



Yarra Ranges Council

# Footpath Trading Permit Guidelines 2025







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## Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

# Introduction

The guidelines in this booklet are informed by the Yarra Ranges Council (**Council**) Footpath Trading Policy 2025 and apply to all **Local Law** Footpath Trading **permit holders** within Yarra Ranges.

The full policy statement and permit details can be viewed on the Council website.

The purpose of these guidelines is to balance the use of footpaths by pedestrians and other footpath uses, and to facilitate free and unobstructed access for uses such as the sale of food and drinks, alfresco dining, advertising, and merchandise.

The guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs.

## Council

Yarra Ranges Council.



## Local Law Permit

*A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person.*

## Permit Holder

*Means a person to whom a permit has been issued.*



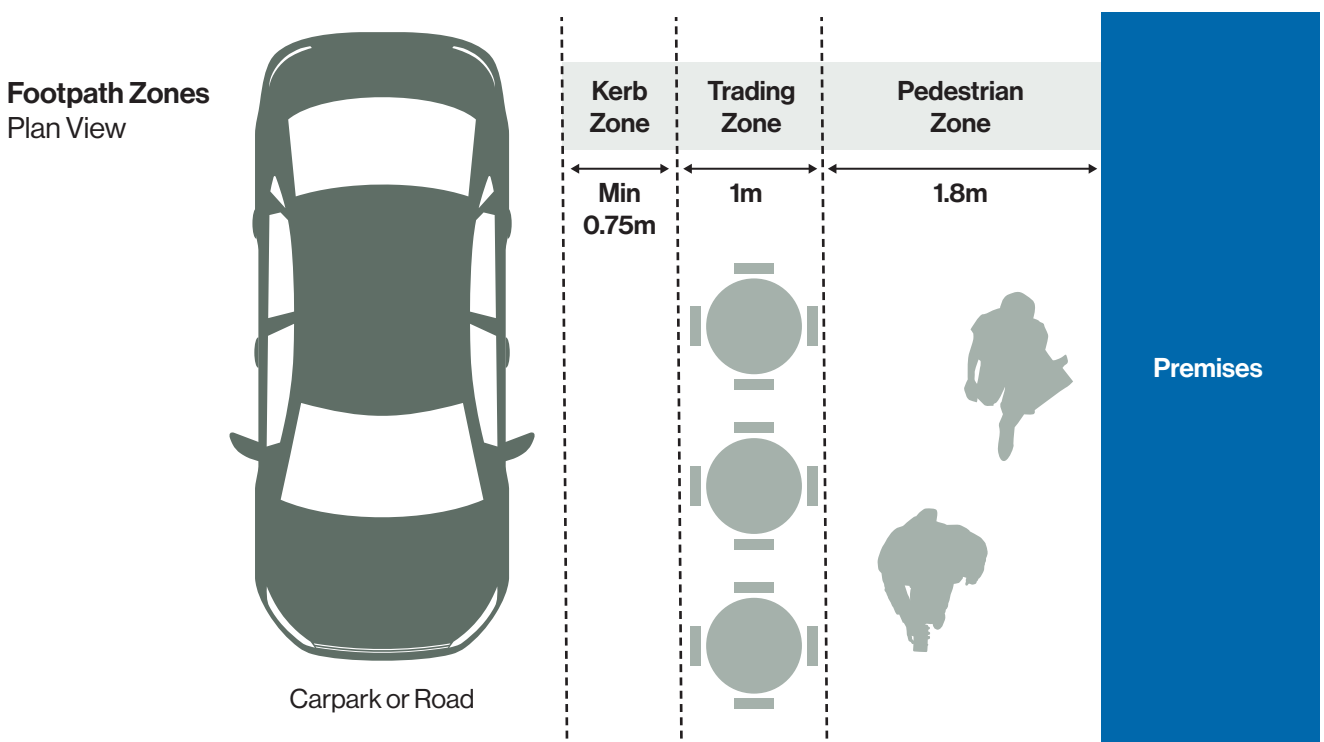
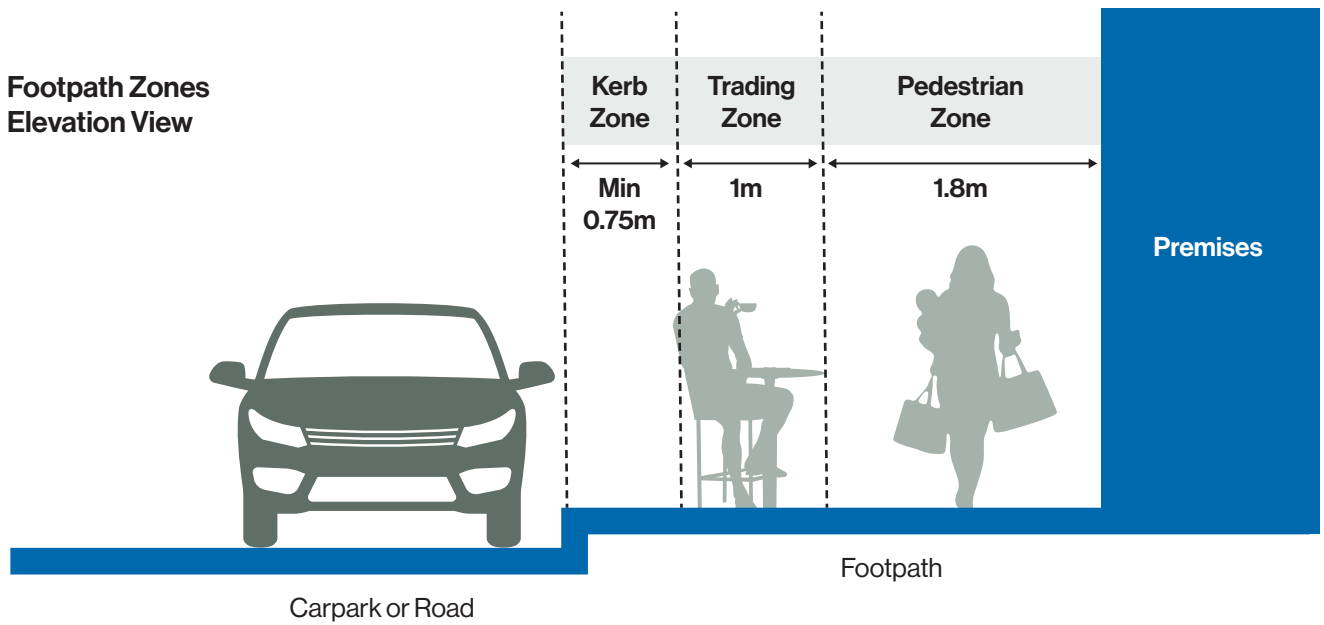
# Footpath Trading Zones

Zones apply to all Footpath Trading Permits.

