



Maroondah City Council

Public Footpath Trading Policy

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For further information on the Maroondah Public Footpath Trading Policy, please contact
Local Laws on 1300 88 22 33

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1. Maroondah Mission (Council Plan 2007 – 2011)

Maroondah City Council will be an effective and dynamic leader, working in partnership with the community to foster quality, sustainable lifestyles for the community.

2. Strategic objectives

2.1 Community

Maroondah will have a network of agencies committed to the provision of a comprehensive range of high quality, accessible and cost effective services and facilities that meet community needs, promote community wellbeing and respect individual equity.

2.2 Economic Development and Employment

Maroondah will have a vigorous local economy based on environmentally sustainable and socially responsible practices that attract business investment, support growth and promote employment within the municipality.

3. Purpose of the Public Footpath Trading Policy

This policy details Maroondah City Council's ("Council") position in respect to trading activities on public footpaths within Maroondah's shopping precincts. It has been developed with full reference to the statutory obligations of Council and Federal and State Government regulations.

Footpath trading is defined as; any person or business conducting commercial activities on the footpath directly outside the premises to which the activity relates i.e. A frame signs, tables and chairs, goods on footpath.

3.1 Policy aim

The policy aims to enable equity of access for all as defined in the Commonwealth Disability Discrimination Act (1992) (The DDA). Footpaths fall within the DDA definition of premises and are intended to enable access to required community facilities. In addition, this policy is consistent with best practice footpath accessibility as recommended by the Human Rights and Equal Opportunity Commission (HREOC) and is in line with Council's Disability Policy & Action Plan and Pedestrian Strategy.

The Public Footpath Trading policy demonstrates Council is committed to supporting the long term viability and sustainability of retail shopping areas, while recognising that any footpath trading activities must make a positive contribution to the character and amenity of the local area and allow safe and convenient access for people of all abilities.

3.2 Requirements for Footpath Trading

The Policy takes into consideration the following:

- What parts of the footpath may be used for trading or other permitted activities.
- General permit requirements for permitted trading activities including, Public liability insurance, application requirements, and fees.
- Specific requirements for tables and chairs, goods display and A frame signs footpath trading activities.
- Compliance protocol.
- Local Law 8, the local law states that Council approval and a permit is required for trading activities on any road or Council land or property (including footpaths).

- The Maroondah Planning Scheme, a statutory document within which decisions about the use and development of land can be made may apply if any alterations or additions made to a business to allow for footpath trading require a Planning Permit.
 - There are Planning Scheme controls relating to advertising signage, extra seating arrangements and carparking. Therefore, any proposals to allow for footpath trading must clarify if a Planning Permit is required.
 - In the event that a Planning Permit is required, alterations and additions, including signage must not be started until a Planning Permit has been issued.
- A Footpath Trading Permit constitutes written consent for the purposes of Section 66 (advertising on roads) of the Road Management Act (2004).

3.4 Guiding principles

The policy has been developed using the following principles:

- Council will provide and manage clear, safe and unobstructed access at all times for pedestrians of all abilities on public footpaths in accordance with local government's statutory responsibilities. Where this is can be achieved in combination with footpath trading activities, Council may allocate space for footpath trading.
- Shopping precinct footpaths will:
 - Provide safe and convenient access to all facilities and services for people of all abilities.
 - Offer footpath trading activities that contribute positively to the amenity, vibrancy and viability of the area.
 - Have defined within their surface area specified shared zones for pedestrian access, kerbside clearance space and trading activities.
- Council will from time to time adopt for its various activity centres policies that will specify the area available for footpath trading activities, where such an activity centre policy is adopted that policy will take precedence over the standards contained in this policy.
- The Public footpath Trading Policy will be simple and user friendly, advising of:
 - Permission required for footpath trading
 - Standards to be observed and,
 - Suitable areas for trading
- Council will communicate details of the Public Footpath Trading Policy to all traders wishing to conduct any activities on Maroondah's footpaths.

3.5 Exclusions

It is not intended this policy apply to:

- Advertising boards for home based businesses and Real Estate boards including pointer boards in suburban streets. These signs will be regulated under the Maroondah Planning Scheme.
- Temporary charity events including sausage sizzles and the like. However in conducting such events the trading activity zone as defined will be the area of the footpath for the conduct of these activities.

4. Background

The Public Footpath Trading Policy has been developed within the context of a range of Federal, State and Local Government legislation and has linkages with other Council policies all of which assist in guiding Maroondah's commitment to providing safe equitable public footpath access for all. This issue is contained within Council's broader planning framework, which for this issue comprises the following elements:

- The Maroondah Council Plan; contains goals and commitments to analyse, formulate and monitor policies and design strategies that contribute to the health and well being of Maroondah residents and support and promote the local economy while providing attractive, safe, viable and diverse neighbourhood centres. The 2007-2011 Economic Development and Employment strategic objectives include a commitment to develop a Footpath Trading Policy.
- The Maroondah Planning Scheme; identifies as a strategy to 'Improve vehicular and pedestrian circulation within existing commercial centers and maintain high levels of effective access and egress'.
- The Maroondah Local Laws provide for and ensure equitable, orderly and enjoyable use of community facilities, including footpaths.
- The Maroondah Disability Policy and Action Plan; aims to facilitate the inclusion, empowerment and independence of people with disabilities in Maroondah consistent with and acknowledging the requirements of legislation, codes and standards.
- The Maroondah Pedestrian Strategy; aims to improve the provision and quality of footpaths improving safety and connectivity throughout the municipality and provide the basis for greater pedestrian activity.
- The Commonwealth Disability Discrimination Act (1992) (The DDA); provides uniform protection against unfair or unfavorable treatment for all people with a disability in Australia. All services must be provided in accordance with this Act.
- The Human Rights and Equal Opportunity Commission (HREOC) administers the DDA and in recent years has clarified Local Governments responsibilities in relation to the DDA. Advising the essential key to an effective accessible pedestrian system is the development and maintenance of a continuous accessible path of travel that extends out from the property line to provide a consistent footpath environment. In order to achieve this, any street furniture, signs, trader's activities or displays should be located towards the kerb side, not along the property line.
- The Victorian Equal Opportunity Act 1995 (EO) makes it unlawful to treat someone unfairly or harass because of their disability or impairment in a number of areas including access to goods and services.
- The Australian Standard 1428 – 2001, Design for Access and Mobility prescribes the basic requirements for physical access. This standard is recognized as catering for the needs of most people with disabilities.
- The AustRoads Guide to Traffic Engineering Practice: Part 13 – Pedestrians is a comprehensive industry good practice guide to the needs and requirements of pedestrians.
- The Road Management Act (2004), which imposes on Council a statutory obligation to maintain a Register of Public Roads and to inspect, maintain and repair those roads.
- The Building Code of Australia is a comprehensive statement of technical requirements many elements of which can be applied to footpaths.

5. Footpath Zones

The Municipal Association of Victoria, HREOC and Councils Australia wide have recognised the need for consistency in application of the principles of the DDA. This has been achieved by defining within a shopping precinct footpath, specified pedestrian, kerbside and trading space that are in line with HREOC best practice recommendations. These three areas within a footpath are called the Pedestrian zone, Trading zone and Kerbside zone. The size of the zones will vary depending on the width of the footpath.

5.1 Pedestrian zone:

Area used by pedestrians for travelling along the footpath, consisting of an uninterrupted path of travel with no obstructions or projections providing access to all facilities.

Normally it extends from the shop front or property line for a distance of 1.8 metres, this distance maybe reduced to 1.5 metres on some narrow width footpaths if local conditions allow suitable passage by footpath users.

An overhead clearance of at least 2.2 metres must be maintained above the Pedestrian zone at all times.

Additionally conveniently placed sections of extra width maybe required to allow for the passing of prams, mobility aids or goods being transported along the footpath if local conditions require more space.

5.2 Trading zone:

The only area of the footpath where tables and chairs, goods on footpath, A frame signs and ancillary items may be placed and where other permitted street activities may take place.

A permit for tables and chairs, goods display, A frame signs or other trading activities must be authorised by Council before any trading activity can take place in this zone.

The width of the trading zone varies according to local conditions and the width of footpath available after allowing for the pedestrian zone and kerbside zone.

Additionally there is also a 1 metre wide break between properties or every 12 meters if a long frontage across the footpath allowing access from the kerb through any footpath trading in the Trading zone to the Pedestrian zone.

Similarly for access reasons no items may be placed within 0.5 metre of public facilities such as litterbins, bicycle racks, public seating and trees. Where there is a disabled parking bay the setback from the kerb will be at least 1.5 metres.

At corner locations the Road Safety Act (1986) requires a clear distance at intersections for motorists and pedestrian safety reasons, therefore, where properties are adjacent to an intersection; the trading zone must not extend closer than 2.0 metres to the corner property line.

