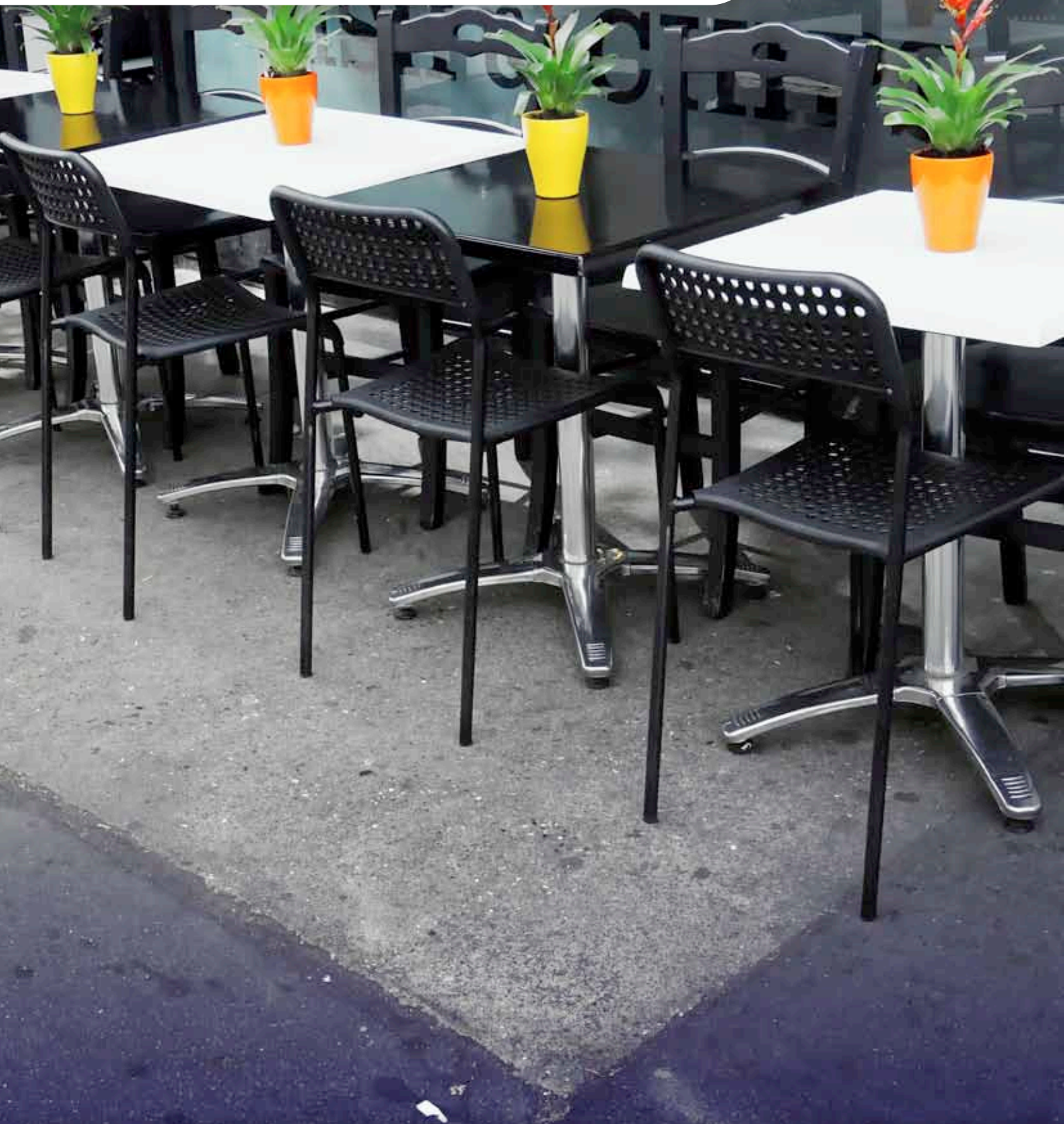


# Street Activities Policy



*Come in* WE'RE

OPEN

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# Purpose

Maroondah has a diverse range of strip shopping centres and business precincts; this diversity means different activities may occur at different centres and locations. Activities on the street are an integral part of Maroondah's unique character.

This Street Activities Policy (Policy) explains when and how to trade on Council land and the types of activities permitted. The Policy has been developed to maintain the balance between commercial and fundraising activities and ensuring a safe and enjoyable experience on Maroondah's streets and in the commercial precincts. Council will respond to the changing needs of the community and traders to maintain this balance.

