

Footpath trading fees - Framework 2023



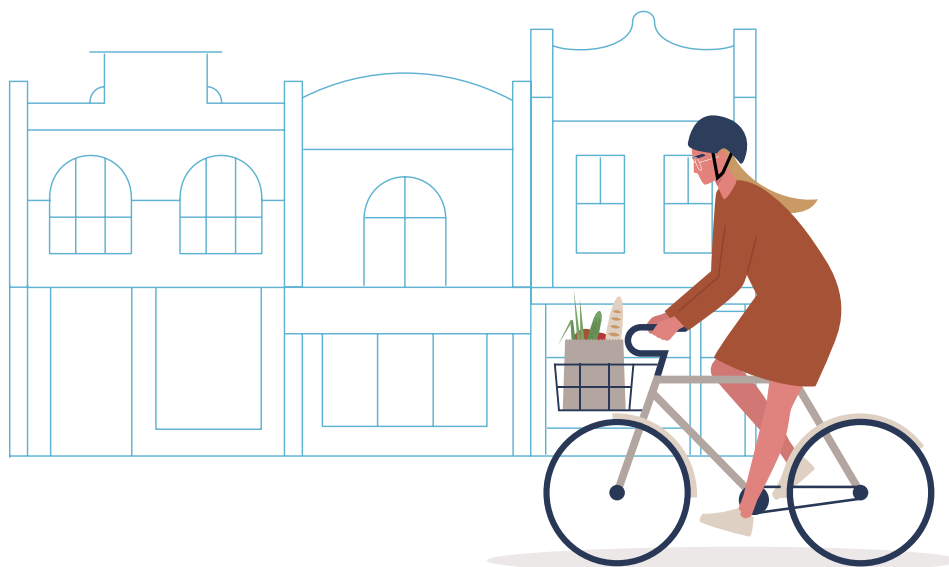
Scope

This framework sets out the introduction of a new, simplified fee structure for all existing and new businesses requiring a Footpath Trading Permit, by:

- » providing an online application and simplified upfront fee structure that is both easy to use and allows the business to use the requested space immediately
- » reducing the need for the City of Stonnington to provide an initial inspection of a proposed trading area, thus reducing time and red tape
- » allowing businesses to take ownership of their permit needs, with the regulation of the permit to become the responsibility of the applicant.

This framework is provided to inform all stakeholders of this process change, including external organisations delivering infrastructure and services in Stonnington.





1. Purpose

Prior to the commencement of providing assistance to businesses post-COVID-19 (during the recovery phase), the City of Stonnington took part in the *Better Approval Project*. Small Business Victoria implemented the *Better Approval Project*, which was made available to all 79 councils across the state.

The project's purpose is to reduce the overall regulatory burden and red tape faced by many small businesses. This will make it quicker and easier to gain Council approval and assist businesses to navigate through the permit process.

Since completing the *Better Approval Project*, the City of Stonnington has implemented various reforms to make it easier for Stonnington businesses to apply for business permits on the City of Stonnington website and created a Business Hub and Concierge. The Business Hub and Concierge provides information and removes the need for a manual application, creating a simplified, faster e-services Footpath Trading Permits online application process.

Fees for all footpath trading permits include:

- » Outdoor Dining Permit
- » Extended Outdoor Dining Permit to be incorporated into a standard footpath trading permit
- » Roadside Permit - an additional permit that does not require a standard footpath trading permit
- » Goods Permit
- » Extended Goods Permit
- » Advertising Board Permit
- » Night Club Queue Permit
- » Waiting Area Permit
- » Busking Permit
- » Real Estate Pointer Board Permit.

Staying with the recommendations and implementation made so far, the City of Stonnington is continuing with the *Better Approvals Project*. Since the introduction of the e-services online application process, the new fee structure will further assist businesses by placing the onus on the applicant to apply for a new Footpath Trading Permit via the e-services portal. From there, the applicant can pay the permit fee upfront, by referring to a simple boundary line to boundary line measurement of their footpath frontage.

The online application will have a flow chart of questions requiring a simple 'Yes' or 'No' answer, which is designed to help businesses submit the appropriate documentation in support of their application. They will need to indicate which type of footpath trading permit they are applying for (small, medium, large or extra large). For more information, they can refer to the City of Stonnington's website, under the Business Permits and Regulations section.