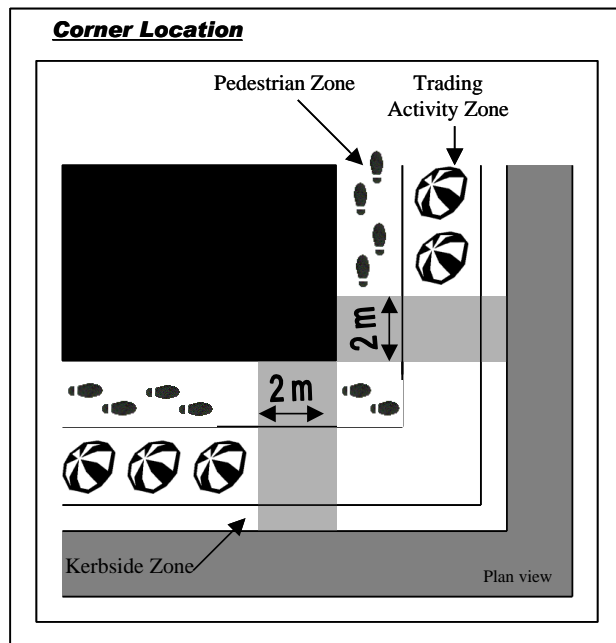
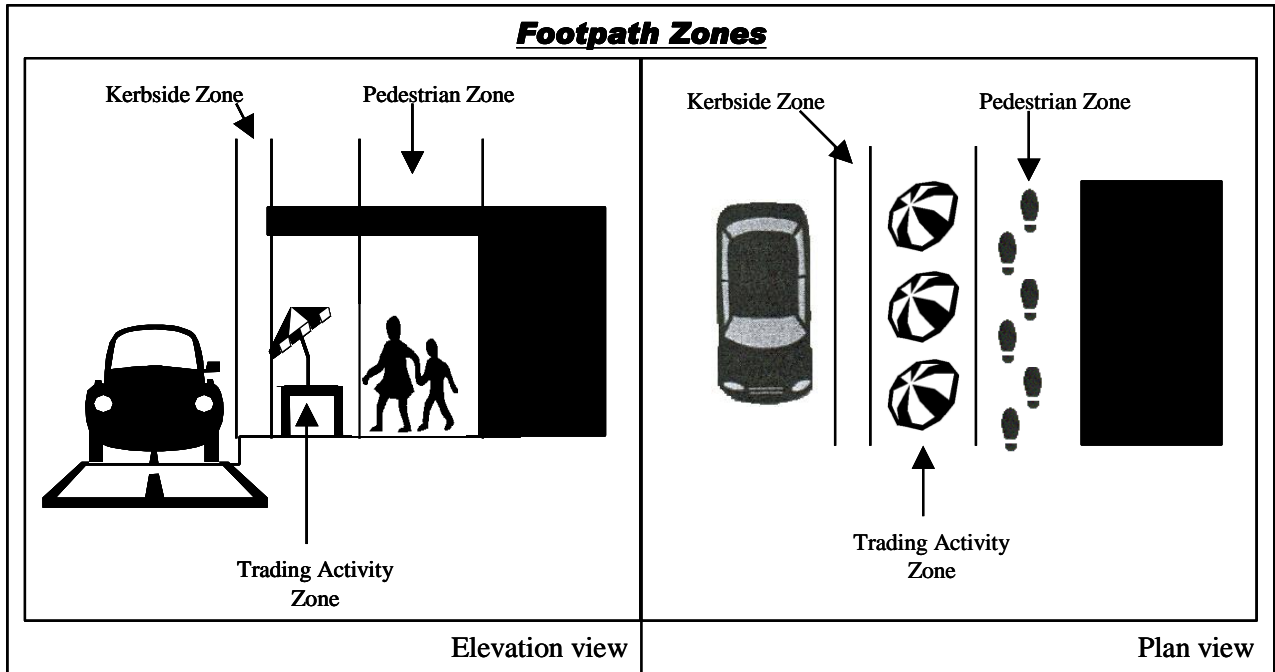
5.3 Kerbside zone:

A clear area setback 0.5 to 0.7 metre from the face of the roadside kerb to allow for vehicle overhang and ensure people can safely cross the street and access the breaks in the trading zones between adjoining property boundaries and give motorists enough room to access their vehicles.

Where there is a disabled parking bay, the setback from the kerb will need to be at least 1.5 meters.

Clearances also need to be maintained near seats, bins and other services and on corner properties to allow clear vision. Also an overhead clearance of at least 2.2 metres must be maintained.

5.4 Footpath zone example diagrams:



5.5 Variations to trading zones

Council using the following criteria assesses requests for variations to trading zones:

- The effect on pedestrian traffic flows and safety.
- The impact on the appearance of the street and its surroundings.
- The impact on residential amenity.
- The duration of use.
- The effect on vehicular traffic flows and safety.
- Whether it is complementary to the primary adjoining use.
- Whether it is less intensive than the primary adjoining use.
- The applicants's previous record of compliance.
- Relevant Policies of Council.
- Any other matter relevant to the application.

6. Access for works, Special Events and Existing Street Furniture

The granting of a permit to trade is made with the understanding that access by Council or other utility authorities under relevant legislation is to be maintained to ensure access to infrastructure within the footpath. If Council or other utility authorities require access to and the use of a site for which a permit has been issued, to undertake works, or a special event or festival is scheduled:

- All tables and chairs, goods display, A frame signs and any associated items must be removed by the trader in the requested timeframe.
- The normal practice will be to give traders at least seven days notice in advance of the proposed works/events.
- In an emergency, sites may need to be cleared immediately.
- Traders will be responsible for the movement of all items and any associated costs.

6.1 Footpath cleaning

All tables and chairs, goods display, A frame signs and any associated items must be removed after the normal hours of trade and the footpath kept clear to facilitate cleaning.

The normal hours of trade are deemed to be between 8.00 am and 11.00 pm which allows footpath cleaning between 11.00 pm and 8.00 am the following day.

6.2 Existing street furniture and fittings

Rubbish bins and other Council maintained fixtures such as bike racks and benches, will **not** be relocated at the request of traders.

Physical alterations, fixing or drilling fittings to the footpath is only allowed under special circumstances and subject to Council approval and Maroondah Planning Scheme planning permit conditions.