The Policy was developed by Council in consultation with the local community to provide a framework for the sustainable use and management of Council land and the activities that may occur on our streets and in our commercial precincts.

Council aims to provide a clear and unobstructed access for all people to move through Maroondah.

# Relationship to Maroondah 2040 Vision

This policy is aligned to *Maroondah 2040: Our Future Together* particularly the following Community Outcomes and key directions.



**Community outcome:  
A safe community**

**Key direction**

- 1.1 Work in partnership to address community safety issues, with a focus on activity centres, public spaces, roads and public transport



**Community outcome:  
An accessible community**

**Key direction**

- 5.2 Work in partnership to provide improved accessibility and safety for transport users across all modes



**Community outcome:  
A prosperous community**

**Key direction**

- 2.4 Provide support to small and medium enterprises to help them fulfil their potential and be successful



**Community outcome:  
A well governed community**

**Key directions**

- 8.1 Provide enhanced governance that is transparent, accessible, inclusive and accountable
- 8.2 Ensure responsible and sustainable management of Maroondah’s resources, assets, infrastructure and natural environment

# What is street activity?

Street activity involves the use of public footpaths and land for both commercial and charitable purposes.

Commercial purposes typically include the placement of advertising signs, display of goods, tables, chairs, awnings, blinds and ancillary equipment such as umbrellas, screens and heaters.

Charity purposes may include activities such as Fundraising (sale of goods, raffles), Highway Collections and Door Knock programs.

Entertainment such as performance, artworks and busking are also considered to be street activity.



# Why do we have permits?

Street activity can be a valuable use of public space and can add life and vibrancy to shopping strips. It supports the prosperity of the local economy and provides opportunities for businesses to expand their available space and advertising. It also allows community groups and charities to engage with the community.

Council has a responsibility to regulate the use of public space and will encourage those activities that have a positive impact on amenity.

Street activities will generally require a permit issued by Council under this Policy. In some cases, a Planning Permit and Liquor Licence may also be required.

Council is committed to ensuring that the vibrancy of its strip shopping centres and business precincts is enhanced by providing the opportunity for streets and footpaths to be used for trading, entertainment and outdoor dining.

Council is committed to ensuring that safe and unobstructed access is maintained for people to move along footpaths and as a minimum, to meet the requirements of the Disability Discrimination Act 1992. Council will ensure that there is a clear path from the building line to provide optimum footpath width that is inclusive of the needs of all the community.

With the potential benefits come potential problems and competing demands. Street activity displays and awnings can obstruct the views of traffic, pedestrians, customers and businesses. What is good for one trader is not necessarily good for their neighbours.

When determining, and issuing permits Council will consider the broader implications of any application and the interests of the area as a whole.

The key to pedestrian accessibility is the maintenance of an open path of travel.

Any street furniture, signs, activities or displays must be located in the trading zone, not on the building line.

Council will also maintain visual amenity and safety when applying the Street Activities Policy.



# Festivals, markets and fairs

This policy is not intended to include Council or Trader Association sanctioned events such as festivals, markets or fairs.

Council's Events Policy will apply to these activities.

## Street activity principles

Council has adopted the following principles for considering street activity applications:

<b>Public safety</b>	Streets are safe; have an unobstructed passage for all pedestrians; have safe and unobstructed vision for drivers and cyclists (particularly around intersections).
<b>Accessibility for all</b>	Streets are easily navigated by all pedestrians including those who may be physically or vision impaired and those with need for additional space (eg. prams, trolleys, scooters, wheelchairs, mobility aids) allowing unobstructed pedestrian passage.
<b>Vibrant street life</b>	Streets are vibrant, lively and contribute positively to an areas sense of place and character balanced with the need for quiet space.
<b>Prosperous economy</b>	Businesses and shopping areas are thriving and prosperous.
<b>Attractive streetscape</b>	Streets are attractive, clean and pleasant and visual amenity is enhanced and not diminished. Any activity will fit with the overall street character.
<b>Leisure opportunities</b>	Local interaction, entertainment and alfresco dining are supported as enjoyable leisure activities.

