



**Macedon
Ranges**
Shire Council

Roadside and Footpath Trading Policy



Date of Adoption	14 December 2022		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (please specify)
CEO Signature			Date 20/12/22
Responsible Officer and Unit	Manager Safer Communities		
Nominated Review Period	<input type="checkbox"/> Annually	<input type="checkbox"/> Every 4 years	<input checked="" type="checkbox"/> Other: Every 5 years
Last Endorsement Date	14 December 2022		
Next Endorsement Date	2027		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

Contents

Purpose/Objective	4
Background/Reasons for Policy	4
Gender Impact Assessment	5
Definitions	6
References	7
Related Policies	8
Related Legislation	8
Introduction	9
Council Plans and Policies	9
How does the Policy relate to the Local Law?	10
How does the Policy link with other legislations?	10
Statutory Planning and heritage considerations	11
Key Policy Principles	11
Access	11
Design	11
Management	12
Compliance	12
Scope	12
To whom does this Policy apply?	12
Who does it not apply to?	13
What does the Policy cover?	14
What does it not cover?	15
Where does this Policy apply?	15
Where does it not apply?	15
How does this Policy apply?	15
Footpath areas	16
Pedestrian Zone	17
Trading Zone	18
Kerb Zone	18
Roadside areas	18
Roadside Trading site Requirements	19
Council Infrastructure	19
Clearance from existing public infrastructure	20
Fixed and semi-fixed furniture	21
General Permit Information	22
Display of permit registrations	23
Period of Permit	24

Renewal of existing permit	24
Amendments to an existing permit	25
Permit Fees	25
Public Liability Insurance	25
Compliance and Enforcement	25
Appendix A – Guidelines for Footpath and Roadside Trading	26
Appendix B – Visual Representation	37

Purpose/Objective

This Policy provides guidance to individuals, businesses and organisations seeking to place temporary items on Council owned and managed land and roads (including footpaths) for the purpose of trading.

The objectives of this Policy are:

- Facilitate opportunities for roadside and footpath trading on Council owned or managed land, which add to the public's enjoyment and use of public places in the municipality, while not reducing safety or access to public land.
- Provide a consistent and coordinated process for the assessment of applications for roadside and footpath trading within the municipality.
- To ensure the objectives of Council's Local Laws are achieved in administering this Policy.

Background/Reasons for Policy

Council developed the Roadside and Footpath Policy in 2019 to replace the 2004 street furniture policy following extensive review and consultation with local businesses, disability advocates, and the community.

This 2022 policy is an update to improve the policy further, which includes guidance for mobile trading on Council owned and managed public land, as well as changes in response to the COVID-19 pandemic. The policy compliments Council's Local Law by providing clear and consistent requirements and processes for roadside and footpath trading permits in the municipality.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. Based on findings from the gender impact assessment, it was recommended that as far as is practical, action is taken to ensure that people of all genders, ages and abilities are able to use our public spaces and enjoy our vibrant streetscapes.

The Roadside and Footpath Trading policy includes specific safety/accessibility statements within the policy where applicable by:

- Providing clear requirements that are enforceable for all businesses to ensure safe and accessible footpaths are for all to use, and which are not negatively impacted by roadside and footpath trading,
- Requiring footpaths to be clear of trading related furniture items once the business closes, which helps create safer streetscapes after dark,
- Enabling safe and responsible roadside and footpath trading, creating vibrant streetscapes for all to enjoy, and
- Is applied equitably to all businesses who use Council land and roads for trading activities.

The Policy helps deliver safe and accessible access to Council roadsides and footpaths for both businesses and users of all ages, genders and abilities.

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

Definitions

Term	Definition
Advertising Sign	Means a board, notice, banner or similar device used for the purpose of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
Amenity	Means a desirable or useful feature or facility of a building or place.
Authorised Officer	Means a Council officer appointed under section 224 of the <i>Local Government Act 1989</i> .
Council	Means Macedon Ranges Shire Council.
Council Land	Means land owned, occupied, or vested in the Council or in respect of which Council has the care and management and includes roadsides, parks and reserves and footpaths within Macedon Ranges Shire.
Footpath zones	Includes pedestrian zone, trading zone and kerbside zone as defined in this Policy.
Kerbside Zone	Is the area between the face of the kerb and the Trading Zone.
Local Law	Means the Macedon Ranges Shire Council General Purposes and Amenity Local Law No 10 of 2013, and subsequent versions of local laws adopted by Council in accordance with the <i>Local Government Act 2020</i> .
Mobile Trading	Means any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering goods or services for sale including any food and or drink (excluding alcoholic beverages).
Medium Strip	Means a dividing strip designed or developed to separate vehicles travelling in opposite directions.
Pedestrian Zone	Is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians.
Permit	In relation to a use or activity, means a permit issued under the Local Law that authorises that use or activity.
Public Place	Means a reserve, public highway, mall, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.
Roads	Has the same meaning as the Local Government Act 1989 and applies to roads for which the Council has responsibility under the Road Management Act 2004 but does not include a State road under the

	Road Management Act unless a provision in the Local Law is expressly applied to a State road.
Trading Zone	Is the area that the Council may permit for a trading use or activity. It is the area left between the Pedestrian Zone and the Kerbside Zone after these clearances are accounted for.
Trading	Means <ul style="list-style-type: none"> • Selling or offering or exposing or promoting the sale, supply, exchange or hire of any goods, merchandise, commodity, article, thing or service; or • Advertising for the purpose of soliciting sales, notifying people where goods and services may be obtained, or advertising or directing people to an event or festival; or • A fundraising stall or activity operating to raise money for a community group, charity or not-for-profit organisation (excluding highway collections)
Trader	Means any person, business or organisation that carries out trading activities.

