

Hepburn

SHIRE COUNCIL



Outdoor Dining & Trading *Guidelines*



Hepburn Shire Council is on Dja Dja Wurrung Country. Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal.

We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving. We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of the region.



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Introduction

Outdoor dining and trading provides variety, vibrancy and diversity to the local community and economy however a consistent and considered approach must be applied to ensure that safety, accessibility and amenity is not compromised.

These Outdoor Dining and Trading Guidelines have been developed to assist local business operators to better understand and adhere to Council's Outdoor Dining and Trading Policy 19 (C). They are based on current best practice and feedback received from the local community, businesses and visitors and aim to:

- a. Regulate the:
 - i. temporary placement of furniture, signs, displays or other approved items on land within Hepburn Shire that are managed by Council
 - ii. commercial activities undertaken in or on open spaces and footpaths within Hepburn Shire that are managed by Council
 - iii. operation of itinerant traders within Hepburn Shire
- b. Safely establish exciting and vibrant streetscapes through the multi-use and activation of public space
- c. Enhance the shopping, dining or observers experience for the local community and visitors

Outdoor Dining and trading zones

In order to provide a clear and consistent approach to outdoor dining and trading, areas five (5) specific zones have been created:

1. Pedestrian Zone
2. Trading Zone
3. Kerb Zone
4. Clear Zone
5. Open Spaces



1. Pedestrian Zone

- a. Defines the area between the building line (incl. any encroachments such as steps, bench seats, ramps or landscaping) and the Trading Zone.
- b. The Pedestrian Zone must remain clear of:
 - i. any commercial activities and/or temporary placement of furniture, signs, displays or other items at all times; and
 - ii. customer items and personal belongings that cause an obstruction or may reduce accessibility such as prams, pets and bags.

- c. For a footpath less than 3.6 metres wide, the Pedestrian Zone must be a minimum of 1.5 metres in width.



- d. For a footpath more than 3.6 metres wide, the Pedestrian Zone must be a minimum of 1.8 metres in width.

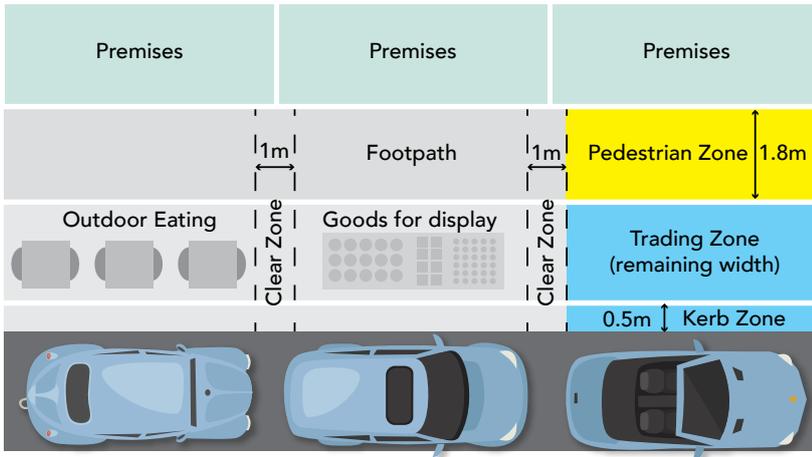


Diagram 1a: Pedestrian Zone

2. Trading Zone

- a. Defines the area in which commercial activities and/or the temporary placement of furniture, signs, displays or other approved items in or on open spaces, footpaths within Hepburn Shire, managed by Council, can occur.
- b. The Trading Zone is determined by the space remaining once the requirements of the Pedestrian Zone, Clear Zone and Kerb Zone have been met.

- c. The length of a Trading Zone must have a Clear Zone every 12 metres at a minimum
- d. Any furniture, signs, displays or other approved items as per their permit conditions must not be moved outside the Trading Zone at any time.