2. Outdoor Dining, Goods and Waiting Area Permit fees

The footpath trading permit contains the following definitions and characteristics for outdoor dining, including fees for busy and other areas:

- » small: up to and including four metres - (busy fee \$800 | other area fee \$400)
- » medium: between 4.1-metres and eight metres - (busy fee \$ 1250 | other area fee \$625)
- » large: greater than 8.1-metres - (busy fee \$2950 | other area fee \$1475)
- » extra large: greater than 12-metres - (busy fee \$5300 | other area fee \$2400)
- » additional frontage is charged applicable to the category (small, medium, large or extra large)
- » extended dining (a separate application) similar to standard application, online as per fee structure.

Goods and Extended Goods Permit fees are charged at half the category frontage size for dining permit fees:

- » small: up to and including four metres - (new busy fee \$400 | new other area fee \$200)
- » medium: between 4.1-metres and eight metres - (new busy fee \$600 | new other area fee \$300)
- » large: greater than 8.1-metres - (new busy fee \$1400 | new other area fee \$700)
- » additional frontage is charged applicable to the category (small, medium or large)
- » extended goods (a separate application) similar to standard application, online as per fee structure.

*See Footpath Trading Policy for definition of busy and other areas.

Waiting Area Permit fee:

- » small: (\$350)
- » medium: (\$450)
- » large: (\$550)

Roadside Dining Permit fee:

- » structure based per car space at a medium category (six metre length \$1320).

Responsible executive: Director - Planning & Place

Delegation authority: The Chief Executive Officer has delegated City of Stonnington Officers to issue footpath trading permits and to enforce compliance with permit conditions.

City of Stonnington reference documents:

[Footpath Trading Policy](#)

[Roadside Dining Framework](#)

[Local Law 2018 \(No.1\)](#)

It is important that businesses consider the surrounding community by minimising the negative impact of outdoor dining and trading activities, where possible.

An applicant must meet the requirements outlined in this framework, prior to submitting an application for a new footpath trading permit, and agree to the Terms and Conditions in accordance with the *Footpath Trading Policy*.

Applications to include an Extended dining, goods or Roadside Outdoor Dining Permit adjacent to the business may also be submitted at the time of applying for a new Footpath Trading Permit. This requires an additional application to be completed and the applicable fee associated with the length of the respective frontage (small, medium, large or extra large).

3. Footpath zones

To provide a safe, clear and unobstructed footpath for pedestrian access, the area is made up of four zones. This is a guide to ensure outdoor dining furniture and goods are placed only in the permitted trading zones of:

- » Pedestrian zone
- » Trading zone
- » Kerb zone
- » Access zone

Pedestrian zone

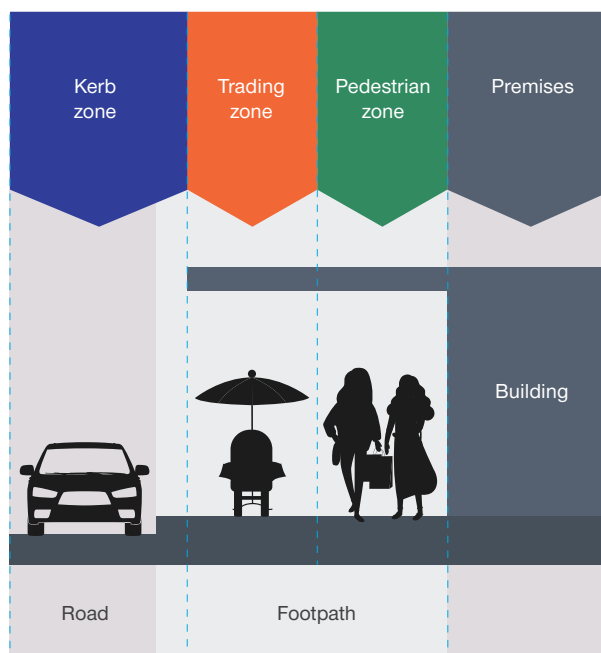
The pedestrian zone is the area that is measured and extends from the building line to the start of the trading zone. This area is a minimum width of **1.5-metres** and must remain clear and free from obstruction at all times for use of pedestrians.

