



Roadside and Footpath Trading Policy



Definitions:

Advertising Sign means a board, notice, banner or similar device used for the purposes 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 *Local Government Act 1989*.

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 Macedon Ranges Shire Council General Purposes and Amenity Local Law No 10 of 2013

Mobile Trading 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).

Median 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 which 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.

Road 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:

- 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 purposes 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:	<p>Vision Australia Access Institute Baw Baw Shire Council Ballarat 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</p>
Related Policies:	<p>2017 Smoke Free Outdoor Areas Policy</p>
Related Legislation:	<p>Local Government Act 1989 (Victoria) Macedon Ranges Shire Council General Purposes and Amenity Local Law No 10 of 2013 Liquor Reform Act 1998 Road Management Act 2004 Road Safety Act 2017 (Victoria) Disability Discrimination Act 1992 (Commonwealth) Equal Opportunity Act 2010 (Victorian) Tobacco Act 1987 (Victoria) Food Act 1984 (Victoria) Macedon Ranges Planning Scheme</p>

1 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 can 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.

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 and 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 which may be granted where access, community safety and amenity of the streetscape can be ensured.

This document replaces the Street Furniture Policy 2004 and renames the Policy as the Roadside and Footpath Trading Policy to more accurately describe the amended access and safety measures applied to the various uses that are made of roadsides and footpaths for commercial purposes.

2 Council Plans and Policies

The 2017-2027 Council Plan outlines the key priorities for the next ten years and sets out how the council will invest in services and facilities. The plan identifies the following five priorities:

- Promote Health and Wellbeing;
- Protect the Natural Environment;
- Improve the built environment;
- Enhance the social and economic environment;
- Deliver strong and reliable government.

The Roadside and Footpath Trading Policy aligns with the broader strategic directions of the council. In particular it seeks to promote health and wellbeing and enhance the social and economic environment.

2.1 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 renamed Policy amends and provides an updated and enhanced 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.

2.2 How does the Policy link with other legislation?

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

2.3 Statutory Planning and heritage considerations

A planning or building permit will be required to install fixed items attached to buildings such as awnings, blinds, heaters, etc. Council’s Planning and Building Unit must be contacted in the first instance to seek further information about obtaining a planning or building permit.

Planning permits must be sought for the permanent installation of fixtures or fittings upon the fabric of the building and/or verandas over the footpath zone, as well as on Council land itself (e.g. on the footpath) where this is installed for an associated business purpose.

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. This will be confirmed through the planning or building permit process.

3 Key Policy Principles

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

3.1 Access

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

3.2 Design

- High quality furniture design and appearance; and
- Safe, clean, attractive, functional trading and kerbside dining facilities.

3.3 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.

3.4 Compliance

- Providing information and Policy guides for permit holders;
- Ensuring traders are familiar with the requirements of roadside and footpath trading; and
- Maintaining a clear and straight forward compliance process.

4 Scope

4.1 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.

4.2 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.

4.3 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)

Furniture Type / Trading Category	Description
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.

4.4 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;
- Any fixture, fitting, installation, sign, etc. on a building that would require a building and / or planning permit; and
- Fixed and partially fixed furniture – Under this Policy, the installation or placement of fixed or partially fixed furniture is prohibited on Council land or roads unless there is a planning permit for the use under the Planning Scheme.

4.5 Where does this Policy apply?

This Policy applies to all Council land and roads including roadsides, footpaths, and reserves.

4.6 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; and
- Declared roads, which are under the authority and management of VicRoads (e.g. Freeways, Arterial Roads, and Non-Arterial State Roads). 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>.

5 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.