7. Permit Decision Making

Local conditions will influence where items may be placed. The Council cannot permit activity where it would compromise pedestrian or traffic safety. Relevant local conditions include; footpath width, proximity roads, disabled parking bays, loading zones, parking bays angle or parallel, street furniture, trees and landscaping and the number of pedestrians at particular times of day.

Council's Authorised Officer may consent to an application as submitted or with modifications and with or without conditions as set out in the permit. And may reject an application or withdraw a permit if:

- The sight of pedestrians crossing at an intersection or crossing is interfered with so as to obscure oncoming traffic;
- Access for people with disabilities is compromised;
- The sight of the driver of a vehicle or cyclist is interfered with so as to not properly see pedestrians, signals or signs;
- Permit requirements have not been met and/or there is continuing failure to comply with directions;
- Incidents of previous non-compliance will be taken into consideration at the time of annual permit renewal and when requests to vary or add to a permit are considered for approval.
- The permit holder fails to maintain public liability insurance; and
- Under any other circumstances that are believed to create a safety hazard to pedestrians, motorists or cyclists or cause detriment to the amenity of the area.
- Permits will not be granted for more than 1 item. However, should there be a requirement for two permits e.g. a-board and goods on footpath a site plan should be submitted with application. Council will assess and permit will only be granted if there is sufficient space available.

Before a permit is granted for the first time or after a change of business use, Council may require an applicant to give notice of the application to persons who may be affected by the granting of a permit which will entitle those persons to make a submission which is be considered before a determination is made on the application.

8. Permit Fee and Period of Permit

Fees and charges for footpath trading activities are reviewed annually as part of Council's budget process.

- The applicable fee is shown on the current application form.
- Unless otherwise specified all permits expire on 30 September annually, except in those circumstances where Council cancels it for a breach of the permit conditions or other matter prior to the expiry date.
- Full fee is payable irrespective of full or part year application for a permit.
- If Council refuses to issue a permit, the full fee may be refunded.
- Permits are **not** transferable. A new permit must be obtained if the proprietorship of a business changes or the business relocates to another site.
- A permit expires if:
 - The permit holder ceases to be the proprietor of the business or maintain public liability insurance as specified in this policy

- Any of the permit conditions or requirements of this Policy cease to be met by the permit holder.

9. Compliance Protocol

Council will check shopping precincts for compliance with this policy and the conditions of relevant permits on a regular basis. Any observed infringements of Council's local laws, policy or permit conditions will be investigated and enforcement action taken. Council's enforcement philosophy is that a cooperative approach will best achieve compliance with the policy.

Upon detection of a breach of the local law, this policy or a specific permit condition, Action may be taken in accordance with Maroondah City Council Local Law No.8 Administration and Enforcement of Local Laws utilizing the following procedure:

- Written Notice to Comply issued to the permit holder.
 - A first and final written notice with a time limit for compliance.

And/or

- Verbal Notice to Comply issued to the permit holder.
 - A first and final verbal warning with a time limit for compliance.
- Infringement Notice issued in accordance with the penalties under Local Laws.
 - A fine for non-compliance with the above notice.
- For further acts of non-compliance.
 - Second and subsequent fines can be issued without additional warning.
 - Goods/items maybe impounded.
 - Permit suspension/cancellation and/or prosecution.

Prior to cancellation of a permit, Council will provide the permit holder an opportunity to make comment on the proposed cancellation.

Where a permit is cancelled or suspended refunds will not be available.
- Actions considered necessary to rectify an unsafe situation on the footpath may be taken.
 - This may include impounding any items that are placed on the footpath that do not comply with local laws; this policy and any permit conditions applicable.
- When deemed necessary markers, may be placed along the footpath to ensure an appropriate minimum pedestrian corridor is maintained at all times.

Premises that breach the minimum required clearance might have the footpath marked as part of compliance monitoring.

Incidents of non-compliance will be noted and may be taken into consideration when renewing or assessing future permit applications.

10. Effective Date

There will be a transition and compliance period for renewal permit holders only, for a period up to 12 months. During this time Council's Authorised Officers can engage with permit holders to discuss how best to comply with the new requirements. All new permit holders will be required to meet all application requirements immediately.

The use of public footpaths in Maroondah for footpath trading activities must comply with the provisions in this Policy as follows:

New applications:

- Comply from date of Policy.

Existing permit holders:

- A frame signs 3 months after the adoption of this Policy.
- Goods display and tables and chairs 12 months after the adoption of this policy.

11. Health and Safety Requirements

Council is obliged to provide and maintain, so far as is practical, an environment for members of the public, that is safe and without risk to health. As a condition of Footpath Trading, Council requires that traders and their staff will at all times identify and exercise all necessary precautions for the health and safety of all persons including the traders staff and members of the public who may be affected by the footpath trading.

Council may require as a condition of the permit a Safety Plan specific to the operation of the footpath trading activity. The Safety Plan shall consider and respond to the specific safety hazards and risks relevant to the footpath trading activity and shall document the systems and methods to be implemented for the period of the footpath trading activity. As a minimum the Safety Plan should include:

- A risk assessment and risk control methods to be implemented relevant to the footpath trading activity.
- Specific Occupational Health and Safety hazards and issues relevant to the footpath trading activity.
- Procedures for safety and risk inspections, audits or assessments relevant to the footpath trading activity.
- Compliance with Council's Health, Safety and Risk policies, procedures or measures implemented or adapted for footpath trading.
- Legislative compliance with any Acts, Regulations, Local Laws, Codes of Practice and Australian Standards which are in any way applicable to the footpath trading activity.

