

KERBSIDE TRADING GUIDELINES





WHAT IS KERBSIDE TRADING?

Kerbside Trading is an important part of the retail environment and can significantly add to the ambience and enjoyment of an area.

Frankston City Council is committed to supporting the local business community to contribute to the dynamic and attractive atmosphere of the streets and laneways of our commercial precincts.

However, Council must balance this with the need to provide a safe environment

for all people who use the network of footpaths throughout the municipality.

As such, kerbside trading activities must be managed to ensure safe and dignified pedestrian access can be maintained at all times.

The Kerbside Trading Guidelines have been developed to ensure the community's enjoyment of, and access (both to and through) public land is not unduly compromised by the use of footpaths by businesses.

This booklet is designed to summarise the Guidelines and provide examples of best practice which should form a benchmark for other kerbside trading activities.

Further details can be obtained by reading the full Kerbside Trading Guidelines which can be accessed via www.frankston.vic.gov.au or 1300 322 322.

What is Kerbside Trading?

Kerbside Trading is when a business places items on the public footpath outside their business.

These items include:

- Outdoor Dining (including tables and chairs, screens, umbrellas, outdoor heaters)
- Planter Boxes
- Display of Goods
- Temporary Advertising Signs (including A-Frame Signs)

If a business wishes to place any item on the footpath relating to that business they **first** must obtain a permit from Frankston City Council.

It is important to remember that any commercial use of any public space (such as footpaths) is not a right but a privilege. Council will only approve Kerbside Trading where access, community safety and the amenity of the streetscape can be guaranteed.

Kerbside Trading will not be permitted where:

- It obstructs the safe, continuous and dignified access of pedestrian traffic along the footpath
- It obstructs the movement or safe operations of vehicular traffic along a road or intersection
- Impairs the vision or lines of sight of pedestrians or drivers along a road or at an intersection of a road (including driveways and other private access points).



GENERAL CONDITIONS

A footpath may only be used for Kerbside Trading during a business' operating hours.

All activities must be positioned and contained within the Trading Zone, and cannot pose a trip hazard or impede the safe flow of pedestrian traffic.

Business operators must ensure all relevant legislation, permits, licences, leases, local laws are complied with at all times.



GENERAL CONDITIONS

02

APPLYING FOR A PERMIT

A permit is required to undertake any form of Kerbside Trading and must be obtained before commencing any kerbside trading activity. It is also recommended any prospective investor/business operator review the Kerbside Trading Guidelines prior to committing to any lease or contract – so, if there are any restrictions, this is better understood.

To apply for a permit an applicant must:

- 1 Complete and sign the Kerbside Trading application form (available from Council Customer Service Centres or www.frankston.vic.gov.au);
- 2 Provide the following detail about the proposed Kerbside Trading activity:
 - A site plan of existing conditions at a scale of 1:100, or a full colour photograph which clearly shows:
 - Width of the business frontage and width of the footpath from front of kerb to the front property boundary
 - Location of building lines and type of abutting uses
 - Location of existing trees, light poles, signs, existing street furniture, pits, fire hydrants, car parking, bus stops and other infrastructure on the footpath

- A site plan of proposed activity at a scale of 1:100 which shows the area and layout of the proposed footpath activity, including the proposed location of chairs, tables, screens, awnings, heaters, umbrellas, or planter boxes
- Details of any locking devices to be used
- Details of proposed furniture, including colour photographs or detailed design drawings of proposed furniture and any means by which they may be proposed to be secured
- Details of any proposed advertising, including a colour photograph of detailed design drawings of any proposed advertisement and a clear indication of its size;
- Details of the hours of operation of the business to which the Kerbside Trading activity relates and the hours of operation proposed for the Kerbside Trading activity
- Details of whether it is proposed to serve alcohol in the proposed Outdoor Dining facility
- Details of any planning permit issued for the use and development of the land and confirmation of the need or otherwise for a planning permit for the proposed footpath trading activity;

- 3 A copy of the applicant's Certificate of Currency for public liability insurance (\$10 million minimum) will need to be provided

- 4 Forward the prescribed application and fees (refer to www.frankston.vic.gov.au for schedule of fees) to:
Frankston City Council
PO Box 490
FRANKSTON VIC 3199

When a permit for Kerbside Trading is issued, the business must display the permit sticker provided by Council in the front window of the business at all times.

APPLYING FOR A PERMIT

03

LOCATION SPECIFICS

To be able to provide clear and unobstructed access for pedestrians, three zones are defined within the width of the footpath.

- The Pedestrian Zone extends from the property boundary for a minimum of 1.8 metres.
- The Kerbside Zone is a minimum width of 0.6 metres from the front of the kerb.
- The Trading Zone (the balance of the footpath width) is the only section of the footpath which may be used for Kerbside Trading.