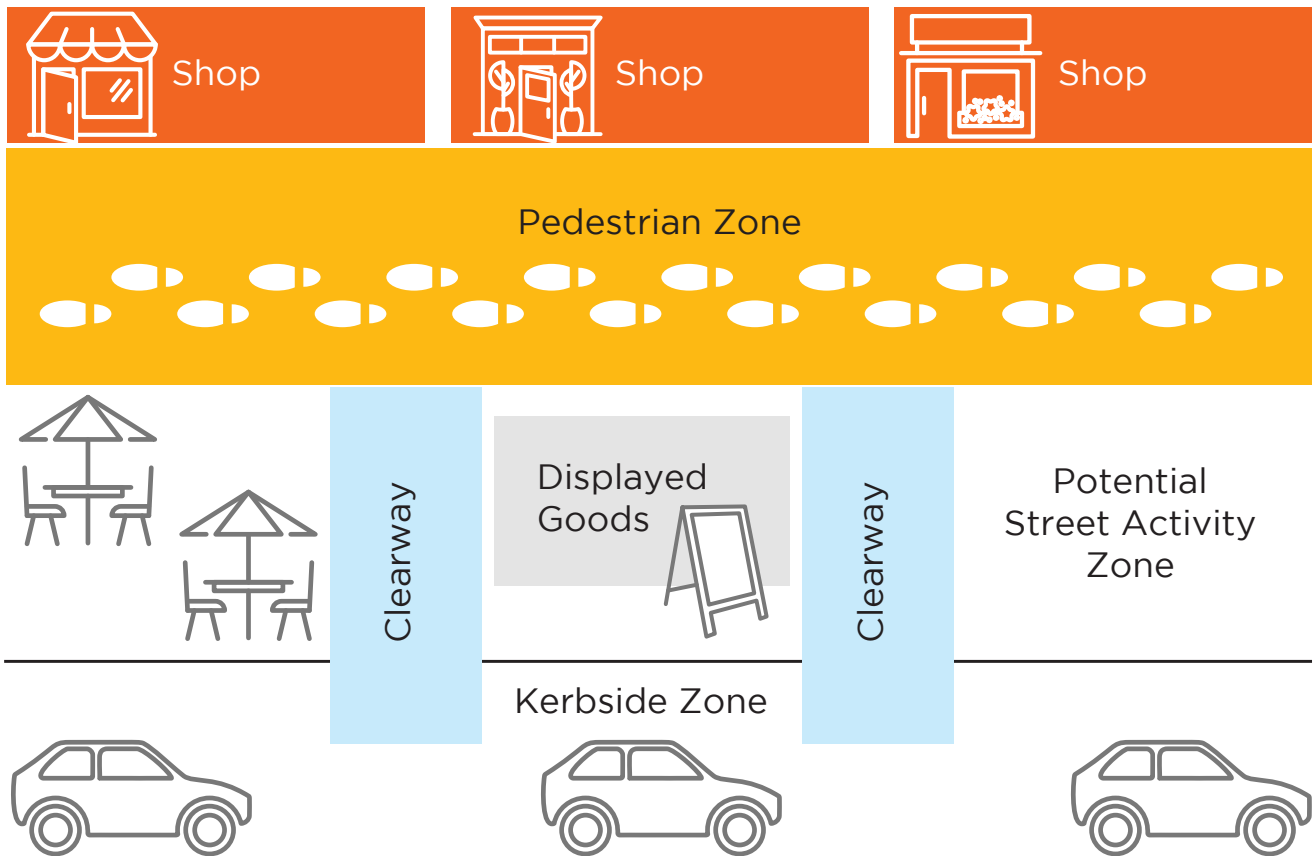
# Street Activity Zones defined

## What makes up a Street Activity zone?

To ensure safe, clear and suitably unobstructed pedestrian access, Maroondah City Council describes the trading zone as being made up of four areas (see Figure 1 below):

- Pedestrian Zone
- Potential Street Activity Zone
- Clearway
- Kerbside Zone

Figure 1



Any reduction in footpath access or width will be solely at the discretion of Council but the preference is to maintain 1.5 metres minimum and will not be less than 1.2 metres.

## Pedestrian Zone

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

It extends from the shop front or property line for a minimum distance of 1.5 metres, this distance may be reduced 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.

Conveniently placed sections of extra width may be required to allow for the passing of prams, mobility aids or goods being transported along the footpath.

## Potential Street Activity Zone

The Potential Street Activity Zone is the only area of the footpath which allows for the placement of approved items or other activities. This is the area remaining between the Pedestrian Zone and the Kerbside Zone after the Pedestrian Zone is considered. The width of the Potential Street Activity Zone may vary according to local conditions to ensure optimal footpath access.