The trader must promptly notify Council of any incident, injury, property or environmental damage that occurs during the footpath trading activity. And if required by Council must within 3 days of any such incident provide a documented report giving complete details of the incident, including results of investigations into its cause, and any recommendations or strategies for prevention in the future.

If Council informs a trader that in the opinion of Council the footpath trader is:

- Not conducting the footpath trading activity in compliance with their Safety Plan, health and safety management procedures, relevant legislation or health and safety procedures provided by Council from time to time, or
- Conducting footpath trading in such a way as to endanger the health and safety of the public or the environment;

The trader shall promptly remedy that breach of health and safety.

Council may direct the trader to suspend footpath trading activities until such time as the Trader satisfies the Council that the footpath trading activity will be resumed in conformity with applicable health and safety provisions. The cost of any suspension period referred to above will be at the full cost of the trader. If the trader fails to rectify any breach of footpath trading activity that has been suspended, or if in the opinion of Council immediate cancellation of the footpath trading activity is warranted the footpath trading permit may be cancelled. Any cost of cancellation of permits is at the full cost of the trader.

12. Public Liability Insurance

The applicant for a permit to trade on the footpath shall, at all times during the term of the permit, be the holder of a current Public Liability Policy of insurance ("The Public Liability Policy") in respect to the activities specified in the permit in the name of the trader providing coverage of at least \$10 Million. The Public Liability Policy shall be effected with an insurer approved by Council.

The Public Liability Policy shall cover such risks and be subject only to such conditions and exclusions as are approved by Council and shall extend to cover Council in respect to claims for personal injury or property damage arising out of the negligence of the permit holder.

- It is a priority that the Public Liability Policy remains current at all times. Failure to maintain the Public Liability Policy is considered a serious breach of permit conditions. Permits will be immediately withdrawn if cover expires.
- A copy of your policy or Certificate of Currency will be required upon application or authorisation for Council to arrange public liability insurance for an additional charge.

13. Tables and Chairs specific requirements

A current permit must be held prior to the installation of any tables and chairs and associated ancillary items.

- a) Tables and chairs and associated ancillary items will only be permitted at properties, which are registered as such under the Food Act 1984 to serve food and/or beverages.
- b) A set back of 0.5 metres is required from each side boundary of a property to ensure a 1.0 metre access point through the trading zone from the kerb to the pedestrian zone is to be maintained.
- c) Items which are placed in the trading zone:
 - 1) Must be safe, stable and of good design and be located where pedestrian or driver sightlines will not be obstructed.
 - 2) Must not be placed over service pits (e.g. storm water, Telstra etc)
 - 3) Must be of a style, appearance, materials, finishes and colours which are attractive, durable, unobtrusive and complement the character of the shopping precinct. They should not include moving or oscillating parts or reflective items that pose a risk to traffic.
 - 4) Must be uniform in style and design for each property.
 - 5) Must contrast with their background to assist people with vision impairment.
 - 6) Must be portable, yet sturdy and windproof.
 - 7) Must have a suitable protective base to protect the footpath surface i.e. protective tips on chairs and tables.
- d) Tables and chairs and associated ancillary items must only be placed in the trading zone outside the property to which they relate during the normal hours of trade of the business to which they relate.
 - 1) Unless otherwise directed or approved by Council.
 - 2) Must be removed at a time suitable to facilitate footpath cleaning by Council's cyclic maintenance program.
- e) Permission may be granted to extend the placement of tables and chairs to an adjoining property if the following conditions are met:
 - 1) A separate permit and written consent from the adjoining property is obtained for any tables and chairs located in the trading zone outside the adjoining property.
 - 2) A setback of 0.5 metres from each property line to provide a 1.0 metre access between the adjoining properties through the trading zone from the kerb to the pedestrian zone is maintained.
 - 3) Public liability insurance in accordance with this policy is extended to include the adjoining property.
- f) The trader is responsible for the conduct of patrons using tables and chairs in the outdoor seating area and must ensure that patrons:

- 1) Are seated before serving of food and beverages.
 - 2) Do not move tables or chairs or ancillary items from their positions or obstruct the pedestrian or kerbside zones.
 - 3) Do not allow pets, prams or any other personal items to obstruct the pedestrian or kerbside zones.
 - 4) Are orderly and that no noise or other disturbance emanates from the footpath dining, which causes a nuisance to others or causes detriment to the amenity of the shopping precinct.
 - 5) A condition may be placed on a permit requiring a trader to place written reminders to patrons on the tables or chairs regarding their responsibilities in relation to this clause.
- g) A trader is responsible for supplying any tables at which smoking is permitted with a wind-proof ashtray at all times.
- h) Traders must maintain the footpath dining area in a clean and tidy condition and must clean up and dispose of cigarette ash, butts and any other litter in their footpath dining areas as part of their normal waste disposal.
- i) A permit may be cancelled or suspended if instances of continued obstruction, noise, disturbance and littering or ongoing untidiness are noted.
- j) Serving staff at outdoor dining areas should facilitate free access by pedestrians and give pedestrians passing priority over their own movements into and out of properties and the trading zone.
- k) Outdoor heaters:
- 1) Should, be affixed to an existing permanent structure i.e. adjoining building so as to be located off the footpath. A planning permit in addition to the footpath trading permit is required to affix any outdoor heater to a permanent structure. Outdoor heating structures within the footpath are prohibited.
 - 2) The installation of outdoor heaters must comply with the current requirements as specified by Energy Safe Victoria.
- l) Shade shelters, umbrellas and other enclosures:
- 1) Must be 2.2 metres high at the lowest point and must not protrude over the pedestrian or kerbside zones.
 - 2) Must not allow rainwater run off to splash into the pedestrian zone.
 - 3) Shade shelters, umbrellas and other enclosures must be freestanding and secured to the satisfaction of Council.
- m) Freestanding Barrier Screens or screening devices must be placed appropriately around tables and chairs for safety reasons.
- 1) Barrier screens or screening devices will not be allowed to exceed a height of 1.0 metre.
 - 2) Must fit within the trading zone.

- 3) The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions.
 - 4) Be approved and secured to the satisfaction of Council.
 - 5) Must contrast with their background to assist people with vision impairment.
- n) Pot plants or planter boxes:
- 1) Total height including plant and pot must not exceed 1.2 metres.
 - 2) Must be well maintained with healthy plants of suitable form, hardiness and species.
 - 3) Must be kept free of any litter or cigarette butts.
 - 4) Must not be used for advertising purposes.
- o) A trader providing outdoor dining facilities is not permitted to:
- 1) Display goods.
 - 2) Use sound amplification equipment or jukeboxes in trading zone.
 - 3) Provide live entertainment in the trading zone.
 - 4) Have separate cash registers, counter or storage facilities in the trading zone.
 - 5) Prepare, cook or heat food or drink in the trading zone.
- p) The current Footpath Trading Permit should be displayed in a visible location i.e. window of the property.

14. Goods Display specific requirements

A current permit must be held prior to the installation of any goods display and associated ancillary items.

Vending machines, children's rides, illuminated, revolving, spinning or flashing displays are prohibited from the footpath.

- a) Goods and goods stands must only be placed in the trading zone outside the property to which they relate during the normal hours of trade of the business to which they relate.
- b) A set back of 0.5 metre is required from each side boundary of a property to ensure a 1.0 metre access point from the kerb through the trading zone to the pedestrian zone.
- c) Goods displays will not be allowed to exceed a height of 1.5 metres or a length / width of 0.75 metre and must fit within the trading zone.
- d) The goods and the area around the display must be kept in a clean and tidy state
- e) If foodstuffs are displayed they must comply with Council's Environmental Health Service requirements
- f) Goods (except furniture) must be displayed on stable stands.
- g) Stands must be freestanding and secured in a manner that ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. But may not be affixed to any footpath, building, street furniture, pole or other structure
- h) Stands must not cause any damage to the footpath and have a suitable protective base to protect the footpath surface i.e. protective tips on their legs.
- i) Must not be placed over service pits (e.g. storm water, Telstra etc
- j) Stands must be of a style, appearance, materials, finishes and colours that are attractive, durable unobtrusive and complement the character of the shopping precinct and be located where pedestrian or driver sightlines will not be obstructed. They should not include reflective items that pose a risk to traffic.
- k) Must contrast with their background to assist people with vision impairment.
- l) Stands must not have sharp, pointed, or jagged edges, corners or protrusions and must not comprise of any moving or oscillating parts, or be illuminated externally or internally.
- m) Goods displays will not be permitted where access to a loading zone or disabled parking bay will be impeded.
- n) The trader must take all necessary steps to ensure that no noise or other disturbance emanates from the goods display area that causes a nuisance to others or causes detriment to the amenity of the shopping precinct.
- o) The current Goods Display Trading Permit should be displayed in a visible location i.e. a window of the premises.

15. A Frame Signs specific requirements

A current permit must be held prior to the installation of any A frame signs.

- a) 'A frame' signs may only be displayed in the trading zone of the footpath. They should be located where pedestrian or driver sightlines will not be obstructed and should not include reflective items that pose a risk to traffic.
- b) An advertising sign must be of safe and stable construction and not exceed 0.6 metres in width or 1.0 metres in height and must display a current permit sticker in a clearly visible location.
- c) The maximum number of signs permitted per permit is one and it should be displayed outside the property to which they relate.
- d) All signs are to be secured in place by a means that is not reliant on, or physically tied to, any poles or other fixtures or trees in the footpath.
 - 1) The means by which these signs are to be secured must not extend beyond the circumference of the permitted sign and must be to the satisfaction of Council.
 - 2) Any securing device is to be removed with the sign in accordance with permitted display timeframes.
 - 3) Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags and banners are prohibited from the footpath.
- e) Signs must only be placed during the normal hours of trade of the business to which they relate.
- f) Signs must have a contrasting colour to the background to assist recognition by all users, including people with vision impairment and may only feature the business name or service provided by the business to which it relates.