References

- > Vision Australia
- > Access Institute
- > Baw Baw Shire Council
- > Ballarat City Council
- > Bendigo City Council
- > City of Stonnington
- > VicRoads
- > Australian Standards AS1428 – Design for access and mobility
- > Road Management Act 2004 – Operational Responsibilities for Public Roads
- > The Real Estate Institute of Victoria LTD Rules of Practice 2017

Related Policies

- > Smoke Free Outdoor Areas Policy 2017
- > Economic Development Strategy 2021 – 2031
- > Macedon Ranges Visitor Economy Strategy 2019 - 2029
- > Municipal Public Health and Wellbeing Plan 2021 - 2025

Related Legislation

- > *Local Government Act 1989 (Victoria)*
- > *Local Government Act 2020 (Victoria)*
- > *Macedon Ranges Shire Council General Purpose and Amenity Local Law No 10 of 2013 (and subsequent Local Laws made by Council)*
- > *Liquor Control Reform Act 1998 (Victoria)*
- > *Road Management Act 2004 (Victoria)*
- > *Road Safety Act 1986 (Victoria)*
- > *Disability Discrimination Act 1992 (Commonwealth)*
- > *Equal Opportunity Act 2010 (Victoria)*
- > *Gender Equality Act 2020*
- > *Tobacco Act 1987 (Victoria)*
- > *Food Act 1984 (Victoria)*
- > *Macedon Ranges Planning Scheme*

Introduction

Council recognises the important role and value that roadside and footpath trading contributes to creating vibrant and sustainable towns. This must also be balanced with legislative requirements, such as those found in local laws and complementary policies, which enhance accessibility and protect the safety of motorists and pedestrians alike.

This Policy takes into account the needs of motorists, pedestrians, people of all abilities, footpath and roadside trading, advertising, merchandise displays and kerbside dining.

Where permitted, footpaths may be used by local businesses for the display of goods, signs and outdoor eating areas, which can promote and enhance the vibrancy and diversity of the streetscape and area. In the context of the COVID 19 pandemic, Council recognises the importance of outdoor trading for many businesses to operate safely and sustainably.

While the trading activities on the footpath referred to are important parts of the retail environment, the primary purpose of footpaths is to provide for safe pedestrian access for people with all abilities, ages and genders. Footpath trading activities must be regulated to ensure that access and safety can be maintained. In considering the options that may be available for footpath trading it is important to recognise that any commercial use of public space is not a right, but a privilege that may be granted where access, community safety and amenity of the streetscape can be ensured.

Council Plans and Policies

The Council Plan 2021–2031 strives to achieve the community’s vision of Macedon Ranges Shire 2021–2031, and is aligned with Council’s four strategic priorities, developed through the Community Vision Assembly’s deliberative engagement process:

- Connecting Communities
- Healthy Environment, healthy people
- Business and tourism
- Delivering strong and reliable government.

The Municipal Public Health and Wellbeing Plan 2021–2025 outlines the role that Council will play in improving the health and wellbeing of Macedon Ranges Shire residents.

The Roadside and Footpath Trading Policy supports the strategic directions of the Council as outlined in these plans.

How does the Policy relate to the Local Law?

The Local Law sets out requirements for the use of Council land and roads including the requirement to obtain a permit for certain uses and activities. The Policy complements the Local Law by setting out requirements and conditions for the use of Council land or roads in regard to roadside and footpath trading, including mobile trading activities.

The Policy provides a framework and guide against which applications for Local Law permits will be assessed and issued, and against which compliance will be measured. Compliance with the Policy is required as a standard condition for permits issued to trade on Council land or roads.

How does the Policy link with other legislations?

Under this Policy, compliance with other legislation relevant to the type of trading activity is also required including the following:

- ***Planning and Environment Act 1987*** – if liquor is to be consumed within a tenancy including within a Footpath Area or if buildings or works to the retail premises are proposed.
- ***Liquor Control Reform Act 1998*** – if liquor is to be consumed within a tenancy including within a Footpath Area.
- ***Tobacco Act 1987*** – smoke free outdoor dining areas.
- **(Note: Council's Smoke Free Outdoor Areas Policy also prohibits smoking in outdoor drinking areas on council land)**
- ***Road Management Act 2004*** – regarding the placement of hoardings

Statutory Planning and heritage considerations

A planning and/or building permit may be required to install fixed items. Some areas of Council are located within a Heritage Overlay, which may limit what can be permitted and controls the style, appearance, and visual impact created to ensure there is not a detrimental impact on the heritage value of buildings and the streetscape.

A building permit may be required to alter the existing built environment i.e. to install permanent fixtures or fittings attached to buildings (including verandas over the footpath zone) or to project over the street alignment such as awnings, signage, blinds, heaters, etc. Council's Building department must be contacted in the first instance to seek further information about the requirement of and obtaining a building permit.

The building permit process, if required, will ensure the structural stability of the existing and proposed structures, and ensure that any alterations do not detrimentally effect the building, the use of the building or the footpath and built environment generally.

Key Policy Principles

The following guiding principles have been used in developing this Policy.

Access

- Unobstructed pedestrian access to footpaths for people of all ages and abilities;
- Appropriate clearances for parking and traffic; and
- Meeting best practice standards as defined in Australian Standard AS1428 for pedestrian areas.

Design

- High quality furniture design and appearance that enhance streetscapes; and
- Enables passive observation; and
- Safe, clean, attractive, functional trading and kerbside dining facilities.

Management

- Complementary to the local business and residential amenity;
- Well maintained and hygienic public space;
- Minimal noise, interference or nuisance; and
- Compatible with low energy use and environmental sustainability policies.

Compliance

- Providing support, information and policy guidance for permit holders and those seeking permits;
- Ensuring traders are familiar with the requirements of roadside and footpath trading; and
- Maintaining a clear and straightforward compliance process; and
- Equitably applying requirements for all businesses.

Scope

To whom does this Policy apply?

This Policy applies to any person, business or organisation who uses Council land or roads for trading activities within the Macedon Ranges Shire, where another permit or formal permission is not in place.

Who does it not apply to?

- Traders with stalls in a Council approved market, who are carrying out trading within the market footprint;
- Traders permitted as part of a Council approved fair, event, or festival through Council's event notification process;
- Traders on privately owned land;
- Traders with Council consent, such as a seasonal user agreement, lease, or license to use the Council land or road (e.g. sports clubs);
- Council staff or contractors carrying out duties on behalf of Council; and
- Persons, businesses, or organisations using Council land or roads for activities other than trading (e.g. buskers, highway collectors, persons distributing advertising/promotional materials, or other uses not covered by this Policy.)
- **Note: A requirement to obtain a general local law permit with specific requirements still applies.**

What does the Policy cover?

