourages the 'greening' of streetscapes through the use of planter boxes and pots to enhance the overall amenity of Central Goldfield Shire's streets. Care should be taken to ensure plants are properly maintained, and removal of dead plants and planter boxes kept clear of litter.

## **6.5 Creating an Attractive and Inviting Environment**

Businesses operating outdoor dining and trading must maintain the footpath area through regular cleaning throughout the day and at the close of trade each day. All furniture in the outdoor dining and trading area must be maintained, physically sound and aesthetically acceptable at all times. Maintaining a clean and safe environment promotes a high level of amenity that encourages and attracts users to the area.

### **6.5.1 Removal of Outdoor Dining and Trading Infrastructure**

All items placed on the footpath must be removed after business hours or at any time specified on the issued permit.

Making sure the footpath is clear of any obstacles outside business hours will allow for clear pedestrian access as well any street cleaning equipment.

In the instance that a permit is cancelled, it will be the responsibility of the business operator to ensure all fixed, semi-fixed and temporary outdoor dining and trading items are completely removed from the footpath.

## **6.6 Smoking Regulations**

Under the Tobacco Act 1987, smoking is banned in outdoor dining areas as of the 1st August 2017. An outdoor dining area is defined as an outdoor area that a business owner or occupier permits to be used for the consumption of food provided on a commercial basis.

This means during times food provided on a commercial basis is:

- Actually being eaten; or



- Available to be purchased and eaten in the area (regardless of whether anyone is actually eating).

Examples of outdoor dining areas include footpath dining, courtyards, balconies, and beer gardens that form part of, or are attached to, cafes, restaurants, take-away outlets, pubs, licensed premises and other similar businesses.

It is the responsibility of the permit holder to ensure their business complies with these regulations, altering their outdoor dining and trading environment as required.