- The minimum footpath width required to undertake **commercial** activity is 2.65 metres.
- The minimum footpath width required for footpath dining activity is 2.95 metres.

## Commercial

*Means an activity related to doing business or for business purposes*





# Pedestrian Zone

The *Pedestrian Zone* extends from the building line or shop front to provide pedestrians with a clear, unobstructed path. No furniture or displays are permitted within the *Pedestrian Zone* at any time, meeting the access needs of people with disability, prams, or shopping trolleys.

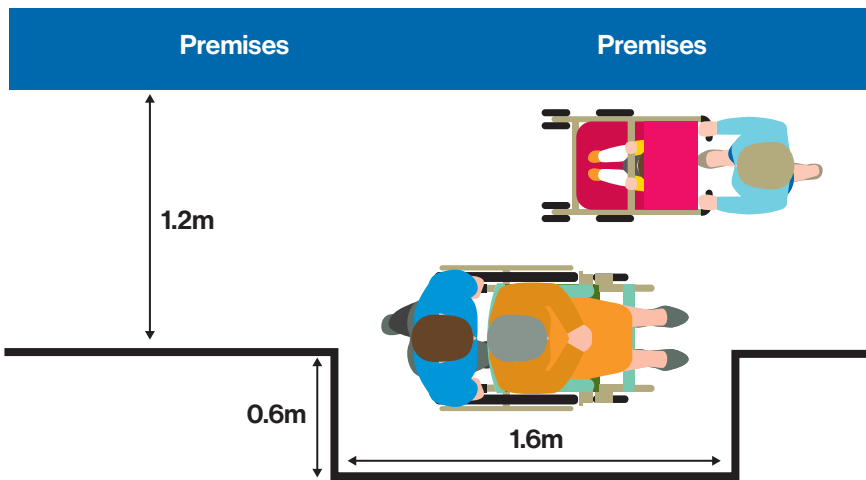
The preferred minimum width is 1.8 metres, allowing two wheelchairs to pass. This is aligned with the *Disability Discrimination Act 1992*.

Yarra Ranges has varied footpath widths across townships. The preferred minimum Pedestrian Zone of 1.8 metres may not be required to balance the use of footpaths for access and trading activity. Where this is the case, the *Australian Standard AS1428.1-2021* measurements are critical for lawful footpath trading.

In these circumstances:

- **applicants** must demonstrate a genuine need for street trading.
- the trading area must be free of **public infrastructure**.
- passing bays are required
  - a *Pedestrian Zone* between 1.5 and 1.8 metres wide requires passing spaces every 6 metres and should be 0.3 metres wide x 2 metres long.
  - a *Pedestrian Zone* between 1.2 and 1.5 metres wide requires passing spaces every 6 metres and should be 0.6 metres wide x 1.6 metres long.

## Passing Bays and Intersecting spacing - 1.2m



### Applicant

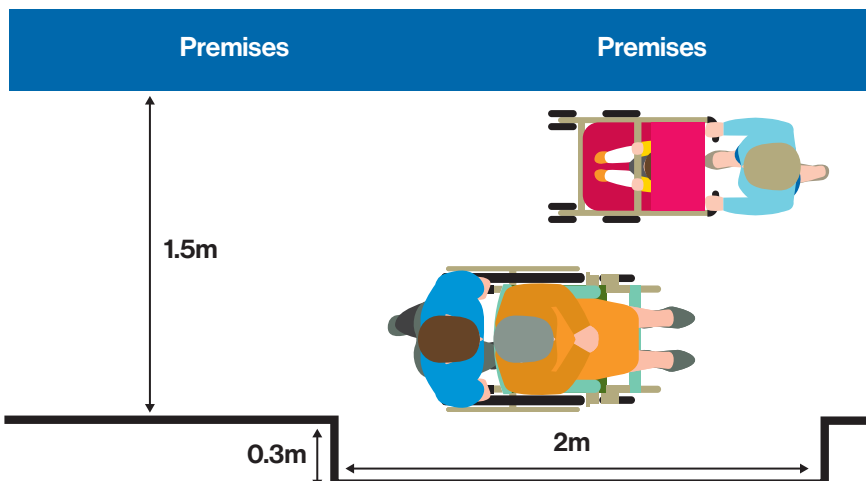
Person who applies for a permit



### Public Infrastructure/ Council Asset

An asset that has a public service function and is managed or Controlled by Council