Approved items must remain within the Potential Street Activity Zone and must not intrude on Pedestrian or Kerbside Zones. It is the permit holder's responsibility to ensure all items remain within the Potential Street Activity Zone.

## Clearway

A 1.2-metre-wide break is required between properties and/or every ten metres to allow for pedestrian access from the kerb through any footpath activity to the Pedestrian Zone.

No items may be placed within 0.5 metres of public infrastructure such as litterbins, bicycle racks, public seating and trees.

At corner locations, the Road Safety Act (1986) requires a clear distance at intersections for motorists and pedestrians for safety reasons. Where properties are adjacent to an intersection; the trading zone must not extend closer than 2.0 metres to the corner property line. (See Figure 2)

**Figure 2**



## Kerbside Zone

The Kerbside Zone is the area between the face of the kerb and the Street Activity Zone. The Kerbside Zone is important for the safety of pedestrians crossing the road and allowing for access to and from parked vehicles. The Kerbside Zone must be kept free from any items or structures at all times.

A clear area with a minimum setback of 0.5 metres from the face of the roadside kerb, is required to allow for vehicle overhang and to ensure people can safely cross the street and access breaks in the Street Activity Zones, and to give motorists space to access their vehicles.

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

## Variations to Street Activity Zones

Council will use the following criteria to assess requests for variations to Street Activity Zones:

- the effect on pedestrian traffic flows and safety
- the impact on the appearance of the street and surrounding areas
- the impact on amenity
- the duration of use
- the effect on vehicular traffic flows and safety
- whether it is complementary to the primary adjoining use
- relevant policies of Council
- any other relevant legislation or matter relevant to the application.



# Application process

## Applying for a Street Activity Permit

Applicants are advised to familiarise themselves with this Policy, and the Policy Guidelines, prior to making an application to Council. Understanding the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs involved and other relevant matters is important.

All permit, conditions, guidelines and applications can be obtained:

- on Council's website
- by contacting Council
- visiting Council.

A Local Laws officer may visit you to discuss and assess your application if clarification is required. The application may also be referred to Council's Statutory Planning team to determine if a Planning Permit is required in addition to the Street Activity Permit.

## Permit assessment and consideration

Local conditions will influence where items may be placed. Council will consider what the activity offers to an area and will give priority to those activities that encourage and support local business and community groups.

Council cannot permit activity where it would compromise pedestrian or traffic safety.

Relevant local conditions include; footpath width; proximity to 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 officers may consent to an application as submitted, or with modifications, and with or without conditions as set out in the permit.

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. This will entitle those persons to make a submission and this feedback will be considered before a decision is made on the application.

# Footpath requirements

## Access for works and special events

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:

- the normal practice will be to give two days' notice in advance of the proposed works/events.
- all items must be removed by the permit holder in the requested timeframe.
- permit holders will be responsible for the movement of all items and any associated costs.
- in an emergency, sites may need to be cleared immediately.

## Footpath sweeping

All tables and chairs, goods displayed, 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 generally deemed to be between 7am and 11pm which allows footpath cleaning between 11pm and 7am the following day.

## Noise on or from footpath

A Street Activity Permit does not authorise the permit holder (or representative) to spruik or emit undue noise on or from the footpath. Entertainment activities will add to character and vibrancy but must not adversely impact amenity and enjoyment of area.

## 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 permit holder.

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

## Neighbouring footpath

The footpath is public space and as such is not owned by any one business. This means a business owner cannot charge "rent" for the use of the footpath in front of their premises.

If seeking to occupy the Street Activity Zone of an adjacent premises, Council requires the applicant to obtain the written consent of the owner, body corporate and/or occupier of the adjacent premises. If the neighbouring business is sold, a new letter of consent must be submitted to Council from the new occupier.

The application must include plans (to scale 1:100) including both premises, a signed indemnity form for both properties and a copy of Certificate of Currency noting both premises. Council will assess applications on a case-by-case basis and reserves the right to approve or refuse any application relating to streetscape and community outcomes.

The permit holder will be liable for any breach of this Policy that occurs outside the neighbouring shopfront where an adjoining Street Activity Zone has been approved.

In the event of withdrawal of the neighbour's consent, the permit will be cancelled.

# Types of permits

## Delineation markers

To support permit holders in setting up within their approved Street Activity Zone Council may, where appropriate, install delineation markers flush into the footpath as a means of distinguishing the permitted Street Activity Zone.

