

Outdoor Trading Guidelines

A resilient and growing local economy



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1. Introduction

Council is committed to ensuring that the vibrancy of our retail and business precincts are enhanced by providing the opportunity for footpaths and other public spaces to be used for trading and, in particular, outdoor dining. However, pedestrian access and safety is the primary purpose of footpaths.

The Outdoor Trading Policy applies to public spaces, in particular areas that form part of footpaths, laneways, road reserves and roads including car parking spaces. These Guidelines set out the framework under which a permit can be granted for the use of a public place for private and commercial purposes.

Council has to balance the diverse needs and aspirations of the community, businesses and maintain public assets in a serviceable and safe condition. Therefore, Council will only support proposals that are of a high quality and will be well managed. Proposals that impact on public access (a clear path of travel) or detrimentally impact public assets will not be supported.

In addition to requiring a permit fee Council may impose conditions, which Council believes is necessary or which will increase the likelihood of the trading activity being compatible with an area. It should be noted that the use of public land is a privilege; not a right and is granted to traders by the Council, only where there is no compromise to community safety, accessibility or general amenity. Permits will only be granted to operators who comply with the standards and conditions in these Guidelines.

If you haven't already, we recommend meeting with council staff to discuss your application prior to applying for a permit. This ensures any other requirements such as Traffic Managements Plans or Risk Assessments can be discussed early and a realistic idea of what is possible at your site achieved.

Contact us at business@mountalexander.vic.gov.au or 03 5471 1700 and ask for the business support team.



2. Scope

These Guidelines extend to all individuals, businesses and organisations within the Shire seeking to use footpaths, laneways, road reserves and roads including car parking spaces for commercial or other purposes.

This use includes the placement of temporary infrastructure such as, but not limited to:

- advertising signs, including banners or flags
- heaters
- parklet structures
- fencing, barriers and screens
- pots and planter boxes
- tables and chairs
- retractable awning and blinds
- street stalls or carts
- umbrellas or shade structures
- floor coverings

In addition to the requirement to obtain a permit under the local law a person must also comply with the requirements in these Guidelines as well as the requirements of the following legislation:

- Building Act 1993
- Commonwealth Disability Discrimination Act 1992
- Charter of Human Rights and Responsibilities Act 2006
- Food Act 1984
- Heritage Act 2017 (Vic)
- Liquor Control Reform Act 1998
- Local Government Act 2020
- Mount Alexander Planning Scheme, Mount Alexander Shire Council General Local Law 2020
- Planning and Environment Act 1987
- Tobacco Act 1987
- Road Management Act 2004
- Road Safety Act 1986
- Road Safety Road Rules 2016
- Victorian Disability Act 2006

3. Definitions

Abbreviation/Term	Definition
Advertising sign	Any A-frame, board, sign, banner (whether portable, affixed or attached to any land or building) which provides information about the occupier of land, building, or business. Any sign advertising goods, services, events or competitions, or which provides directions to the location of property or land.
Ancillary activity	Includes busking, barbecues, raffles, charity collections, temporary stalls persons campaigning for any Local, State or Federal election or any other activity that may be designated from time to time.
Authorised Officer	A person appointed by Council to be an Authorised Officer under section 224 of the Local Government Act 1989.
Clearway	The area between the side boundary of each premises and commencement of the trading zone.
Commission	Australian Human Rights Commission
Council	Mount Alexander Shire Council
DDA	Commonwealth Disability and Discrimination Act 1992
Delineation marker	Markers on the footpath, to allow pedestrians and traders to distinguish the permitted trading zone.
Exclusion zone	Refers to the following areas: <ul style="list-style-type: none"> • A distance of ten metres from an intersection; • A distance of 20 metres before and ten metres after a pedestrian or school crossing or traffic lights; • An area adjacent to a bus zone, loading zone, mail zone or a no stopping area.
Footpath trading	The use of footpath for commercial activities.
Footpath width	The distance from the face of the kerb to the outside edge of the property line.
Kerbside zone	The area between the kerb and the outer edge of the trading zone.
Not-for-profit groups	Any groups or individuals collecting to fund or manage charitable programs and /or work or to promote an issue, and include local kindergartens, local primary and secondary schools, sporting clubs, local volunteer groups and community service organisations.
On-street parking zone	Designated parking bays located on public road reserve that may be occupied by a vehicle for a specified period.