## Passing Bays and Intersecting spacing - 1.5m



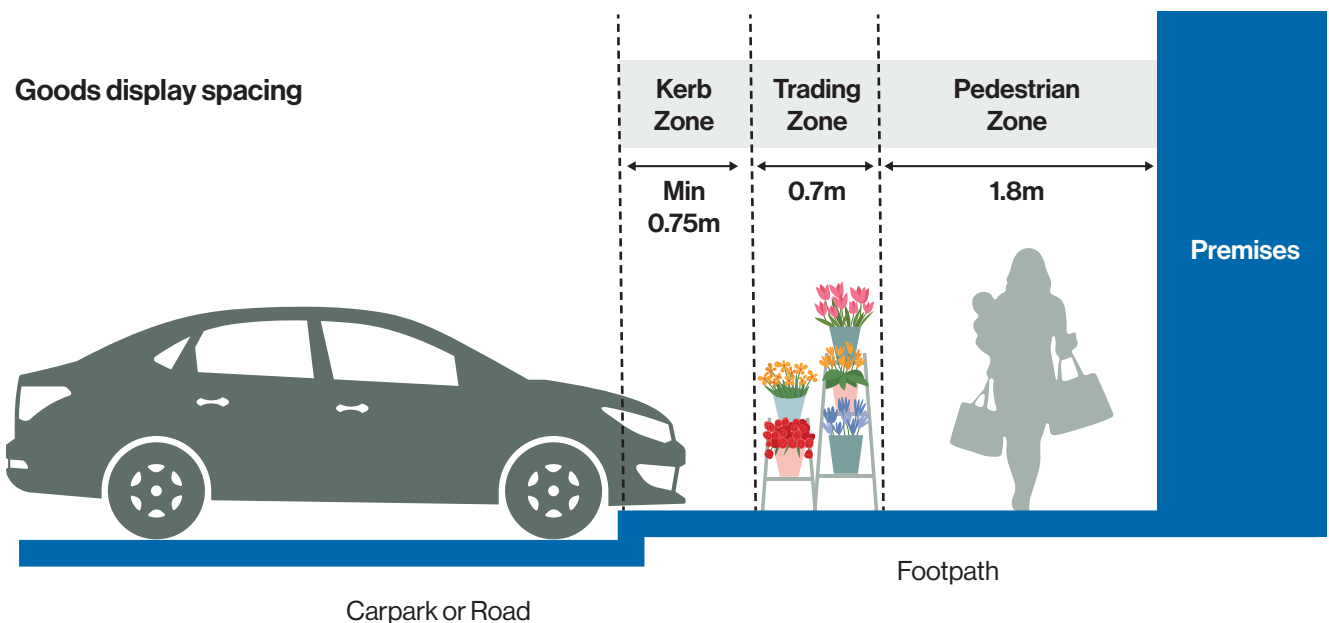
# Trading Zone

The *Trading Zone* is the remaining area after setting the minimum widths for the *Pedestrian* and *Kerb Zones*. The minimum width of a *Trading Zone* is 0.7 metres for commercial activity and 1.0 metres for footpath dining.

The *Trading Zone* is the only section of the footpath that can be used for commercial activity with a permit.

**Table 2: Minimum width requirements for trading zone approval**

| Footpath Width   | Kerb Zone | Minimum Pedestrian Zone Width | Trading Width (Min Width 0.7m) Permitted | Footpath Dining Width (Min Width 1.0m) Permitted | Passing Bays Required |
|------------------|-----------|-------------------------------|--|--|-----------------------|
| 3.55m or greater | 0.75m     | 1.8m                          | ✓  | ✓  | ✗                     |
| 3.25m – 3.54m    | 0.75m     | 1.5m                          | ✓  | ✓  | ✓                     |
| 2.95m – 3.24m    | 0.75m     | 1.2m                          | ✓  | ✓  | ✓                     |
| 2.65m – 2.94m    | 0.75m     | 1.2m                          | ✓  | ✗  | ✓                     |
| Less than 2.64m  | 0.75m     | 1.2m                          | ✗  | ✗  | n/a                   |



## Footpath Dining

Where the *Trading Zone* is to be used for dining, the minimum width is 1 metre, which accommodates a table and two chairs set parallel to the business.

The ground surface of a footpath dining area must be suitably constructed and sufficiently level to safely support equipment and people. Any footpath fixtures requested on the footpath may require additional Council permits and must comply with relevant legislation, regulations and policies.

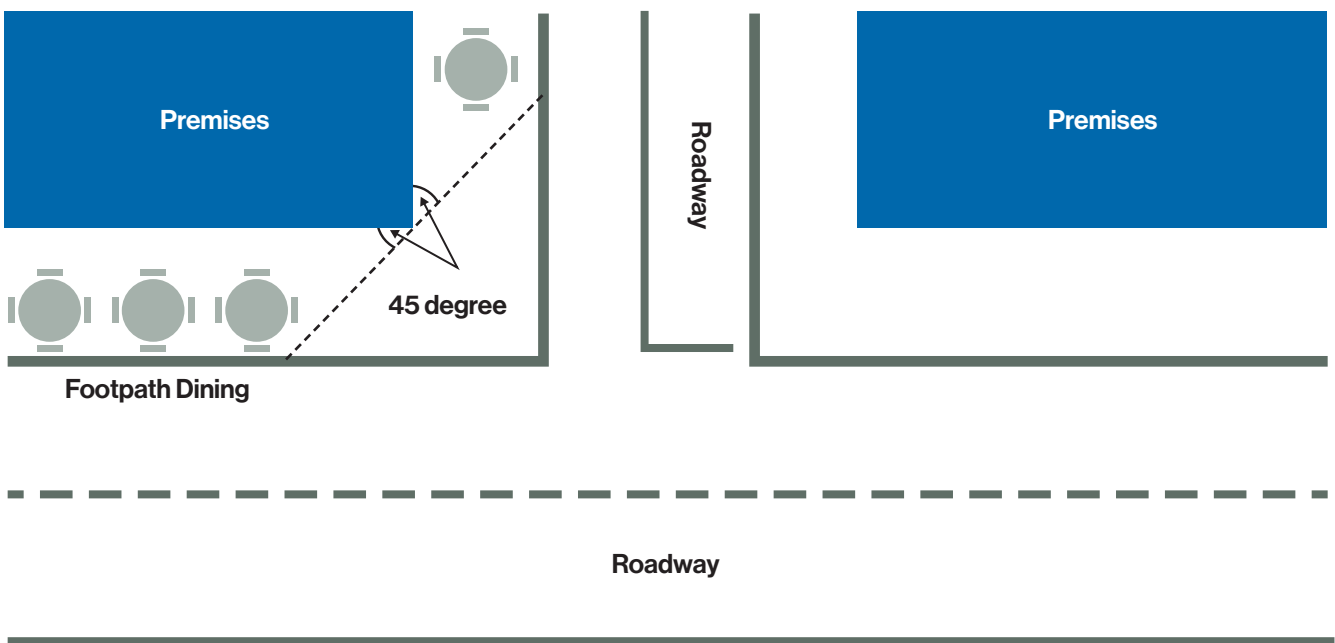
## Adjoining Trading Zones

A permit to trade in the *Trading Zone* of an adjoining premises may be applied for with written consent from the owner and occupier of the premises. The use of an additional *Trading Zone* must be covered by Public Liability Insurance. When the permit is renewed, a new consent for the continued use of the area and confirmation of continuing Public Liability Insurance is required.

## Intersections

*Trading Zones* near intersections must be set back from the building corner to allow clear visibility for turning vehicles. The minimum setback shall be determined by line of sight across the corner of the building at an angle of 45 degrees. The result should establish a clearance distance between the edge of the *Trading Zone* and corner of the building varying between 1–3 metres.