16. How to apply for a footpath Trading Permit

- 1) Contact the Local Laws office to obtain a 'Footpath Trading Permit Application' form. This form will be mailed or hand delivered to you.

Local Laws can be contacted by:

- Telephone - 9294 5653
- email - maroondah@maroondah.vic.gov.au
- or by post – PO Box 156 Ringwood, 3134

- 2) Fill out the permit application and;

Attach a copy of:

- Public Liability Insurance, which should comply with the requirements of the Footpath Trading Policy
- Detailed Plan of Proposal, which should include the following details:
 - A) A site plan of existing conditions at a scale of 1:100 that shows:
 - (i) The width of the frontage and of the footpath from outside edge of kerb to the property lines.
 - (ii) Location of property lines and type of abutting uses.
 - (iii) Location of existing trees, light poles, signs, existing street furniture, pits, fire hydrants, street lights, car parking and other public infrastructure.
 - B) Provide a site plan of proposed footpath activity at a scale of 1:100 that shows the area and layout of the proposed footpath activity, including the proposed location of tables and chairs, goods displays or A frame signs.
 - C) Provide details of any proposed goods displays, A frame signs or tables and chairs, including colour photographs or detailed design drawings of proposed items and any means by which they may be proposed to be secured.
 - D) Provide details of any proposed advertising on items placed on the footpath, including a colour photograph or detailed design drawings of the advertising and an indication of its size.
 - E) Provide details of the hours of operation of the business to which the activity relates and the hours of operation proposed for the footpath activity.
 - F) Provide any other relevant details.

- 3) Lodge the permit application with the necessary documentation at:

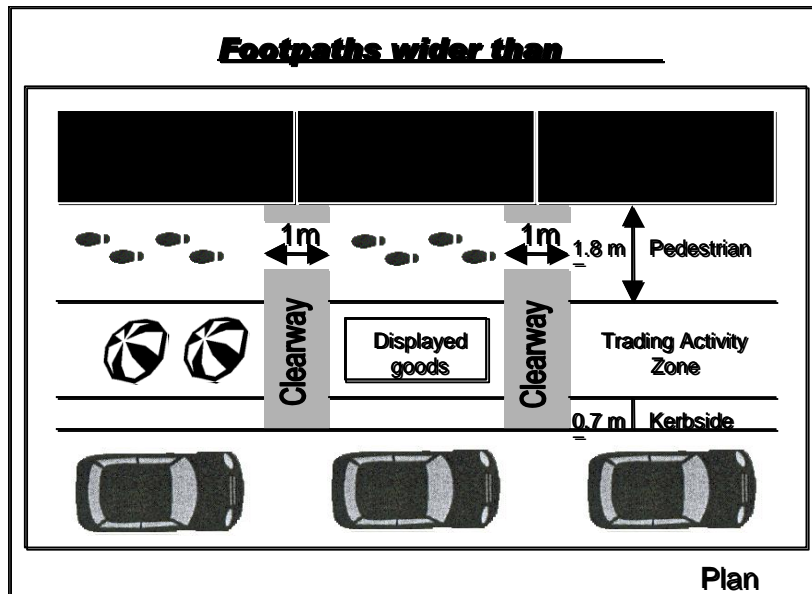
- Maroondah City Council Offices, Braeside Avenue Ringwood or Eastland or Croydon Customer Service centres
- Or send by facsimile 9294 5634
- Or mail to PO Box 156 Ringwood 3134.
- Or email maroondah@maroondah.vic.gov.au

- 4) A Local Laws officer will visit you to discuss and assess your application if clarification is required. The application may also be referred to Council's Planning Area to determine if a Town Planning Permit is required in addition to the Footpath Trading Permit.

- 5) If your application adheres to the footpath trading policy and a Town Planning or other permit is not necessary, a permit will be issued. A permit will usually be issued or declined within two weeks of lodging your application. However, this time may vary if your application needs to be deferred to other Council departments such as Health, Planning, Building and Assets – in which case you will be notified.
- 6) If under the provisions of the Maroondah Planning Scheme a planning permit is required, this must be obtained prior to the issuing of a footpath trading permit.
- 7) Footpath trading permits have a common expiry date of 30 September each year and after your permit is issued you will be sent a renewal notice annually.

Please contact Council's Local Laws office on 9294 5653 if you require any further information on footpath trading permits.

