



City of
STONNINGTON



Footpath Trading Policy

2023







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PURPOSE

Stonnington has a diverse range of strip shopping centres and business precincts that attract local people, interstate and international visitors. This diversity means differences in footpath trading may occur between different centres and locations. Trading activities on the footpath are an integral part of Stonnington's unique shopping experience.

The City of Stonnington is committed to ensuring that the vibrancy of our strip shopping centres, and business precincts are enhanced by providing the opportunity for footpaths to be used for trading and particularly, outdoor dining. The provision of pedestrian access and safety is the primary purpose of footpaths.

This Policy has been developed by the City of Stonnington in consultation with the local community to provide a framework for the sustainable use and management of our footpath trading areas. It explains when and how to trade on the footpath. Traders may not undertake any activity on the footpath without a permit issued by the City of Stonnington under this policy.

The City of Stonnington aims to provide a safe environment for people who move through the City, while maintaining a balance between pedestrian access, trading activities and ensuring an enjoyable shopping experience. The City of Stonnington will respond to the changing needs of the community and traders to maintain this balance.

The City of Stonnington is committed to ensuring that safe and unobstructed access is maintained for people to move along footpaths and as a minimum, to meet the requirements of the *Disability Discrimination Act 1992* and take a whole-of-community approach to access.

[View document: Disability Discrimination Act 1992](#)



PRIORITIES



Public safety

Streets are safe and have an unobstructed passage for all pedestrians with unobstructed vision for drivers and cyclists (particularly around intersections).

Accessibility for all

Streets are easily navigated by all pedestrians including those who may be physically or vision impaired, allowing for unobstructed pedestrian passage and supporting public transport use.

Vibrant street life

Streets are vibrant, lively and contribute positively to an area's sense of place and character.

Attractive streetscape

Streets are attractive, clean and pleasant and any heritage significance is enhanced and not diminished.

Prosperous economy

Businesses and shopping areas are thriving and prosperous.

Leisure opportunities

Footpath trading and alfresco dining supports local interaction as enjoyable leisure activities.

FOOTPATH TRADING PERMITS

Why do we have footpath trading?

Footpath trading can be a valuable use of public space for commercial purposes. It can improve the look of our streets and add life and vibrancy to shopping strips. It supports the prosperity of the local economy and provides opportunities for businesses to expand their floor space and advertising. It also provides opportunities to dine outside.

With the potential benefits come potential problems and competing demands. Footpath trading and displays can obstruct the views of customers and businesses. What is good for one trader is not necessarily good for their neighbours. The aim is to reduce any negative impacts which have the potential to affect public safety, accessibility or detract from the local amenity.

In issuing permits, the City of Stonnington will consider the broader implications of any application and the interests of the centre, not just the individual trader. The City of Stonnington has a responsibility to regulate the use of this public space.

An annual Footpath Trading Permit is required for all types of trading and/or occupation of the footpath in accordance with the City of Stonnington's Local Law 2018 (No 1).

To find out what permits and approvals you need, fill out our [Permit Finder form](#) or contact the City of Stonnington on **8290 1333**.



An application is required to be submitted for the following permit types:



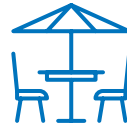
Advertising Board Permit



Goods Permit



Extended Goods Permit



Outdoor Dining Permit



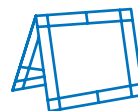
Extended Outdoor Dining Permit



Waiting Area Permit



Night Club Queue Permit



Real Estate Pointer Board Permit



Busking Permit

TRANSPORT AND PARKING

Footpath trading has the potential to restrict the delivery of goods to the abutting properties, restrict passengers to access vehicles, impact on access to public transport and restrict driver visibility and impede safe driving.

Any application that has these potential effects will be referred to the Transport and Parking department for assessment and may not be permitted or may be amended to accommodate any additional impacts. Criteria for review include, but are not limited to the following applications:

- » applications adjacent to bus stops, loading zones, truck zones, tram stops or other transport and parking infrastructure
- » footpath trading within 10 metres of a non-signalised intersection
- » footpath trading within 20 metres of a signalised intersection
- » footpath trading where there is no parking next to the kerb.

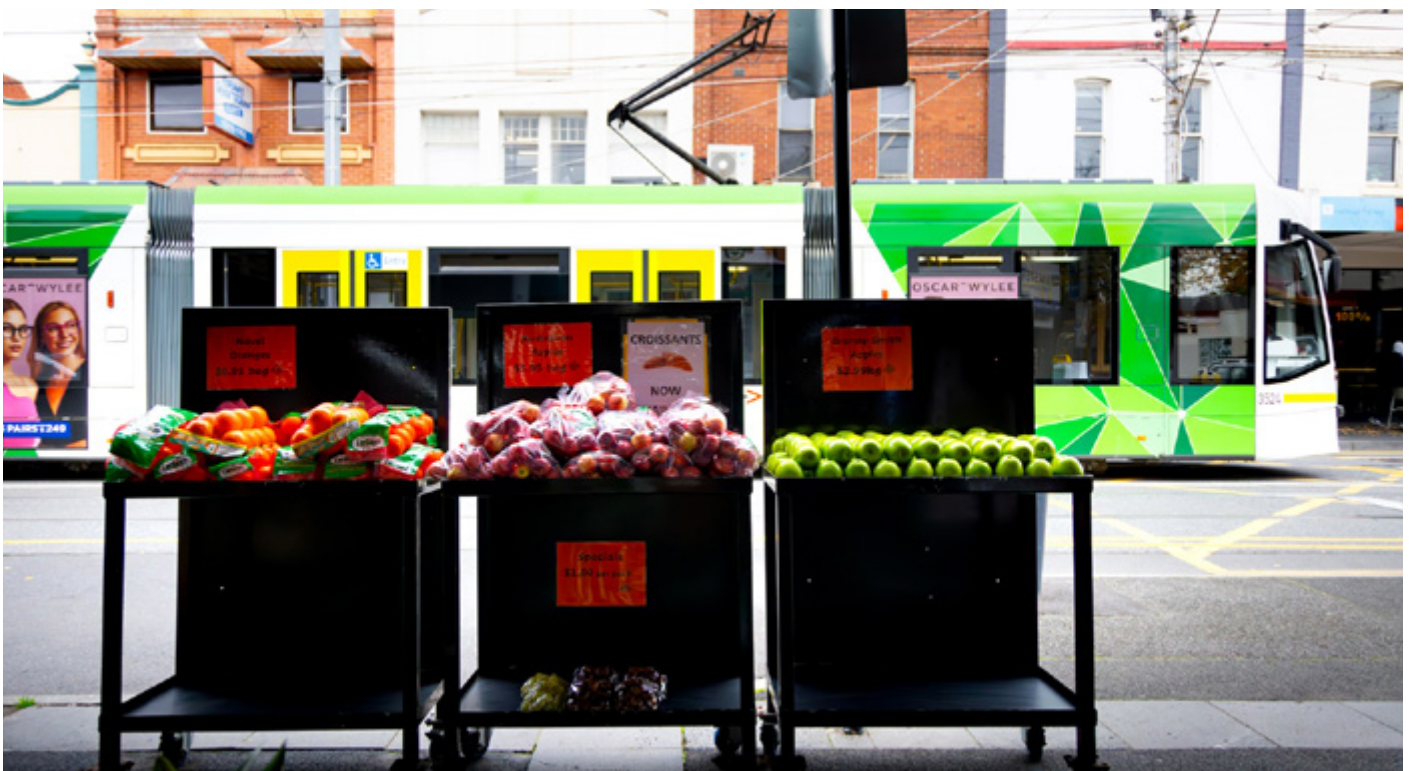
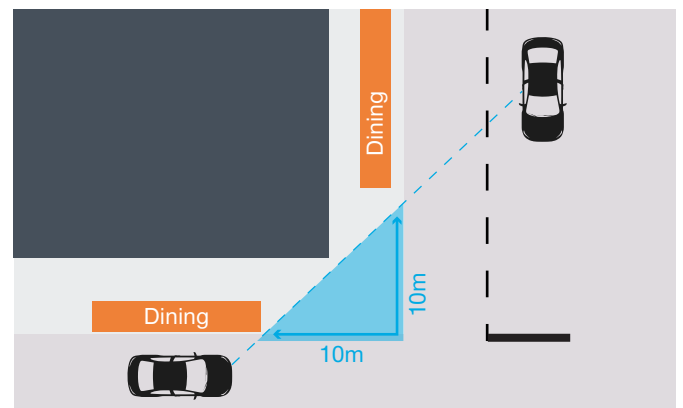
Footpath trading within 10 metres of a non-signalised intersection will generally not be supported unless the City of Stonnington is satisfied that safety and access will not be impacted (please see diagram on right).