### Visual Clearance at intersections



## Kerb Zone

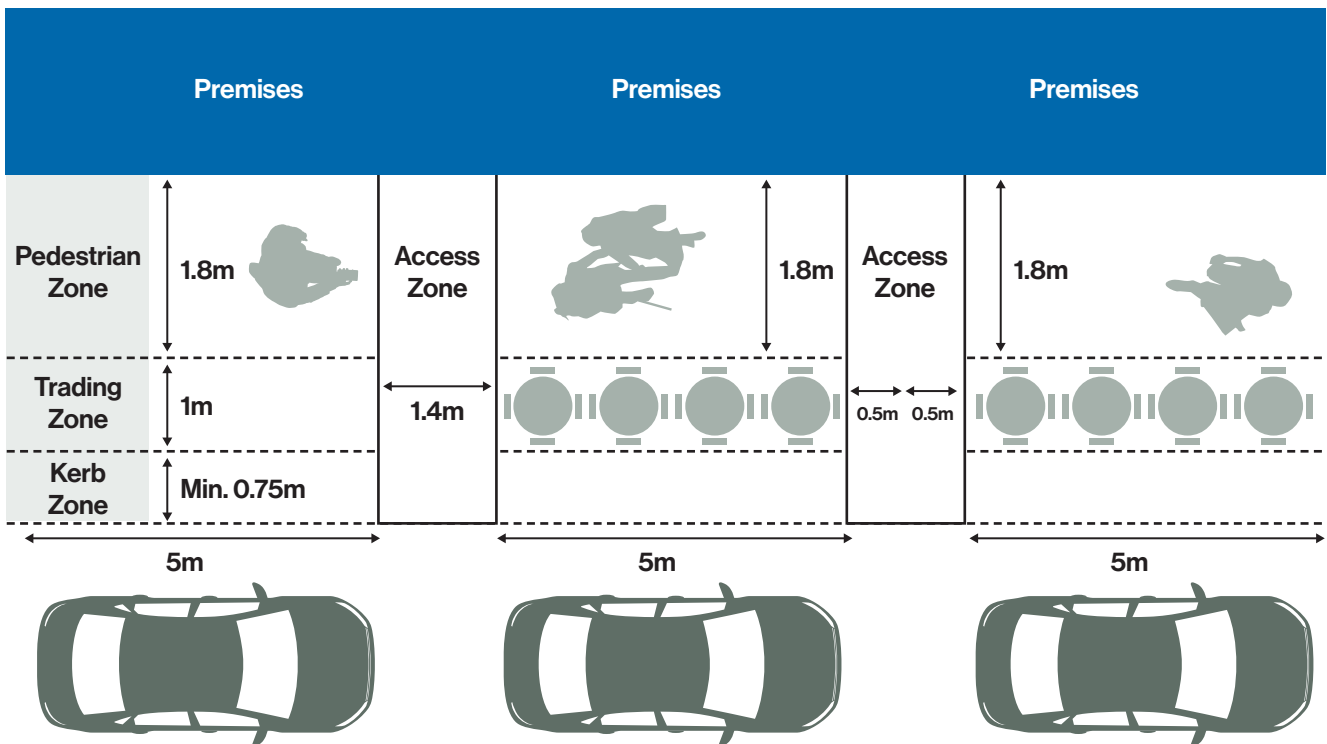
The Kerb Zone is the area between the Trading Zone and the gutter. The Kerb Zone should be a minimum width of 0.75 metres from the back of the kerb to allow access to parked vehicles. Where car parks are designated for disability or other parking permits, the minimum width is 1 metre.

## Access Zone

The Access Zone is a gap in the Trading Zone to allow pedestrians to move between the pedestrian zone and the kerb. Access Zones must be a minimum of 1.4 metres wide and provided every 6 metres. All footpath dining areas must have access zones of 0.5 metres at either end, parallel to the boundary lines of adjoining properties and enabling access to those properties.

### Footpath Zones

#### Widths





## Public Infrastructure

Clearance from **public infrastructure** is required at all times for cleaning, repair, and access purposes. All items must be moved at the request of Council or other Authority.

A 2-metre offset must be provided between the kerb edge and *Trading Zone* where there is a bus stop or public seating, or the roadway is a nominated highway without a service road.

A 1-metre offset (less if permitted by an Authorised officer of Council) must be provided from existing street furniture or other infrastructure, including, but not restricted to:

- fire hydrants
- trees and tree pits
- litter bins
- bollards
- payphones
- backs of seats
- bicycle stands
- poles (light, traffic, electricity)
- parking meters
- other street furniture

No commercial activity is permitted to lean upon or be fixed to any public infrastructure, asset, public land, or vegetation. The trader must bear the cost of repairing any damage caused by a commercial activity unless otherwise agreed by the Council or the owner of the asset.

Any removal, relocation, or modification of Council infrastructure will be solely at the applicant's cost. Where the infrastructure does not belong to the Council, the business owner should contact the relevant infrastructure manager to discuss their application.



# Footpath Trading Permit Guidelines

The following guidelines are for all items placed in the *Trading Zone*. Footpath Trading can include a range of items on the footpath. Any items not listed in these guidelines are prohibited unless approved by an **Authorised Officer** and listed on the permit.

## Authorised Officer

*A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020*



## General Guidelines

- All items must be:
  - displayed only in the *Trading Zone* directly in front of the business' building unless permitted by an Authorised Officer. Items must not be placed in the *Pedestrian Zone* at any time or impact access to the business.
  - displayed only during business operating hours. Items must be removed within 30 minutes of the business closing times (excluding real estate signs as described in section 3.11).
  - 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.
  - 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.
- No commercial activity or equipment is permitted to lean upon or be fixed to any public infrastructure, asset, public land, vegetation, roads, or road reserve. Any damage caused by a commercial activity will be repaired at the cost of the **permit holder**.
- Where relevant, the permit holder must comply with the *Food Act 1984*.
- Trading and real estate signs must not:
  - create a traffic hazard by obstructing any motorist's view of intersections, traffic signals or signs,
  - be internally illuminated, reflective, animated or capable of being mistaken for a traffic sign,
  - erected on median strips, roadways or roundabouts,
  - bear text which is obscene, offensive, or misleading.
- The permit holder must comply with relevant legislation, regulations, and Council policies.
- The trader must immediately remove any commercial activity at the request of Yarra Ranges Council, Victoria Police, VicRoads or any other Authority.



## Guidelines for Goods and Merchandise Display

- Merchandise is to be secured to avoid the risk of injury or damage to any person or property; displays must be neat and compact to enhance the streetscape. Displays cannot be fixed to any footpath, building asset, or lean against Council street furniture and/or vegetation.
- Display of goods must not interfere with the *Pedestrian Zone*,
- Displays of goods must not create or contribute to a traffic hazard by obstructing any motorist's view of intersections, traffic control signals or signs. Moving, rotating, illuminated or reflective signs are prohibited.
- Merchandise signage is to be restricted to a description of the goods and prices.
- If food is displayed, the permit holder must comply with the *Food Act 1984*.