Outdoor dining	Outdoor dining provided on Council owned or managed land.
Outdoor dining furniture	Fixed or movable tables, chairs, benches etc. which are provided for the use of patrons of a café, bar or restaurant with outdoor dining.
Parklet	A parklet is a structure placed in a car parking bay. It is usually a small platform or deck that extends from a footpath into a parking space and provides seating and landscaping for public use.
Pedestrian zone	The area between the property line and the inner edge of the Trading Zone.
Permit	A permit issued by Mount Alexander Shire Council, authorising outdoor dining, temporary stalls, signage or any other ancillary activity within the trading zone.
Public asset	All permanent fixtures, such as bike racks, seats, bins, pedestrian crossing controls, fire hydrants and other emergency assets, parking meters and signs, traffic signal boxes, public transport shelters.
Service authority	Any company or public body responsible for the installation of telecommunications, gas, electricity, water and sewage or drainage facilities in or on a road or a road reserve, including a footpath.
Special use zone	Specified areas such as bus, taxi, loading and no stopping zones, access parking spaces for people with disabilities.
Temporary retractable awning	Any horizontal awning that is fixed to a building and projects over a footpath to form a verandah, or a vertical drop-down awning (including partial and full length) that is fixed to verandah's and projects over a footpath.
Temporary stall	Stalls or displays of information or merchandise available for sale.
Trading activity zone	The area between the pedestrian zone and the kerbside zone where trading activities can occur.

4. Standards for use of a public space

Council adopted General Local Law 2020 requiring a permit for use of public land. Council is also empowered to make the granting of a permit subject to conditions.

Council aims to provide a safe environment for people to move through the Shire freely and without obstruction. Part of this responsibility requires Council to provide a clear path for all people to move along footpaths and as a minimum, to meet the requirements of the Commonwealth Disability Discrimination Act 1992 (DDA).

The Human Rights and Equal Opportunity Commission states that the continuous accessible path of travel should extend from the property or building line. There should be no obstructions or projections from this line in order to provide the best possible guidance line for all users including people with a vision impairment and other disabilities. The Commission encourages Local Governments with responsibility for footpaths to develop policies that reflect this best practice.

In order to achieve best practice Council will encourage compliance with the Australian Standard 1428 Design for Access and Mobility. (AS1428 Part 1 and 2) which shows the minimum width required for 2 people using wheelchairs to pass each other is 1800mm.

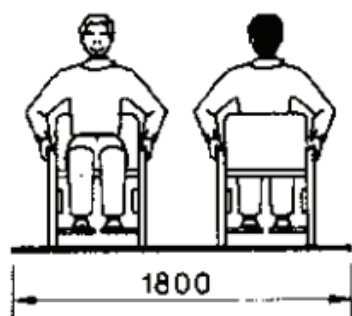


Figure 1. Path width needs

To allow two wheelchairs to pass comfortably, a clear width of 1800mm is required.

Reference: AS 1428.2—1992, section 6.5, page 6

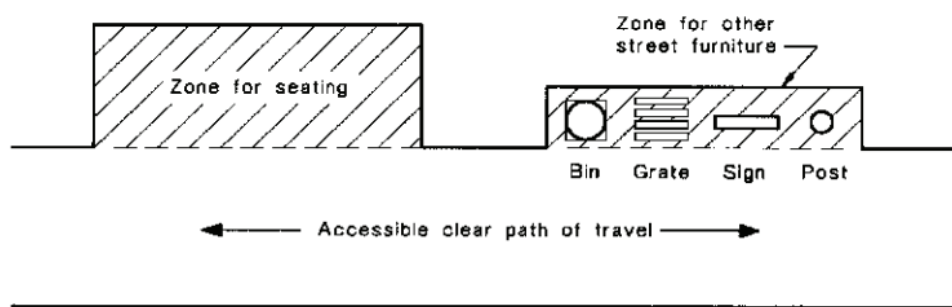


Figure 2. Example of position of street furniture

There should be no projections into the accessible path of travel

Reference: AS 1428.2—1992, section 27, page 37

In providing this advice the Commission is not saying that compliance with the DDA can only be achieved by providing footpaths this wide, but rather a footpath of this minimum width would provide amenity for all users, especially in areas of high pedestrian traffic shopping areas. A footpath should, as far as possible, allow for a continuous accessible path of travel so that people with a range of disabilities are able to use it without encountering barriers.

Pedestrian zones along footpaths need to provide a safe, clear and consistent pathway need to meet their statutory requirements. In order to achieve this, any street furniture, signs, trader's activities or displays must be placed in the trading activity zone which is towards the kerbside, not along the property or building line.

5. Zones

In order to provide ease of access for pedestrians, the following zones have been created:

- Pedestrian zones
- Trading activity zones
- Kerbside zones
- Exclusion zones
- Road zones