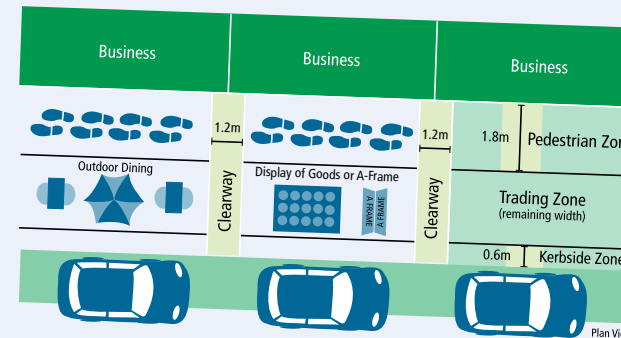
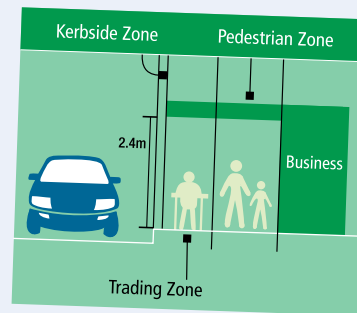
A setback of 0.6 metres is required from each side boundary of a business to ensure there is a 1.2 metre wide clearway between the business from the Kerbside Zone to the Pedestrian Zone.

Consent will not be granted to reduce the width of the Pedestrian or Kerbside Zones or the Clearway.

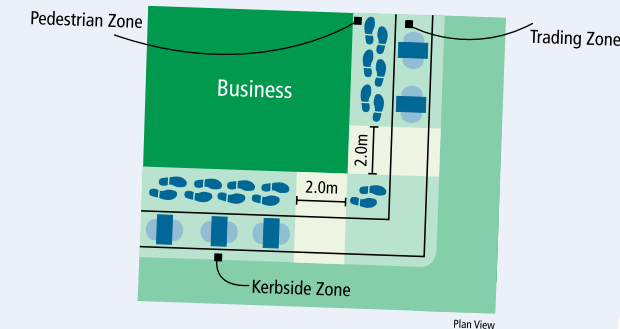
Where any of these distances can not be achieved, Kerbside Trading will not be permitted.

Items (including signs and awnings) may only be hung from a building where a minimum clearance between the hanging object and the footpath directly below is a minimum of 2.4 metres. Consent will not be given to reducing this clearance distance. The item should be secured to the satisfaction of Frankston City Council to ensure it does not fall onto pedestrians.

ELEVATION VIEW



CORNER LOCATION



Corner locations and pedestrian crossings

To protect the safety and sight lines of pedestrians and motorists, no items may be placed within 2.0 metres of an intersection or pedestrian crossing without the approval of Council's traffic engineers.

Recessed building frontages

Where the front of a building is setback from the front property boundary, trading may also occur in the recessed section, but must not extend beyond the title boundary into the Pedestrian Zone.



RECESSED BUILDING FRONTAGE refer left

Existing public infrastructure

A clearance of 1.2 metres (less if permitted by an authorised officer of Council) must be provided from existing street furniture or other infrastructure, including, but not restricted to:

- Seats and benches
- Bollards
- Litter bins
- Bike racks
- Post boxes
- Telephone boxes
- Public transport stops and shelters
- Traffic signal boxes and service pits
- Fire hydrants and other emergency assets
- Street trees/garden beds/public planter boxes
- Taxi ranks
- Disabled parking bays
- Loading zones

Council is extremely unlikely to relocate street furniture or other infrastructure to facilitate Kerbside Trading.



OUTDOOR DINING

Outdoor Dining facilities must:

- Only be placed outside premises which are registered under the Food Act 1984 to serve food and/or beverages
- Be placed on the footpath during the normal trading hours of the business to which they relate, unless otherwise approved by Council
- Be positioned and contained wholly within the Trading Zone

As a guide, business operators should allow for 1.5m² of footpath area for one table and two chairs.

Furniture used as part of an Outdoor Dining facility must:

- Be kept in good repair to the satisfaction of Frankston City Council
- Not have sharp, pointed, jagged edges, corners or protrusions (including legs of chairs) which may cause injury to persons or act as a trip hazard or damage the pavement surface
- Be of a style, appearance, materials, finishes and colours which are of a high standard, attractive, durable, shatterproof, unobtrusive, and complement the character of the streetscape. Furniture constructed solely of plastic or indoor-style furniture is unacceptable
- Be portable, yet sturdy, windproof and not of a light material that may be blown around
- Be user friendly and of an accessible design
- Contrast with their background to assist people with a vision impairment
- Have a minimum 30mm diameter rubber pad on chair and table legs to protect the footpath surface

The permit holder must at all times:

- Supply each table outside with a wind proof ashtray and be responsible for cigarette ash, butts and any other litter generated by patrons. Full ashtrays must be emptied promptly. (This provision only applies if the Outdoor Dining area meets the requirements of the Tobacco Act for outdoor smoking)
- Maintain the footpath eating area in a clean and tidy condition
- Ensure tables and chairs and all ancillary items (including menu boards) do not obstruct either the Pedestrian or Kerbside Zones
- Ensure patrons do not allow pets, prams or any other personal items to obstruct either the Pedestrian or Kerbside Zones
- Ensure no noise or any other disturbance creates a nuisance or causes detriment to the amenity of the neighbourhood in the opinion of an Authorised Officer of Frankston City Council
- Ensure all relevant legislation, permits, licences, leases, local laws are complied with at all times
- Ensure wait staff facilitate free access by all footpath users and give pedestrians priority right of way

Occupying unoccupied neighbouring footpath

Council will consider requests to occupy unused footpath space in front of immediately neighbouring businesses. Prior consent from the property owner/body corporate and occupier of the neighbouring property needs to be obtained.

