

# Guidelines: Outdoor Street Trading Code of Practice

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## Introduction

There is no better indication that a shop is open for business than when it makes good use of adjacent footpaths for outdoor dining or street trading.

This document is a guideline for applicants wanting to apply for an outdoor dining or street trading permit or to alter an existing permit. The guidelines are supported by the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice (the Code) and is intended to give applicants a brief overview and to describe the Objectives which must always be met.

Applicants are encouraged to read the full Code as it contains detail on the standard and required information that should be included with an application. Comprehensive applications that are submitted with all of the required supporting information will reduce delays in assessment. Applications will be assessed against the objectives and prescribed standards. Applications that vary from the prescribed standard but meet the objectives of the Code will be considered on merit on a case-by-case basis, but it is important that the applicant submit a strong case to support any variations.

Applicants are encouraged to seek preliminary advice before preparing an application and are further encouraged to contact City officers if anything is unclear or if assistance is needed.

The City prefers to work with applicants to achieve high quality, compliant outcomes and to expedite the issuing of permits.

'Outdoor Street Trading' includes activities such as outdoor dining (including service of alcohol), display of goods, temporary displays, temporary sales and busking.

Applicants are encouraged to also check if other permits are needed such as planning and building permits. In many cases, especially in the Bendigo City Centre or where a heritage building is involved, these are likely to be required.

### What the City will support

The City encourages outdoor street trading activities in public spaces that support businesses and contribute to the vibrancy and activation of the location.

However, the City has to balance the diverse needs and aspirations of the community, business and maintain public assets in a serviceable and safe condition. Therefore the City will only support proposals that are of high quality and will be well managed. Proposals that impact on public access (a clear path of travel) or detrimentally impact public assets will not be supported.

## Requirements

### Locations

Generally outdoor street trading areas must be:

- Separated from shopfronts by an accessible pedestrian way.
- Setback from road kerbs to allow for safe parking and movement of vehicles and to allow access to vehicles.

Therefore wider pavement areas are better suited to outdoor street trading.

Outdoor street trading areas must:

- Be directly connected with the business, which generally means it will be immediately in front of the business.
- Not obstruct sightlines from moving vehicles to other vehicles and to pedestrians and vice versa.
- Be temporary in nature, in that fixtures and fittings are removed at the end of daily trade.
- Be reinstated to prior occupation condition at the permit holder's cost at cessation/expiry of the permit.

Outdoor street trading components must:

- Be temporary fixtures, easily packed away and stored on premises.
- Be of high quality design and fabrication and of durable materials.
- Not impede access by the general public.
- Not create the impression of private ownership of the footpath.
- Be kept within the nominated permit area at all times (other than when stored).

For further information refer to **B3 Suitable location** in the Code.



## Requirements

### Barriers and screens

The use of semi-fixed low height screens may be supported where a trader wants to delineate an outdoor dining area to create a feeling of safety or enclosure for patrons. The Code specifies acceptable design and construction standards.

Generally screens should be no higher than 900mm (including framing) and it is preferred that coloured canvas infill is used

For further information refer to **B20 Canvas screens** in the Code.

However, the Code does allow alternative screen design and materials selection which will be assessed on a case-by-case basis by a panel of design, planning and safety staff. Consideration will be given to space, streetscape, heritage values, durability, presentation and materials used. For further information refer to **B22 Alternative screens** in the Code.

Permanent barriers are not permitted unless they are required for safety or amenity reasons. High Street is an example where permanent barriers may be permitted.



### Furniture

The use of a variety of high quality durable furniture is strongly encouraged. Light weight moulded plastic furniture is not acceptable.

For further information refer to **B18 Tables and chairs** in the Code.



### Barriers in Hargreaves Mall

Barriers are permitted in the Hargreaves Mall on a case-by-case basis. For further information refer to **B23 Barriers within the Hargreaves Mall** in the Code.



### Umbrellas

The City supports the use of umbrellas for shelter where there is no existing shelter such as verandahs, awnings, canopies or trees. Umbrellas conforming to the City's specifications must be semi-fixed to the pavement and removed for storage when trading has ceased.