Obstruction height

The maximum height requirement is one metre for any footpath obstruction. This includes safety barriers, tables and the like.

A Footpath Trading Permit may allow for goods to be displayed up to a height of 1.5 metres. However, this excludes all white goods, which are not permitted.

The height may need to be reduced to one metre in locations where the goods would obscure vision for drivers, taxi ranks, bus zones, emergency services access, disability parking access and angled parking.





STONNINGTON PRECINCT – BUSY AND OTHER AREAS

Footpath trading fees for outdoor dining, extended outdoor dining, goods, extended goods and waiting area permit types are calculated by the length of a business frontage/s and the area in which the property address is located.

There are two classifications of areas within the municipality.

1. **A busy area** will incur a standard Footpath Trading Permit fee and is defined as a property on:
 - » Chapel Street
 - » Commercial Road
 - » Greville Street
 - » High Street (Punt Road to Bangs Street and Northcote Road to Spring Road)
 - » Toorak Road (Punt Road to Grange Road)
 - » Malvern Road (Chapel Street to Mathoura Road)
 - » Glenferrie Road (Dandenong Road to High Street)
 - » Wattletree Road (Duncraig Avenue to Drysdale Street).
2. **All other areas** will incur a reduced Footpath Trading Permit fee.

[View document: City of Stonnington Footpath trading fees - Framework 2023](#)



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 minimum kerb zone (300 millimetres).

Delineation markers will not be installed to demarcate the trading zone for an extended outdoor dining area.

ITINERANT AND OTHER TRADING

Street selling

Street selling is prohibited in the City of Stonnington. The following activities are prohibited on the road, footpath or on City of Stonnington land:

- ✗ hot dog stands
- ✗ food and drink/coffee vans or similar
- ✗ ice-cream vans.

This prohibition does not apply to goods at market stalls or fairs which may be permitted by the City of Stonnington.

No other structure (i.e. drop-down blinds and menu boards) can be attached to the barriers at any time.

Street sampling and commercial promotions

A Local Law Permit is required for street sampling and promotions. This includes fundraising and commercial promotions. Setting up of goods or items for sale in parks is not permitted in Stonnington. Please enquire if a permit is required to sell items for market stalls and fairs on City of Stonnington land.

Street parties

Street parties are encouraged by the City of Stonnington but require a permit.

Temporary advertising – Billboard displayed in City of Stonnington controlled open space

Advertising billboards for approved non-profit Stonnington based community events on City of Stonnington controlled open space (i.e., parks and reserves) may be considered.





ROADSIDE DINING (PARKLET)

Stonnington's Roadside Dining Program allows a business exclusive use of a 'parklet', which is a parking space converted into an outdoor dining space. The parklet is established at the front of or side of the property and may include a neighbouring property (that has given consent). A parklet cannot be on the opposite side of a street.

There are two options for businesses:

- » Apply for a Summer Roadside Dining Permit to establish a parklet for six months from November to April each financial year. The deadline to apply for this type of permit is 30 November. You must apply for a new permit each year.
- » Apply for an Annual 365 Roadside Dining Permit for businesses who want a parklet all year round. This permit can be renewed annually.

Establishing a parklet is a great way for businesses to create an identifiable and intimate environment using recognisable design elements. A business can tailor a roadside dining space to expand the customer experience and support improved pedestrian activity adjacent to the business.

For more information on how to apply for a Roadside Dining Permit, please visit the City of Stonnington website at stonnington.vic.gov.au.

[View document: City of Stonnington Roadside Dining Framework](#)

RELEVANT ACTS AND LEGISLATION

City of Stonnington General Local Law 2018 (No.1)

The Local Law 'is' made under the *Local Government Act 2020* and applies to the whole of the municipal district and is responsible for regulating activities that occur on the footpaths as adopted by the City of Stonnington and for the safe and equitable use of public space.

[View document: stonnington.vic.gov.au/About/Corporate-documents/Local-Laws](https://stonnington.vic.gov.au/About/Corporate-documents/Local-Laws)

Disability Discrimination Act 1992

The City of Stonnington is committed to ensuring that safe and unobstructed access is maintained for people to move along footpaths and as a minimum, to meet the requirements of the *Disability Discrimination Act 1992* and take a whole-of-community approach to access.

[View document: legislation.gov.au/Details/C2018C00125](https://legislation.gov.au/Details/C2018C00125)

The Liquor Control Reform Act 1998

A Planning Permit and a Liquor Licence are required to sell or consume liquor on the footpath. Proprietors can only serve liquor on the footpath (in the trading zone) provided they have firstly obtained a Footpath Trading Outdoor Dining Permit.

The permit holder must obtain a licence from Liquor Control Victoria (LCV) (pursuant to the provisions of the *Liquor Control Reform Act 1998*) authorising the sale and consumption of liquor within the authorised footpath trading zone, in addition to the area within the premises.

The granting of a Footpath Trading Permit from the City of Stonnington does not remove the right for the City of Stonnington to refuse a Planning Permit application or lodge an objection to a Liquor Licence application (pursuant to Section 40 of the *Liquor Control Reform Act 1998*) if it considers the proposal would be detrimental to the amenity of the area.

If you require further information or clarification contact the City of Stonnington's Statutory Planning Unit on **8290 3329** or email council@stonnington.vic.gov.au.

[View document: legislation.vic.gov.au/in-force/acts/liquor-control-reform-act-1998/107](https://legislation.vic.gov.au/in-force/acts/liquor-control-reform-act-1998/107)

Environment Protection Act 2017

The Environment Protection Authority (EPA) regulates activities that may have environmental or human health impacts including litter and waste, land management including local roads, public spaces and residential noise.

[View document: epa.vic.gov.au/about-epa/laws](https://epa.vic.gov.au/about-epa/laws)

Tobacco Act 1987

The *Tobacco Amendment Act 2016* has amended the *Tobacco Act 1987* to ban smoking in outdoor dining areas and regulate e-cigarettes and shisha tobacco in the same way as other tobacco products (tobaccoreforms).

If you require further information or clarification contact the City of Stonnington's Environmental Health Unit on **8290 3393** or email health@stonnington.vic.gov.au.

[View document: health.vic.gov.au/tobaccoreforms](https://health.vic.gov.au/tobaccoreforms)

Not-for-profit organisations

If you are a not-for-profit organisation or registered charity, you may wish to apply for a Footpath Trading Permit. The City of Stonnington will provide a fee free Footpath Trading Permit for a not-for-profit organisation or charity.

You will need to provide a certificate of registration and meet all other criteria which is outlined under the 'how to apply' section of the permit type.