The following furniture and trading categories are covered by this Policy:

Furniture Type / Trading Category	Description
Moveable or temporary advertising signs	Moveable boards, placards, A-frame signs
Real Estate Signs	Any temporary signs relating to the sale, lease, or auction of real estate (includes directional / indicator / auction / inspection signs, property advertising boards, etc, but does not include signs outside the real estate business)
Goods for display	Display tables, shelves, clothes racks, or other furniture item displaying goods (includes fundraising stalls / activities)
Tables and seats	Outdoor dining facilities
Flags	Portable upright banners, advertising flags
Dividing screens/barriers	Café screens, outdoor barriers
Umbrellas	Centrepost style umbrella, cantilever style umbrella
Heaters	Free-standing portable gas heaters
Outdoor Planters	Pot plants, planter boxes, etc.
Fundraising stalls	A site temporarily set up to raise money for a community group, charity or not-for-profit organisation
Mobile Traders	A trader who sets up a van, other vehicle or stall or similar structure for the purpose of trading on Council land or road.

What does it not cover?

- Advertising signs for community events that are erected in the designated locations across the Shire as per the VicRoads Community Event Signage Guidelines;
- Temporary event/Christmas decorations installed on roads (contact must be made with council to seek permission for this);
- Permanent art installations approved under the Public Arts Policy; and
- Any fixture, fitting, installation, sign, etc. on a building that would require a building and / or planning permit.

Where does this Policy apply?

This Policy applies to all Council land and roads (owned and managed) including roadsides, footpaths, and reserves.

Where does it not apply?

- Private land (including leased land) unless related to the guidelines for Real Estate Signs outlined in Appendix A;
- Public land not under the authority of Council (eg. Crown owned and managed land); and
- Declared roads, which are under the authority and management of VicRoads (e.g. Freeways, Arterial Roads, and Non-Arterial State Roads) under the *Road Management Act 2004*. Information about the VicRoads register of public roads can be found online at: <https://www.vicroads.vic.gov.au/about-vicroads/acts-and-regulations/register-of-public-roads>.
- *Note: Some declared roads have shared management responsibilities between Council and VicRoads, requiring permissions from both authorities for some uses and activities.*

How does this Policy apply?

The following zones set out areas with descriptions to assist traders in understanding where furniture and trading activities may be permitted on Council land.

Footpath areas

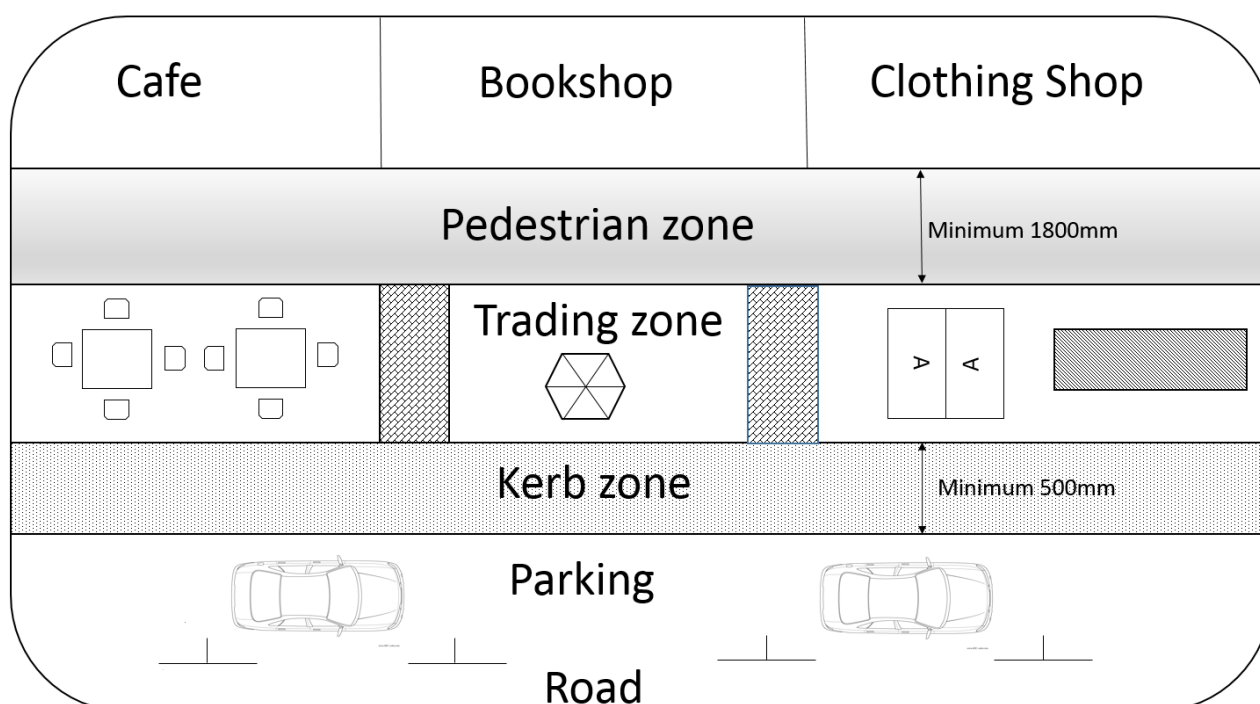
These are areas provided to enable safe, accessible, and defined paths for pedestrians to move along roadsides linking a variety of public, community, and commercial spaces.