For further information refer to **B24 Umbrellas** in the Code.

### Advertising

Corporate advertising on outdoor trading components other than the display of the business name or logo on umbrellas or screens is strongly discouraged and will be assessed on a case by case basis.

For further information refer to **B26 Advertising** in the Code.



## Requirements



### Blinds

Clear plastic 'drop down' blinds will not be supported. This is consistent with the general public's view that such blinds enclose public space too much and work to the detriment of a business by obscuring views of outdoor activity to passers-by and potential customers.

For further information refer to **B27 Blinds** in the Code.



### Retractable awnings

While it is preferable for outdoor trading areas to be located below fixed verandas, retractable awnings may be supported when considering:

- The architectural style of the building the awning is to be fixed to;
- The streetscape context;
- Orientation;
- When fully extended the required minimum underside clearance is maintained; and
- When fully extended the awning is the required setback distance from the kerb.

For further information refer to **B28 Awning and fixed canopies** in the Code.

### Weather Treatments

Weather treatments that enclose or discourage access by the general public to the outdoor dining area are not permitted.

Approved weather treatments that are temporary, high quality design and well managed may be permitted on a case-by case-basis upon design merit by a panel of design, planning and safety staff. Consideration will be given to space, streetscape, heritage values, durability, presentation and materials used.

For further information refer to **B29 Weather treatments for outdoor dining areas** in the Code.

### Pavements

The City generally supports outdoor dining areas to be located on hard pavements (such as bluestone in the Bendigo CBD). This is to minimise the potential damage to bitumen paving caused by furniture legs, especially in hot weather. Where a pavement needs to be upgraded for outdoor trading, the full cost of the upgrade will be met by the trader.



### Gas heaters

The City does not support fixed outdoor heating and has stringent requirements for the use of portable appliances. Traders are encouraged to explore options including knee rugs and shawls as a more environmentally sustainable way of trading through cold weather.

For further information refer to **B30 Gas heaters** in the Code.

### Plants and planter boxes

Planter boxes can add to the appearance of an outdoor trading area when well maintained. However, if neglected, a planter box can detract. Therefore the City needs traders to be aware of the extra maintenance responsibilities that come with planters.

For further information refer to **B31 Plants and planter boxes** in the Code.

## Requirements

### Footpath advertising signs

The City has strict specifications for the use of portable footpath advertising signs (A-frames, flags and banners) and limits the number and size of such advertising.

*For further information refer to **B32 Footpath advertising signs** in the Code.*



### Display of goods

Innovative footpath displays can add to the vibrancy of a streetscape. As with outdoor dining specifications, footpath displays must not obstruct or endanger the public.

*For further information refer to **B33 Display of goods** in the Code.*

### Busking and street performers

The City supports the activity and interest added to a public place by buskers, artists and street performers. Such activities must not cause nuisance, obstruct or endanger the public and must not offer third party goods for sale, solicit donations, or promote a religious or political position.

An Activities in a Public Place Permit must be issued to the person conducting the activity.

*For further information refer to **B34 Busking/street performer conditions** in the Code.*

## Responsibilities

### Management

There are a range of responsibilities for the setting up and running of an outdoor dining or street trading area. These include:

- Cleaning;
- Refuse collection;
- Packing up and storage;
- Retracting blinds and awnings;
- Licenses;
- Insurances;
- Fees; and
- Compliance with relevant regulations.

An outdoor dining or street trading permit is a privilege to share and use public space for commercial purposes.

As the permit holder you must ensure that you and your staff manage your street trading area, comply with the requirements of the Code and permit conditions.

*For further information refer to **Part C: Operation and management** in the Code.*

The City will monitor on an ongoing basis how you manage, comply with the code/permit conditions, accessibility and general amenity requirements of the street trading area.

The City's approach to compliance issues are inform, educate and seek compliance. Continual breach of performance standards can result in compliance actions.

*For further information refer to **Part D: Education and compliance** in the Code.*