

Outdoor Trading Guidelines





Street dining and trading plays an important role in the lifestyle and character of a city by adding life and activity to its streets and public spaces.

The City of Ballarat recognises the significance of outdoor activations in shaping the identity and culture of our city. Therefore, we actively promote outdoor dining and trading to create lively and dynamic streetscapes.

These guidelines aim to support businesses to plan, operate and maintain street dining and trading areas by providing standards that are clear and easy to understand and by simplifying the application process.

Whilst the City of Ballarat encourages street dining and trading, it is also responsible for maintaining standards for the safety, accessibility and appearance of its streets, footpaths and public spaces. This document sets clear minimum standards to ensure that outdoor dining and trading areas are planned, operated and maintained in an appropriate manner and that the needs of all users are balanced.

Contents

| | |
|---|-----------|
| WHAT IS OUTDOOR DINING AND TRADING? | 6 |
| THE PURPOSE OF THESE GUIDELINES | 6 |
| KEY PRINCIPLES | 6 |
| Respecting our City's Heritage Character | 7 |
| Creating people friendly places | 8 |
| Preserving our City Infrastructure | 8 |
| CREATING A SUCCESSFUL OUTDOOR TRADING SPACE | 9 |
| Determining a Suitable Site | 9 |
| Finding Your Trading Zone | 10 |
| The Trading Zone | 10 |
| The Pedestrian Zone | 10 |
| Kerb Zone | 11 |
| Required Set Backs | 11 |
| TEMPORARY VS FIXED INFRASTRUCTURE | 14 |
| Temporary Infrastructure | 14 |
| Fixed Infrastructure | 15 |
| FURNISHING THE TRADING ZONE | 16 |
| Tables & Chairs | 16 |
| Outdoor Dining Screens | 17 |
| Creating Comfortable Spaces | 18 |
| Umbrellas | 18 |
| In Ground Sockets and Lock In Devices | 18 |
| Decking | 18 |
| Blinds | 19 |
| Gas Heaters | 19 |
| GREENING YOUR OUTDOOR TRADING ZONE | 20 |
| Temporary Planter Boxes | 20 |
| Permanent Planter Boxes | 20 |
| Pots | 20 |
| DISPLAYING GOODS | 22 |
| ADVERTISING ON A THE CITY OF BALLARAT MANAGED SPACE | 23 |
| Advertising in an Industrial Area | 23 |
| Advertising in an Residential Area | 23 |
| Advertising for Open Homes & Auctions | 23 |
| Advertising at the entrance to a Laneway, Shopping Mall or similar | 23 |
| OPERATING AND MAINTAINING YOUR OUTDOOR DINING AND TRADING AREA | 24 |
| Roles and Responsibilities | 24 |
| Liability and Insurance | 24 |
| Fees | 24 |
| Maintaining Safe Places and Streets | 24 |
| Keeping our Streets clean | 25 |
| Temporary Infrastructure | 25 |
| Fixed Infrastructure | 25 |
| Behaviour of Patrons | 25 |
| Smoking Regulations | 25 |
| HOW TO APPLY | 26 |
| DEFINITIONS | 26 |

Quick Guide to these Guidelines

How to apply for an Outdoor Dining Permit

Please read through these guidelines, specifically 'Creating a Successful Outdoor Trading Space' on page 9.

You will need to ensure you supply

- A site plan, indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (see page 10)
- Photographs of your proposed footpath area
- A Certificate of Currency for Public Liability Insurance within a minimum of \$20 million

How to apply for an Outdoor Trading Permit

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A Certificate of Currency for Public Liability Insurance within a minimum of \$20 million

How to advertise on City of Ballarat managed land

Please read through these guidelines, specifically 'Advertising on a City of Ballarat Managed Space' on page 17.

You will need to ensure you supply

- A site plan, indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (see page 10)
- Photographs of your proposed footpath area
- A Certificate of Currency for Public Liability Insurance within a minimum of \$20 million

How to apply for infrastructure to leave out overnight or permanently

Please read through these guidelines, specifically 'Temporary and Fixed Infrastructure' on page 14.

You will need to ensure you supply

- A site plan, indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (see page 10)
- Photographs of your proposed footpath area
- A Certificate of Currency for Public Liability Insurance within a minimum of \$20 million

How to ensure your space is kept clean

The City of Ballarat will make every effort to keep the City of Ballarat infrastructure clean. However sometimes cleaning equipment cannot access spaces where outdoor trading infrastructure is occupying the space. Refer to 'Keeping Our Streets Clean' on page 25 to help explain how you can work with the City of Ballarat to ensure a clean space for your customers.

How to design your outdoor space

Outdoor spaces help to create atmosphere and activation. You will first need to map out the area you are able to activate, refer to 'Creating a Successful Outdoor Trading Space' on page 9.

Once you understand the space you are working with, you can decide how you will be furnishing it. Refer to 'Temporary and Fixed Infrastructure' on page 14.

Do you want to do something not covered within these guidelines?