5.1 Pedestrian zones

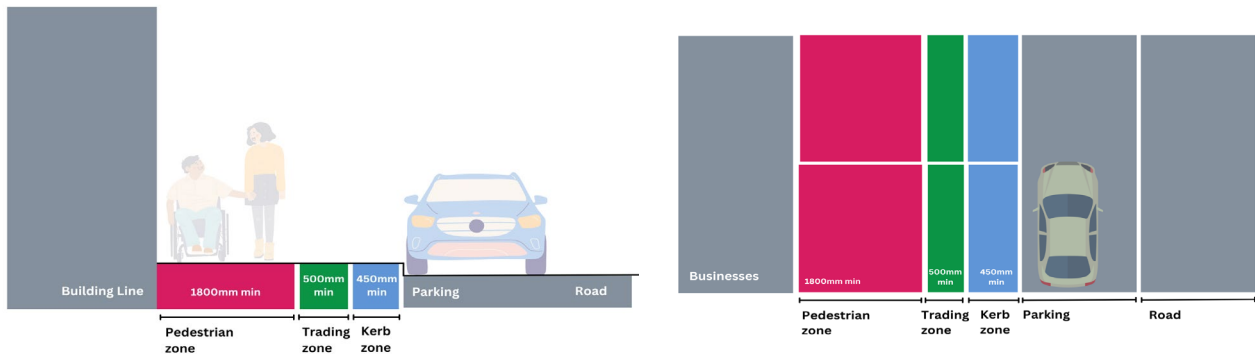
This is the area immediately adjoining the shop front in which traders have historically displayed goods, tables, chairs and signs. Although Council recognises that this may be the preferred location for some traders, this practice has generated the greatest number of complaints. Most complaints relate to signs, goods or cafes narrowing the footway, forcing those with sight difficulties or those who use a cane, to zigzag along the footway trying to avoid obstacles outside shop windows.

Council will work towards ensuring continuous accessible path of travel along footpaths by:

- maintaining a 1800mm clearance from the property line

ensuring no goods or furniture including A frames is placed against the property line rather they be placed in the Trading Activity Zone between the Pedestrian Zone and the Kerbside Zone.

Figure A: Pedestrian zones



5.2 Trading activity zones

The Trading Activity Zone is the area between the Pedestrian Zone and the Kerbside Zone and can vary in width from street to street depending on the existing width of the footpath.

No footpath trading activity is permitted in front of existing pedestrian crossings.

All furniture, goods or other infrastructure e.g. pots or planters must be located within the designated Trading Activity Zone when on display.

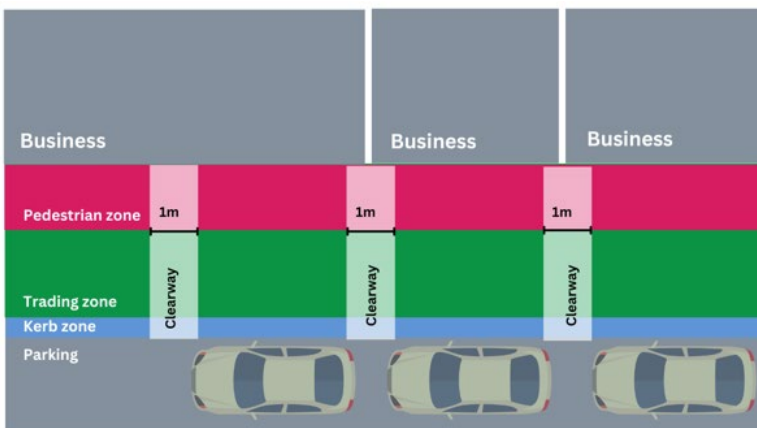
5.3 Kerbside zones

The Kerbside Zone is the area between the face of the kerb and the Trading Activity Zone. A 0.5 metre Kerbside Zone clearance width is required where the Trading Activity Zone is adjacent to a vehicle parking area (see Figure B). This is to allow passengers to enter / exit their vehicle.

In order to provide regular access to and from the road for pedestrians and from parked cars, a 1 metre wide Clearway access from the Kerbside Zone to the Pedestrian Zone must be provided in the Trading Activity Zone of each individual business at every 6 metres (see Figure B).

Adjacent businesses with footpath trading occurring in the Trading Activity Zone, are to be setback 0.5 metres from their building boundary to form a 1 metre wide access way from the Kerbside Zone to the Pedestrian Zone (see Figure B).

Figure B: Footpath Zones

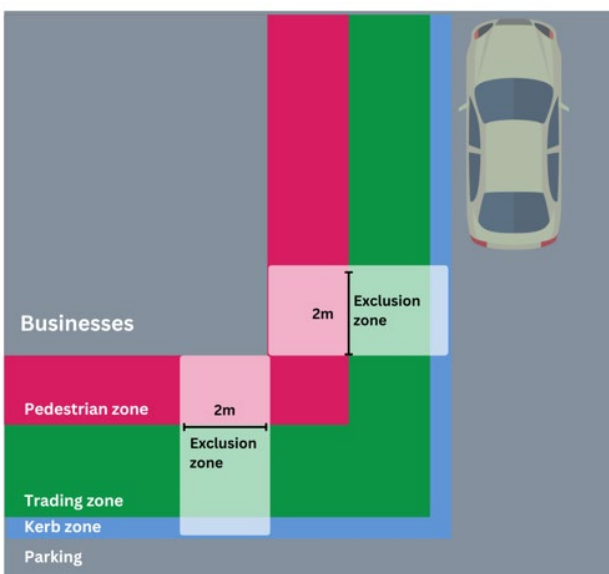


5.4 Exclusion zones (intersection)

Footpath trading activity located close to intersections must be set back 2 metres from the building boundary, forming an Exclusion Zone to allow for a clear line of sight for through traffic, turning vehicles and pedestrians (see Figure C).