17. **EXAMPLE – Footpaths wider than 3.5 metres**



SUBURB	SHOPPING CENTRE	SUBURB	SHOPPING CENTRE
Croydon	Main Street East & West sides	Ringwood East	Railway Avenue (Part)
Croydon	Hewish Road	Ringwood East	Bedford Road
Croydon	McAdam Square (Part)	Ringwood	Wantirna Rd / Barkly Street
Croydon	North Croydon (Part)	Ringwood	Seymour Street
Croydon	Paul Street	Heathmont	Great Ryrie Street
Croydon	Kent Ave / Maroondah Hwy	Bayswater North	Bayswater Rd / Central Ave

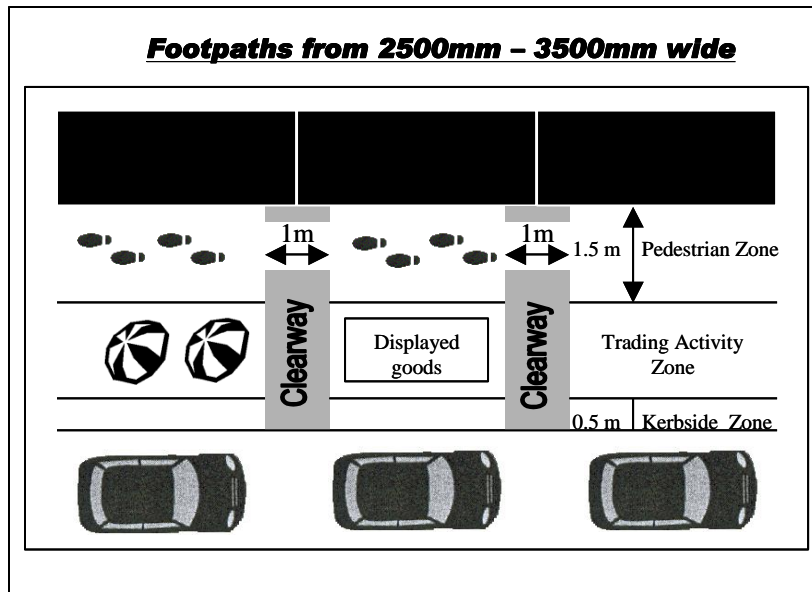
The pedestrian zone extends from the property line for a minimum of 1.8 metres.

The trading zone width may vary depending on the overall width of the footpath and local conditions, however it will generally be in the following ranges:

- 4.5 metre wide footpath – 2.0 metre to 2.2 metres wide trading zone
- 4.0 metre wide footpath – 1.5 metre to 1.7 metres wide trading zone
- 3.5 metre wide footpath – 1.0 metre to 1.5 metres wide trading zone

The kerbside zone has a set back of 0.7 metres from the face of the kerb.

18. **EXAMPLE – Footpaths between 2.0 to 3.5 metres wide**



SUBURB	SHOPPING CENTRE	SUBURB	SHOPPING CENTRE
Croydon	Thomas Brew lane	Ringwood	Great Ryrie Street
Croydon	Lacey Street	Ringwood East	Old Lilydale Road
Croydon	McAdam Square (Part)	Ringwood East	Clegg Avenue
Croydon	North Croydon (Part)	Ringwood East	Valda Grove
Croydon	The Mall / Eastfield Road	Ringwood North	Warrantdye Road
Croydon	Kallay Street	Kilsyth	Churchill Way
Croydon	Ryland Avenue	Heathmont	Heathwood / Daisy Street
Croydon South	Merrindale	Heathmont	Canterbury Road
Ringwood	Panfield Road	Heathmont	East Heathmont/Armstrong Rd
Ringwood	Loughnan Road	Warranwood	Coleman Road
Ringwood	Maroondah Hwy both sides		

The pedestrian zone extends from the property line for a minimum of 1.5 metres, where possible a width of 1.8 metres is preferred.

The trading zone width may vary depending on the overall width of the footpath and local conditions, however it will generally be in the following ranges:

- 3.5 metre wide footpath – 1.0 metre to 1.5 metres wide trading zone
- 3.0 metre wide footpath – 0.5 metre to 1.0 metre wide trading zone
- 2.5 metre wide footpath – up to 0.5 metre wide trading zone

The kerbside zone has a set back of 0.5 metres from the face of the kerb.

19. EXAMPLE – Footpaths less than 2.0 metres wide

SUBURB	SHOPPING CENTRE	SUBURB	SHOPPING CENTRE
Croydon	Thomas Brew Lane (part only)	Heathmont	Canterbury Rd (part only)
Ringwood North	Warrandyte Rd (part only)		

In order to facilitate a clear and consistently unobstructed path for pedestrian access, footpaths of less than 2.0 metres will be considered individually for suitability for footpath trading in line with the principles of this policy.

Council may approve footpath trading where traders are adjacent to footpaths of less than 2.0 metres under the following conditions:

- A clear continuous accessible path of travel along the footpath can be maintained.
- Conveniently placed sections of extra width maybe required to allow for the passing of prams, mobility aids or goods being transported along the footpath if local conditions require more space.
- Any items placed in the trading zone must be placed so they do not interfere with pedestrian access. Chairs must not back onto the pedestrian zone.
- Council must be satisfied the clear and accessible path of travel in the pedestrian zone will not be compromised and the interface of the items in the trading zone with the surrounding environment continues to ensure a safe environment for all pedestrians.

Council shall have regard to the specific local conditions relevant to the application and cannot permit activity where it would compromise pedestrian or traffic safety or cause detriment to the amenity of the area and retains the right not to grant a permit where there are safety or amenity issues that may negatively impact on the wider community.

The above conditions will provide the opportunity, for example, for a small table and chair, goods display or A frame sign on footpaths less than 2.0 metres wide.