If you have further questions, or these guidelines do not provide the detail you are looking for, get in contact with the City of Ballarat's Economic Development team. Providing some photographs or examples of your idea will be helpful for the team to understand your vision.

Contact the City of Ballarat's Economic Development team 03 5320 5500 or economicdevelopment@ballarat.vic.gov.au



WHAT IS OUTDOOR DINING AND TRADING?

Outdoor Dining and Trading is defined as the use of a public footpath or other public space for the purpose of extending the seating or display space of a business. Outdoor dining and trading typically include elements such as tables, chairs, barrier screens, umbrellas, A-frame signage, display stands and planter boxes.

THE PURPOSE OF THESE GUIDELINES

If you are a business looking to establish or modify a street dining or trading area within the City of Ballarat, this document contains the information you will need to know to plan, operate and maintain your street dining and trading area.

These guidelines were developed in consultation with local businesses and stakeholders to simplify and improve the application process and to encourage outdoor dining and trading within the city.

A key aim of developing these guidelines is to provide a one-stop document that is easy-to-use and clearly explains everything traders need to consider. The City of Ballarat will consider each application on a case by case basis to ensure the particular location and requirements of the trader are understood and to ensure issues such as safety, accessibility and amenity are appropriately addressed. The guidelines aim to provide a set of principles that give traders a clear direction and more certainty in how to plan, operate and maintain outdoor dining and trading areas within the city.

KEY PRINCIPLES

This section sets out the City of Ballarat's position in regard to some of the key issues affecting street dining and trading for both businesses and the community. Whilst each business may have different preferences or requirements for street dining and trading based on its particular location, character and function, it is important to have a set of guiding principles in place to give certainty and balance the needs of all users and to provide a unified approach for the appearance, character and day to day functioning of the city.

The City of Ballarat will consider each application on a case by case basis, using the guiding principles outlined in this section to assist traders looking to establish or modify a street dining or trading area.

The key principles of these guidelines are:

- Respecting our city's heritage character
- Creating people friendly places
- Preserving our city infrastructure

Respecting our city's heritage character

Ballarat's streetscapes include elements from a variety of different periods and styles, but it is the city's heritage character that is the most identifiable and valued feature. As street dining and trading areas can have a

strong impact on the appearance and character of a street, it is important that the standards that apply to them support the general heritage standards for the city as a whole.

To meet these principles, you must comply with the following items:

| Item | Details | When designing your space, consider: |
|--|--|--|
| <p>Presenting a clean and orderly outdoor space</p> | <p>Our city values our heritage past, a well presented outdoor trading space will enhance our city's features.</p> <p>A cluttered space can hinder the heritage view of our city's architecture, whilst also creating challenging space for accessibility.</p> | <p>Street dining and trading areas must be presented and maintained in an attractive, clean and orderly manner. They should ensure ample space for users to navigate the area.</p> <p>All furniture must be high quality, durable and well maintained.</p> |
| <p>Avoid imitating historical styles in furnishing your space</p> | <p>Outdoor dining areas and furniture should not replicate historical styles as this has the potential to confuse and dilute the presence of significant heritage features.</p> | <p>Preference will be given to furniture which is simple, contemporary and understated in design and that complements rather than competes with the heritage character.</p> |



Creating people friendly places

Outdoor dining and trading enables businesses to make use of a footpath or public space to extend their trading activities.

The City of Ballarat promotes and encourages outdoor dining and trading, and it is important to remember that any outdoor dining and trading area remains a public space. Any activities and furniture introduced must balance the needs of all footpath users and the community.

Applications that propose to extensively enclose a public area will require a detailed assessment by City of Ballarat officers, and in some instances may be declined.

Applicants wishing to install fixed items on City of Ballarat managed land may require a planning permit and/or commercial lease, in addition to their outdoor dining permit.

In assessing the appropriateness of an application in terms of the use of a public space, the City of Ballarat will be guided by the following key principles:

| Item | Details | When designing your space, consider: |
|---|---|---|
| Balancing the needs of all users | <p>Outdoor dining is intended to have a character which is outdoors and feels like a part of the street.</p> <p>Ensure accessibility, visibility, amenity, and safety for the general public.</p> | <p>Avoid designing a space that encloses an otherwise publicly used space.</p> <p>Your design should be sympathetic to the neighborhood and blend with wider public space.</p> |
| Facilitating outdoor dining for all weather conditions | <p>Weather conditions should be accommodated, however infrastructure that encloses a space should be avoided or minimised.</p> | <p>Avoid closing an area completely, instead opt for temporary options that can be removed outside trading hours.</p> <p>Best practice includes facilitating the community use of a space together with the business use.</p> |

Preserving our City Infrastructure

At times, businesses wish to fix infrastructure to a City of Ballarat managed space to enhance their product offering.

Fixed infrastructure may be considered but will require additional City of Ballarat permits prior to any installation.

Fixed infrastructure is defined as infrastructure that is left out overnight. Any fixed infrastructure should have the ability to be removed should you vacate the business.

The application process will vary dependent on the request. The City of Ballarat Business Concierge team can support you through this process.

Email economicdevelopment@ballarat.vic.gov.au with your enquiry.