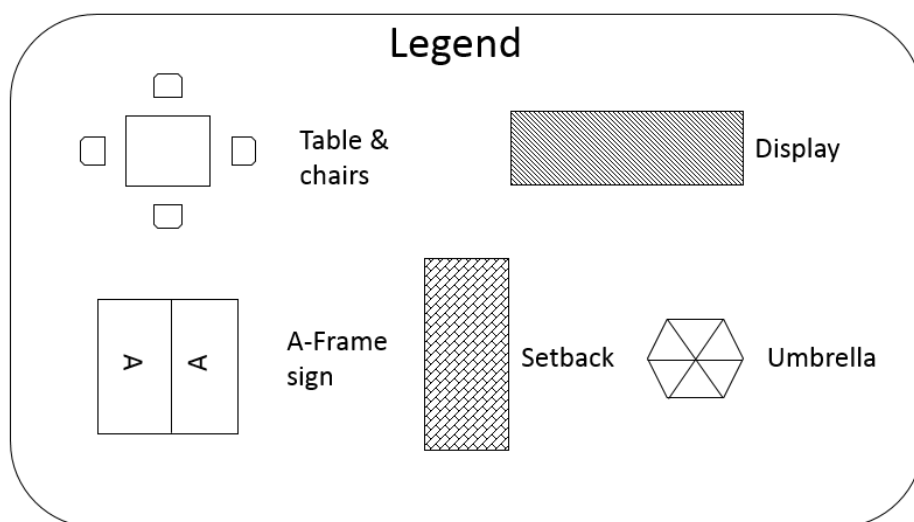
The footpath area has been divided into three zones:

- Pedestrian Zone;
- Trading Zone; and
- Kerbside Zone.

Existing trees, artwork, street furniture, public infrastructure and the footpath width may prohibit or limit footpath trading activity. Council will consider the requirements of this Policy when undertaking any future streetscape or landscaping works.

Due to the footpath width and parking restrictions, footpath trading may not be permitted in some instances.





Pedestrian Zone

The Pedestrian Zone is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians. A minimum width of 1800mm must be available in the Pedestrian Zone or greater if the footpath allows. Council reserves the right to increase the width of the Pedestrian Zone, dependent on pedestrian activity and size of the footpath.

The Pedestrian Zone is the area reserved for unobstructed access for pedestrians. It must be clear to provide for the safety of all pedestrians, including meeting the access needs of people with mobility aids, prams and shopping trolleys. It is also important the Pedestrian Zone is clear and furniture is not placed against building fronts for the safety of people who are visually impaired or have a disability.

A minimum gap of 1000mm must be left between adjoining Trading Zones to ensure that adequate access is provided for pedestrian safety when crossing the road or accessing vehicles.

Trading Zone

The Trading Zone is the area that the Council permits for trading activity and placement of associated furniture items. It is the area left between the Pedestrian Zone and the Kerbside Zone after the specified clearances are accounted for. The Trading Zone will vary in area from street to street depending on the overall width of the footpath, the Pedestrian Zone, the Kerbside Zone and any clearances from infrastructure that is located within the Trading Zone.

Approved items are only permitted within the Trading Zone and must not intrude on the Pedestrian Zone or Kerb Zone at any time.

Kerb Zone

The Kerb Zone is the area between the face of the kerb and the Trading Zone. This zone is important for the safety of pedestrians crossing the road and allowing passengers to gain access to parked vehicles. This zone must be a minimum of 500mm and remain clear of any footpath items approved within a Trading Zone. Parking spaces adjacent to a kerb help to protect footpath trading activity from moving traffic. Where there are no parking spaces next to a kerb, the footpath trading application will be considered taking into account traffic conditions and any safety risks at the site.

Council reserves the right to vary the setback of the Kerbside Zone, dependent on pedestrian activity and parking restrictions adjacent to the area.

Roadside areas

A roadside is a strip of land beside a road including nature strips, dividing strips, and road reserves. Not all roadsides are suitable as trading locations and permits to trade on a roadside will be considered on a case-by-case basis.

Roadside Trading site Requirements

A trading location on a roadside will only be approved if the following conditions are met as a minimum:

- Is readily and safely accessible to customers;
- Provides adequate parking for customers;
- Does not present a traffic hazard or danger to the public;
- Does not breach any regulatory or signposted car parking restrictions;
- Takes place where it will not impede pedestrians or vehicle movements; and
- Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

Council Infrastructure

Clearance from public infrastructure such as bins and public seating is required at all times for access purposes. Businesses may apply to have Council infrastructure removed, relocated or modified to assist applications in meeting the requirements of this Policy. Any removal, relocation or modification of Council infrastructure will be solely at the cost of the applicant. Where the infrastructure does not belong to Council, the business owner should contact the relevant infrastructure manager to discuss their application.

Clearance from existing public infrastructure

Where public infrastructure exists on the footpath, the following clearances are required:

Public infrastructure	Minimum clearances from object
Disability parking bay	1800mm
Litter bins Public seating Bicycle stands (from outer edges of stand) Fire hydrants Payphones Traffic lights Pedestrian-operated lights Way-finding signs Footpath ramps	1000mm
Trees and tree pit edge Planters installed by Council Electricity boxes Street infrastructure Electricity poles Street light poles	500mm

Fixed and semi-fixed furniture

Fixed furniture refers to any item that is affixed (through bolting or other means) to Council infrastructure, including to footpaths and kerbs, making it immovable. Fixed furniture (except when installed by Council or approved as part of a Planning Permit) is not permitted by Council under this policy for the following reasons:

- Creates an inflexible environment that cannot be changed easily to suit conditions or needs of the Council or businesses.
- Presents obstructions on the footpath and roadside outside of business hours.
- Damages Council infrastructure incurring costs to repair and restore.
- May damage underground utilities infrastructure (eg. power, gas, internet, phone, stormwater).
- Items may attract anti-social behaviours, be damaged, or subject to graffiti creating safety and amenity issues.
- Restricts access for street cleaning and maintenance.
- Affects heritage values for some streetscapes.

Council has a no tolerance approach for items unlawfully fixed to Council assets. Businesses who affix items to Council infrastructure may have their roadside and footpath trading permit suspended or revoked, and may not be eligible for future permits. Council may take enforcement action that can include seizure of items, issuing infringements, and/or initiating court proceedings. The business will also be charged the cost for Council to remove the items, and to repair and restore any damage caused to Council assets by affixed items. Businesses are encouraged to speak with Council about alternative options.

Semi-fixed furniture refers to any item temporarily secured to Council infrastructure by means of a socket and sleeve system installed into the ground. From 2024, businesses may be eligible to install in-ground sockets for securing outdoor dining furniture. Please contact Council for further information about the application process and associated fees.

Where Council approved in-ground sockets have been installed, the business may obtain a roadside and footpath trading permit to use furniture in the sockets in accordance with the requirements of this policy.

Unlawfully installed in-ground sockets will be removed, and reinstatement works undertaken at the business owner's expense.