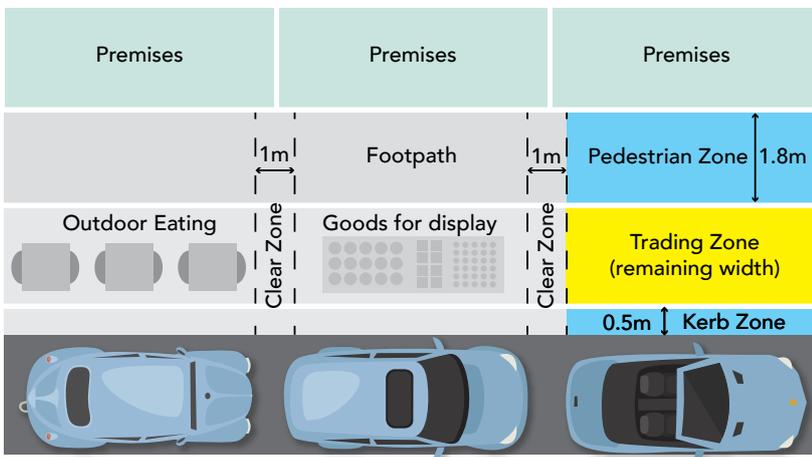


Diagram 2: Trading Zone

3. Kerb Zone

- a. Defines the area between the kerb line and the Trading Zone.
- b. The requirement of a Kerb Zone is: 0.5 metres in width.
- c. For a Kerb Zone abutting an accessible (disabled) parking bay the requirement is: 0.7 metres in width.
- d. The Kerb Zone must remain clear of any commercial activities and/or temporary placement of furniture, signs, displays or other approved items at all times.

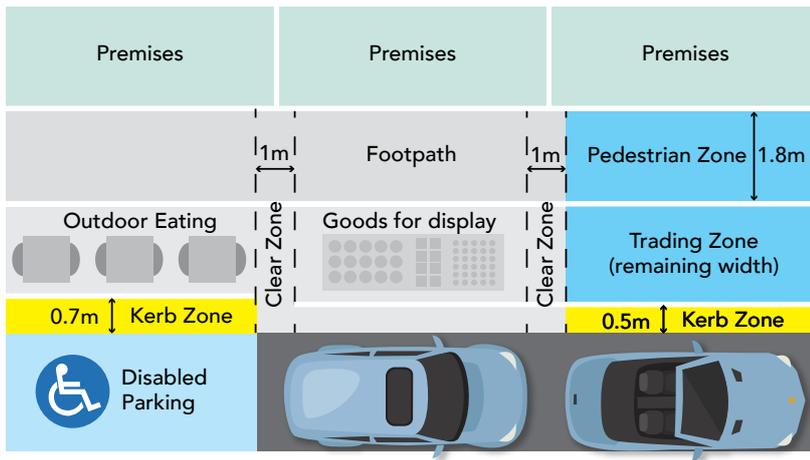


Diagram 3: Kerb Zone

4. Clear Zone

- a. Defines the area between the Trading Zones of abutting properties, and is also required to provide pedestrian access between Trading zones longer than 12 metres.
- b. A Clear Zone is also required around existing infrastructure (i.e. trees, poles, bins, bench seats) or adjacent to a driveway or emergency vehicle access way.
- c. The Clear Zone requirement is: 1 metre in width.
- d. Where there is a pedestrian crossover, the Clear Zone requirement is: 1 metre in width.
- e. The Clear Zone must remain clear of:
 - i. any commercial activities and/or temporary placement of furniture, signs, displays or other approved items at all times; and
 - ii. customer items and personal belongings that may reduce accessibility such as prams, pets and bags.

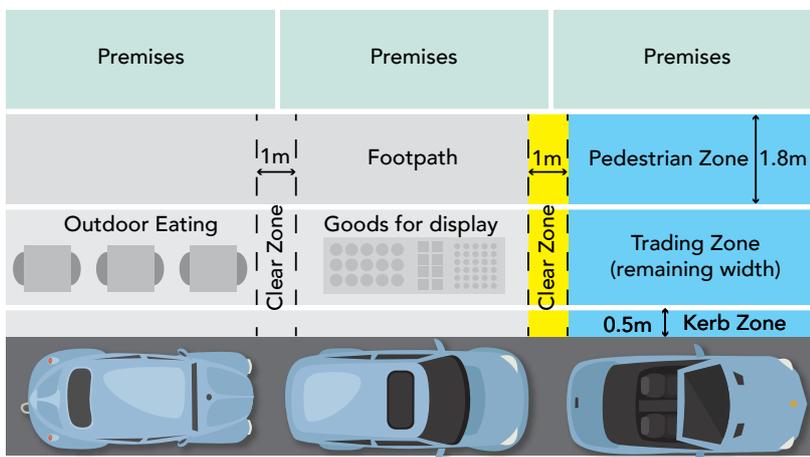


Diagram 4: Clear Zone

5. Open Spaces

- a. Defines any publicly accessible natural or built space on land that is managed by Council.
- b. Kerb Zone and Clear Zone requirements apply at all times.
- c. The adjoining Pedestrian Zone must be a minimum of 1.5 metres in width.
- d. Permits issued under the General Local Law No 2 of 2019 do not grant rights of exclusive occupation on or in open spaces or roads managed by Council.