## Guidelines for Furniture and Other Equipment

The display and use of ancillary equipment (umbrellas, heaters, etc.) in a Trading Zone is not permitted unless furniture for dining has also been approved. Ancillary equipment must be covered by Public Liability Insurance and shown on a plan submitted with the permit application.

### Ancillary Equipment

*Movable items or accessories positioned within the trading zone which contributes to footpath trading or local amenity*



### Tables and Chairs

Footpath dining furniture should complement and enhance the existing urban/rural character. It should be unobtrusive, durable, attractive and made of high-quality materials; it should also be of sufficiently contrasting colour to assist people with a visual impairment. Furniture made of recycled material is encouraged.

Permits for furniture will only be issued to businesses that hold a registration as a Food Premises.



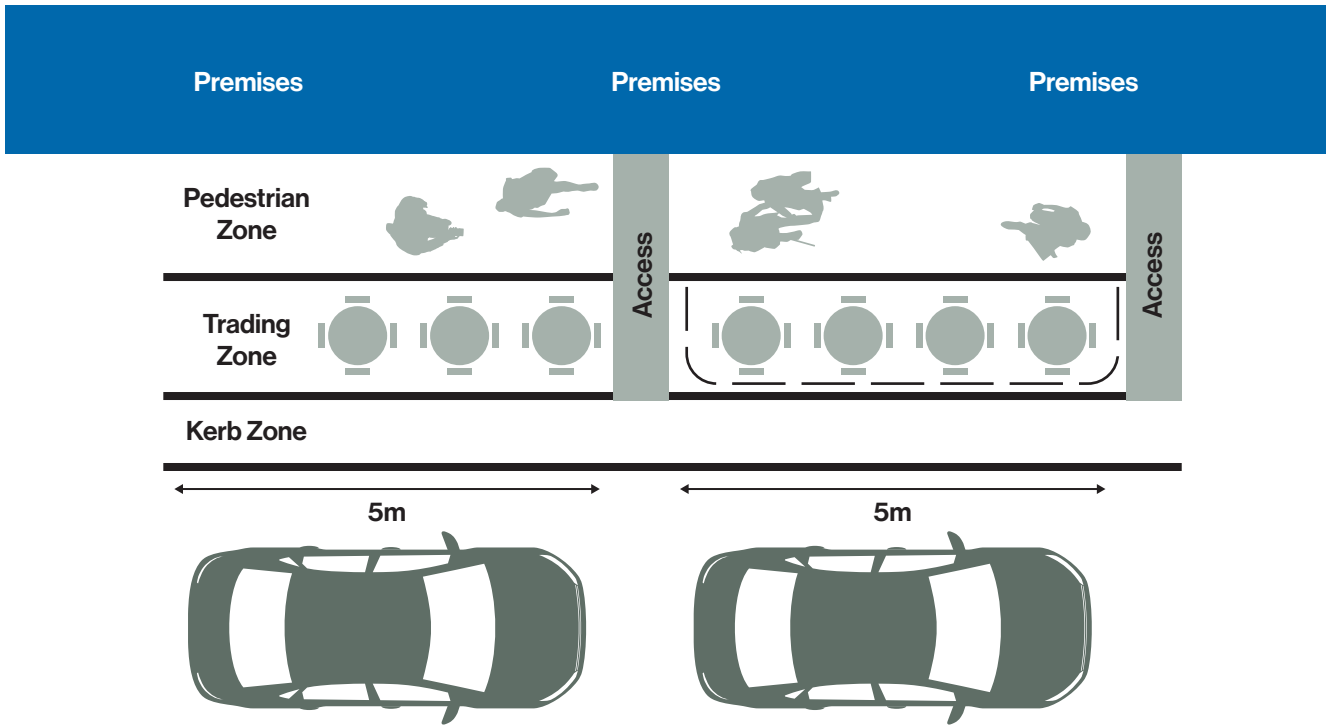
In all circumstances, furniture must be approved by the Council before use and:

- be weather and windproof and designed for commercial outdoor use; tabletops must have non-reflective surfaces
- should not be of plastic
- be safe, comfortable, and accessible in design and placement with no hazards presented to users
- carry fittings designed to protect the footpath
- must be of uniform design and style within an individual Footpath Dining area
- must not be shifted or moved by patrons to obstruct pedestrians.
- Chairs should not be placed with their back to the Kerb Zone, unless café barriers or another type of barrier is used, to prevent patrons inadvertently sliding chairs over the kerb edge.

## Screens, Barriers, and Awnings

Screens and awnings help define a footpath dining area and promote patron comfort and safety. They must be structurally sound and adequately anchored, yet not diminish the streetscape or public space or create a tripping hazard. Screens and awnings must be maintained to proper safety levels and be of a colour that is complementary to the surrounding amenity.