General Permit Information

Before submitting a permit application for roadside and footpath trading, applicants are advised to read this Policy and have an understanding of all requirements, legal obligations, responsibilities and costs associated with trading on Council land and roads. Applicants are encouraged to seek advice from Council before submitting a new application for a permit.

Applications are available via Council's website or at Council service centres. Traders must submit their application with all necessary documentation, including a current Public Liability Insurance Certificate, and payment of fees.

Once an application for a permit is submitted, an Authorised Officer will consider that application in accordance with the Local Law. The following will also be taken into consideration when a permit application is assessed:

- Compliance with this Policy and other relevant Council policies;
- Compliance with the Local Law and other relevant legislation;
- Whether approvals are required from the Planning or Building department;
- Consistency with the general use of the street overall;
- 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;
- Compatibility with other uses in the street (including Heritage Overlay value);
- Whether it is complementary to the primary adjoining use;
- Whether it is less intensive than the primary adjoining use;
- The applicant's previous record of compliance;
- Application form is completed correctly and all required documents attached; and
- Any other matter relevant to the application.

A site inspection may be required in considering a new permit application. An Authorised Officer will either approve or refuse the permit application and advise the applicant in writing. Permit applications are normally processed within 28 days, but may take longer in some circumstances.

If a permit is refused, advice will be provided about the reasons for refusal. In accordance with the Local Law, the applicant may appeal a decision to refuse to grant a permit within 21 days of being notified. Refunds will not be given for permits that are refused.

Display of permit registrations

Annual permit holders will be issued a permit registration sticker. The current permit registration sticker must be displayed clearly and legibly on the shop-front window or front of the business so that it is visible to the public and Authorised Officers. If the permit registration sticker is damaged a request should be made to council for a replacement.

Fundraising stall permit holders will be issued a temporary trading permit. A copy of the permit must be available at the fundraising site and produced for inspection upon request.

Transfer of ownership

The following points apply:

- A permit for roadside and footpath trading only applies to the permit holder at the premises for which it is issued;
- Permits are not transferable from one premises to another. A new permit must be applied for at the new premises; and
- Permits are not transferrable on the sale or transfer of ownership of a business. The new proprietor must apply for a new permit.

Period of Permit

The following points apply:

- The Local Law prescribes the maximum time a Local Law permit may be issued for;
- The duration of a permit is at the discretion of an Authorised Officer;
- Permits related to roadside and footpath trading (excluding fundraising stall permits and mobile trading permits) expire on the date designated by the issuing Authorised Officer and must be renewed annually unless specified otherwise on the permit;
- Permits automatically expire upon expiry of Public Liability Insurance for the business holding the permit;
- No refunds will be given for permits if the business has transferred ownership, the permit is no longer required, the permit expires due to insurance expiry, or if the permit is cancelled or amended by Council or an Authorised Officer; and
- Upon expiry of a permit, it is the permit holder's responsibility to remove all furniture and cease trading on Council land or road until such time a permit is renewed or re-issued for the premises.

Renewal of existing permit

The following points apply:

- It is the permit holder's responsibility to renew a permit prior to the expiry date. Renewal notices will be issued to the permit holder approximately one (1) month before expiry;
- Renewal applications must be completed correctly with a certificate of currency for public liability insurance supplied to Council at time of renewal; and
- All fees must be paid to Council at the time of renewal.

Amendments to an existing permit

A trader may apply to amend an existing permit to place additional furniture and/or change the furniture being placed out. The business must submit an application to amend an existing permit and receive a Council approved permit with an updated layout prior to placing out additional furniture. Fees may apply for amending permits.

Permit Fees

Fees apply for permits issued for roadside and footpath trading. The fees are determined by Council as part of its annual budget process. Information about fees for permits is available on Council's website mrsc.vic.gov.au.

Applicable permit fees are payable in full before a permit will be issued, and are non-refundable if a permit is refused, suspended, or cancelled.

Public Liability Insurance

The business must supply a current copy of their Public Liability Insurance on application for the permit. The minimum amount of Public Liability Insurance required is \$10,000,000. If the Public Liability expires during the Permit period, the business must supply a new certificate before the expiry or the permit is no longer valid.

Compliance and Enforcement

Traders will be regularly audited for compliance against the Local Law, permit conditions and this Policy. Authorised Officers also investigate if Council receives a complaint from a member of the public or has any reason to believe a trader is not adhering to requirements.

If non-compliance is identified, an Authorised Officer may take enforcement action in accordance with the Local Law and Council policies and procedures. Council will attempt to work with permit holders in the first instance to achieve compliance. Failure to comply with conditions of the permit or this Policy may result in cancellation of the permit.

If a permit expires or is cancelled, the permit holder is responsible for immediately ceasing use of Council's land or road for trading. All furniture items must immediately be removed by the trader. It is an offence under the Local Law to use Council land or road without a permit. Failure to comply with the Local Law may lead to enforcement action resulting in fines, prosecution in court, and/or impoundment of furniture items.

Appendix A – Guidelines for Footpath and Roadside Trading

All furniture and trading categories - General requirements

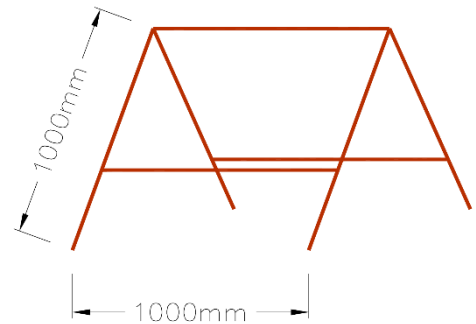
- Any signage, goods or furniture must only be displayed during business operating hours to assist with creating a safe environment, especially after dark. All items must be removed within 30 minutes of the business closing time (excluding real estate signs that are placed according to the Real Estate Signs additional requirements below);
- Items may only be displayed in the Trading Zone unless permitted in an alternative location to the trading zone. Items must not be placed in the Pedestrian Zone at any time;
- Generally, items will not be permitted to be placed within 10 metres of a road intersection so as not to interfere with traffic visibility (except Real Estate Signs) – applications for items within 10 metres will require a site distance inspection assessment by an Authorised Officer;
- No items may be placed against the building line at any time as this interferes with accessibility requirements;
- All items on the footpath must be placed in front of the business' building and not impede on the trading area of any other business unless an expanded trading area is approved by Council in consultation with neighbouring businesses;
- All items displayed on Council land or roads must be self-supporting, windproof and/or weighted down. Displays must not be affixed to any footpath, building, furniture, pole or other structure; except for flags in approved sleeves or brackets;
- All items must be of a safe design, clearly visible, and constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries to pedestrians;
- Items must not cause damage to any Council infrastructure, land or roads. Any damage caused by signage, goods or furniture will be repaired at the cost of the permit holder;
- All items must be kept in a state of good repair and promptly removed or replaced if damaged, faded, or deemed unsafe or unsightly by an Authorised Officer;