CREATING A SUCCESSFUL OUTDOOR TRADING SPACE

Determining a Suitable Site

| Suitable locations | Unsuitable locations |
|---|--|
| In streets with a minimum paved footpath width of 3m outdoor dining and trading can be accommodated without interfering with pedestrian access and other street activities. | Compromise public safety, access and circulation or significantly reduce sight lines for traffic. |
| In public places or in laneways that are closed to vehicular traffic and have a suitable width. | Will negatively impact on neighbouring uses in terms of noise, amenity and/or safety of the outdoor dining/ street trading area. |
| Where the outdoor dining and trading area Will be clearly visible from the inside of the associated business to ensure effective monitoring. | Interfere with the safety or functioning of loading zones, bus zones and taxi zones or designated accessible parking spaces. |



Finding Your Trading Zone:

- Measure your footpath width
 - Deduct your pedestrian zone (see below)
 - Deduct your kerb zone width (see below)

The remaining width will equate to your trading zone. You must consider any relevant setbacks.

The Trading Zone

The Outdoor Dining and Trading Zone refers to the area within the footpath where outdoor dining and the display of goods and advertising can occur.

The width of the Outdoor Dining and Trading Zone varies from street to street depending on the width of the footpath and the required setback.

It is the responsibility of the business to ensure that all outdoor dining items including tables, chairs, umbrellas, screens, planter boxes, heaters, A-Frame signs and any other approved items remain within the Outdoor Dining and Trading zone at all times.

The Pedestrian Zone

The pedestrian zone is the area primarily dedicated to pedestrian movement along the footpath. The pedestrian zone measured from the edge of the property line or façade of the building to the inner edge of the outdoor dining and trading zone.

The pedestrian zone must be kept clear of outdoor furniture, signage or any other items that may cause safety hazards for pedestrians. The preferred pedestrian zones based upon footpath width are identified below. Alternate solutions for pedestrian access can be considered where the below cannot be achieved (i.e. laneway activation), however access for all users should be prioritised.

| Footpath Width | Pedestrian Zone Requirement |
|-----------------|--|
| Less than 3m | Outdoor Dining and Trading not permitted |
| 3m - 3.5m | Minimum 1.8m |
| 3.5m - 4.5m | 1.8m or greater |
| 4.5m or greater | 2m or greater |

Traders must also ensure a clear height of 2 meters is maintained outside trading hours. This is to ensure City of Ballarat cleaning equipment can safely move through the pedestrian zone, without damaging infrastructure such as flags and umbrellas. ever access for all users should be prioritised.

Kerb Zone

The kerb zone refers to the distance between the outer kerb edge and the outer edge of an outdoor dining and trading zone. The kerb zone ensures clear access from the road to the footpath and must be kept clear of any furniture, signage or any other items that may

cause hazards for pedestrians or vehicles. Kerb zone requirements will vary according to the use of space adjacent to the kerb. Minimum kerb zone requirements are outlined as follows:

| Kerb Zone adjacent to | Kerb Zone Requirement |
|-------------------------------|-----------------------|
| Angle Parking | 0.7m |
| Accessible Parking (Parallel) | 1.5m |
| Accessible Parking (Angle) | 0.7m |
| Parallel Parking | 1.0m |
| Bus & Taxi Zones | 1.5m |
| Loading Zone | 1.5m |

Required Setbacks

After working out the general location and width of your potential outdoor dining and trading zone it is then necessary to identify the more detailed setback requirements such as spacing between outdoor dining areas and clearances from existing street furniture and infrastructure to determine the extent of the outdoor dining and trading zone. Setback requirements will be confirmed as part of the application process however the following section identifies the general setback requirements to be used as a guide by traders.

A 500mm setback is required from either side boundary to ensure access points are maintained between the pedestrian zone and the road.

Requests to relocate existing infrastructure may require additional approvals from the City of Ballarat and may incur costs by the applicant.

The table below identifies required clearances to be provided for typical street fixtures:

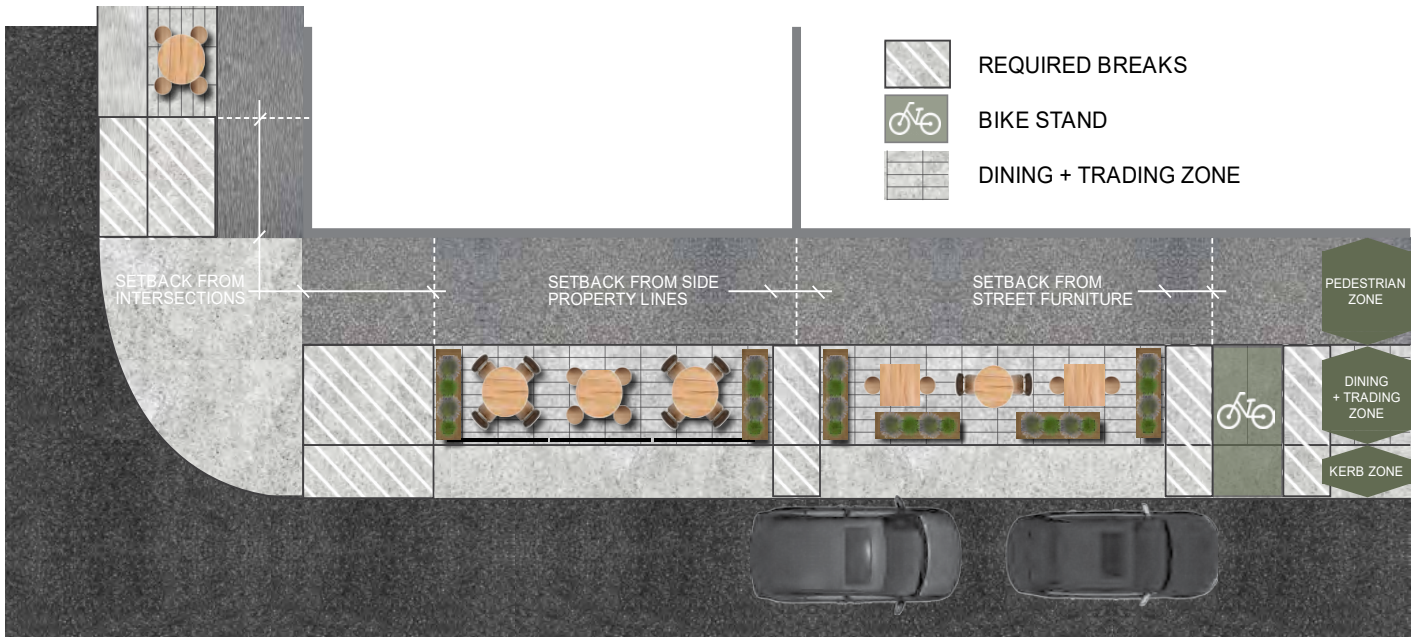
| Type of Fixture | *Required Clearances |
|-----------------------------------|----------------------|
| Bicycle Racks | 1m |
| Fire Hydrants | 1m |
| Public Seating | 1m |
| Litter Bins | 1m |
| Parking Meter | 1m |
| Electricity Poles and Meter Boxes | 0.5m |
| Street Lights | 0.5m |
| Trees or Tree Guards (surrounds) | 0.5m |

To ensure that a suitable pedestrian circulation space is provided with clear sightlines and safe conditions for all road users around intersections it is important to maintain adequate setbacks from intersections.

The setback that will be required will vary depending on factors such as the type of intersection and the level and speed of vehicular traffic. Generally, a minimum setback of 2.5m as measured from the corner of the building line will be required, however increased setbacks may be required at some locations due to factors including intersection alignment, crash history or building proximity to the roadway.

Where an outdoor dining area runs continuously for 10m or more, an access break of a minimum of 1m in width must be provided generally in the centre of the outdoor dining and trading zone to ensure regular access points are maintained between the Pedestrian Zone and the road. For longer continuous dining and trading areas an additional 1m break needs to be provided for every 10m of dining and trading area.

Additional setbacks may be required in special cases such as around bus stops and taxi zones or for specific periods such as during construction projects. In these special cases the City of Ballarat will provide advice on required setbacks on a case-by-case basis.







TEMPORARY OR FIXED INFRASTRUCTURE

Requests for outdoor trading infrastructure are commonly for either temporary or fixed infrastructure. Some examples are listed below. These guidelines can be used to assist in the application process.

Temporary Infrastructure

Temporary infrastructure includes furniture that is temporary or mobile and is packed away at the end of trading hours. It will minimise heritage issues and leave the streetscape unchanged in appearance and function once it is packed away.

Temporary outdoor trading is preferred as it:

- Minimises damage to pavements / public infrastructure
- Avoids footpath obstructions when the business is closed and minimises maintenance / cleaning issues
- Provides more flexibility in layout and design of the outdoor trading space.

Temporary furniture may include:

- Temporary wind/cafe barriers
- Tables, chairs and stools
- Heaters
- Umbrellas
- Mobile planter boxes
- A-Frame advertising signage
- Clothing racks, display boxes
- Flag banners

When designing your space ensure that:

- There will be no damage to pavements and public infrastructure
- Furniture is in accordance with the furniture outlined within these guidelines
- The space remains clear for maintenance and cleaning outside business hours
- It can be packed away at the end of trading hours leaving the streetscape unchanged in appearance and function.

Depending on the type of infrastructure you plan to use, additional conditions may be added to your permit.

All items placed on the footpath must be removed after business hours or at any time specified on the issued permit, allowing for clear pedestrian access as well as any street cleaning equipment.

Fixed Infrastructure

Fixed infrastructure may trigger additional permit requirements. Fixed infrastructure is defined as infrastructure that is left out overnight. Any fixed infrastructure must have the ability to be removed should you vacate the business.