The permit holder must ensure all furniture and goods associated with footpath activities are located within the defined Street Activity Zone, whether formally delineated or as presented on the permit application.

Permits are required for the following:

- street activities
- street performances (busking)
- street art
- street selling
- community advertising billboards on Council land
- real estate advertising on Council land
- fundraising.



# General Street Activity Permit conditions

An annual Street Activity Permit is required for all commercial trading and/or occupation of the footpath.

To be granted a permit under the Street Activities Policy, an applicant must agree to comply with all requirements of this Policy. A Local Laws Officer may visit and assess your application.

A current permit must be held prior to any activity or the placement of any tables and chairs, goods or associated ancillary items.

## Permit fees

There are fees associated with street activities and these are determined by Council on an annual basis.

Council when setting fees will consider cost equity for all users. Generally, fees will be based on amount of land occupied and space made available for any given activity.

Charities and not-for-profit community organisations will generally be exempt from payment.

A schedule of Permit fees can be found on Council's website.

If Council refuses to issue a permit, the full fee may be refunded.

## Public liability insurance

The applicant for a permit to conduct activities or place items in the street activity zone shall be the holder of a current Public Liability Insurance Policy for the activities specified in the permit, in the name of the trader and providing coverage of at least \$10 million.

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.

A copy of the Public Liability Insurance, Certificate of Currency must be provided with a permit application.

The Certificate of Currency must have Maroondah City Council listed as an Interested Party.



## Permit duration and renewal of an existing permit

Unless otherwise specified all permits expire on 30 September annually, except in those circumstances where Council cancels a permit for breach of permit conditions or other matter prior to the expiry date.

A renewal notice is issued for all existing permit holders.

It is the responsibility of the permit holder to ensure all details including public liability, amendments and fees are forwarded to Council by the required date.

Failure to provide all renewal documentation and fees by the required date will result in the cancellation of the permit.

Council allows street activities for up to one year at a time. Council may at its sole discretion decide not to renew a permit.

Permits for charity, entertainment or other like activities will be issued for nominated time periods.

## Expiration

A permit expires if:

- the permit holder ceases to be the proprietor of the business
- any of the permit conditions or requirements of this Policy cease to be met by the permit holder.

## Transfer of permit ownership

Permits issued under this Policy are for the person/company/association listed on the permit and cannot be transferred to any other entity.

## To be shown on request

Operation within the approved street activity zone can commence once a permit is received and the permit must be provided if requested by an Authorised Council Officer.

## Amendments to an existing permit

Permit holders must submit an application in writing for any amendments to their existing permit. Amendments may include changing furniture design, adding furniture/items or increasing occupied space. Fees may apply.

## Street activity and smoking

Under the Tobacco Act 1987, smoking is banned in all outdoor dining areas where food is served or permitted to be served.

This ban applies to outdoor areas of hospitality and food venues used for the consumption of food and includes footpath dining areas.

An outdoor drinking area (where food is not allowed to be served) may permit smoking if it is separated from an outdoor dining area by either a:

- 4 metre buffer zone
- wall at least 2.1 metres high.

An outdoor drinking area includes both licensed and non-licensed areas.

The venue that operates the outdoor drinking area is responsible for the separation of the two areas.

Venues must display acceptable “No smoking” signage to indicate smoke-free areas. Signs must be displayed at the entry of a premises or within the outdoor dining area.

## Consumption of liquor

Maroondah Local Law 11 prohibits the consumption of liquor in public spaces. It does not permit the supply and consumption of liquor on the footpath.

Proprietors can only serve liquor on the footpath (in the Street Activity Zone) provided they have obtained all relevant permits and licences including the Street Activity Permit, Planning Permit and Liquor Licence.

A Street Activity Permit authorises the placement of tables, chairs and other associated items only.

A Planning Permit (Maroondah City Council) and a Liquor Licence (Victorian Commission for Gambling and Liquor Regulation) are both required to serve liquor on the footpath (in the Street Activity Zone) and the footpath becomes part of the licensed area of the premises.

The permit holder must obtain a licence from the Victorian Commission for Gambling and Liquor Regulation (pursuant to the provisions of the Liquor Control Reform Act 1998) authorising the sale and consumption of liquor within the authorised Street Activity Zone, in addition to the area within the premises.

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

## Queuing for licensed venues

It is the permit holder's responsibility to ensure the safe management of patrons queuing. Queuing shall only occur adjacent to the building line on the kerbside. New premises should incorporate queuing areas within the premises.