Trading zone

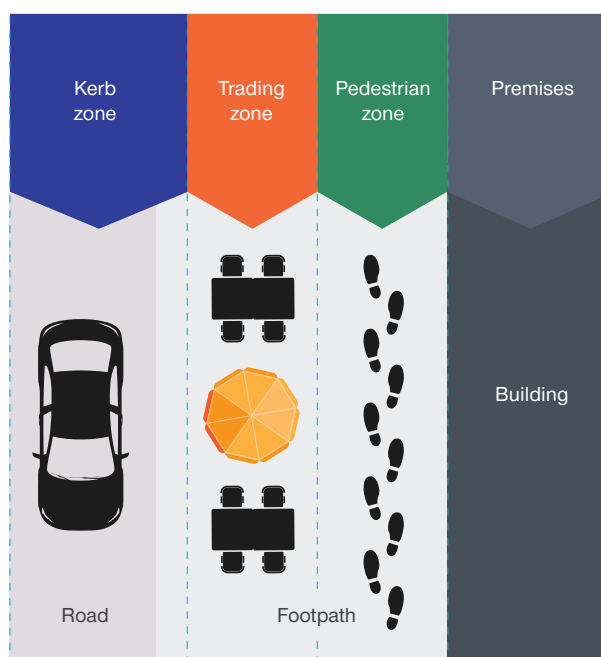
The trading zone is the area measured between the outer edge of the pedestrian zone and the inner edge of the kerb zone. This is the permitted area to place outdoor dining furniture, items and goods.

Kerb zone

The kerb zone is the area measured between the edge of the kerb and the edge of the trading zone. The kerb zone is a minimum of **300-millimetres**, must remain clear and free from obstruction at all times and allow access to and from parked vehicles.



Footpath zones elevation view

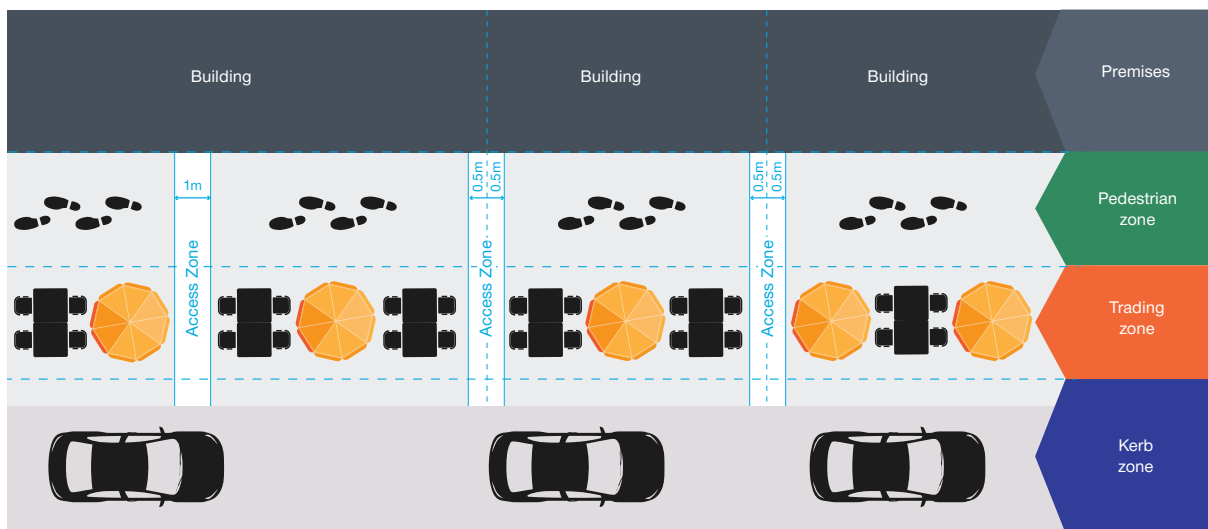


Footpath zones plan view

Access zone

Access zones are required between abutting trading zones and the boundary of adjacent buildings and City of Stonnington assets. Access zones allow pedestrians to safely move from the street to the footpath. The minimum width of an access zone is **500-millimetres** from either side of the building boundary edge of adjacent buildings.

In the event of an Extended Outdoor Dining Permit being greater than **10-metres** in length, an access zone of no less than **one metre** will be required to be created in the centre of the trading zone. The access zone must be in the centre of the trading zone, if possible.



Access zones plan view

4. Permitted trading zone

The footpath is a public space managed by the City of Stonnington. Approved items must remain inside the trading zone at all times and must not intrude into the pedestrian or kerb zones.