- All items must be regularly maintained so as to be clean, tidy, litter free and graffiti free;
- Items must not be offensive in any way, negatively impact on amenity or contain any words or illustrations that could be considered offensive, disrespectful or discriminatory; and
- The use of any sound amplification equipment (including speakers) is not permitted.

Movable or Temporary Advertising Signs - Additional requirements

The following conditions must be met in order to display movable signage (excluding real estate signs – refer to Real Estate Signs – Additional requirements):

- Signs must not be affixed or attached to any infrastructure including footpaths, street furniture, buildings or poles;
- Signs must not be placed in the pedestrian zone;
- Signage must not exceed 1000 mm x 1000mm in size;
- A maximum of two (2) signs are permitted per business;
- Signs may be single or double sided;
- Signs must not be displayed when the business is closed; and
- No sign or display is to have any moving, rotating, illuminated or reflective components.



Moveable signage must be placed within the trading zone. Applications may be considered, granting special conditions for businesses to place signage outside of the Trading Zone. Businesses that are set back from the roadside or are adjacent to a service road outer separator may apply to place a movable sign on the roadside, outer separator or road reserve. Signs are not permitted on median strips or roundabouts. Applications will be considered on a case by case basis taking into consideration traffic conditions and any safety risks at the site.

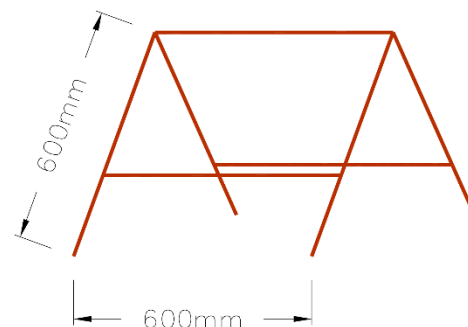
See Appendix B for visual representation.

Real Estate Signs - Additional requirements

Real estate agents can apply for a Local Law permit to place signs for advertising or promoting properties they are selling or leasing when they wish to use Council land or roads for this purpose. Other advertising is not permitted. In addition to complying with the Real Estate Institute of Victoria LTD Rules of Practice 2017, real estate agents and their representatives must adhere to the following conditions when placing out Real Estate Signs:

Moveable Real Estate Signs (e.g. A-Frame or sandwich board style open for inspection, auction, and directional / indicator signs)

- Signs must be identified with the name of the business of the acting agent and the contact details of the Permit Holder or the current Local Law Permit number;
- Signs may only be placed out on the day of the Open for Inspection or Auction;
- Signs must not be placed out before 6:30am or sunrise (whichever is later) on the day of the Open for Inspection or Auction and must be removed within 45 minutes after the inspection or auction has concluded;
- Signs must not exceed 600 mm x 600 mm in size;
- Signs may be single or double sided;
- Signs must not have any animated, moving, rotating, illuminated or reflective components;
- Signs must not be anchored, affixed or attached into the ground or onto any Council / Utility Company infrastructure including trees, footpaths, street furniture, buildings or poles;
- Signs must not be placed on any roundabout, median strip, traffic island, pedestrian refuge, Council reserve, footpath, footpath ramp, or within the pedestrian zone;
- Signs must not be placed in a way that impairs the vision of road users or impedes the safe use of footpaths and roads in any way;



- Only two (2) signs may be placed at any corner of an intersection at any one time; and
- A maximum of four (4) signs are permitted to be placed out per open for inspection or auction event, which may be placed at nearby intersections and directly outside the property being sold or leased.

Property Advertising Boards (e.g. onsite boards and estate signage)

The Macedon Ranges Shire Council Planning Scheme in conjunction with the Local Law prescribe the legal requirements for property advertising boards. The following summarises requirements, but agents are responsible for ensuring Planning Scheme requirements for signs are complied with and planning permits are obtained when legally required.

- Advertising boards are not allowed on Council land or roads;
- Only one (1) advertising board can be displayed on the land that is for sale or lease (except for apartments that may display one (1) board per unit);
- The board must be securely erected on the land;
- The board must not exceed 10 square metres in size;
- The board must not have any animated, internally illuminated, floodlit, or reflective components;
- The board may have a mounting point for a flag provided it is on or within the boundary of the property;
- A flag not exceeding two (2) square metres in size may be displayed from the mounting point on the board provided it meets the following conditions:
 - The flag must be safely secured in the mounting point placed upright at a 45 degree angle or less from the sign; and
 - The flag must not be placed in the mounting point prior to 6:30am or sunrise (whichever is later), on the day of the Open for Inspection or Auction and must be removed directly following the inspection or auction time; and
 - When the agent is not attending the property, the flag must not overhang or protrude into any footpath or pedestrian zone; and

- The flag must not impair the vision of pedestrians and/or road users; and
- The flag must not impede the safe use of footpaths and roads in any way; and
- The board must be removed within seven (7) days of the sale or letting of the property.

Note: a planning permit may be sought for signs that would not comply with the conditions outlined (e.g. for illumination, additional signs, larger signs, etc). Refer to the Macedon Ranges Shire Council Planning Scheme for further information about sign requirements: <http://planningschemes.dpcd.vic.gov.au/schemes/macedonranges>.

Goods for display - Additional requirements

Display of goods gives the businesses the opportunity to display items that are sold within the premises. The following conditions apply:

- Displays must not exceed a height of 1200mm, width of 800mm and a length of 1500mm;
- Where the business has multiple displays a gap of 1000mm between each display must be allowed for access;
- Displays must not cause a tripping hazard to pedestrians; and if food is displayed, the permit holder must comply with the Food Act 1984.