Temporary items

and Commercial Activities

A permit is required for all outdoor dining and trading on or in open spaces, footpaths managed by Council including, but not limited to, the placing of:

- signs
- umbrellas
- outdoor heaters
- planter boxes and hanging plants
- barriers and screens
- dining furniture
- itinerant trading
- other (such as barrels, feather flags and other items)

SIGNAGE

- a. Must only be placed within Trading Zones.
- b. No more than one (1) sign will be permitted within the Trading Zone and/or frontage of the approved business.
- c. Directional signage may be placed within the Trading Zone and/or frontage of an alternate business with evidence of consent provided.
- d. Must be no greater than 1 metre squared, and with no dimension greater than 1.2 metres.
- e. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- f. All permitted signage must be brought inside at the end of trade each day and in times of strong winds, unless permit conditions state otherwise.

UMBRELLAS

- a. The placement of an umbrella, including canopy, must be within the Trading Zone.
- b. Have a minimum height of 2.2 metres from the ground to the lowest point of the canopy.
- c. Must be well presented and maintained.
- d. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- e. All permitted umbrellas must be brought inside at the end of trade each day and in times of strong winds.

OUTDOOR HEATERS

- a. Must only be placed within Trading Zones.
- b. Must only be placed on stable and level ground.
- c. Must comply with Australian Standards and Energy Safe Victoria's general safety guidelines (i.e. GIS 11: Portable heaters for use outdoors in public places).
- d. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- e. All permitted outdoor heaters must be brought inside at the end of trade each day and in times of strong winds.
- f. Must consider proximity to other temporary items and/or commercial activities

PLANTER BOXES AND HANGING PLANTS

- a. Must only be placed within Trading Zones.
- b. Plants must be well maintained (incl. watering and maintaining vegetation such as replacing dead/dying plants).
- c. Hanging plants must be contained and secured to the satisfaction of Council and must have a minimum height of 2.2 metres.
- d. Planter boxes should be kept free of litter (i.e. cigarette butts) at all times.
- e. Should not contain loose material that can overflow onto surrounding footpaths, roads (incl. parking bays) and gutters (i.e. gravel, pebbles, stones or bark).
- f. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.

BARRIERS AND SCREENS

- a. Must only be placed within Trading Zones.
- b. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- c. All permitted barriers and screens must be brought inside at the end of trade each day and in times of strong winds, unless permit conditions state otherwise.
- d. May require a planning and/or building permit if attached to the building.

MERCHANDISE AND DISPLAY OF GOODS

- a. Must only be placed within Trading Zones.
- b. The placement of merchandise and display of goods within Trading Zone must take into account the area required by customers so that the Pedestrian Zone remains clear at all times.
- c. Must be placed on stable ground and be well presented and maintained.
- d. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- e. All permitted merchandise and display of goods must be brought inside at the end of trade each day and in times of strong winds, unless permit conditions state otherwise.

DINING FURNITURE

- a. Must be within the Trading Zone.
- b. Must be placed on stable ground and be well presented and maintained.
- c. Should consider accessibility to and around furniture.
- d. Must be safely secured or weighted at all times to prevent potential movement due to wind and/or becoming a hazard.
- e. All permitted dining furniture must be brought inside at the end of trade each day and in times of strong winds.

ITINERANT TRADING

- a. Must not operate on Council managed roads with speed limits of more than 50km/hr.
- b. Kerb Zone and Clear Zone requirements apply at all times.
- c. The adjoining Pedestrian Zone must be a minimum of 1.5 metres in width.
- d. Consider Planning Permit Zone requirements, if applicable.
- e. Must consider proximity to a permanent business that is selling the same or similar category product (food, retail etc).
- f. Must not obstruct or restrict vehicle traffic or road access or entry to or exit from any buildings or land.
- g. Must consider operations of other Itinerant Traders in an area which is different to what is specified on the permit issued.
- h. Must consider litter provisions and trading space required by customers.
- i. Limits may be applied to the times and days of operation.