Outdoor dining furniture permitted in the approved trading zone may include:

- » tables and chairs made from sturdy material
- » gas heaters placed **600 millimetres** from the kerb edge (refer to *Footpath Trading Policy*)
- » umbrellas that when opened must measure a minimum height of **2.20-metres** from the ground to the lowest edge of the umbrella
- » café-style barriers that must be movable and no higher than **one metre** in height, not fixed permanently to the footpath and removed at the end of trade.

All outdoor furniture is to be returned inside the premises or stored correctly at the end of trade, as per permit conditions.

A gap of one metre must be left between abutting trading zones (access zone); this is a clearance of 500 millimetres to be maintained at both ends of a property boundary to allow for access to the pedestrian zone.

A request may be made for existing City of Stonnington assets, including street furniture, bicycle racks and litter bins, to be relocated. An application can be made in writing and submitted to council@stonnington.vic.gov.au. Your request will be forwarded to the Infrastructure and Maintenance Unit for assessment.

Approved Extended Outdoor Dining and Extended Goods Permits will not be permitted to relocate street furniture to accommodate outdoor dining or placement of goods in front of a neighbouring premises.

5. Outdoor furniture - dining, goods and waiting areas

The maximum height for all outdoor dining area furniture and café barriers must not exceed **one metre**, must be movable and cannot be fixed to the footpath. Goods must not exceed **1.5-metres** in height.

All footpath trading zones must maintain a minimum clearance of **500-millimetres** between all City of Stonnington assets (including but not limited to street trees, litter bins, public seats, bike racks, pay phones, bicycle hoops and poles) at all times.

The display of white goods is not permitted within the City of Stonnington.

Chairs must be oriented parallel with the footpath and must not be within the pedestrian or kerb zone.

Furniture should be hardy and sturdy to resist wind gusts and secured with weights or sandbags to ensure the safety of all patrons.

Bottle gas heaters (or any part of) and umbrellas (or any part of) must be positioned a minimum of **600-millimetres** from the kerb and remain within the trading zone. Umbrellas must not overhang the kerb edge.

Umbrellas when opened must measure a minimum height of 2.20-metres at the lowest point.

The City of Stonnington aims to provide a safe footpath trading experience for all people, which continues to enhance and support a vibrant and diverse community.

6. Neighbouring footpath - Extended footpath trading permits - Dining and Goods

A business may apply for an Extended Outdoor Dining or an Extended Goods Permit during the initial application process by completing the section **Extended Outdoor Dining or Extended Goods application**, and will be required to provide its permit number and pay the additional fee applicable depending on the size of the proposed neighbouring frontage.

An application can be made to occupy up to two adjacent neighbouring properties, in front of adjoining or consecutive shop fronts.

The business applying for the Extended Dining or Extended Goods Permit must submit a Letter of Consent and provide written consent from the owner, body corporate and/or occupier of the adjacent premises. If the neighbouring business is sold, the permit holder must submit a new Letter of Consent to the City of Stonnington.

Upon approval of the extended footpath trading permit, an email confirmation will be sent to the permit holder. Additionally, an Extended Dining or Extended Goods Permit sticker will be mailed to the applicant. The permit sticker must be placed on the shop front window and displayed in such a way, it is visible to City of Stonnington Authorised Officers.

In the event of withdrawal of a neighbouring property's consent, the permit will be cancelled.



7. Waiting Area Permit

A Waiting Area Permit can only be applied for by a business that requires the use of the footpath for additional space for outdoor tables and chairs, to provide patrons with an option to be seated while waiting for a service to be provided.

- » The service of food, drink and liquor is strictly not permitted
- » Outdoor tables and chairs must not be placed in the pedestrian zone
- » Chairs should be oriented parallel with the footpath and must not impede on the pedestrian or kerb zone
- » Furniture should be hardy and sturdy which may include tables, chairs and umbrellas only.

8. Night Club Queue Permits - (an inspection is required prior to approval)

The permit holder is responsible for the safe queuing of patrons at all licensed venues. The roping off of a section of the footpath using temporary bollards adjacent to the building line is permitted only with an approved site plan provided to the City of Stonnington, which has been assessed and approved prior to a permit being issued.

Queuing of patrons must not obstruct or impede the pedestrian access on the footpath and must be supervised at all times by the permit holder to ensure patrons and pedestrians are not forced onto the road.