Examples of fixed infrastructure may include:

- Planter boxes
- Fixed outdoor heaters
- Energy absorbing barriers
- Wind barriers and screens
- Umbrella sockets
- Raised flooring or decking
- Blinds
- Fixed umbrellas

When designing your space ensure that:

- The impact to heritage facades is minimised
- The space is people friendly for all users
- Damage to pavements and public infrastructure is avoided
- The space remains clear for maintenance and cleaning of the City of Ballarat assets outside business hours. If it cannot, this maintenance and cleaning will become a responsibility of the business
- The infrastructure can be removed should your business close permanently, leaving the streetscape unchanged in appearance and function
- You are aware any infrastructure, permit or construction costs will be at the applicant's expense
- Any potential impact on your neighbourhood has been addressed via consultation and agreement with neighbours, or other such measures.

Additional permits will be required for most fixed infrastructure. The City of Ballarat Business Concierge team can support you through this process.

Email economicdevelopment@ballarat.vic.gov.au with your enquiry.





FURNISHING THE TRADING ZONE

Tables & Chairs

Traders should select high quality tables and chairs that are attractive, comfortable and durable. Preference will be given to tables and chairs that are of a style and colour that does not dominate the streetscape or conflict with the heritage character.

Traders will be required to provide photos or brochures of their proposed tables and chairs as part of their permit application to ensure they meet the City of Ballarat's preferred standards.

The City of Ballarat standards require tables and chairs to be:

- Made of good quality materials and be sturdy yet portable – the use of a metal or timber frame is preferred
- Wind resistant (i.e. designed to resist wind gusts)
- Constructed of durable and hard-wearing materials
- Easy to clean and be well maintained
- Free of any advertising material
- Removed and packed away outside of trading hours
- Have bases that will not cause damage to footpaths.



Outdoor Dining Screens

Screens can help to delineate an outdoor dining area, create a sense of safety and comfort for patrons and add variety and interest to a street.

The City of Ballarat standards require that screens be:

- A maximum height of 900mm to preserve the general appearance and sense of openness of streetscapes (screen heights may only be increased to a maximum of 1200mm where the City of Ballarat determines that it is necessary to improve street activation, safety or amenity)
- Designed with a minimum 20mm clearance from the footpath, to allow for drainage
- Made of good quality and durable materials that can withstand weather exposure and general wear
- Of neutral and colours that do not dominate the street
- Stable, secure and wind resistant
- Portable so that they can be removed and packed away outside of trading hours (the City of Ballarat will only consider fixed screens in special circumstances where it can be demonstrated that it is necessary to improve street activation, safety or amenity)
- Of a design and appearance that complements the streetscape and business but limits advertising – the name of the business or sponsor is acceptable, but must not exceed 33 per cent of the total surface area of the screens.

The three basic types of screens are described below:

Canvas Screens

Removable canvas screens that comply with the above general requirements are the preferred standard for the City of Ballarat.

Fixed Glass Screens

Any proposal for fixed glass screens will require an additional assessment, fee and building permit and involve the City of Ballarat undertaking a review of the wider heritage and streetscape character.

Alternative Screens

The City of Ballarat encourages creativity and innovation and will consider alternative screens where they will help to activate and add variety and amenity to a streetscape. Alternative screens refer to screens that meet the City of Ballarat required standards but are of a different design or materials to regular canvas screens.

Alternative screens will be assessed on a case-by-case basis and upon design merit with consideration being given to issues such as streetscape and heritage, durability, presentation, safety and materials. Alternative screens must also be designed so that materials and treatments face outwards towards the street.

Creating Comfortable Spaces

Outdoor dining can improve our street aesthetic and experience throughout all seasons whilst also balancing a people friendly space. The City of Ballarat supports the addition of infrastructure to create comfortable spaces, however it is important that the below conditions are followed

All items within the trading zone are to be:

- Positioned within, and must not extend outside of, the permitted outdoor dining and trading zone
- Arranged so that the trading zone provides a suitable level of accessibility, circulation and safety for staff and clientele
- Of a high standard quality and materials so they are durable and add to the amenity of the street
- Removed from the footpath and packed away at the end of each trading day, unless otherwise permitted

Kept clean and in good working order and meeting basic safety standards such as being wind resistant (not easily blown over or away) and free of sharp edges, or other features likely to cause injury.

Umbrellas

The City of Ballarat standards require umbrellas to be:

- Of neutral and darker colours that do not dominate the street and that complement the other outdoor furniture being used (i.e. the barrier screens)
- Positioned in the Outdoor Dining and Trading Zone only, not extending into the Pedestrian Zone or the Kerbside Zone
- A minimum of 2.2 metres high at the lowest point
- Firmly secured either through an in-ground socket device or using a temporary umbrella base which should be made of a high quality material that ensures public safety and that cannot be lifted by strong winds (any damage caused to people or property arising from the umbrellas will be the responsibility of the permit holder)
- Positioned to not obstruct traffic signals or visibility at intersections, parking and other signage
- Of a design and appearance that complements the streetscape and business but limits advertising – the name of the business is acceptable but must not exceed approx. 33 per cent of the total surface area of the umbrellas.

In Ground Sockets and Lock In Devices

It is important to note that installation of any in-ground sockets or lock-in devices requires an assets protection permit and must be carried out by City of Ballarat approved contractors and at the expense of the applicant.