5.1 Footpath areas

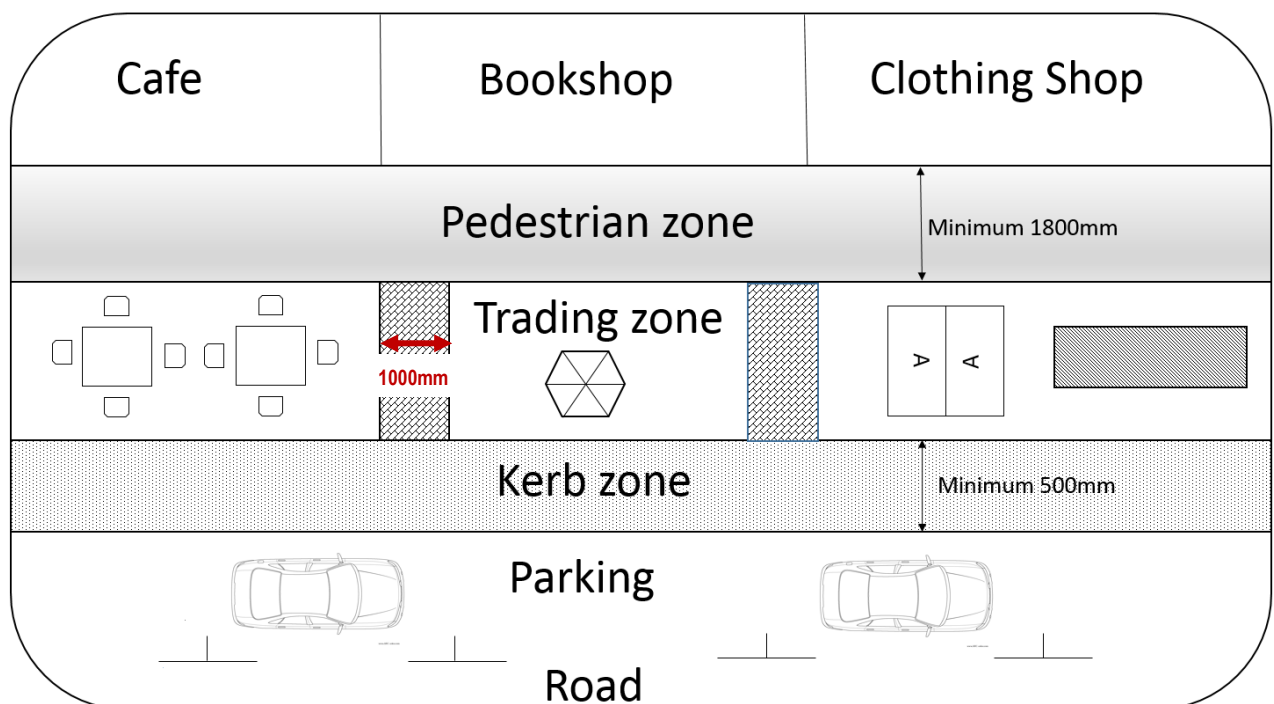
These are areas provided to enable safe, accessible, and defined paths for pedestrians to move along roadsides linking a variety of public, community, and commercial spaces.

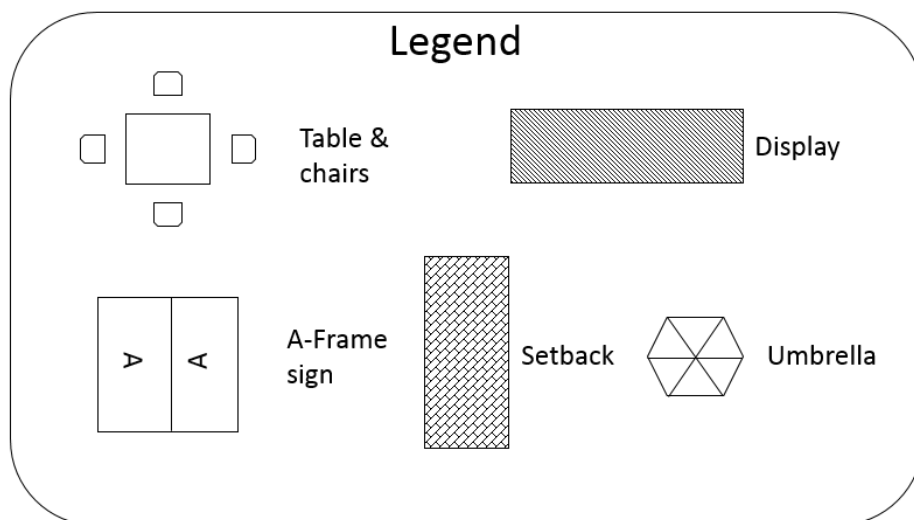
The footpath area has been divided into three zones:

- 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.





5.1.1 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 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.

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.

5.1.2 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.

5.1.3 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.

5.2 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.

5.2.1 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).

5.3 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.

5.3.1 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

6 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 Clause 52 of 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;
- 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.

6.1 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.

6.2 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.