Please contact the Footpath Trading Unit to discuss if your business is eligible for a not-for-profit fee free Footpath Trading permit: footpathtrading@stonnington.vic.gov.au

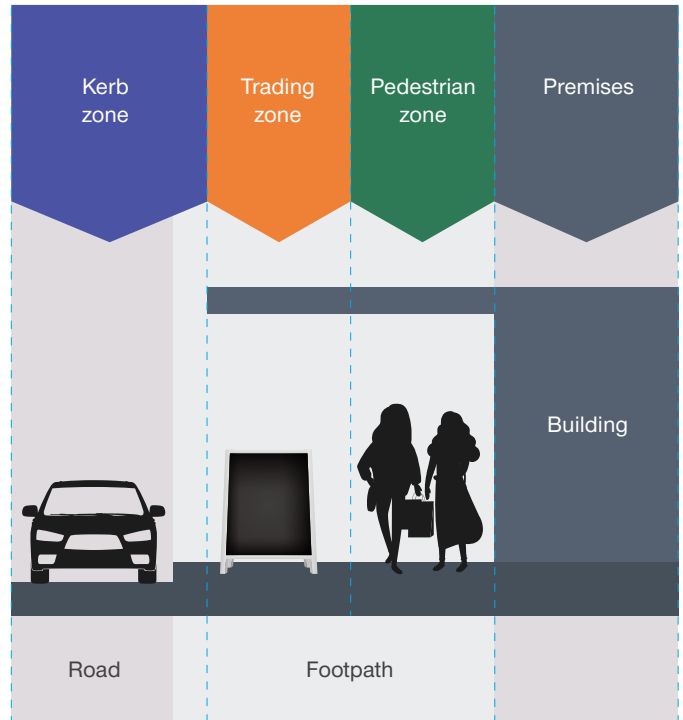


ADVERTISING BOARD PERMIT

CONDITIONS

- » A-frame boards must be no larger than one metre high and 75 centimetres wide, and must be placed on the kerbside, a minimum of 300 millimetres from the kerb in the trading zone, to allow for safe pedestrian and vehicle access.
- » A-frame boards must be weighted with sandbags to prevent falling over. It cannot be attached to any structure or City of Stonnington asset and must be relocated inside the premises outside of business hours.
- » A-frame boards and attached sandbags must not be placed in the pedestrian zone. *See non-compliant example below.*
- » No other items are permitted to be attached to A-frame boards.
- » A-frame boards must only advertise the business or service provided by the premises to which they relate.
- » Only one advertising sign per business of any type is permitted on the footpath.
- » A-frame boards can be placed on the frontage of a neighbouring property. However, written permission must first be obtained from the relevant business/property/body corporate and provided to the City of Stonnington.

Please note: Teardrop banners and flags are strictly not permitted within the City of Stonnington.



HOW TO APPLY

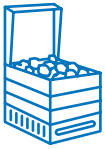
Complete and submit an online footpath trading application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Include and upload a site photo of the proposed A-frame location within the designated trading zone.

Please note: If the business is located above the ground floor or there is more than one business or service contained within the premises, you must provide a written Letter of Consent from the other business owner, body corporate or occupier to apply for a permit to occupy the footpath.

View document: [City of Stonnington Footpath trading fees - Framework 2023](#)

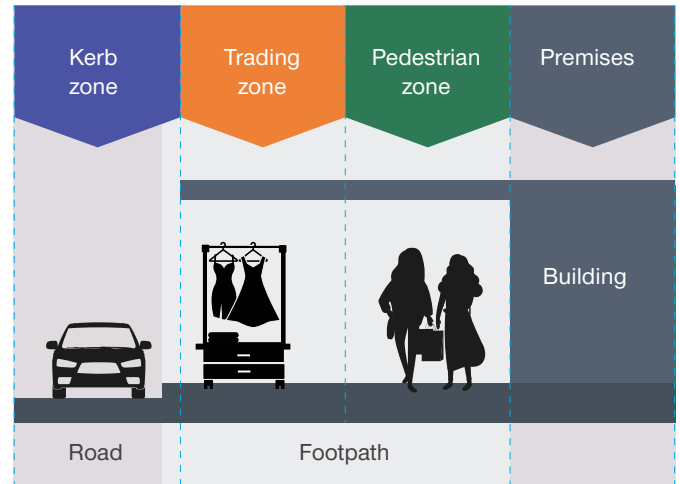


GOODS DISPLAY PERMIT

CONDITIONS

- » Goods must be no larger than 1.5 metres high, and must be placed on the kerbside, a minimum of 300 millimetres from the kerb in the trading zone, to allow for safe pedestrian and vehicle access.
- » Goods must not be placed in the pedestrian zone. See *non-compliant example below*.
- » Goods and displays 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.
- » Goods can be placed on the frontage of a neighbouring property. However, written permission must first be obtained from the relevant business/property/owners corporation and provided to the City of Stonnington.
- » The display of white goods is strictly prohibited across the municipality.

Please note: An application may require referral to the Transport and Parking Department as part of the assessment process.



HOW TO APPLY

Complete and submit an online footpath trading application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Provide a site plan (at an appropriate scale) on the provided template for goods (see site plan example and required specifications).

Include and upload a photo of the proposed trading zone.

Select the applicable category (small, medium or large) in accordance with the length of the footpath, excluding City of Stonnington assets in the final length measurement.

[View document: City of Stonnington Footpath trading fees - Framework 2023](#)

EXTENDED GOODS PERMIT

- » A business may be eligible to place goods on the frontage of a neighbouring business (subject to assessment). However, a standard Goods Permit application must be submitted and approved prior to the submission of an Extended Goods Permit application.
- » For more information on 'how to apply', please see the site plan and written consent requirements as outlined in the Extended Outdoor Dining Permit section.

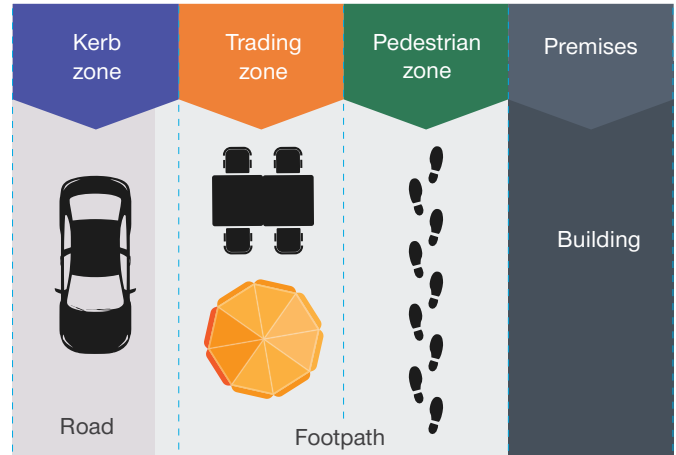


OUTDOOR DINING PERMIT

CONDITIONS

- » The maximum height for all outdoor dining area furniture and café barriers must not exceed one metre and must be made movable.
- » Outdoor dining furniture must not be placed in the pedestrian zone. *See non-compliant example below.*
- » 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.
- » All outdoor dining areas 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.
- » Bottle gas heaters (or any part of) and the base of umbrellas (or any part of) must be positioned a minimum of 600 millimetres from the kerb and remain within the trading zone.

Please note: An application may require referral to the City of Stonnington's Transport and Parking Department as part of the assessment process.



HOW TO APPLY

Complete and submit an online Footpath Trading Permit application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Provide and upload a copy of a current Food Registration Certificate.

Provide a site plan (at an appropriate scale) on the provided template for dining. *See site plan example and required specifications.*

Provide a photo of the proposed trading zone.

Select the applicable category (small, medium or large) in accordance with the length of the footpath, excluding City of Stonnington assets in the final length measurement.