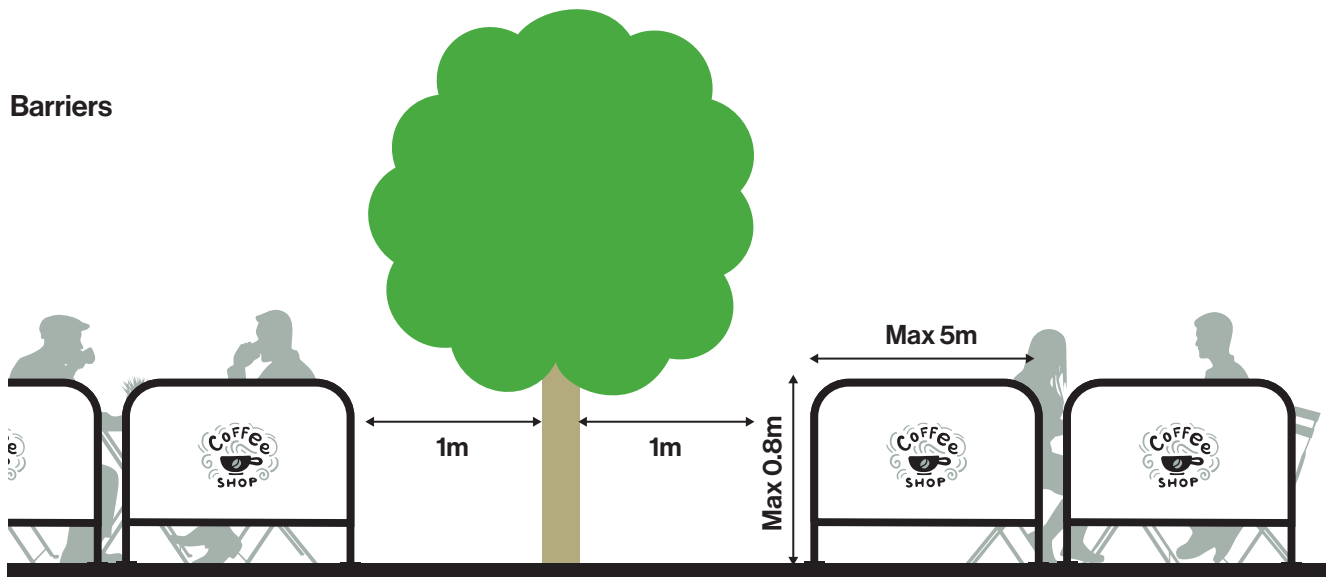
### Barriers Top View



### Screens and Barriers

- Dimensions should not exceed a maximum height of 0.8 metres and a maximum length of 5 metres.
- Type, design, and material are subject to approval based on the individual merits of each application.

### Barriers

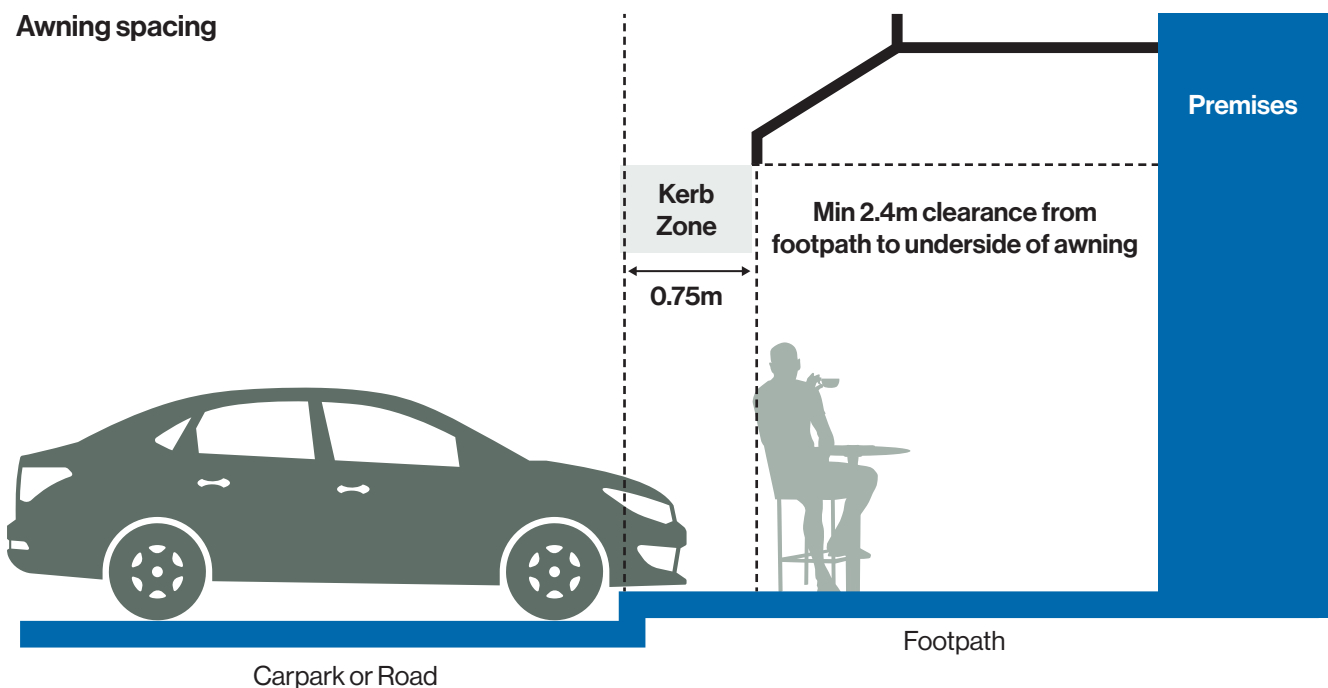




## Awnings

- May be free-standing where the footpath width is 8 metres or more, and there is no adequate shelter from existing awnings or trees. Such awnings are not permitted where a building awning is already in place at typical ground floor height (2.8 – 3.8 metres above ground) and covers most of the footpath.
- May be fixed and mounted to buildings with no canopy at typical ground floor height. Fixed awnings must not:
  - project more than 2.4 metres beyond the street alignment,
  - exceed the reach of adjacent building canopies,
  - be less than 0.75 metres from the kerb line
  - be less than 2.4 metres above footpath level.
- A Building Permit is required for fixed awnings.

### Awning spacing



## Planter Boxes

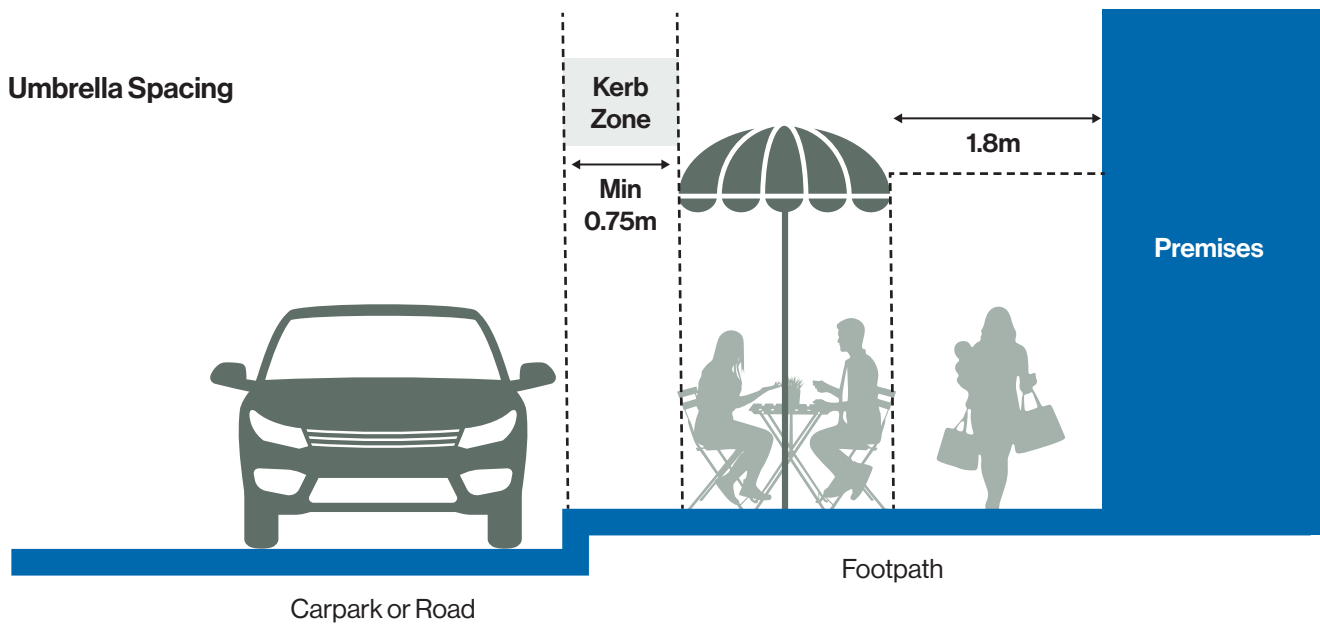
Planter boxes and the choice of plants can generally enhance footpath dining areas and the streetscape. It is the responsibility of permit holders to maintain planter boxes and plants.