9. Application criteria requirements

To apply for an Outdoor Dining Permit, the applicant must hold a current Food Registration Certificate. The City of Stonnington (Environmental Health Unit) approves the Food Registration (FR) number and the applicant must also meet the following minimum requirements:

The proposed footpath area for outdoor dining must be no less than 2.7-metres wide (from the front of the building line to the kerb edge). Applications submitted that have the potential to adversely impact pedestrian movement will be referred to the City of Stonnington Transport and Parking Unit for comment prior to approval of a footpath trading permit for Dining or Goods, including Extended Dining and Extended Goods and Waiting Area Permits. Generally, a referral will be required if the proposed trading zone is:

- » adjacent to bus stops, loading zones, truck zones, tram stops or other transport and parking infrastructure
- » within 10-metres of a non-signalised intersection; however, footpath trading will generally not be supported in this instance unless the City of Stonnington is satisfied safety and access will not be impacted upon
- » within 20-metres of a signalised intersection
- » adjacent to where there is no parking next to the kerb.

10. How to Apply

To apply for a footpath trading permit:

- » complete and submit an online footpath trading permit application for the category applicable
- » include and upload a site plan with **three** photos of the proposed trading zone
- » for Dining Permits only, include a current Food Registration Certificate
- » select the applicable category (small, medium, large or extra large) in accordance with the length of the footpath, excluding City of Stonnington assets in the final length measurement
- » applications with two street frontages must include the additional fee category size applicable
- » Advertising Board Permits do not require a site plan; photos of trading zone only
- » the applicant must provide and upload Public Liability Insurance to a minimum of **\$20 million** and ensure that insurance reflects the address(es) of all premises in front of which the applicant is proposing outdoor dining. A copy of the insurance will need to be provided with this application
- » provide a site plan (at an appropriate scale) on the provided template for Dining and Goods Permits, including Extended Dining and Extended Goods showing:
 - » the principle shop frontage and any City of Stonnington assets currently positioned within the shop frontage in which outdoor dining is proposed. Include all existing street and footpath features within or near the proposed outdoor dining area, such as trees, light poles, litter bins, bike racks, public transport shelters, fire hydrants, signs and utility lids
 - » include width measurement from the building façade to the kerb edge. Include the full length of the trading zone and access zone, if required (refer to design guidelines) - if length of trading zone is greater than **10-metres**
 - » outline all car parking and parking restrictions adjacent to the kerb zone of the proposed outdoor dining or goods area
 - » include proposed outdoor dining furniture placement within the trading zone - tables, chairs, café barriers (maximum height **one metre**), umbrellas and portable gas heaters.

Note: Upon submission of the application, the applicable category footpath trading permit fee must be paid in full. Please take a screen shot of your application for proof of application submission.



11. Application assessment

A City of Stonnington Authorised Officer will conduct a desktop assessment to ensure all relevant information has been received. Pending approval, the applicant can start trading in the proposed trading zone, provided there is no requirement for a Transport and Parking assessment or for the relocation of City of Stonnington assets.

The applicant may be contacted to provide additional information or clarification in order to complete the assessment.

Upon approval of the footpath trading permit, an email confirmation will be sent to the permit holder. Additionally, a Dining, Advertising Board, Night Club Queue, Goods, Extended Dining and Extended Goods and Roadside Dining and Waiting Area Permit sticker will be mailed to the applicant. The permit sticker must be placed on the shop front window and displayed in such a way it is visible to City of Stonnington Authorised Officers.

The City of Stonnington may place certain conditions on an approved Footpath Trading Permit, including the right to amend and place conditions.