An application can be made to occupy up to two (2) adjacent neighbouring properties, in front of adjoining or consecutive shop fronts. *See Extended Outdoor Dining Permits requirements.*

Please note: Permits for footpath dining will only be granted to businesses that hold a registration as a Food Premises. For further information contact the City of Stonnington's Environmental Health Unit on **8290 3393** or email health@stonnington.vic.gov.au. For Liquor Licencing requirements contact the Planning Department on **8290 3329** or email council@stonnington.vic.gov.au.

View document: [City of Stonnington Footpath trading fees - Framework 2023](#)



EXTENDED OUTDOOR DINING PERMIT

CONDITIONS

- » The maximum height for all outdoor dining area furniture and café barriers must not exceed one metre and must be moveable.
- » Outdoor dining furniture must not be placed in the pedestrian zone.
- » All outdoor dining areas 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.
- » Furniture should be hardy and sturdy to resist wind gusts and secured with weights or sandbags to ensure the safety of patrons.
- » Chairs must be oriented parallel with the footpath and must not be within the pedestrian or kerb zone.
- » 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.

Please note: An application may require referral to the City of Stonnington's Transport and Parking Department as part of the assessment.



HOW TO APPLY

Complete and submit an online Footpath Trading application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

An application can be made to occupy up to two (2) adjacent neighbouring properties, in front of adjoining or consecutive shop fronts.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Provide a site plan (at an appropriate scale) on the provided template for extended dining (see site plan example and required specifications).

Submit a written Letter of Consent from the owner, owners corporation and/or occupier of the adjacent premises. An updated letter of consent should be submitted to the City of Stonnington each year. If the neighbouring business is sold, the permit holder must submit a new letter of consent.

Include and upload a photo of the proposed trading zone.

Select the applicable category (small, medium or large) in accordance with the length of the footpath, excluding City of Stonnington assets in the final length measurement.

Please note: A standard Outdoor Dining Permit application must be submitted and approved prior to the submission of an Extended Outdoor Dining Permit application.

For Liquor Licencing requirements contact the Planning Department on **8290 3329** or email council@stonnington.vic.gov.au.

View document: [City of Stonnington Footpath trading fees - Framework 2023](#)

LETTER OF CONSENT

Day/Month/Year

Dear Liveability and Compliance team,

FOOTPATH TRADING EXTENSION REQUEST

I confirm that I am the owner/operator of [BUSINESS NAME at BUSINESS ADDRESS].

I give consent for the adjoining business, [NEIGHBOURING BUSINESS NAME] at [NEIGHBOURING BUSINESS ADDRESS], to utilise the footpath trading area directly in front of my premises, expiring [insert day/month/year].

I give my consent to [NEIGHBOURING BUSINESS NAME] using this area for their own footpath trading activities. (If applicable, specify days and time of use).

Should I later require the area and withdraw consent, I will notify the City of Stonnington by email to footpathtrading@stonnington.vic.gov.au.

Yours sincerely,

[BUSINESS GIVING CONSENT]

Name:

Business name:

Contact number:

Position:

Signature:

[ADJOINING BUSINESS RECEIVING CONSENT]

Name:

Business name:

Contact number:

Position:

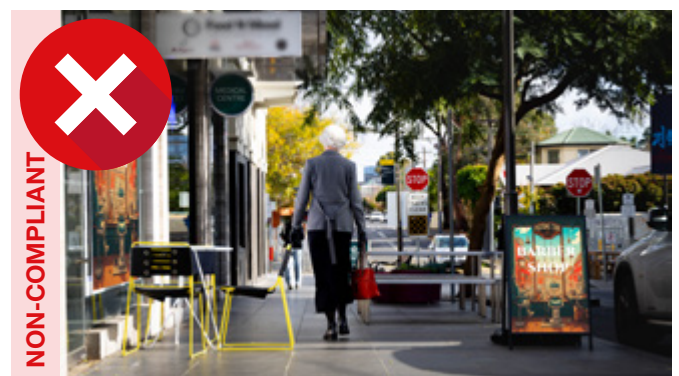
Signature:



WAITING AREA PERMIT

CONDITIONS

- » 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 service to be provided.
- » The service of food, drink and liquor is strictly not permitted for the Waiting Area Permit.
- » Outdoor dining furniture must not be placed in the pedestrian zone. *See non-compliant example right.*
- » Chairs must be oriented parallel with the footpath and must not be within the pedestrian or kerb zone.
- » Furniture should be hardy and sturdy which may include tables, chairs and umbrellas only.
- » Umbrellas when opened must measure a minimum height of 2.2 metres from the ground to the lowest edge of the umbrella and must be positioned a minimum of 600 millimetres from the kerb so to not overhang the kerb edge while remaining in the trading zone.
- » An Advertising Board Permit is required to place an A-frame board in the waiting area trading zone.
- » All outdoor dining areas 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.



HOW TO APPLY

Complete and submit an online Footpath Trading Permit application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Provide a site plan (at an appropriate scale) on the provided template (see site plan example and required specifications).

Include and upload a photo of the proposed trading zone.

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.

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

[View document: City of Stonnington Footpath trading fees - Framework 2023](#)



NIGHT CLUB QUEUING PERMIT

CONDITIONS

- » The 'roping off' of a section of the footpath adjacent to a licensed venue in order to facilitate the queuing of patrons requires an annual Footpath Trading Permit.
- » Roping off may involve the use of temporary bollards or similar in conjunction with tapes or ropes.
- » Roped off areas must be located directly adjacent to the building or property line and positioned to allow for the unimpeded access of pedestrians adjacent to any roped off area.
- » Queuing shall only occur adjacent to the building line and a minimum of 1.5 metre pedestrian access must be maintained.
- » Queuing patrons and other passing pedestrian traffic must not under any circumstances be forced from the footpath towards the road carriageway. *See non-compliant example below.*
- » Night Club Queue Permits will not be issued adjacent to any outdoor dining areas.
- » It is the permit holder's responsibility to ensure the safe management of patrons when queuing at a venue.
- » Where pedestrian movement is impeded, a City of Stonnington Authorised Officer may direct the roping off to be moved or removed as circumstances require.

HOW TO APPLY

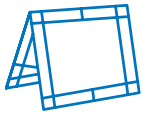
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Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

Include and upload a site photo of the proposed Night Club Queuing location within the designated area.

Please note: An application may require referral to the City of Stonnington's Transport and Parking Department as part of the assessment process.





REAL ESTATE POINTER BOARD PERMIT

CONDITIONS

- » The placement of temporary real estate agent signs (pointer boards) requires a Footpath Trading Permit.
- » The placement of temporary pointer boards on the footpath to advertise the sale of a commercial property within a commercial activity zone must only be placed within a standard footpath trading area and always allow a minimum 1.5 metre pedestrian clearance from the building line. *See non-compliant example right.*
- » The placement of temporary pointer boards to advertise the sale of a property within a residential zone must only be placed on the nature-strip and not obstruct the footpath. *See non-compliant example right.*
- » Real estate agents may be granted a permit for pointer boards to be placed on the nature strip at or near a property for which the agent is acting.
- » One permit allows up to 10 signs to be used at any one time.
- » Pointer boards are only to be placed within two hours of the activity that they are advertising and removed within two hours after the activity they are advertising has ceased.
- » Corflute-style pointer boards or similar are not to be attached to any City of Stonnington controlled assets.

HOW TO APPLY

Complete and submit an online Footpath Trading Permit application via the City of Stonnington website stonnington.vic.gov.au and make payment of the applicable permit fee.

Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with the application and must remain current and valid for the life of the permit.