The 'roping off' of a section of the footpath adjacent to a licensed venue to facilitate the queuing of patrons requires an annual Street Activities Permit.

The 'roping off' may involve the use of temporary bollards or similar in conjunction with tapes or ropes.

Roped off areas must be located directly adjacent to the building or property line and positioned to allow for the unimpeded access of pedestrians adjacent to any roped off area.

Where a roped off area is found to restrict orderly pedestrian movement on the footpath, an Authorised Officer may direct the 'roping off' to be moved or removed, as the circumstance requires, notwithstanding that a valid permit may be held by the permit holder.

Queuing patrons and other passing pedestrian traffic must not under any circumstances be forced from the footpath towards the road carriageway. Night club queue permits will not be issued adjacent to any Street Activity Zone.

## Handing out flyers/pamphlets

A permit from Council is not required for handing flyers/pamphlets out on Council land if no selling is involved.

If distributing leaflets is on privately owned land, permission should be obtained from the manager and/or owner.

Leaflets must not be posted on car windscreens, no matter where they are parked.

Those handing out pamphlets must not approach, harass or inconvenience pedestrians.

Material must not be obscene, defamatory or offensive.

Any litter generated by this activity will be the responsibility of the entity listed within the advertising material. Infringements may be issued should littering occur.

Maroondah City Council litter bins are not to be used for the disposal of excess or left over materials.

# Other activities requiring permits

FoodTrader is the online system for community groups and businesses to register their temporary and mobile food premises with their principal council, and notify the council where they will temporarily operate.

If you sell food or drink in Maroondah, at a stall, tent, marquee or from a mobile food vehicle including a van, trailer or cart you must obtain a FoodTrader permit.

## Community food stalls and sausage sizzles

Registered community groups and charities will require a permit under this policy for food stalls and sausage sizzles conducted on Council land. Personal fundraising will not be permitted.

Notification or registration in FoodTrader is required.

## Roadside Trading

Roadside Trading will be considered as temporary activity and will only be permitted at locations and times as defined in the permit conditions.

A permit is required if you want to sell goods on Council land which consists of a Road.

Roadside Trading can add vibrancy and activity to an area. Council will support Roadside Trading by local businesses where the activity encourages healthy lifestyles, enhances the vibrancy of the area, encourages local business and is not in direct competition with other traders.

Council will balance road side trading with the need for commercial free zones.

Mobile food premises such as food vans require a Food Act registration and if operating on Council land they also require a Roadside Trading permit.

## Street performance

Street performances can add vibrancy and character to commercial zones.

Street performances must comply with the conditions specified on the permit as well as the requirements set out in this Policy.

Applications will be considered on merit and street performers may be required to provide references and/or samples.

## Street art

Public artworks are an important part of Maroondah's character.

Examples of street art could include:

- artwork integrated into the fabric of a building
- a sculptural or decorative installation located in an open space
- text or poetry inscribed in a footpath or on public seating
- a mural, footpath design or wall relief
- creative markers which reflect the character of the precinct
- performance or multimedia presentations.

## Street promotion, community advertising and fundraising

A permit is required for street promotions and fundraising.

Not-for-profit organisations that are based in Maroondah and which benefit the Maroondah community are exempt from paying a permit fee.

Third party entities acting on behalf of individual charities will be charged for the street activity.

Commercial promotional activities will also be charged a fee.

Sites will be allocated on an equitable basis and only two events per organisation will be permitted each calendar year.

## Community advertising billboards on Council land

Community advertising billboards for approved non-profit Maroondah based community events may be considered at designated sites on Council land.

Due to the high demand for the placement of community advertising billboards within Maroondah, Council has developed criteria to ensure that organisations that benefit the community in Maroondah have equitable access to sites.

The key criteria are as follows:

- the applicant must be a not for profit organisation.
- the applicant must be promoting a community event in Maroondah.
- the applicant must not be collecting/fundraising on behalf of another organisation.

Permits for community advertising for approved non-profit Maroondah based community events are exempt from paying a permit fee.

Commercial or political billboards in recreation reserves are not covered by this policy. These signs are covered in the Sports Ground User Guidelines and must comply with Maroondah Planning Scheme Amendment C65.

## Real estate agent signs

The placement of temporary real estate agent signs (A-boards) requires a Street Activities Permit.

Estate agents may be granted a permit for signs to be placed on the nature strip at or near a property for which the agent is acting.