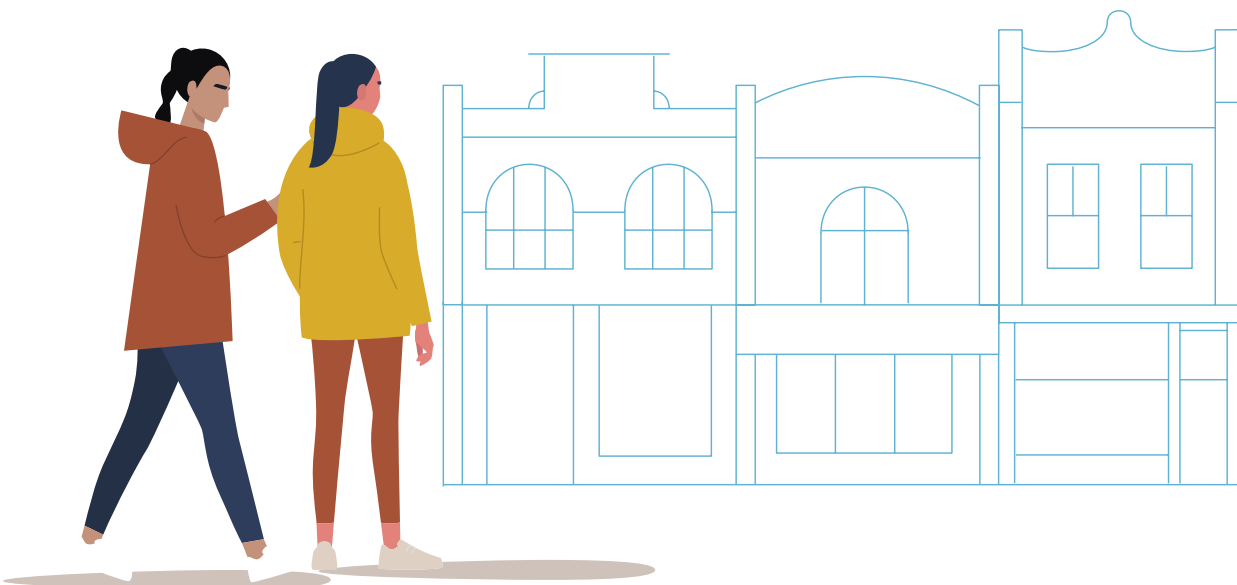
The City of Stonnington may refuse an application for a footpath trading permit if the application impedes on pedestrian access or is detrimental to the safety and amenity of the area. A full refund of the permit fee is available if an application is declined or withdrawn by the applicant.

Public Liability Insurance (Certificate of Currency) for a minimum of **\$20 million**, must be maintained and current at all times and include the proposed permit address. Failure to adhere to this requirement will result in cancellation of the permit. The policy must be able to meet any potential claim that may be sustained against the permit holder or City of Stonnington in relation to the death or injury to any person or the damage to any property arising out of anything authorised by the footpath trading permit.

The footpath is public space, therefore business owners cannot charge rent for the use of the footpath in front of their respective businesses.

An annual Renewal Notice will be issued to all footpath trading permit holders and the applicable fee will require payment prior to the due date, in order for a business to continue to trade on the footpath.

A new permit sticker will be sent to the permit holder upon receipt of renewal payment.





12. Permit holder's responsibilities

Permit holders must operate in accordance with the conditions of the permit, approved site plan and requirements and objectives outlined in the City of Stonnington Footpath Trading Policy, Local Law provisions and any other relevant Planning or Liquor Licence Permits. These include ensuring that:

- » all staff and management are responsible for the pedestrian zone and kerb zone remaining clear at all times
- » any lawfully displayed goods within an approved footpath trading zone must be stacked and stored safely at all times
- » patron behaviour must not interfere with the use or enjoyment of the area by other patrons or members of the public
- » no amplified music is played on the footpath. External speakers are not permitted to be attached to the shop front.

The following activities are not permitted and are prohibited on the road, footpath or City of Stonnington land:

- » hot dog stands
- » food and drink/coffee vans/carts or similar
- » ice-cream vans
- » permanent barbecues and cooking stations
- » cooking and preparation of food within the designated trading zone.

Delineation markers

The City of Stonnington may install delineation markers (circular stainless steel disks) flush into the footpath to demarcate the minimum pedestrian zone (**1.5-metres**) and define the kerb zone (**300-millimetres**).

Delineation markers will not be installed to demarcate the trading zone for an Extended Outdoor Dining and Extended Goods Permit area.

Amendments to an existing Footpath Trading Permit

Permit holders must contact the City of Stonnington to amend/add furniture to their Outdoor Dining, Goods and Waiting Area Permit. Contact footpathtrading@stonnington.vic.gov.au for further information.

Transfer of ownership

Footpath trading permits are not transferable. A new application must be made prior to using the footpath to conduct trading activities.

Change in circumstances of neighbouring business - (Extended Dining and Goods Permits only)

If the neighbouring business is sold, or a new business moves into a previously vacant shop, a Letter of Consent signed by the new occupier must be submitted to the City of Stonnington.

Outdoor Dining Permit holders

For the maintenance of hygiene and cleanliness of public land, the permit holder must ensure:

- » food scraps or other rubbish generated by outdoor dining is immediately removed and deposited within the permit holder's own bins, kept within the premises
- » litter generated by outdoor dining is not disposed of in street gutters, stormwater drains, adjacent footpath areas or public litter bins
- » not to cook or prepare food within the designated trading zone.