The following design standards apply for in-ground sockets:

- Sockets must be made of stainless steel and have an auto shut lid to prevent the lid staying open and creating a hazard on the footpath
- Sockets must be installed flush to the level of the footpath, and no parts should project above footpath level when not in use
- Sockets must be installed in accordance with manufacturer's specifications and any City of Ballarat permit conditions
- Any damage to the footpath must be reported to the City of Ballarat by the permit holder. Rectification works are at the permit holder's expense.

Decking

Decking will be considered in circumstances where it can be demonstrated that it is necessary to improve street activation, safety, accessibility or amenity. Decking must ensure it maintains a people friendly space and respects the neighbourhood and streetscape character.

Any proposal for decking on City of Ballarat managed land will require an additional assessment and permit process and may also require a licence/ lease agreement between the City of Ballarat and the applicant.

Blinds

In certain situations, drop down blinds can improve the dining experience in streets where there is poor protection from the elements.

Transparent drop-down blinds may be permitted, subject to a building permit issued by a private building surveyor. Some applications may also require a Planning Permit issued by the City of Ballarat.

Applications will be assessed based on available space, prevailing urban character, existing street infrastructure, and traffic conditions. The City of Ballarat standards require blinds to be:

- Installed only where a verandah or balcony already exists - with blinds being designed and integrated properly into the permanent structure
- Used only when warranted by the weather conditions
- Rolled up or removed outside of trading hours and when weather does not warrant their use
- Fixed firmly in position when in use. Blinds may be attached to outdoor dining screens or to the footpath surface (refer to standards for in-ground socket / lock-in devices). In cases where attachment is made to the outdoor dining screen, the stability of the screen must not be compromised. This can be achieved by ensuring outdoor dining screens are secured to the footpath via an in-ground socket or lock-in device
- Free from advertising
- Made from high quality material, always kept clean and maintained to a safe standard
- Positioned to not intrude into the pedestrian or kerb zone
- Positioned so that they run parallel to the street only and not at right angles, which enclose the area
- Note that any damage caused by blinds to building structures will require immediate rectification by the applicant.

Gas Heaters

Whilst the City of Ballarat permits the use of either fixed or freestanding heaters, permit holders should be mindful of the energy consumed by heaters and their contribution to greenhouse gases.

Fixed Heaters: Outdoor gas heaters may be affixed to awnings/verandahs (to be off the footpath area) and connected to a reticulated gas supply. Applicants should note that a building permit is required to undertake this option and must consider impacts on heritage buildings if applicable. Some applicants may be required to apply for a Planning Permit.

Freestanding Heaters: If patio type heaters positioned on the footpath are to be used, they must be included on the initial application, or via a request that an existing permit is amended.

Applicants must ensure such heaters are covered by the applicant's public liability insurance.

The City of Ballarat standards require that all heaters be:

- Placed within the Trading Zone
- Carry the appropriate certification by the Australian Gas association and must be used in accordance with the manufacturer's instructions and any safety or technical advice available through the Office of Gas Safety.



GREENING YOUR OUTDOOR TRADING ZONE

The City of Ballarat encourages the addition of greenery in place of barrier screens, or as features within outdoor dining and trading areas,

City of Ballarat standards require planter boxes to:

- Be a maximum width of 500mm and a maximum length of 1200mm
- Have a total height of no more than 900mm from footpath
- Be elevated 20mm above the footpath to allow for drainage
- Be constructed of sturdy and durable materials such as steel and timber and be complementary in appearance to the streetscape
- Be designed and positioned so that water and soil from the planters does not enter into the storm water system, stain pavements or cause a safety hazard to pedestrians.

Greenery must be well maintained with healthy plants and must be kept clear of litter. If this is not adhered to the City of Ballarat will require the planter boxes or pots to be removed from use. Empty pots or planter boxes must be removed or replanted.

Temporary Planter Boxes

Must be properly secured in place during use and removed from the footpath outside of trading hours. They will usually have lockable wheels or castors.

Permanent Planter Boxes

Permanent planter boxes must not be affixed to the ground or cause damage to any City of Ballarat asset. They are permanent by their weight and should be removable if the business should vacate the property, or works are required within the City of Ballarat managed space. To add semi-permanent planter boxes adjacent to your business, you will need to apply for an amendment to your Outdoor Trading permit and agree to additional conditions.

Pots

The City of Ballarat support the introduction of pots within outdoor dining and trading areas to add greenery and interest to streetscapes. The placement of pots must ensure that the safety and access of pedestrians, staff and clientele is not compromised.





DISPLAYING GOODS

The City of Ballarat supports traders in displaying goods in the Outdoor Trading Area for sale or hire where deemed safe and appropriate to do so.

Goods for sale or hire must be:

- Placed within the Trading Zone and not in the Pedestrian or Kerb Zones to allow clear access for all pedestrians
- The area used to display goods for sale or hire must be no greater than 2m²
- Only on footpaths wider than 3.5 m
- Completely removable after business hours so as not to obstruct pedestrian movement
- Not be positioned on any road, median strip or roundabout at any time
- Less than 800mm wide, 1.5 metres long and no greater than 1.5 metres high. A Local Laws Officer may at their discretion allow the display of goods of a greater dimension and area in industrial type areas.