This set back may be reduced at intersections which allow one-way traffic or have low traffic flow.

Corner Location - Figure C



5.5 Road zones

The road zones is the area of the road immediately adjacent to the kerb zone. Parklets that occupy one or more on-street parking spaces and are public seating platforms that convert curbside parking spaces into vibrant community spaces that can be used for street dining, display of goods or street activation such as green spaces offering public seating.

Where a parklet has been installed adjoining the footpath, the footpath trading activity zone and the parklet are considered a trading zone.

6. Management of activities

Footpath trading activities need to be carefully managed by the permit holder to ensure compliance with permit requirements and must manage all following topics:

6.1 Safety and accessibility

All required clearances and setbacks are to be maintained at all times.

A minimum clearance of 1.8 metres is required at all times from existing public infrastructure. This clearance is required for access by Council's footpath cleaning equipment. Public infrastructure includes bins, street furniture, bicycle hoops and fire hydrants. A minimum clearance of 0.5 metres is required to each side of a street tree or garden bed.

Refer to further information in the Accessibility section on page 19.

6.2 Amenity

All temporary outdoor furniture, planters, fencing, screens, goods display stands and other associated furniture, must be removed from the footpath at the close of business as stated on the permit and stored inside the business premises.

Monitoring of the Trading Activity Zone and ensuring the appropriate use and behaviours of patrons is the responsibility of the permit holder.

The permit holder must ensure goods and services displayed are appropriate and to the satisfaction of Council.

The permit holder should ensure the Trading Activity Zone is visually appealing and avoids "clutter".

A planning permit is required to serve liquor to patrons using the Trading Activity Zone. Whilst the business may have a planning permit for the consumption of liquor within the restaurant/cafe, an additional planning permit is required for the Trading Activity Zone.

Businesses are confined to the maximum number of tables and chairs as specified in the relevant planning permit. As the outdoor trading permit is often granted after the planning permit, businesses must ensure the total number of table and chairs used indoor and in the Trading Activity Zone does not exceed the number specified in the planning permit.

6.3 Hygiene and cleanliness

The permit holder must ensure that:

- Any litter, food scraps and rubbish are to be removed as soon as possible.
- No rubbish is to be swept onto the footpath, into the gutters, garden beds or deposited in public street litter bins.
- Windproof ashtrays must be provided and made available during hours of trading for patrons wishing to

smoke within the outdoor trading area.

- Litter generated by outdoor trading must not be swept into the street gutter, or adjacent footpath areas. It must be picked up and deposited within the permit holder's own bins kept within the premises.
- All furniture and fittings must be kept clean and in good repair.
- The preparation, handling and serving of food and drinks to patrons located on the footpath must be conducted in accordance with the relevant food safety requirements. For more information visit foodsafety.vic.gov.au or contact council's Public and Environmental Health team.
- Refer to further information on waste management in section 6.8.

6.4 Evidence of a Permit

The permit holder must display their permit details in a publicly viewable location at their premises (such as a front window). Permit detail stickers will be provided to permit holders by Council at the time of issuing.

6.5 Existing street furniture and infrastructure

In some circumstances, existing street furniture and infrastructure may impede upon a proposed footpath trading area, and Council will consider proposals to relocate assets owned by Council on a case by case basis.

- All such relocation costs must be met by the permit holder.
- The relocation of furniture will be in close proximity to its original location and permission from the adjacent trader where the furniture is to be placed will be required.
- Assets owned by other authorities will not be considered for relocation by Council.

6.6 Adjacent properties

A business must not extend the footpath or roadside trading area in front of an adjacent property, unless permission is obtained in writing from both the business operator and owner of the building (if different).

6.7 Hours of operation

Unless written on the permit, furniture, goods and any other items are only allowed to be put out on the footpath permit zone during the following times:

- 7 am to 11 pm Sunday to Thursday; and
- 7 am to midnight Friday and Saturday.

6.8 Waste management

It is the responsibility of the permit holder to manage any extra waste generated from their outdoor trading activities. Council's street bins cannot be used for commercial rubbish. Most outdoor trading activities are able to be managed by your existing waste and recycling practices and this is encouraged.

Council recommends using reusable crockery and cutlery where possible, to reduce waste and preserve precious resources. When you must use a single-use item consider using items made from materials such as bamboo, wood, or paper. Also consider accepting reusable containers and coffee cups from your customers when they purchase to take away.

Plastic pollution harms our health, wildlife, and the environment. These problematic single-use plastics are now banned from sale or supply in Victoria:

- Drinking straws
- Cutlery
- Plates
- Drink stirrers
- Cotton bud sticks
- Expanded polystyrene food service items
- Expanded polystyrene drink containers.
- Single-use plastics ban, straws, cutlery, plates, styrofoam and cotton buds
- The ban includes plastic items made from conventional, degradable and compostable materials, including bioplastics.

Visit [Sustainability Victoria](#) for resources to assist your business make the switch to reusables, with case studies, advice and free posters.