13. Smoking in outdoor dining area

Smoking is banned in all commercial outdoor dining areas in Victoria. The ban covers all outdoor dining areas at restaurants, cafés, take-away shops and licenced premises when food is being served. Refer to health.vic.gov.au for additional information.

14. Enforcement

Any non-compliance is an offence against the City of Stonnington General Local Law 2018 (No.1) and will result in enforcement measures being taken.

The City of Stonnington may suspend, amend or cancel a permit at any time due to:

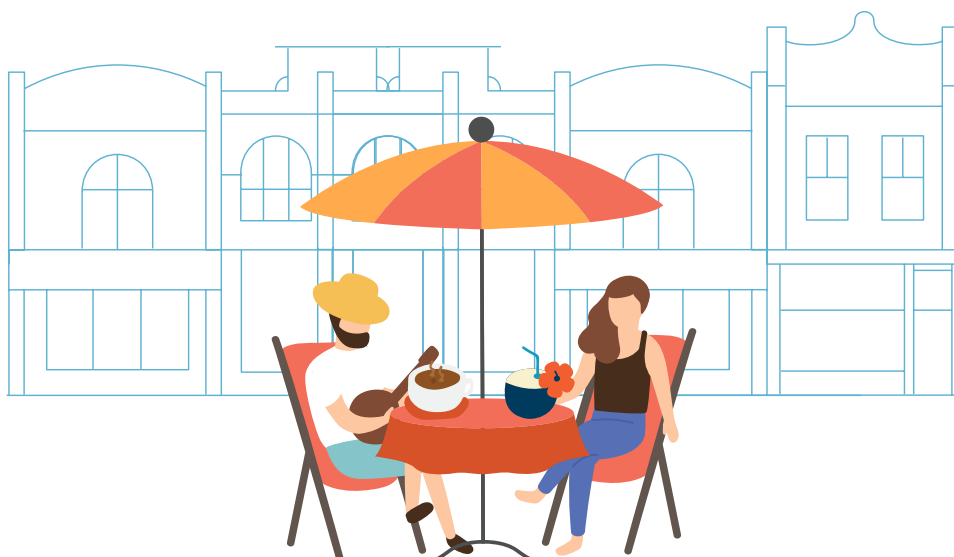
- » safety concerns
- » failure to comply with City of Stonnington direction
- » failure to pay the applicable fee.

Pursuant to the City of Stonnington’s Local Law, an Authorised Officer may seize and impound footpath trading furniture, items and goods where there has been an ongoing contravention of the Footpath Trading Policy or Local Law.

Additionally, depending on the severity and/or repetitive nature of the breach, the permit holder may receive:

- » a written Notice to Comply
- » a written Official Warning
- » an Infringement Notice
- » cancellation of the permit.

Failure to pay an infringement notice or continued non-compliance may result in prosecution proceedings in addition to cancellation of the permit.





City of
STONNINGTON

National Relay Service

If you are deaf, or have a hearing impairment or speech impairment, contact City of Stonnington through the National Relay Service (NRS).

- » **TTY** users, phone **13 36 77** then ask for **8290 1333**.
- » **Speak and Listen** users, phone **1300 555 727** then ask for **8290 1333**.
- » **Internet relay** users, connect to the **NRS** then ask for **8290 1333**.

Community languages

Call the Stonnington Community Link, a multilingual telephone information service.

Mandarin	普通話	9280 0730	Polish	Polski	9280 0734
Cantonese	廣東話	9280 0731	Russian	Русский	9280 0735
Greek	Ελληνικά	9280 0732	Indonesian	Bahasa Indonesia	9280 0737
Italian	Italiano	9280 0733	Vietnamese	Tiếng Việt	9280 0748
All other languages		9280 0736			

Service Centres

Stonnington City Centre

311 Glenferrie Road, Malvern
Monday to Friday, 8.30am-5pm

Stonnington Services and Visitor Centre

Prahran Square, corner Chatham
and Izett streets, Prahran
Monday to Friday, 8.30am-5pm
(**Thursday** till 7pm)
Saturday 11am-3pm

Telephone: 8290 1333 (all hours)

Email: council@stonnington.vic.gov.au

Post: PO Box 58 Malvern Vic 3144