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.

- Individual planter boxes should not exceed 1.8 metres in length or be more than 1 metre in height, including plants, and must be a portable design.
- Metal or terracotta planter boxes are preferred; they should be easily removable and not damage the footpath.
- Planter boxes are to be kept free of cigarette butts and other rubbish.
- Plants are to be maintained in a healthy condition, pruned to meet the height limit and replaced immediately when they die.
- The area around outdoor planters must be kept clean and free of fruit or flowers that may fall from the plants.
- Plants must not be declared noxious weeds or toxic plants.
- Plants with needles or thorns are not permitted.

## Umbrellas

- Umbrellas should be used only where there is no shelter from verandahs, awnings, or trees. Market umbrellas, not beach umbrellas, are suitable for use.
- Umbrellas must be a minimum of 2.1 metres above the ground at their lowest point.
- Umbrella circumference must be wholly contained in the Trading Zone.
- Fixtures or anchor points that penetrate the footpath are not permitted unless a Road Reserve Works Permit has been granted.



## Heaters

- Heaters may be fixed and attached above the footpath to a verandah or awning. Fixed heaters must comply with Energy Safe Victoria requirements and may require either a planning or building permit. They must be installed by a licensed and registered installer with the Victorian Building Authority.
- Heaters must comply with *Australian Standard AS1596*.
- Free-standing heaters must be stable and capable of automatically shutting down if overturned.
- Where a *Trading Zone* is narrow, free-standing heaters may not be permitted.
- Permit holders are encouraged to monitor heater use to avoid wasting energy and adding to greenhouse emissions.



## Lighting

- For footpath dining areas to operate beyond daylight, adequate lighting must be provided to ensure the safety and amenity of patrons and the community.
  - Lighting must not adversely affect surrounding residents.
  - Lighting is to be attached to the principal business and, if comprising directional spotlights, focused away from adjoining businesses and residential areas.
  - Directional spotlights must not be focused in a manner that, either by general radiance or specific aim, would cause any risk or detriment to the safety of motorists or their passengers.
  - Festoon or string lights must be a minimum of 2.6m above the ground at their lowest point.
  - Lighting is not permitted to flash, strobe, or operate in a manner that distracts traffic or pedestrians.

## Permanent and semi-permanent outdoor structures

An application may be made to Council to request the installation of **permanent** or **semi-permanent** outdoor infrastructure which will be assessed on a case-by-case basis. Any permanent or semi-permanent outdoor infrastructure must not obstruct access to or interfere with emergency equipment or underground services.

### Permanent structures

*Refers to furniture or an item which is immovable and permanently in place*



### Semi-permanent infrastructure

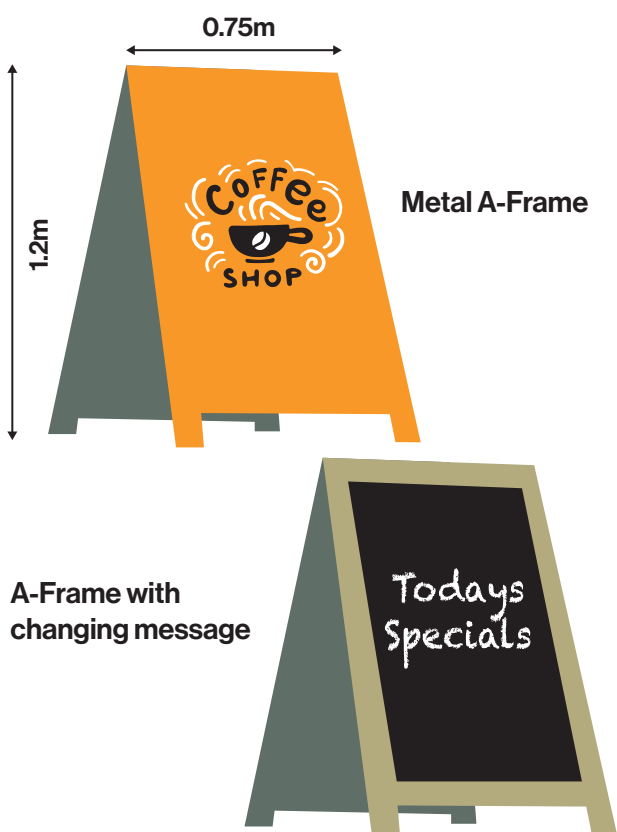
*Refers to items that can be fixed to the ground or securely anchored however also remains movable.*

# Guidelines for Advertising

Advertising includes portable signs, real estate signs, and advertising on banner poles.

## Signage

- Portable signage can be placed within the *Trading Zone* and must not intrude into the *Pedestrian* or *Kerb Zones*.
- Signage is limited to 1.2 metres in height and 0.75 metres in width
- Signage must be in good condition, of a professional standard, and colour-contrasted with the surrounds to ensure that it is clearly visible to all and does not blend into the surrounds.
- Only one portable sign can be displayed in front of a business to which it relates. Where a business has no street-level frontage and wants to advertise using a portable sign, written permission must be provided by the owner and occupier of the business in front of whose premises the *Trading Zone* is located.
- Signage is not permitted on median strips or roundabouts.