7. Furniture and fittings

Outdoor trading furniture and fixtures must be of a high standard in terms of design, appearance and style as well as being deemed appropriate and sympathetic to the streetscape. All items must be sturdy, reliable and suitable for their intended use.

If the permit holder requires to make any alterations to any Council infrastructure, they are required to apply for a Consent for Works permit and pay a separate permit fee. Note: Council reserves the right to prescribe an alternative width to ensure a safe environment and unobstructed footpath access for all pedestrians to move without hindrance or danger from trading activities. In some instances, footpath trading and parklet installation will not be permitted on grounds of road traffic and/or pedestrian safety.

Where a heritage overlay exists the use of furniture and fittings that are sympathetic to the precinct is required to the satisfaction of the responsible authority. Adherence with the Castlemaine Streetscape Plan and Design Standards and the Maldon Streetscape Plan and Design Standards is also required.

If a permit lapses, and the furniture or fittings is not removed, Council will remove the screen at the applicant's cost.

7.1 Fencing, barriers and screens

There are different requirements for fencing barriers and screens on a footpath/adjacent services and on the roadside (for more on parklet fencing and barrier design please see Parklets).

All proposed fencing, barriers and screens need to be located in your site plan and designed to meet all safety requirements to the satisfaction of the responsible authority.

- Any items must have a maximum height of 800mm
- Cannot display advertising including the name of the business or relevant commercial products
- All items must be secure at all times
- Must be of a stable and safe construction and installation and kept in a well-maintained condition at all times.

7.2 Pots and planter boxes

Pots and planter boxes may be constructed from a suitable sturdy material sturdy supports or lockable castors and must be maintained in a professional manner by the permit holder.

Pots and planter boxes may be used in conjunction with chairs and tables, or simply to add to the urban forest of the street. Pots and planter boxes in outdoor eating areas must comply with the following provisions:

- Items may only be placed within the designated trading activity zone
- The applicant must keep the pots and planter boxes and the plants clean, healthy and in good condition at all times, including watering and weeding regularly
- Signage and advertising on planter boxes is not permitted
- Maximum combined height of plants and the planter box is 800mm

7.2 Umbrellas

All umbrellas:

- must have a vertical clearance from the ground of at least 2.5 metres from the lowest underside edge
- must be secured to the footpath or other ground surface with a Council approved method of installation, noting it is recommended that umbrellas be secured to the footpath using a Council approved socket and sleeve system (the permit holder is responsible for all costs associated with the installation of umbrella sleeves)
- can display advertising including the name of the business or relevant commercial products.
- must not extend beyond the Trading Activity Zone.
- must not be used under/beneath verandahs.
- must be removed from the footpath during unsuitable weather conditions e.g. excessive wind.
- should discharged rain water outside the "Pedestrian Zone".
- must not cause undue obstruction for pedestrians or drivers.

7.3 A-Frame signage

All a-frame signage:

- will be assessed based on suitability of location and consideration of pedestrian movements and site constraints;
- must not be greater than 0.8 metres width by 1.2 metres height;
- must not contain flashing lights;
- can display advertising including the name of the business or relevant commercial products;
- must not exceed two signs for each business
- must be located adjacent to the business unless further permission is obtained from the relevant authority

If in a Heritage area the following additional standards apply:

- colours must be nominated and should be from a recognised heritage paint colour range;
- no more than 50% of the sign should consist of a blackboard finish;
- any pictures of logos should not consist of more than 25% of the sign
- plastic and reflective surfaces will not be permitted;
- fonts may be upper or lower case but should be simple and legible;
- if signs do not comply with the above standards, it must be approved by the Heritage Advisor prior to the granting of a permit.
- If your business is located in Maldon refer to the Maldon Design Guidelines for further information.

7.4 Banner or Flags

Are to be a maximum of 2.4 metres high and not be able to move over or obstruct any pathway.

7.5 Heaters

Footpath gas heaters contribute to greenhouse gas emissions. Permit holders can assist the Council in achieving its target of reduced community greenhouse gas emissions by limiting the use of gas heaters.

Gas heaters are a high risk of causing fire and explosion if not properly managed and maintained. Permit holders need to comply with manufacturer specifications and Energy Safe Victoria's "Code of Practice for the safe use of LP Gas at public events in Victoria".

When selecting an appropriate heating source consideration should be given to not only heating but also providing a positive contribution to the amenity of the street.

All heaters must be safely fixed and moveable heaters (or at least the gas supply) must be removed after hours.

Portable heaters must comply with the following:

- Australian standard AS 1596.
- Be located within the Trading Zone.
- Gas bottles are to contain no more than 12 kilograms of LPG.
- No more than 50 kilograms of LPG can be stored on your business premises at any one time.
- All reasonable precautions are to be taken to prevent accidental injury to any person as a result of the use of these heaters.
- Only heaters that provide a low centre of gravity so as to be stable and have safety guards so that hot elements, controls and gas lines are not openly accessible or exposed.
- Heaters need to comply with any relevant code of practice for safety, use and storage

7.6 Goods displays

Council allows the display of goods on footpaths which must comply with the following guidelines:

- Goods must be displayed on stands approved by Council and must be secure and stable to withstand adverse weather conditions.
- Display structures must be secure, stable and portable, as well as of quality design. Stands must not

be fixed to the footpath or any street sign pole or other infrastructure.