Tables and Seats - Additional requirements

- A permit is issued subject to the premises being registered under the Food Act 1984, proof of which must be supplied to an Authorised Officer of Council on request;
- The number of tables and seats permitted on the footpath is determined by the size available in the Trading Zone. Table dimensions and size must be specified in the application process;
- Tables and seats must be portable, yet sturdy and windproof;
- The feet on tables and chairs must not be a type that causes damage to the footpath;

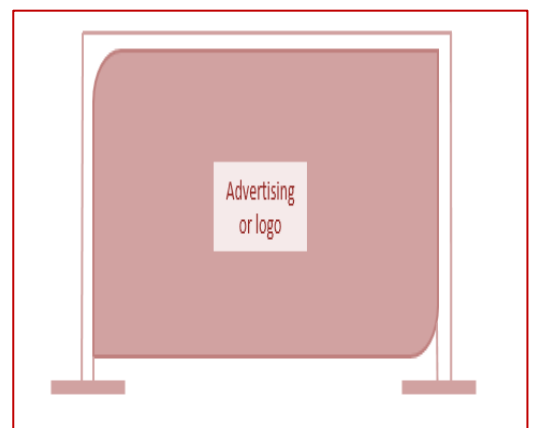
- No alcohol can be served on Council land unless the footpath area is included in the Liquor Licence Redline plan and has planning approval;
- The number of tables and seats permitted may be restricted by numbers approved under the Planning Permit;
- Smoking is banned in all outdoor areas with tables and seats on the footpath including outdoor drinking areas under Council's Smoke Free Outdoor Areas Policy . The permit holder is responsible for ensuring patrons comply with these provisions and any other Council policies, laws, or regulations relevant to tobacco use and vaping; and
- Patrons with a dog must ensure the dog remains within the trading zone. The permit holder is responsible for ensuring patrons utilising tables and seats do not allow their dog to impede the pedestrian zone.

Flags - Additional requirements

- Pre-existing sleeves or brackets which have been approved by Council are permitted to be used;
- Flags must not overhang a roadway or parking bay at a height less than 3 metres;
- Flags must not be located within 20m of an intersection; and
- Flags must not be of a size, shape, quantity or placement that, in the opinion of an Authorised Officer, impedes traffic or create a hazard.

Dividing screens or barriers - Additional requirements

- Dividing screens or Barriers must not exceed 1200mm in height;
- Dividing screens or Barriers must not adversely impact the openness of the streetscape;
- Dividing screens or Barriers must only be positioned in the Trading Zone;



- Advertising on screens must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable;
- Glass screen barriers are discouraged, but may be approved on a case-by-case basis for use with a Council approved / installed in-ground sleeve system. Glass screen barriers must be made of toughened glass and meet Australian New Zealand safety standards; and
- Dividing screens secured to in-ground sockets must be removed at the end of business each day, and the socket lid must be closed flush to the ground so as to prevent a trip hazard.

Umbrellas - Additional requirements

- Umbrellas will only be approved where existing shelter such as verandas, canopies or trees do not provide protection from the elements;
- Umbrella circumference must be wholly contained in the Trading Zone;
- Advertising on umbrellas must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable; and
- Umbrellas secured to in-ground sockets must be removed at the end of business each day, and the socket lid must be closed flush to the ground so as to prevent a trip hazard.

Heaters - Additional requirements

Council encourages Permit holders to consider limiting the use of outdoor gas heaters due to reducing the contribution to greenhouse gas emissions. Only gas heaters will be permitted.

- Heaters must be free standing, stable and capable of automatically shutting down if overturned;
- Heaters must comply with the Australian Standards;
- Heaters must only be used a safe distance from flammable items;
- Heaters must be removed and stored appropriately when the business is closed;
- Permit holder must ensure the safe use of gas heaters and have written operating instructions available to all staff;

- All gas heaters must have a registered Australian Gas Association Number (AGA No.) or SAI Global approval;
- Gas heaters must only be used outdoors in a well ventilated area;
- Gas heaters must be serviced every 12 months or earlier as required; and
- Permit holder must comply with Gas Safety (Gas Installation) Regulations 1999, Dangerous Goods Act 1985, Australian Standard for Gas Cylinders, Occupational Health and Safety Regulations 2007 and any other relevant policies and code of practice.

Outdoor Planters - Additional requirements

Council encourages permit holders to consider drought resistant, native plants. Plant species should be chosen for their hardiness, evergreen type and that are slow growing for easy maintenance.

- Plants must not be allowed to stain the ground where the planter box sits;
- Plants must not be declared noxious weeds or toxic plants;
- Area around outdoor planters must be kept clean and clear of any fruit or flowers that may fall from the plant;
- Plants with needles or thorns are not permitted; and
- Planter boxes must be a portable design and where on wheels or casters, must have a lock/brake.

Fundraising stalls - Additional requirements

- Fundraising stalls must only occupy the approved fundraising site location identified in the permit and operate according to the requirements set out in this Policy and the permit;
- Fundraising stalls must only occupy and operate on the days and times specified in the permit;
- If applying to set up in front of an existing business, written permission from that business must be submitted with the permit application;

- Stalls / displays must not be set up against the building line and can only be positioned in the Trading Zone;
- Stalls / displays must not exceed a height of 1200mm, width of 800mm and a length of 1850mm;
- If food is displayed the permit holder must comply with The Food Act 1984; and
- Members of the public must not be badgered or harassed in any way whilst undertaking fundraising activities.

Mobile Trading - Additional requirements

From 1 July 2023, mobile trading may be permitted on Council land and roads subject to the following requirements.

- Mobile traders can apply to operate at a specific site on Council land or roads, which will be considered on a case-by-case basis. It is important that use of public space for commercial activities is complimentary to the area's purpose and is not detrimental to fixed businesses in the area. In deciding whether to grant permits for mobile trading, the general location, potential impact on area businesses, safety of road users, safety of pedestrians, visual amenity, litter control and nature of the vehicle, stall or other structure will be considered. The issue of a permit is at the discretion of a Council Authorised Officer.
- A permit may be granted for a period of up to three (3) months to operate at an approved site during specified days and times. Ice cream vans may be granted a permit to operate in a specified region at specified times. Council may also determine to promote/activate a public site within the municipality, and may nominate sites as determined.