6.3 Period of Permit

The following points apply:

- Permits can only be issued for a maximum period of 12 months as per the Local Law;
- The duration of a permit is at the discretion of an Authorised Officer;
- Permits related to roadside and footpath trading (excluding fundraising stall permits) expire on 30 August and must be renewed annually;
- 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.

6.4 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.

6.5 Amendments to an existing permit

A new permit application must be submitted where any amendment to an existing permit is required.

6.6 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.

6.7 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.

6.8 Compliance and Enforcement

Traders will be audited annually 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.

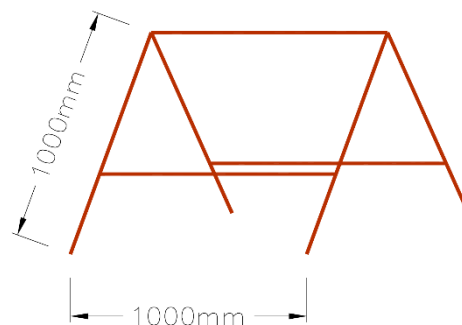
All furniture and trading categories - General requirements

- Any signage, goods or furniture must only be displayed during business operating hours. 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;
- No items may be placed against the building line at any time;
- All items on the footpath must be placed in front of the building and not impede on the trading area of any other business;
- 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 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.



Movable 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.

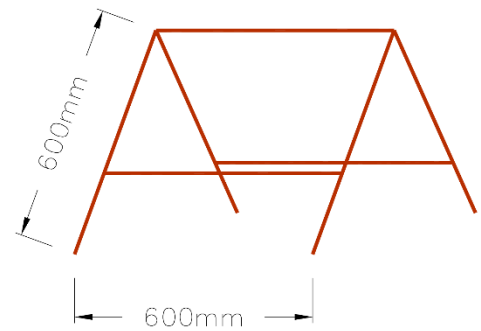
See Appendix B for visual representation.

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; and
- 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; and
- Signs must not exceed 600 mm x 600 mm in size; and
- Signs may be single or double sided; and
- Signs must not have any animated, moving, rotating, illuminated or reflective components; and
- 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; and
- Signs must not be placed on any roundabout, median strip, traffic island, pedestrian refuge, Council reserve, footpath, footpath ramp, or within the pedestrian zone; and
- 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; and
- 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; and
- 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); and
- The board must be securely erected on the land; and
- The board must not exceed 10 square metres in size; and
- The board must not have any animated, internally illuminated, floodlit, or reflective components; and
- The board may have a mounting point for a flag provided it is on or within the boundary of the property; and
- 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

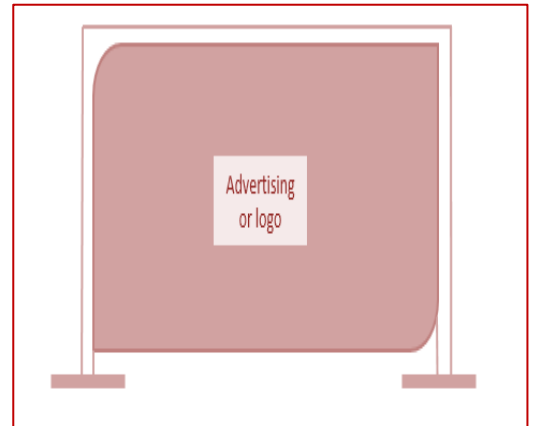
- A permit is issued subject to the premises being registered under the Food Act 1984, proof of which must be supplied to an Authorised Officer of Council on request;
- The number of tables and seats permitted on the footpath is determined by the size available in the Trading Zone. Table dimensions and size must be specified in the application process;
- Tables and seats must be portable, yet sturdy and windproof;
- No alcohol can be served on Council land unless the footpath area is included in the Liquor Licence Redline plan and has planning approval; and
- 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 2017. The permit holder is responsible for ensuring patrons comply with these provisions.

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.
- 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; and
- Advertising on screens must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable.



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; and
- Advertising on umbrellas must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable.

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 plantar 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
- Plantar 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 1500mm;
- 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

Mobile Trading as defined in the Local Law and this Policy is currently not permitted. Additional requirements will be developed that will apply to mobile traders and a schedule of fees will be prepared. ~~It is proposed that mobile trading will be permitted from 1 July 2020.~~

Appendix B – Visual Representation