BUSKING PERMIT

CONDITIONS

- » Buskers must comply with the conditions specified on the permit as well as the requirements set out in this policy. The permit will specify the area where the busking is to take place.
- » Busking in front of or around town halls and other City of Stonnington buildings e.g., libraries, is not permitted during business hours.
- » Busking must only occur adjacent to the building line allowing a minimum of 1.5 metres in pedestrian access.
- » No amplified music or use of percussion-type instruments is permitted. Busking will only be permitted between 7am and 11pm daily. *See non-compliant example right.*
- » The use of fire, animals, materials, substances or equipment as part of the busking act that in the opinion of the City of Stonnington Authorised Officer may pose a threat to public safety, is prohibited.
- » Where busking is performed as a group (a group being more than one person but not more than six persons); the person who is issued the Footpath Trading Permit must be part of, or supervising, the performing team at all times.
- » Busking groups of more than six people are not permitted.
- » For children under the age of 13 to be permitted to busk, they must be accompanied by a person over the age of 16 and have with them parental or guardian written permission.
- » Should any occupier of a premises within hearing distance wish the busker to move out of hearing distance, the busker is required to do so on direction from a City of Stonnington Authorised Officer.

HOW TO APPLY

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Provide and upload a Certificate of Currency with a minimum \$20 million public liability insurance which reflects the business name, address of the business premises and indemnifies the City of Stonnington against all claims of any kind of negligent acts by the permit holder. A copy of the insurance will need to be provided with this application and must remain current and valid for the life of the permit.

[View document: City of Stonnington Footpath trading fees - Framework 2023](#)

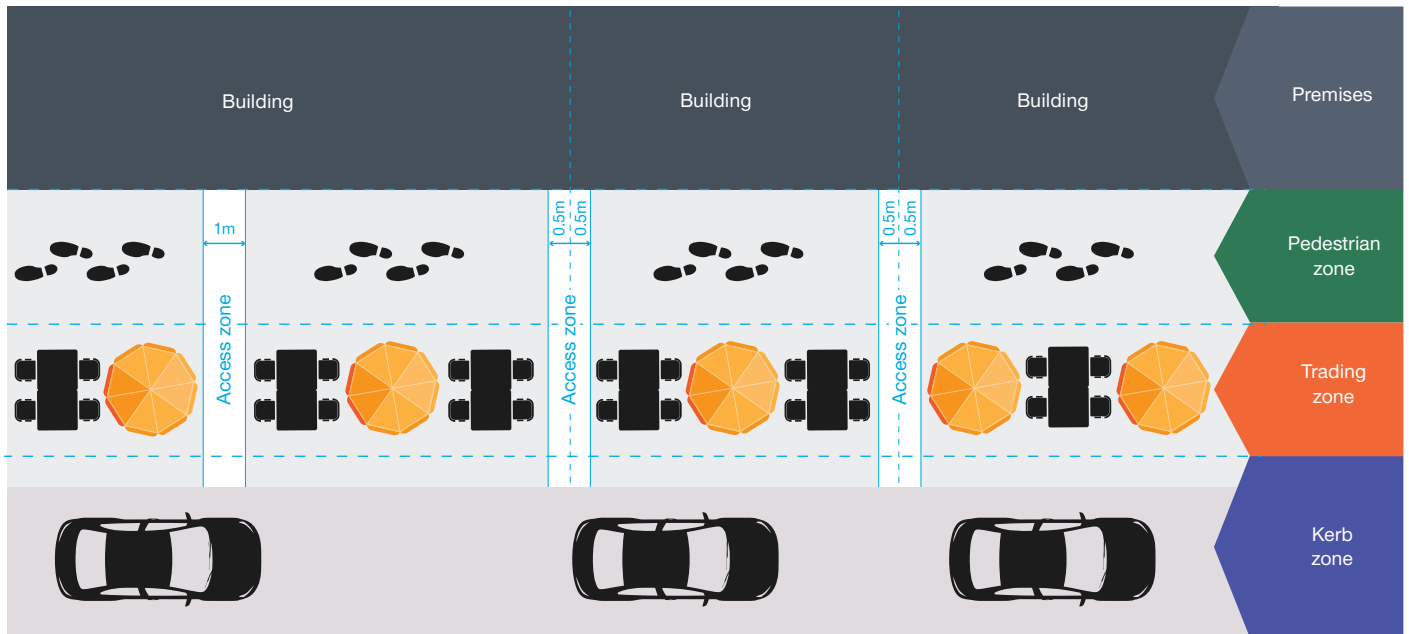


COMPLIANT



NON-COMPLIANT

FOOTPATH ZONES



To provide a safe, clear and unobstructed footpath for pedestrian access, the area is made up of four (4) 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.

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.

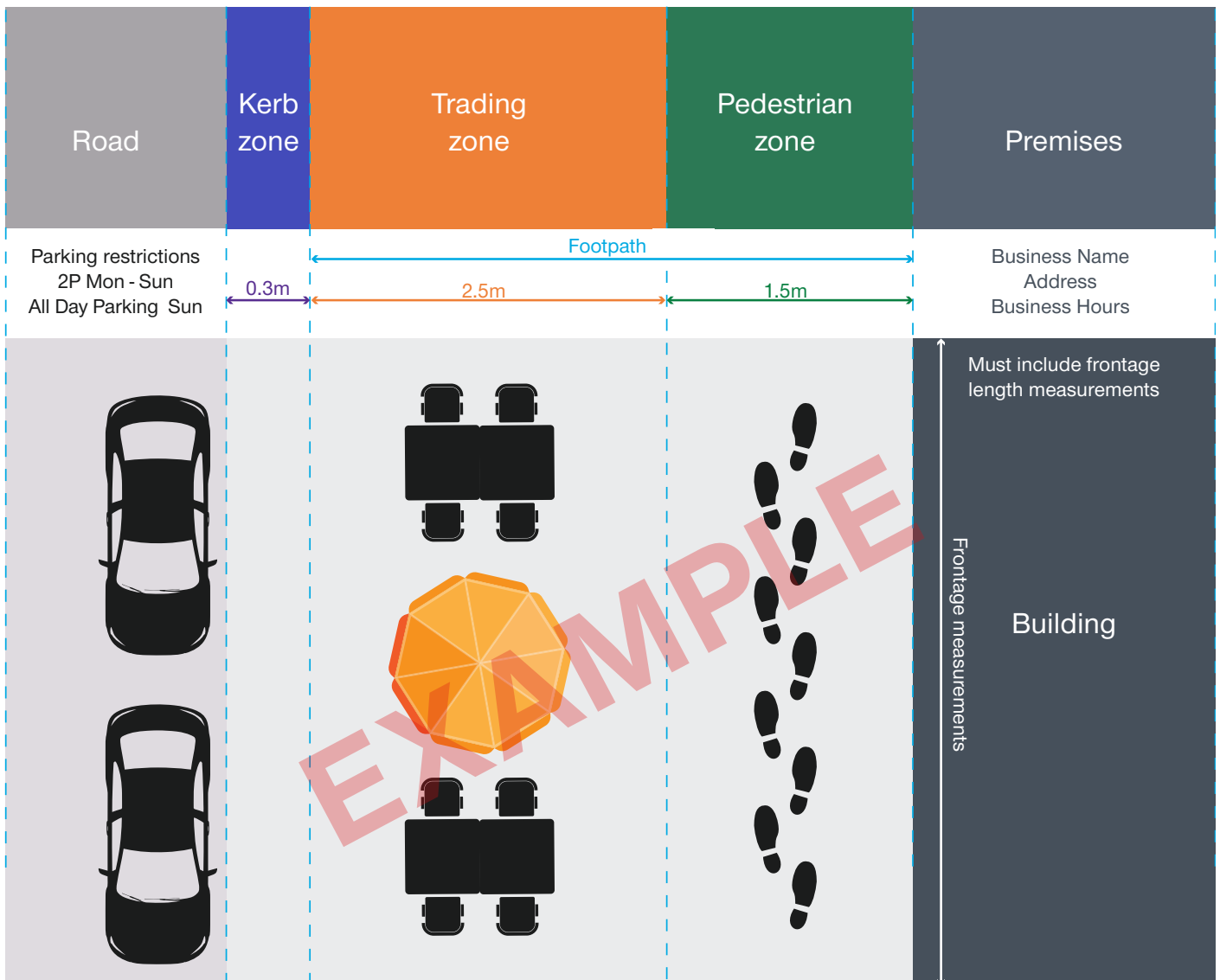
SITE PLAN REQUIREMENTS

A number of permit applications require a site plan (at an appropriate scale) that demonstrate the following requirements:

- The boundary line to boundary line measurement of the principle shop frontage, excluding any City of Stonnington assets in the final length measurement.
- Include width measurement from the building façade to the kerb edge. Include the full length of the trading zone and access zone (refer to design guidelines within Framework).
- Outline all car parking and parking restrictions adjacent to the kerb zone of the proposed outdoor dining area (if applicable).
- Outline the business days and hours of operation.
- Include proposed outdoor dining furniture placement within the trading zone - tables, chairs, café barriers (maximum height one metre).
- Include all existing street and footpath features within or near the proposed trading area, such as trees, light poles, litter bins, bike racks, public transport shelters, fire hydrants, signs and utility lids.
- Include the business name and address.

SITE PLAN EXAMPLE

Visit the City of Stonnington website stonnington.vic.gov.au to access the site plan template.

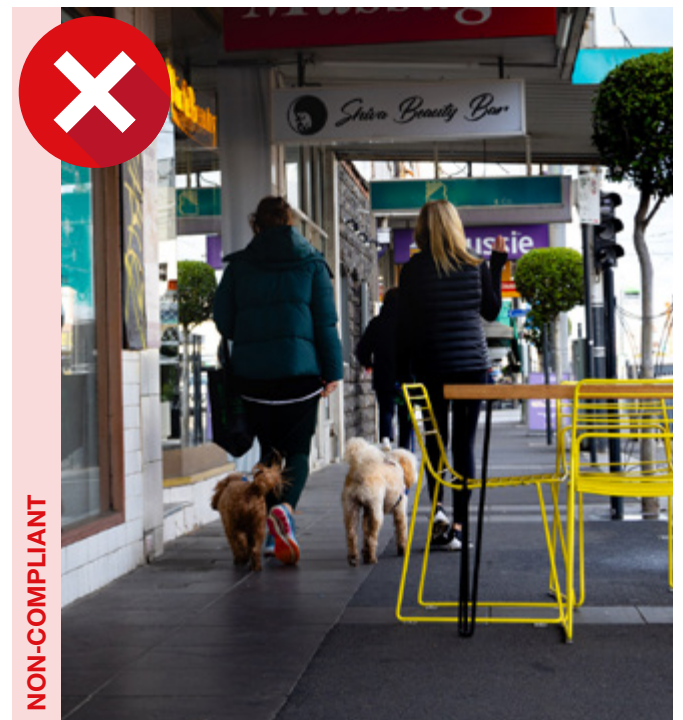


FURNITURE PLACEMENT & LAYOUT: TABLES AND CHAIRS

The City of Stonnington continues to develop strategies to reduce waste generated by outdoor cafés. It strongly encourages owners and operators to take an eco-friendly approach to footpath trading and consider the use of sustainable furniture made of recycled or renewable materials.

- » The maximum height for all outdoor dining area furniture, café barriers and pot plants must not exceed one metre.
- » Tables and chairs should be hardy and sturdy to resist wind gusts and secured with weights or sandbags to ensure the safety of all patrons.
- » Tables and chairs must remain moveable and cannot be fixed to the footpath.
- » Chairs should be oriented parallel with the footpath and must not impede on the pedestrian or kerb zone. See *non-compliant example to the right*.
- » The number of tables and chairs and their location needs to be shown on the plan submitted as part of the Footpath Trading Permit application.
- » 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.
- » No form of advertising is permitted on tables and chairs.

Please note: A business must give priority to works being conducted on the footpath and to City of Stonnington assets, and move all outdoor furniture and items to allow the work to be completed.



FURNITURE PLACEMENT & LAYOUT: BARRIERS AND UMBRELLAS

- » Footpath trading safety barriers can be used to assist businesses to contain their furniture within their approved trading zone.
- » To preserve the general appearance and openness of the streetscape, the maximum height for a footpath trading barrier is one metre.
- » All types of removable barriers must be lightweight to ensure that they can be removed from the footpath at the close of business.
- » Barriers and umbrellas cannot be fixed to the footpath.
- » All removable barriers and umbrellas must be secured with weights or sandbags, to prevent barriers being moved or knocked over and to ensure the safety of all patrons.
- » Barriers and umbrellas must be positioned appropriately and not impede on the kerb zone or force dining furniture to impede on the pedestrian zone.
- » Umbrellas when opened must measure a minimum height of 2.2 metres from the ground to the lowest edge of the umbrella and must not overhang the kerb edge. See *non-compliant example below*.
- » City of Stonnington will not support the use of glass screen barriers.



FURNITURE STORAGE CONDITIONS

All outdoor furniture is to be returned inside the premises or stored correctly at the end of trade.

If adequate storage is not available on the premises due to limited available space, the applicant must show the City of Stonnington where and how the items will be stored appropriately at the end of footpath trading and the close of business.

Footpath trading furniture proposed to be stored on City of Stonnington land outside of business hours will be subject to approval.

Umbrellas, gas heaters and pot plants cannot be stored on City of Stonnington land and must be stored inside the premises at the end of trade.

Footpath trading furniture which is approved by a City of Stonnington Authorised Officer and stored on City of Stonnington land must be stacked and secured appropriately to prevent footpath obstruction and/or interference by the public when a business is closed.

Footpath trading furniture stored on City of Stonnington land must not exceed 1.5 metres in height. See *non-compliant example to the right*.

The appropriate storage of furniture is enforced in alignment with the following City of Stonnington priorities:

Public safety

Streets are safe and have an unobstructed passage for all pedestrians with unobstructed vision for drivers and cyclists (particularly around intersections).

Accessibility for all

Streets are easily navigated by all pedestrians including those who may be physically or vision impaired, allowing for unobstructed pedestrian passage and supporting transport use.

Vibrant street life

Streets are vibrant, lively and contribute positively to an area's sense of place and character.

Attractive streetscape

Streets are attractive, clean and pleasant and any heritage significance is enhanced and not diminished.



PERMIT HOLDER'S RESPONSIBILITIES

To ensure appropriate management, permit holders are required to adhere to the following:

1. Operate in accordance with the conditions of the permit, approved plan, and requirements and objectives as outlined in this policy.
2. Operate in accordance with the conditions of any other relevant Planning or Liquor License Permits.
3. Observe all local law provisions relating to footpath trading including noise, responsible serving of liquor, and health and amenity.
4. Always display the permit registration sticker in the shop-front window.
5. Ensure trading activity is always contained to the trading area and that patrons do not move tables, chairs or other ancillary items into the pedestrian or kerb zones.
6. Ensure that patrons do not congregate in the pedestrian or kerb zones and that all staff shall give pedestrian movement priority over their own movements across the pedestrian zone.
7. The permit holder must not allow the footpath trading activity, including the behaviour of patrons, to detract from, or be detrimental to the safety, accessibility and amenity of an area or negatively impact on the wider community.
8. The permit holder must ensure that no amplified music is played on the footpath. Loud speakers are not permitted to be attached externally to the shop front.
9. Ensure that patrons do not allow pets, prams, bicycles, or any other personal items to obstruct the pedestrian or kerb zones and always keep dogs on-leash. See *non-compliant example to the right*.
10. Permit holders are responsible for the cleaning and removal of all litter generated by their trading or patrons and must ensure the pedestrian and trading zones are always kept clean and tidy of all food/rubbish/refuse or other waste matter. See *non-compliant example to the right*.
11. No food/rubbish/refuse or other waste matter is to be deposited into the storm water drainage system including the gutter.
12. No food is to be prepared or cooked on the footpath.
13. The permit holder must not allow the footpath trading activity, including the behaviour of patrons, to detract from, or be detrimental to the safety, accessibility and amenity of an area or negatively impact on the wider community.