ADVERTISING ON A CITY OF BALLARAT MANAGED SPACE

The City of Ballarat understands the need for businesses and organisations to utilise the footpath area to advertise their activities and will permit use of advertising signs with certain conditions.

Advertising signs will be permitted when they are

- Placed within the Trading Zone.
- No more than 1 sign, per business, on City of Ballarat managed space. This will minimise cluttering of the street.
- Smaller than 1 square metre in area and have no dimension greater than 1200mm.
- Located adjacent to the premises frontage.
- Where the footpath does not allow for a trading zone, alternative locations may be considered on a case-by-case basis.
- Flag banners that are located outside a Heritage Area and weighted appropriately to withstand strong winds and placed within the Trading zone only

Advertising signs will not be permitted when they are

- Located within the Pedestrian or Kerb Zones where they could potentially become hazardous for pedestrians.
- More than 1 advertising sign per business, on City of Ballarat managed land.
An additional advertising sign maybe considered at the discretion of the Compliance officer.
- Greater than 1 square metre in area and/or have a dimension greater than 1200mm.
- Attached to any existing City of Ballarat fixtures such as bins, street furniture, footpath or signage without the prior approval of a Compliance Officer. Applications will be considered on a case-by-case basis
- Flag banners, also known as tear drop banners within heritage areas
- Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs.

Advertising in an Industrial Area

Applications for advertising signs in the Outdoor Trading Area for businesses operating in industrial areas will be considered on a case-by-case basis, allowing officers take into consideration available space, prevailing urban and neighbourhood character, public safety, existing street infrastructure and traffic conditions. It should be noted, however, that unless the business is

in a commercial or mixed use zone in accordance with the Ballarat Planning Scheme, an A-frame sign will not be approved.

Advertising in a Residential Area

Applications for advertising signs in Outdoor Trading Areas for businesses in residential areas are generally not permitted.

However if the business is located within a Commercial or Mixed Use Zone as applied under the Ballarat Planning Scheme, applications may be considered on a case-by-case basis. Officers will take into consideration available space, prevailing urban and neighbourhood character, public safety, existing street infrastructure and traffic conditions.

Advertising for Open Homes & Auctions

Temporary advertising signs for open houses/auctions are exempt from the need for a permit provided the agent/business holds public liability insurance with minimum coverage of \$20 million, the sign is no larger than 1 square metre in area, is weighted to withstand strong winds and not inserted into the ground, does not impede pedestrian access or block traffic sight lines and is removed immediately after the open house/auction has finished.

Advertising at the entrance to a Laneway, Shopping Mall or similar

Applications wishing to place advertising signs at entrances to laneways or shopping malls instead of fronting their businesses, will require further assessment.

Officers will take into consideration available space, prevailing urban and neighbourhood character, public safety, emergency vehicle access, existing street infrastructure and traffic conditions.

OPERATING AND MAINTAINING YOUR OUTDOOR DINING AND TRADING AREA

Roles and Responsibilities

The City of Ballarat is responsible for the general maintenance of the footpath and will play an important role in ensuring a safe, clean and welcoming environment for all users.

At particular times, this may require the City of Ballarat, Service Authorities or Special Events Organisers to access or alter the footpath to ensure the safety and amenity of the street is maintained. Where possible, reasonable notice of proposed footpath works will be given to permit holders. The role and responsibility of the permit holder is to oversee the daily management of the outdoor dining and trading area and ensure they remain compliant with the current guidelines.

Maintaining clear pedestrian access, a clean environment and welcoming atmosphere during operating hours will ensure traders implement a successful outdoor dining and trading area.

In the instance that a permit is cancelled, it will be the responsibility of the business operator to ensure all fixed and temporary outdoor dining and trading items are completely removed from the footpath.

Liability and Insurance

An organisation must not occupy City of Ballarat managed land without a permit, as per the City of Ballarat Community Local Law 2017.

The permit holder is responsible for any liability issues associated with the outdoor dining and trading area, including outdoor dining that has been permitted outside a neighbouring premise.

Permit holders must provide and maintain a Certificate of Currency of appropriate public liability insurance for cover of at least \$20,000,000 which is valid for the duration of the permit and the proposed footpath activity.

The permit holder will be required to submit a copy of their Certificate of Currency annually, despite the renewal of the Outdoor Dining Permit only occurring once every three years.

Traders whose insurance expires within the period of their permit must provide an updated certificate. Failure to do this will result in the permit being revoked.

Businesses without a valid Certificate of Currency for at least \$20,000,000 may be eligible for Community Insurance via the City of Ballarat, with applications managed via the City of Ballarat website.

Fees

These Outdoor Trading Guidelines encourage and support outdoor activation for the wider economic benefit of the business, precinct and wider community.

Fees to utilise the outdoor dining space managed by the City of Ballarat are subject to change and available on the City of Ballarat website. Please refer to the City of Ballarat's most recently adopted budget for further information.