Locking devices in the footpath

Some Kerbside Trading activities (e.g. umbrellas, screens) may be secured to the footpath using Council approved locking devices which are installed in the footpath. Locking devices will only be approved where the device lies flush with the footpath and will not pose a trip hazard. Prior consent from Council must be obtained and strict installation controls must be adhered to.



✓ SET BACK FROM ROAD
Kerbside Zone 0.6metres

✗ KERBSIDE TRADING CAN
NO LONGER BE PLACED
AGAINST THE BUILDING

Screens

Any screen or awning must be secured and able to withstand wind loads, provide reasonable resistance to vandalism and withstand impact from pedestrians.

If there is more than 8.0 metres of screen length outside your business, you will need to provide a 1.2 metres clearway every 8.0 metres.

A minimum clearance of 0.15 metres needs to be provided between the bottom of all screens and the pavement to allow for street cleaning activities.

Low barrier or canvas screens may be no more than 1.2 metre high.

High quality designed glass screens will be considered on a case-by-case basis. Strict guidelines regarding their installation and use must be adhered to at all times. Please review the full Kerbside Trading Guidelines for details.

If a screen is vandalised or damaged they must be removed and all remaining screens must be secure so they do not pose a safety risk.

Full length awnings/blinds

Awnings or blinds may only be fitted subject to Council approval and requirements and must be removed/retracted after trading hours.

They may only be secured or anchored in a way that has the prior approval of an authorised Council officer, and cannot be lashed or secured to street furniture or any other public infrastructure.

Full length awnings or blinds cannot enclose public spaces or adversely affect the openness of footpaths or create the effect of an 'outdoor room' (i.e. alienate or discourage use of footpath).

Retractable awnings extending from the building which do not require any support structure must maintain a minimum vertical distance of 2.4 metres between the underside of the awning and the footpath.



PLANTER BOXES

Planter boxes may only be provided where they positively contribute to the streetscape and amenity and can be wholly contained within the Trading Zone.

Planter boxes cannot exceed 1.2 metres in height (including vegetation) and cannot have sharp corners or edges, or any protruding material.

The business operator is responsible for the care, maintenance and replacement of planter boxes.



DISPLAY OF GOODS

A maximum of **two** Display of Goods stands may be placed on the footpath within the Trading Zone directly in front of the business it relates to. A separate fee needs to be paid for each stand.

Each Display of Goods stand shall be a maximum width of 1.0 metre, with a maximum height of 1.7 metres and a length of 1.8 metres. Where a single item displayed on the footpath exceeds any one

of these dimensions or cannot be displayed on an approved Display of Goods stand, they will be classified as a bulky good and will not be permitted to be placed on the footpath.

Stands must be secured or removed so they do not become a risk in adverse weather conditions.

Goods must be displayed on stands approved by Council. Preferred designs for Display of Goods stands will be made available by Frankston City Council and should be considered the minimum standard.

Display of Goods stands cannot comprise any movable parts, nor may they be illuminated.



MOVABLE ADVERTISING SIGNS

Where a business is undertaking any other Kerbside Trading activity including Outdoor Dining or Display of Goods A-frame signage is **not** permitted.

Each business premises, which is at street level, may only display **one** sign for each street frontage of that business. It must be weighted or secured to prevent the sign from being blown over – but cannot be fixed to any other structure, pole, seat, etc.

Any movable advertising sign must be positioned wholly within the Trading Zone, directly in front of the business to which it refers.

Where a business has no ground level street frontage, signage is not permitted.

All moveable advertising signs must be of professional standard and not exceed a height of 1.2 metres or width of 0.9 metres in width.

Illuminated, flashing or revolving/spinning signs are prohibited.

A-frame signage can also be displayed on privately owned property. Should A-frame signage be displayed on privately owned property it is recommended consideration is given to the safe and dignified access of pedestrians. A-frame signage displayed on private land must be secured or weighted to prevent from being blown over.

FURTHER INFORMATION



This handout is a summary of the draft Kerbside Trading Guidelines.

The full Guidelines can be viewed on www.frankston.vic.gov.au or phone **1300 322 322**.



if you need
an interpreter



131 450



Telephone Typewriter (TTY)
for people with a hearing
impairment: 9784 1951