- All goods and structures must be removed in accordance with hours of operation (refer to section 6.7) and stored by the business owner. Structures displayed after this time require specific approval and must be adequately lit.
- Placement of goods away from business boundary front

7.7 Tables and chairs

Use of the footpath for outdoor dining must conform with both relevant Australian Standards, Council's set clearance distances, and the following conditions:

- Tables and chairs must be of commercial quality. Furniture must be portable, and no fixed or permanent tables are permitted. Chair legs must not damage the pavement, and if any furniture causes damage to the pavement, Council will repair the pavement and recover the cost from the permit holder.
- All tables and chairs must be removed in accordance with hours of operation (refer to section 6.7) and stored by the business owner. Tables and chairs designed to be used after this time must be in adequately lit locations.
- Tables and chairs are to be placed immediately in front of the business to which they relate. They may be placed in front of an adjacent business only if written agreement is received from the adjacent business owner.
- A current planning permit and liquor license is required if liquor is to be sold, consumed or served within the footpath trading area. The footpath must be included as part of the 'licensed area' on the liquor license, and permits will not be granted for licensed venues outside their property boundary.
- The applicant must keep the outdoor furniture clean, and in good repair at all times. The area around the tables and chairs must be kept tidy and litter free at all times.
- Employees and customers of outdoor dining venues must give way to pedestrians at all times.
- Consideration should be given about the type of tables and chairs businesses use and if they cater for a diverse range of people, e.g. picnic tables are not accessible for some people in wheelchairs etc.

7.8 Retractable awning and blinds

Awnings can provide protection from the weather and can complement the streetscape. Awnings should be simple in style and appearance, and made of quality materials which are safe and durable. Awnings must be at least 2.2 metres above the footpath at their lowest point. Installation of non-retractable awnings will not be considered.

Consideration should be given to street amenity and if the awning or blind is visually permeable for safety.

7.9 Street stalls or carts

Consideration of congestion and impact on existing businesses will be applied during the assessment of a permit application, with officer discretion to be applied to ensure equitable outcomes.

Submitting an application does not guarantee that a permit will be granted. Assessment of each application will be based on the information provided by the applicant at the time of the application.

7.10 Floor coverings

Any floor covering should cover the full extent of the roadside dining space and be appropriately secured in a manner that allows for removal without damaging the existing road surface, kerb or channel. Edges must be continually checked by the operator to ensure no trip hazards are present at any times.

If constructing a platform, it must be a non-slip finish, flush with the kerb, relatively level and must meet Australian Standard 1428.1-2009 Design for Access and Mobility.

If not constructing a platform, you may be required to undertake additional measures to ensure the space meets DDA requirements e.g. installing temporary non-slip kerb ramps between the kerb and the roadside dining space in accordance with Australian Standard 1428.1-2009 Design for Access and Mobility.

8. Accessibility

The Council must balance the wish of traders to use the footpaths and other public spaces with the rights of all people to travel safely.

The use of wheelchairs, scooters, plus the needs of those using strollers, walking aids and shopping jeeps, adds to footpath congestion that is made worse by an erratic passage between goods piled on both sides of the footpath.

There is plenty of scope for vibrant and creative footpath displays which attract customers, add to the streetscape, protect goods from weather, and yet allow a clear and safe passage for pedestrians.

An approach to footpath trading that allows an unobstructed path of travel along the building line is a critical part of creating an accessible business.

Goods in trading activity zone

- All pedestrians have a clear path of travel at least 1.8 metres out from the building line.
- Vision-impaired people and those with mobility aids, use the building line to safely navigate footpaths.
- By freeing up the building line, traders can double their display space by using their windows.

Goods against building line

- Goods placed against the building are hazards to pedestrians. Shoppers with disabilities have reported that they are unable to safely access shops and have experienced falls and feel unwelcome in our shopping strips. People with prams also find it difficult to maneuver around goods against the building.
- The trader – and the Council – are vulnerable to complaints under anti-discrimination legislation for failing to provide a clear and safe passage.

8.1 Making your business more accessible

Good access is good business. Businesses that are welcoming, easy to get into, easy to move around in, and staffed by people aware of the needs of shoppers and customers quickly attract a loyal following. Good access in terms of friendly service and an uncluttered store layout is also common business sense.

Some simple steps to take:

- Ensure goods for sale on the footpath are clear of the building line.
- Make your signs large, clear and easy to read.
- Do you have brochures? Print a few copies in large print.
- Circulation space allows room for shoppers with mobility aids to move about in safety. An uncluttered store layout is an enormous help.
- If you have glass doors, put safety markings on them.