Council Fixtures and Infrastructure

- a. No temporary items may be affixed to any Council fixtures without the written consent of council officers.
- b. No permitted temporary items may be placed in such a way as to interfere with or otherwise obstruct the use of any Council infrastructure, fixture or service.
- c. Existing Council fixtures and infrastructure may be relocated or removed by Council upon a written request submitted by an impacted business operator. If Council agrees to relocate or remove its infrastructure or fixtures, all costs associated with the relocation or removal will be payable by the business operator.

In-ground Fixtures

- a. Fixings to public land such as in-ground safe sockets or anchors must be approved.
- b. Approval will only be considered for commercially produced fittings that are installed to Council's satisfaction.
- c. Must not create a hazard when temporary items are removed.
- d. Will not be approved within a Tree Protection Zone.
- e. Must not impact any Council and/or emergency or essential services and infrastructure (i.e. drainage, irrigation).

Management

All Business operators must:

- a. Maintain any furniture, signs, displays or other approved items in good order and appearance.
- b. Ensure that their outdoor dining and trading areas are operated in a manner that contributes to creating a safe and clean outdoor space.
- c. Not cause damage to any Council infrastructure through any commercial activities or the placement of furniture, signs, displays or other approved items. Any damage caused is to be repaired or reinstated within the time frames, and the standard, determined by Council with all costs to be covered by the business operator.
- d. Hold current and appropriate Liquor Licences for the service and/or provision of alcohol, if applicable.
- e. Hold current and appropriate Food Handling Licences, if applicable.

Further Information

Any enquiries about the Outdoor Dining and Trading Policy 19 (C) should be directed to Council's Coordinator Health and Community Safety.



Definitions

The following terms are referred to in the policy.

Term	Definition
Road	As defined in the Local Government Act 1989, and includes a footpath/footway
Footpath	Means any path that is provided for the use of pedestrians only or that is regularly used by pedestrians and not vehicles or that is a segregated footway or shared footway. It includes a footway as defined in the Road Safety (Traffic) Regulations 2009.
Open Space	Any publicly accessible natural or built space on land that is owned or managed by Council.
Parklet	The occupation of an area of road (i.e. parking bay) by a business for commercial activities (other than itinerant traders) is not permitted.
Itinerant trading	Where businesses operators operate a temporary business providing goods and/or services from a vehicle, caravan, trailer, table, stall or other similar structure on or in open spaces, footpaths and roads (including parking bays) managed by Council.
Signs	Includes any board, A-frame, feather flag or other similar items used for the purpose of soliciting sales or services or notifying people of the presence of a property where goods or services may be obtained that may cause an obstruction.
Tree Protection Zone	A specific area above and below ground at a given distance from a tree trunk set aside for the protection of the tree's roots and crown and to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.
Commercial	Involving or relating to the buying and selling of goods or services.



Appendix 1 – Permit Application Process

Application Process

Read the *Outdoor Dining and Trading Policy and Guidelines*

Contact Council’s Health and Community Safety Team for assistance with permit application process, if needed

Obtain supporting documents such as:

- Certificate of Currency (or full insurance policy) of Public Liability Insurance for a minimum amount of \$10,000,000
- Current and appropriate Liquor Licences for the service and/or provision of alcohol, if applicable.
- Current and appropriate Food Handling Licences, if applicable
- Site plan showing proposed permit area
- Photographs of the proposed outdoor dining or trading area
- Brochures or photographs of proposed furniture and/or temporary items

Complete the *Outdoor Dining and Trading Permit Application Form* online at <https://www.hepburn.vic.gov.au/Businesses/Business/Business-permits> with the required supporting documents and applicable application fee

Once the application form has been submitted, it will be assessed by a member of Council’s Health and Community Safety Team

If determined that the proposed permit meets all the relevant requirements, you will receive notification in writing that your application has been approved.

If determined that the proposed permit does not meet all the relevant requirements, you will receive notification in writing that your application has not been approved.

Once you have received the approved permit, you may then commence outdoor dining and trading in accordance with your permit conditions.



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