EDUCATION & COMPLIANCE

Upon approval of a permit, the permit holder must adhere to all requirements applicable to the permit issued, in line with the policy.

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. Clause 186 sets out in full the circumstances by which a permit may be canceled, refused, or suspended.

Public Liability Insurance for a minimum of \$20 million must be maintained throughout the entire permit period. Failure to maintain a current public liability insurance policy is considered a serious breach of this policy and may result in cancellation of the permit. The permit holder is liable for any breach of the conditions set out in this policy, including those committed by their staff or patrons.

The City of Stonnington actively monitors all operations of footpath trading to ensure all permit conditions are being met in alignment with this policy. Any non-compliance observed, may result in the permit holder receiving enforcement action. If you have any questions, please contact the City of Stonnington Buildings and Liveability and Compliance on **8290 1333**.

If there is non-compliance noted, depending on the severity and/or repetitive nature of the breach, the permit holder may receive:

- » Education via verbal and written communication
- » a written Notice to Comply
- » a written Official Warning
- » a written Final Notice to Comply
- » an Infringement Notice
- » a cancellation of the permit.

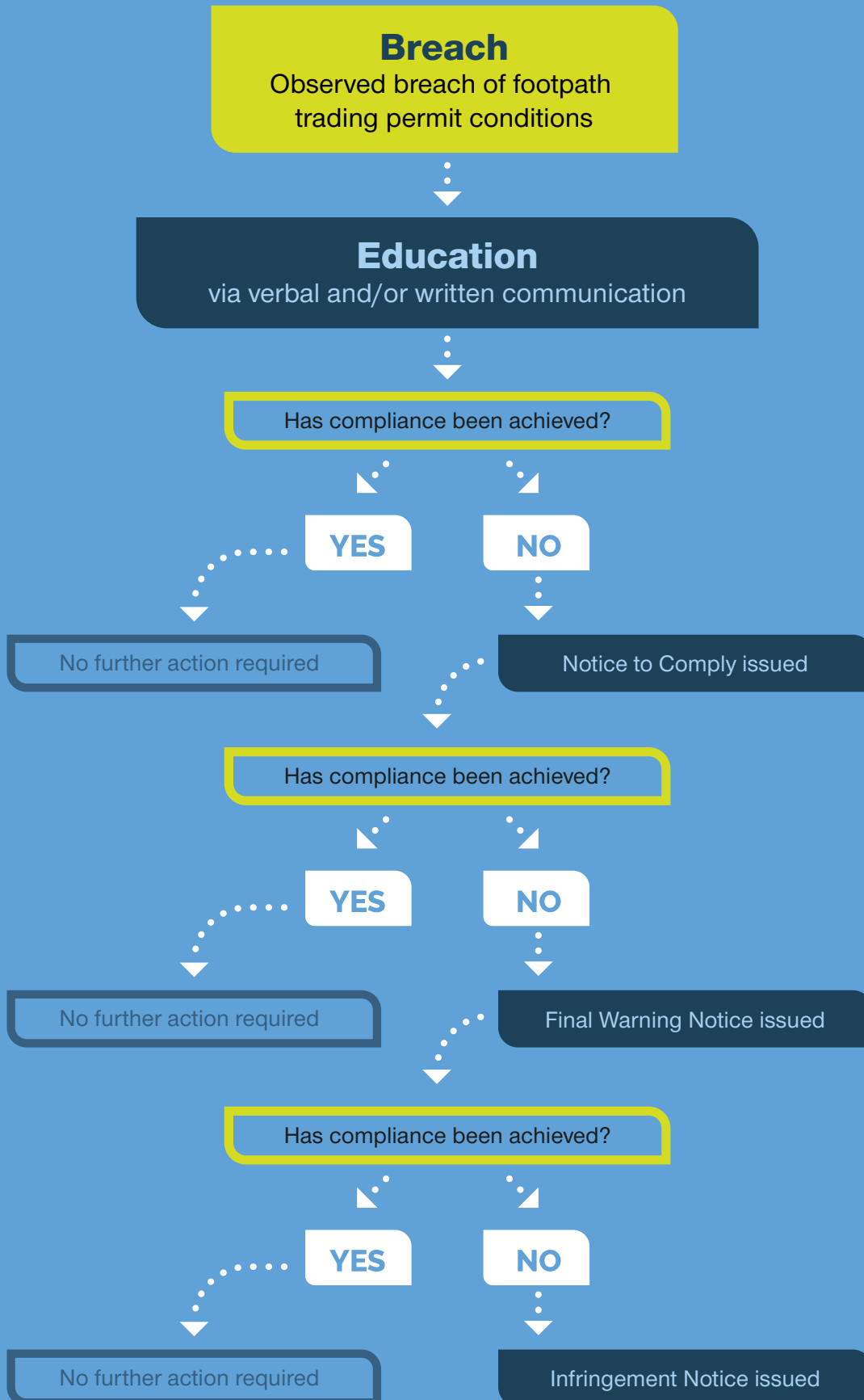
Failure to pay an infringement notice or continued non-compliance may result in prosecution proceedings in addition to cancellation of the permit.

If there is continued non-compliance or a serious breach of the policy, the City of Stonnington may cancel, suspend, or amend a permit. For example, non-payment of any fees required under this policy, or failure to maintain a current public liability insurance policy, will result in cancellation of the permit. The City of Stonnington may also cancel a permit where a neighbouring owner objects to placement of tables and chairs outside their premises.

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

Permits are issued for one year. The City of Stonnington has the right, at its discretion, not to renew a permit, suspend or cancel an existing permit for reasons including non-compliance, safety, accessibility, or any other issues considered detrimental to the amenity and wider community.

EDUCATION & COMPLIANCE



GLOSSARY

A-Board

A portable outdoor sign which cannot exceed 1.0 metres in height and 75 centimetres in width and is designed to advertise a business or service on City of Stonnington land.

Applicant

Proprietor and/or owner of a business, not a manager, agent or solicitor acting on behalf of the owner.

Application fee

Non-refundable amount of money charged for all applications, re-applications, and amendments to footpath trading permits.

Authorised Officer

Refers to a person appointed by the City of Stonnington to be an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*.

Barriers

A fence which prevents movement or access.

Bottle gas heater

A moveable outdoor heater with a gas cylinder.

Boundary

The legal borders between a building and parcel of land.

Business

Refers to commercial activity for hospitality services including cafés, restaurants, bars, nightclubs, hotels, and the sale of retail goods to the public.

Busking

The activity of performing acoustic music on City of Stonnington land.

Busy area

Refers to roads and streets located in major commercial activity centres of the municipality.

Certificate of Currency

Refers to a legal document that provides proof of a current insurance policy which includes Public Liability Insurance and details of the business name, business address and expiry date of the policy.

Clearances

An area which must remain unobstructed for access purposes.

City of Stonnington assets

Refers to an asset, including property and infrastructure which is under the control of the City of Stonnington.

City of Stonnington land

Includes roads, streets, footpaths, open space, gardens, parks, buildings and other structures permanently fixed to City of Stonnington owned or vested land.

Delineation marker

Refers to circular stainless-steel disks installed flush into the footpath to demarcate the boundary clearance between the pedestrian zone, trading zone and kerb zone.

Enforcement

To execute and ensure compliance with a law, rule, or obligation.