- If you have steps at your entrance, place hi-visibility strips on the edges.
- Consider a ramp to overcome an entrance step.
- Know where the nearest accessible parking spot is located.
- Online shopping, or a home delivery service is an attractive option.
- A telephone shopping service likewise will attract custom.
- Noise levels and lighting are also important to consider. Many disabilities are invisible or people with physical disabilities may also have an intellectual disability or have a hearing impairment.

Under the federal Disability Discrimination Act it is unlawful to discriminate against people with disabilities on the grounds of failing to provide access to premises to which the public is entitled to use. A footpath is classed as “premises”. Businesses which create barriers to access along the footpath may give rise to a complaint of discrimination.

Australia is a signatory to the United Nations (UN) Convention on the Rights of Persons with Disabilities. This means Australia has an obligation to conform to articles which spell out rights, including the right to accessibility. This is a precondition for people with disabilities to live independently and to participate fully and equally in society.

The [Mount Alexander Shire Disability Advocacy Group](#) (MASDAG) has developed a [Disability Access Guide](#) which is a helpful checklist for small business and service providers. Use this guide to help improve your business for everyone, remember good access is good business!

If you would like a hard copy of this guide, please contact Natalie Parsons, Economic Development Coordinator on business@mountalexander.vic.gov.au or 03 5471 1745.

9. Parklets

Parklets are on-road parking spaces that have been converted into extensions of the footpath, either to provide additional space for outdoor dining, or for public seating, or to otherwise provide additional space for public or commercial activities.



Council supports both commercial and non-commercial use of parklets. The following criteria must be fulfilled for a trader or organisation to apply to Council for a parklet:

- The nominated location must be located in front of or immediately adjacent to the business applying for the parklet (Council is aware that car spaces marked out on the road will not perfectly align with business boundaries, and a parklet may not sit fully within those boundaries).
- The nominated location must be within a standard Council carpark (an area clearly marked out on the road reserve for cars to park in).
- The nominated location must not be within a designated loading zone, bus zone, mail zone, accessible parking zone, taxi zone or clearway area.
- Parklet applications require a Traffic Management Plan and Risk Assessment prepared by a qualified Traffic Engineer. Plans need to indicate the layout, traffic management measures required for installation and ongoing use of the parklet, and the design of the parklet barriers, including the components, materials and finishes. A qualified engineer and architect need to design the plans and provide a Certificate of Compliance from a qualified engineer for the design.
- Parklets to be located in streets where appropriate traffic calming measures are in place, on roads with a maximum speed limit of 40kph (or lower), and on council managed (local) roads.
- Parklets must adhere to traffic regulations and not obstruct driver, pedestrian sight-lines, or traffic

signs.

- Parklets must provide a 10m set-back from intersections.
- On sloping streets/sites, consideration must be given to access and safety and any furniture, fittings or infrastructure designed to accommodate OH&S requirements.
- Parklets may not obstruct access to underground services, drains, access lids, manholes, fire hydrants, rubbish bins, ticket machines, mailboxes, street parking signs and similar.
- Parklets support the general business area. Parklets will remain public infrastructure and as such are not to be branded with business logos or advertising signage.
- The parklet can only be used for trading that mirrors the business' council planning permit. The service of alcohol will only be permitted where there is an extension of an existing liquor license. The consumption of liquor must only occur when patrons are seated in the parklet space. Receiving an outdoor trading permit from council is not a liquor license. If required this will need to be obtained by the business owner from the [Victorian Liquor Commission](#) and a copy provided to council.
- Council does not permit smoking in the parklet space.
- The permit holder must ensure adequate lighting is in place for customer use.
- Any external music must be kept at a low decibel and be in accordance with Environment Protection Authority (EPA) requirements.
- The permit holder must agree that if the parklet sits on top of sensitive utilities, there may be instances where the parklet will need to be removed with little notice, for emergency works.
- Council reserves the right to remove the parklet at any point.
- Council also reserves the right to manage parklet "saturation" as it sees fit, including measures such as:
 - Limiting the maximum length of time, a single business can have a parklet.
 - Restricting the number of parking spaces, a business is able to occupy.
 - Wait-lists for parklets.
 - Choosing not to renew permits for businesses that have had parklets for a long period of time in order to free up capacity in the area for other businesses to have parklets.

The permit holder can make minor changes as required such as changing the arrangement of furniture or adding plants. For major changes to the appearance or structure of the parklet, such as changing the materials, function or size, permit holders will need to apply for an amendment to their parklet permit.

10. Laneways and Council-led activations

Laneways are a type of road constructed of concrete, asphalt or cobble stones, and maintained by Council.

Traders may be permitted to utilise part of a laneway for commercial use as long as the commercial use does not prevent or obstruct required access.

Prior to application business applicant must seek letters of support from local business, residents and trader association or group if in operation.

All laneway applications must meet the following criteria:

- Must satisfy safety and amenity requirements.