Mobile trading as defined in the Local Law is currently allowed on private land where it is done in accordance with the Macedon Ranges Planning Scheme, and may also be approved as part of events, festivals, markets, and recreational lease agreements. This policy does not limit mobile trading in these circumstances.

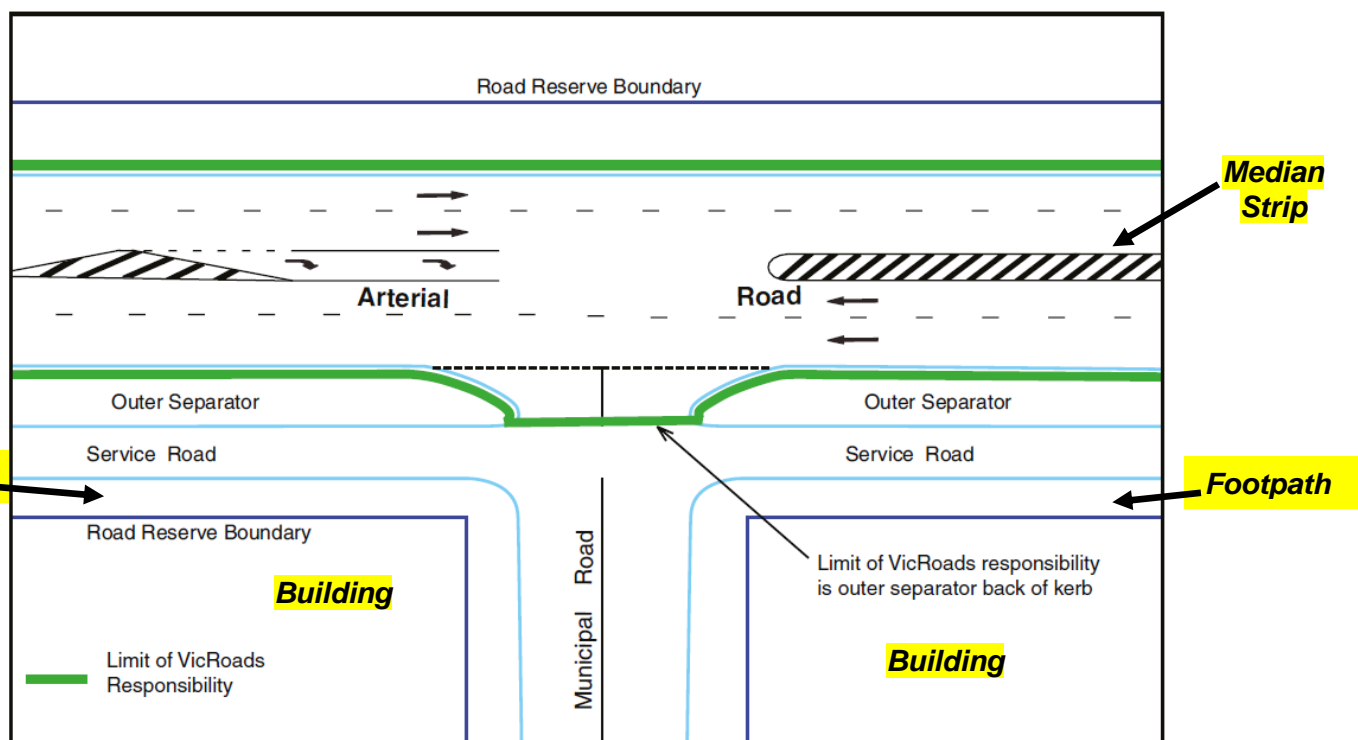
Mobile Trading Site Location

- Sites must not be located within 100 metres of an existing and operating hospitality or like business, unless its hours of operation are outside the existing trading hours of nearby businesses;

- Sites must be at least 15 metres away from bus stops and taxi ranks;
- Sites must be at least 25 metres away from a school crossing, traffic control device, or intersection;
- Sites must comply with the requirements of the *Road Safety Act 1986* and *Road Safety Road Rules 2017* with respect to (but not limited to) the obstruction of sight lines, traffic signals and road signage as well as comply with any parking restrictions;
- Sites cannot be located on or interfere with a footpath or shared path;
- The site and general area should be able to be monitored at all times and provide an inviting, clean and safe place for people to use; and
- Mobile traders must only operate at the site/s permitted and must leave the site outside of permitted operating hours. In addition to the general requirements, the following conditions will also apply to Mobile Trading to ensure safety and amenity:
 - A permit for Mobile Trading will be issued to a specified vehicle/stall and is non-transferrable to additional vehicles/stalls;
 - Trading that includes the use of a mobile food truck/van/cart, must have a current Registration under the *Food Act 1984* with their principle Council, be registered on the Streatrader website or other State health systems, and lodge a Statement of Trade nominating the location and date/s of trading;
 - The food truck/van/cart must meet the requirements of the *Food Act 1984* and requirements of the FSANZ Food Standards Code;
 - All electrical and gas fittings must comply with Energy Safe requirements;
 - The operator must not create or allow an obstruction on any road, thoroughfare, or footpath;
 - The vehicle opening for the service of customers shall open toward the footpath/nature strip and at no time open out to the road;
 - Any noise generated from the mobile trading activity must be kept to a minimum at all times and must not create a nuisance;

- The operator is responsible for keeping the area immediately surrounding the vehicle or stall free of litter during the hours of operation and must clean the surrounding area before leaving to ensure no litter has been left by patrons;
- The operator must comply with relevant State legislation and Council policies in relation to using sustainable materials and phasing out the use of single-use plastics; and
- The operator must supply suitable bins for deposit of rubbish by patrons and will remove the bins for disposal of waste offsite upon leaving the site each day. The operator must dispose of rubbish and waste lawfully, which must not be disposed of in Council bins;
- Wastewater must be collected and lawfully removed/disposed from the site;
- Mobile Trading activities must not adversely affect nearby residents or businesses; and
- Operators must not place any furniture items or signs on Council land or roads without a permit for the item/s (with the exception of bins approved as part of the Mobile Trading permit).

Appendix B – Visual Representation



This diagram was supplied for use by VicRoads.