Fixed

Refers to any item locked down or bolted into the footpath such as barriers and umbrellas that can't be shifted or removed.

Food Registration Certificate

Refers to a certificate issued to a business to operate as a registered food business, to sell food to the public for the purposes of outdoor dining on City of Stonnington land.

Goods

Refers to consumer products which are displayed to the public on City of Stonnington land.

Infrastructure

Physical structures (e.g., buildings, roads and footpaths) managed by the City of Stonnington and needed for the operation of a society.

Kerb

Refers to the raised edge of the pavement or footpath adjacent to the roadway.

Liquor

Means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

GLOSSARY

Liquor License

Means a license which authorises the licensee to sell liquor by retail on the licensed premises, whether or not for consumption on the premises.

Local Law

Refers to law, rules and regulations which are maintained and enforced by the City of Stonnington under the *Local Government Act 2020*.

Neighbouring

Refers to a business located on either side of a principle premises.

Night club

A venue which provides late evening entertainment and service of alcohol to the public.

Noise

Refers to sounds deemed loud or unpleasant or that cause a disturbance and impacts amenity.

Non-fixed

Refers to anything that remains moveable such as chairs, tables, barriers, umbrellas, planter boxes and gas heaters.

Not-for-profit organisation

Refers to any organisation or charity which doesn't operate for the profit, personal gain or other benefit of its members, the people who run it, or any other people.

Obstruction

An action or item which impedes pedestrian access and passage.

Other area

Refers to roads and streets located in residential activity areas of the municipality.

Pedestrian passageway

Refers to an unobstructed open space which provides pedestrian only access.

Permit fee

Fee charged to the permit holder on an annual basis for the use of City of Stonnington land.

Permit holder

Person to whom the permit is granted and who therefore is responsible for the permit conditions.

Premises

Refers to buildings on land classified as property.

Proprietor

The owner, occupier, lessee, licensee, or any other person in control or charge of any place or premises.

Public Liability Insurance

A \$20,000,000 minimum insurance that must be able to meet any possible claim which may be sustained against the licensee in relation to the death or injury to any person or the damage to any property, which indemnifies the City of Stonnington against all claims of any negligent acts by the permit holder which may arise due to Footpath Trading Permit activity.

Reinstatement

To restore or return to original form or condition.

Roadside dining (parklet)

Refers to a re-purposed car space/s on a public road to provide an on-road outdoor dining area for exclusive patron use.

Umbrella

A device consisting of a circular canopy of cloth on a folding metal frame supported by a central rod, used as protection against weather conditions.

Waiting area

A designated seating area for customers on City of Stonnington land which does not permit the outdoor service of food, drinks and products to the public.

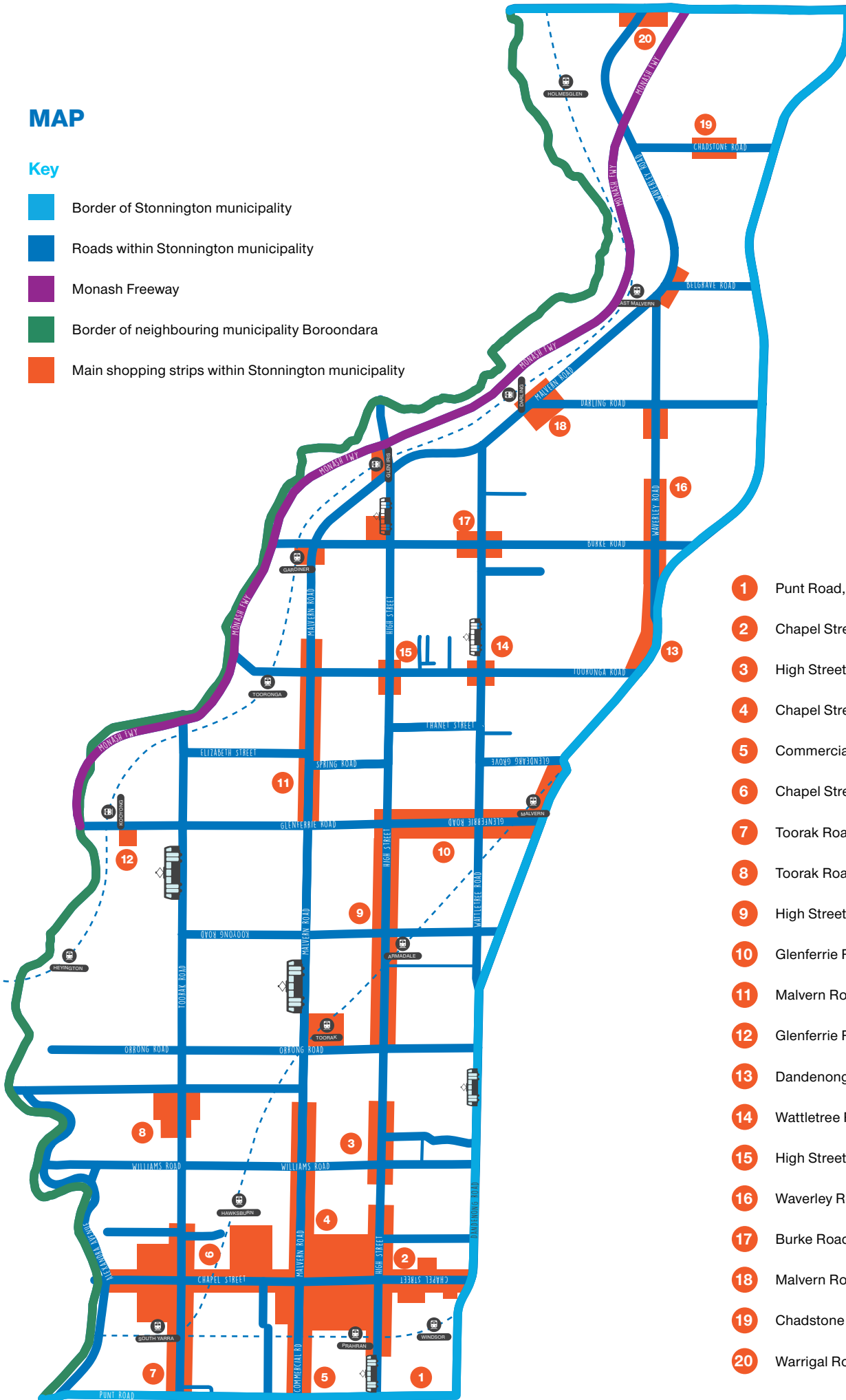
White goods

Refers to large electrical home appliances such as refrigerators, washing machines, dishwashers, and air conditioners.

MAP

Key

- Border of Stonnington municipality
- Roads within Stonnington municipality
- Monash Freeway
- Border of neighbouring municipality Boroondara
- Main shopping strips within Stonnington municipality



- 1 Punt Road, Windsor
- 2 Chapel Street, Windsor
- 3 High Street, Windsor
- 4 Chapel Street, Prahran
- 5 Commercial Road, Prahran
- 6 Chapel Street, South Yarra
- 7 Toorak Road, South Yarra
- 8 Toorak Road, Toorak
- 9 High Street, Armadale
- 10 Glenferrie Road, Malvern
- 11 Malvern Road, Malvern
- 12 Glenferrie Road, Kooyong
- 13 Dandenong Road, Malvern East
- 14 Wattletree Road, Malvern East
- 15 High Street, Malvern East
- 16 Waverley Road, Malvern East
- 17 Burke Road, Malvern East
- 18 Malvern Road, Malvern East
- 19 Chadstone Road, Malvern East
- 20 Warrigal Road, Malvern East



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

Telephone: 8290 1333 (all hours)

Email: council@stonnington.vic.gov.au

Post: PO Box 58 Malvern Vic 3144

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