No sign may be placed on the road, on any roundabout, traffic island, or where it creates any hazard to pedestrian or vehicle safety.

Real estate agent signs are only to be placed during daylight hours within two hours of the activity that they are advertising and removed within two hours after the activity they are advertising has ceased.

One real estate sign permit will allow multiple signs to be used at any one time. A fee will apply.

‘Corflute’ style pointer boards or similar are not to be attached to any Council controlled assets or placed on Council land.

## Fundraising

Due to the high demand by organisations to fundraise within Maroondah, Council has developed criteria to ensure that organisations that benefit the community in Maroondah can fundraise within their community.

A fundraising application is required.

The key criteria are as follows:

- the applicant must be a not for profit organisation which benefits the Maroondah community.
- the applicant must not be collecting on behalf of another organisation.

Permitted fundraising activities are:

- general fundraising (for example, stalls)
- sale of organisational goods
- raffles
- door knocks
- highway collections/tin shakes (see right).

## Highway collections/tin shakes

The below conditions are in addition to the criteria listed under Fundraising.

- the conduct of tin shakes within Maroondah during the month of December is not permitted.
- applications will not be considered more than six months prior to the proposed date of collections.
- the operation of intersection tin shakes may only take place where the consent of Victoria Police has been obtained by the organisation and that any conditions required by Victoria Police are met.
- while collecting, tin shake collectors shall carry a copy of the relevant Victoria Police Permit to be produced on demand by an Authorised Council Officer or Police.



# Activities not permitted on Council land

## Canvassing, spruiking and pledge programs

Council does not allow activities such as canvassing, spruiking and pledge programs where community members are subject to unsolicited approaches by any organisation

## Clothing bins

Clothing bins are not permitted on Council land.

Maroondah is well serviced by numerous charity organisations and shops and as such clothing bins do not enhance the opportunity for donations.

Council does not consider that clothing bins make a positive contribution to streetscape and are often the source of complaints regarding littering, dumping, bill posting and graffiti.

Clothing bins on private land are the responsibility of the land owner who must ensure that the amenity of the area is not adversely impacted.



# Summary of permit holder responsibilities

The management of Street Activities is the responsibility of the permit holder. Permit holders are required to adhere to the following items:

- Public Liability insurance must remain current for the duration of the permit. Failure to maintain the Public Liability insurance is considered a serious breach of permit conditions. Permits will be immediately withdrawn if cover expires.
- Any permit that is obtained as the result of providing false or misleading information may be cancelled and the applicant may be ineligible to obtain a permit for a period of 12 months.
- Operate in accordance with the conditions of the permit, approved plan and requirements and objectives as outlined in this Policy.
- Ensure the street activity zone is kept clean and tidy, including cleaning around any fixed furniture or barriers.
- Operate in accordance with the conditions of any other relevant Food, Planning or Liquor License Permits and/or relevant legislation
- Observe all local law provisions relating to Street Activity, including noise, health and amenity.
- Only the street activity as shown on the approved plan shall take place on the footpath and must be contained within the Street Activity Zone.
- The Pedestrian Zone of the footpath must remain clear
- The permit holder must not allow the street activity, including the behaviour of patrons, to detract from, or be detrimental to the safety, accessibility and amenity of an area or negatively impact on the wider community.
- Street performances are not allowed in the Street Activity Zone without a permit.
- The permit holder is to ensure that no rubbish associated with the street activity is deposited into street litter bins and the Trading Zone must be maintained in a clean and tidy manner at all times.
- No food/rubbish/refuse or other waste matter is to be deposited into the stormwater drainage system including the gutter.
- Any displayed goods within an approved Street Activity Zone must be stacked or stored safely.

# Health and safety requirements

Council is obliged to provide and maintain, so far as is practical, an environment that is safe and without risk to health or safety.

As a condition of Street Activity permits, Council requires that permit holders and their employees will identify and exercise all necessary precautions for the health and safety of all persons including the traders, employees and members of the public who may be affected by footpath activities/highway collection.

Council may require as a condition of the permit a Safety Plan specific to the operation of the footpath activity/highway collection. The Safety Plan shall consider and respond to the specific safety hazards and risks relevant to the footpath activity/highway collection and shall document the systems and methods to be implemented for the period of the footpath activity/highway collection.