- Application may depend of further engagement with local business and other communities.
- Other business within the street/laneway should be invited to take part in the street trading or extended outdoor dining program. Noting that each business will be responsible for their portion of the allocated space and that for hospitality businesses communal 'mixed venue' dining is not encouraged.
- Laneway/streets must have adequate clearance for pedestrians, emergency vehicle access and the outdoor street trading or dining set-up.
- Applicants still require an Outdoor Trading Permit based on sqm area of use.
- Compliance with Disability Discrimination Act 1992.
- Must allow minimum of 1.5m clear path from the building and 0.5m from kerb.
- Provision for a mobile platform for wheelchair must be provided if there is a step into the extended space.

11. Applying for a permit

11.1 Application form

Access an application form online via our website www.mountalexander.vic.gov.au/Local_Law_permits

Hardcopies of the permit application forms can be obtained by contacting Council on 03 5471 1700, or in person at: Civic Centre, corner of Lyttleton and Lloyd Streets, Castlemaine VIC 3450.

11.2 Information to accompany an application

An applicant must complete an application form as well as provide the following information:

- A copy of any current planning permit (if applicable).
- A site plan of existing conditions at a scale of 1:100.
- A site plan of proposed footpath trading area showing the associated items at a scale of 1:100.
- Photos of existing site conditions.
- Details of all furniture, screens, heaters, planters and associated items that form part of the permit application and its approval process.
- An image and size details of any logos or advertising.
- Waste management plan.
- Evidence of Public Liability Insurance at a minimum of \$20 million cover, or as determined by Council, noting that indemnity is to extend to cover the subject area of this permit or "Anywhere within Australia" and that you intend to trade on the footpath or other public space outdoors and also note Mount Alexander Shire Council as an interested party.
- The relevant fee must accompany an outdoor trading permit application

11.3 Application process

Assessment of applications requires a cross-council approach from relevant departments. Depending on the complexity of the application, the expected assessment time is up to 3 months

Consideration of parklet saturation will be applied during the assessment process, with officer's discretion to

be applied to ensure equitable outcomes. There are needs, and preferences, for some people to drive to local shopping centres, and so there is a limit to how many car spaces can be converted into parklets. Council will measure and determine a 'saturation point' by ascertaining availability of parking at different times as well as recording trader, residents and customers in different areas when feedback is received.

11.4 Permit renewals

Permits are issued for the financial year on an annual basis. A renewal notice is issued for all existing permit holders. It is the responsibility of the permit holder to ensure all change to permit details, including changes to public liability insurance policies, are provided to council. There is no pro-rata provisions.

11.5 Transfer of permit

Outdoor Trading Permits are non - transferrable. Upon the sale of a business, the permit will lapse and the new business owner will need to make a new application.

11.6 Responsibilities of permit holder

The permit holder is responsible for complying with these Guidelines and any conditions contained in the permit.

Any damage caused to council's assets requires the permit holder to replace / repair / reinstate to the original condition at their cost.

In the event of business closure, ceasing of business operation or change of business type, the area of use is to be reinstated to the original condition.

11.7 Responsibilities of Council

Council is responsible for the maintenance and regular cleaning of the footpath. Footpath trading furniture and fixtures must not impede council's footpath cleaning and maintenance.

Council has the discretion to cancel or modify the requirements of a permit associated with the use of Council land and the permit holder will be notified in this instance.

If you have a proposal and would like to discuss this in person, our officers are available to have a one on one chat with you before submitting your application. This discussion can provide you with a better understanding of Council policy and also provides our officers with a better understanding of your proposal. Get in touch with our Community Safety and Amenity team via info@mountalexander.vic.gov.au or 03 5471 1700.

11.8 Compensation and loss of trade

Mount Alexander Shire Council reserves the right to request the business associated to the outdoor trading to remove all fittings within the barriers with a minimum of 48 hours' notice, to the satisfaction of council. Associated costs for removal will be covered by the business.

Where service authorities and others are required to carry out works within the road reserve which require removal and/or alteration to the trading arrangements, no compensation is payable for any loss of trade experienced due to these works.

Any problem, inconvenience or loss of trade, which may result from activities or works, carried out by the Council or its contractors, at or adjacent to a permit holder's trading area will not be considered for payment of compensation.

11.9 Compliance with approved permit

Council's Authorised Officers will monitor the operation of permits and ensure the conditions of the permit and these Guidelines are consistently being met.

Following a complaint or observation of a breach of the trading permit, Council officers will contact the permit holder and take appropriate enforcement action.

Penalties for repeated or serious non-compliance with these Guidelines may include on the spot fines or cancellation of trading privileges.

11.10 Existing Temporary Parklet Permits

Businesses that were part of the 2020/2021/2022 COVID response Temporary Parklet Program and who already have a Temporary Parklet Permit will need to:

- Complete a new application form
- Demonstrate that the existing parklet meets current safety, accessibility and cleaning guideline requirements as detailed in the policy, guidelines and the permit conditions
- Pay the required Outdoor Trading Permit fees
- Agree to all permit conditions, including the requirement to transition across from the existing temporary program to holding an approved permit.
- All existing infrastructure, furniture and fittings provided under the Temporary Parklet Program remains the property of Mount Alexander Shire Council.