Unless otherwise agreed, outdoor dining infrastructure will be installed and maintained at the expense of the business.

Maintaining Safe Places and Streets

Permit Holders are required to maintain clear access for all patrons in and around outdoor dining and street trading areas. Consideration should be given to people with disabilities and vision impairments when determining placement of items within the trading zone.

Provision for 24 hour access to existing infrastructure such as fire hydrants, communication switchboards, boosters and underground services should be maintained at all times.

Access for City of Ballarat workers operating street cleaning equipment is integral for day to day maintenance. Where fixed outdoor trading infrastructure has been installed and City of Ballarat cleaning equipment cannot access, it will be the responsibility of the trader to ensure the maintenance and cleanliness of the space.

Keeping our streets clean

City of Ballarat workers who operate street cleaning equipment rely on having access to City of Ballarat managed land for their day to day maintenance tasks. It is the duty of the permit holder to guarantee that there is sufficient access provided for the City of Ballarat cleaning equipment to reach the designated areas.

During non-trading hours, traders are responsible for maintaining a minimum height clearance of 2 meters. The purpose of this is to allow City of Ballarat cleaning equipment to navigate the pedestrian zone safely, without causing any harm to infrastructure like flags and umbrellas.

Fixed Infrastructure

Where fixed outdoor trading infrastructure has been installed and City of Ballarat cleaning equipment cannot access, it will be the responsibility of the permit holder trader to ensure the maintenance and cleanliness of the space, which may include all and any adjoining footpaths, gutters & kerbing.

Temporary Infrastructure

The permit holder is responsible for ensuring that temporary infrastructure is kept off City of Ballarat land outside of business hours. This is necessary to allow access for City of Ballarat street cleaning equipment. Failure to remove the infrastructure may result in the footpath not being cleaned.

Behaviour of Patrons

Monitoring and managing the behaviour of patrons within the outdoor dining and trading area is the responsibility of the business operator.

Particular attention should be given to monitoring patrons at businesses operating a licensed premise.

It is the responsibility of the permit holder to ensure that all staff practice responsible service of alcohol and that alcohol is served within the red line A safe and inclusive environment along the pedestrian zone of the footpath should also be maintained and managing noise generated through outdoor dining is important. Operators should consider the potential noise and amenity impacts for surrounding businesses and in residential areas.

Smoking/e-cigarette regulations

Under Victoria's Tobacco Act 1987, smoking and the use of e-cigarettes (vaping) is banned in all commercial outdoor dining areas in Victoria.

An outdoor dining area is defined as an outdoor area that a business owner or occupier permits to be used for dining, whether such food provided on a commercial basis is:

- Actually being eaten, or
- Available to be purchased and eaten in the area (regardless of whether anyone is actually eating).

Examples of outdoor dining areas include footpath dining, courtyards, balconies, and beer gardens that form part of, or are attached to, cafes, restaurants, take-away outlets, pubs, licensed premises and other similar businesses.

It is the responsibility of the permit holder to ensure their business complies with these regulations, altering their outdoor dining and trading environment as required.

Further detailed information is available on the Victorian Department of Health website health.vic.gov.au/tobacco-reform/outdoor-dining-smoke-free-and-vape-free.

HOW TO APPLY

For temporary infrastructure visit the City of Ballarat website to complete the online form.

You will be required to provide a site plan or photograph showing the kerb, footpath and façade of building with dimensions indicated; photograph of item/s applied for; a copy of your liquor licence or red line plan if applicable; and Certificate of Currency showing public liability insurance with minimum coverage of \$20 million.

For more complex requests or questions, for example those relating to **fixed infrastructure**, our Business Concierge Team are available to assist and guide you. Contact economicdevelopment@ballarat.vic.gov.au or 03 5320 5500

DEFINITIONS

Temporary Furniture

Temporary Furniture refers to furniture that is completely removable and mobile and is packed away at the end of trading hours.

- Temporary furniture leaves the streetscape unchanged in appearance and function once it is packed away and minimises heritage issues
- Minimises damage to pavements / public infrastructure
- Avoids footpath obstructions when the business is closed and minimises maintenance / cleaning issues
- Provides more flexibility in layout and design of the outdoor trading area and reduces the impression that a footpath or public space has been privatised.

Fixed Furniture

Infrastructure that is left out overnight. Any fixed infrastructure should have the ability to be removed should you vacate the business.

Privatisation

Privatisation creates a sense of exclusion for the general public or impacts on the heritage or streetscape character. A privatised space is discouraged as it reduces accessibility, visibility, amenity and safety for the public. Refer to 'People Friendly Spaces' section for more information.

Trading Zone

The area within the footpath where outdoor dining and the display of goods and advertising can occur.

Pedestrian Zone

The area primarily dedicated to pedestrian movement along the footpath.

Kerb Zone

The distance between the outer kerb edge and the outer edge of an outdoor dining and trading zone.

Images used throughout this document have been used to provide inspiration for outdoor dining and trading. Images have been sourced from internet image libraries and may be subject to copyright.





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