As a minimum, the Safety Plan should include:

- a risk assessment and risk control methods to be implemented relevant to the street trading activity
- specific Occupational Health and Safety hazards and issues relevant to the footpath activity/highway collection.
- procedures for safety and risk inspections, audits or assessments relevant to the footpath activity/highway collection
- legislative compliance with any Acts, Regulations, Local Laws, Codes of Practice and Australian Standards which are in any way applicable to the footpath activity/highway collection.

The Permit holder must promptly notify

Council of any incident, injury, property or environmental damage that occurs during footpath activity/highway collection. If required by Council the trader must, within three 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.

Council may direct the permit holder to suspend footpath activities if, in the opinion of Council, the permit holder is:

- not conducting the street activity in compliance with the Safety Plan, health and safety management procedures, relevant legislation or any health and safety procedures provided by Council
- conducting street activities in such a way as to endanger the health and safety of the public or the environment.

The suspension of footpath activity/highway collection would remain in place until such time as the permit holder satisfies Council that the street activity will conform with applicable health and safety provisions. The cost of any suspension period referred to above will be at the full cost of the permit holder.

If the permit holder fails to rectify any breach of street activity that has been suspended, or if in the opinion of Council immediate cancellation of the street activity is warranted, the Street Activity permit may be cancelled. Any cost of cancellation of permits will be at the full cost of the permit holder.



# Roles and responsibility

Activity	Responsibility
Issuing of permits and ensuring compliance with the permit requirements	Maroondah City Council - Local Laws
<ul style="list-style-type: none"> <li>Issuing approvals in accordance with the Food Act 1984</li> <li>Ensuring compliance at food premises with regard to the Public Health and Wellbeing Act 2008 and Tobacco Act 1987.</li> </ul>	Maroondah City Council - Community Health
Provide advice on street art, including idea, including location, maintenance and the duration of the installation	Maroondah City Council - Arts and Cultural Development
Assess and issues any Planning Permit required to serve liquor on the footpath (in the Street Activity Zone)	Maroondah City Council - Statutory Planning
issuing a licence authorising the sale and consumption of liquor within the authorised Street Activity Zone	Victorian Commission for Gambling and Liquor Regulation
Provide the FoodTrader online registration for people selling food or drinks for all councils in Victoria	Department of Health and Human Services (DHHS)
Obtaining all necessary permits and licences and meeting any permit conditions for the life of the permit	Permit holders

## Related legislation

Street Activity Permit holders will also need to adhere to other relevant legislation and requirements including the following:

- Maroondah City Council Local Law No 11
- Liquor Control Reform Act 1998
- Planning and Environment Act 1987
- Tobacco Act 1987
- Food Act 1984
- Disability Discrimination Act 1992.

# Compliance and enforcement protocol

Council officers will monitor compliance with this policy and the conditions of relevant permits and state legislation.

Any observed breaches of Council's local laws, policy or permit conditions or state legislation will be investigated and enforcement action taken, if necessary.

To be granted a permit under this Policy, an applicant must agree with this Policy and sign the application form.

The permit holder is liable for any breach of the permit conditions, including those committed by their employee or patrons.

Failure to maintain a current public liability insurance policy is considered a breach of the Policy and will result in cancellation of the permit.

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 which may be taken in accordance with Maroondah City Council Local Laws includes:

- verbal direction to the permit holder.
- written Notice to Comply issued to the permit holder.
  - a first and final written notice with a time frame for compliance.

- Infringement Notice issued in accordance with the penalties under Council's Local Law.
- for repeated acts of non-compliance the following may occur:
  - goods/items may be impounded
  - permit suspension/cancellation
  - 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.

Action 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. Release fees apply for any items that are impounded. Storage charges may also apply for larger items that are impounded.

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

Council may cancel, suspend or amend a permit where the footpath activity detracts from, or is detrimental to, the safety, accessibility or amenity of an area or negatively impacts on the wider community.

# Related guidelines and application forms

The following documents can be found on Council's website and support the implementation of this policy.

- Street Activities Policy - guidelines
- Street activities application form
- Street performance application form
- Street art application form
- Street selling application form
- Community advertising billboards on Council land application form
- Real estate agent advertising signs on Council land application form
- Fundraising application form.

**To contact Council**

- phone 1300 88 22 33 or (03) 9298 4598
- visit our website at [www.maroondah.vic.gov.au](http://www.maroondah.vic.gov.au)
- email [maroondah@maroondah.vic.gov.au](mailto:maroondah@maroondah.vic.gov.au)

**Translating and Interpreter Service**

13 14 50


**National Relay Service (NRS)**

13 36 77

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