## Real Estate and Community Advertising Signs

- Permits for real estate or community advertising signs have a maximum permit duration of three months.
- Real estate signs are limited to 1.4 metres in height and 1.8 metres in width.
- Unless a sign is displayed on large rural property and refers to the property on which it is displayed, only one real estate sign per frontage is allowed. Large rural properties may carry multiple signs provided they are a minimum of 300 metres apart.
- Signs are permitted on road reserves or other Council land where:
  - The real estate sign appears directly in front of the property to which they relate and would not be clearly visible to passers-by if located within the boundaries of the property they represent.
  - Or they are considered a community advertising sign as defined in the *Neighbourhood Amenity Local Law 2020*.
- They must be soundly constructed, securely attached to mounting posts sunk into the ground, bear professional sign writing and be maintained in good condition. All signage must include the name of the real estate agent and contact details.
- All real estate signs are to be removed within two days of selling or letting the property they represent.
- Real estate sign permits include the temporary positioning of portable signs abutting the properties for sale and at the nearest intersection as directional, that are open for inspection and on auction days.



## Banner Poles

Advertising on Council banner poles is permitted for community groups and community events in Yarra Ranges. Permitted banners may promote non-commercial educational, cultural, political, religious, social or recreational events or services within the municipality.

- A community group may display one banner at each set of banner poles, at a maximum of four locations.
- A banner pole permit is valid from 9am Tuesday to 6pm Monday.
  - Permits for recurring market advertising are valid for one week per month.
  - Permits for community groups and events are valid for two weeks per permit.
- Banners erected on the poles must have minimum dimensions of 1.0 metre by 2.0 metres and maximum dimensions of 1.0 metre by 2.7 metres.
- The permit holder is responsible for installing and dismantling the banner, which must be removed by 6pm Monday at the end of the permit period.
  - Banners erected on banner poles must be securely fixed and maintained during the display period.
- Banners may contain sponsorship information that does not exceed 25 per cent of the banner but must not include any cigarette/vape, alcohol, gambling, political information, or advertising.

## Advertising – Other

While advertising can bring vitality and colour to business and dining areas, it can also be strident and intrusive. Advertising should complement the streetscape to Council's satisfaction, be acceptable to the pedestrian environment and integral to equipment design.

- Advertising may appear on umbrellas and the external surfaces of screens within *Trading Zones* but not on other furniture; it should not exceed 10 per cent of those items' total combined surface area.
- Advertising should reflect the corporate logo or business identity and/or products central to the nature of the business, such as coffee or alcohol products.
- The total advertising area for the principal business and footpath dining facility must not exceed 8 square metres without a planning permit. Portable signs may be permitted in footpath dining facilities, subject to space availability.



# Community and Street Stalls

**Street stalls** include the activities of community and/or charity groups engaged in fundraising. Street stalls may be for cakes, sausage sizzles, fruit or promotions of goods unrelated to food. Street stalls may require a Footpath Trading permit based on the stall's location.

Stalls must comply with all size, location, and other conditions of a Footpath Trading permit as listed in this policy.

## Food at Street Stalls

Street stalls established to prepare, handle, store, serve or sell food must be covered by a current *Food Act* registration via **FoodTrader** to accompany the local law permit application. A Statement of Trade (SOT) is required for all dates of trade.

Once registered and the Footpath Trading permit is granted, a **Statement of Trade (SOT)** can be submitted through

[FoodTrader](https://foodtrader.vic.gov.au/). <https://foodtrader.vic.gov.au/>

### Street Stall

*A small, temporary setup used to fundraise, collect donations, or promote an organisation in a public place*



### FoodTrader

*FoodTrader is a state-wide registration website. A FoodTrader registration can be obtained via the FoodTrader website together with payment of the required fee.*

### Statement of Trade (SOT)

*is a formal notification to a local council indicating where and when a food business intends to sell food and/or drink within that council's area. It is a legal requirement under the Victorian Food Act 1984.*



# Guidelines for Operation and Management of Footpath Trading Permits

The responsibilities associated with footpath trading are diverse. Some fall to the Council, some to permit holders, and still others may be shared. For instance, Council is responsible for managing the street and public space and efficiently processing applications. Permit holders are responsible for effectively managing footpath dining areas and selling merchandise, while education, policy, and permit compliance are shared responsibilities.

Permit holders are also encouraged to consider environmental issues. Effective heater management, adopting proactive waste management practices, and minimising the use of disposable packaging in public spaces can accrue significant benefits to environmental sustainability.

## Cleanliness and Waste Management

- All items must be regularly maintained to be clean, tidy, litter-free and graffiti-free.
  - Graffiti or other forms of disfigurement to footpath dining facilities should be removed within 48 hours by permit holders. Permit holders are encouraged to report the nuisance to the local Police Station and/or relevant Authority. Graffiti clean-up trailers and bins can be requested through the Council website.
- All items must be kept in good repair and promptly removed or replaced if damaged, faded, or deemed unsafe or unsightly by an Authorised Officer.
- 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
- Council will fulfil its role by ensuring that streets are cleaned and bins emptied to assist roadside trading and dining areas in looking attractive at all times.

## Patron Behaviour

- Permit holders must ensure patrons behave in an orderly manner and do not disrupt others.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.
- Patrons are not to move tables and chairs, clothing racks, and merchandise or allow pets, prams, bicycles, scooters, shopping, or other personal items to interfere with movement and accessibility in the *Pedestrian, Access, or Kerb Zones*.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.

## Food preparation

- Preparation, cooking, and display of food are not to occur in a footpath dining area; food may only be prepared and displayed within the principal business. Food may be served in a footpath dining area. On an occasional basis, and with approval, food may be prepared in a *Trading Zone* for the purpose of promotion or demonstration.



## Single Use Plastic Laws

Under single-use plastic bans in Victoria, some single-use plastic and polystyrene items are banned from being sold and supplied in Victoria. This ban applies to all businesses and organisations. It is the permit holder's responsibility to comply with relevant current regulations.

For more details visit

<https://www.vic.gov.au/single-use-plastics>

## Smoking and e-Cigarette Laws

Under Tobacco Laws in Victoria, all smoking and the use of e-cigarettes (vaping) is banned in all commercial outdoor dining areas including footpath dining areas.

It is the permit holder's responsibility to comply with the *Tobacco Act 1987* or relevant current provisions and regulations.

For details, visit:

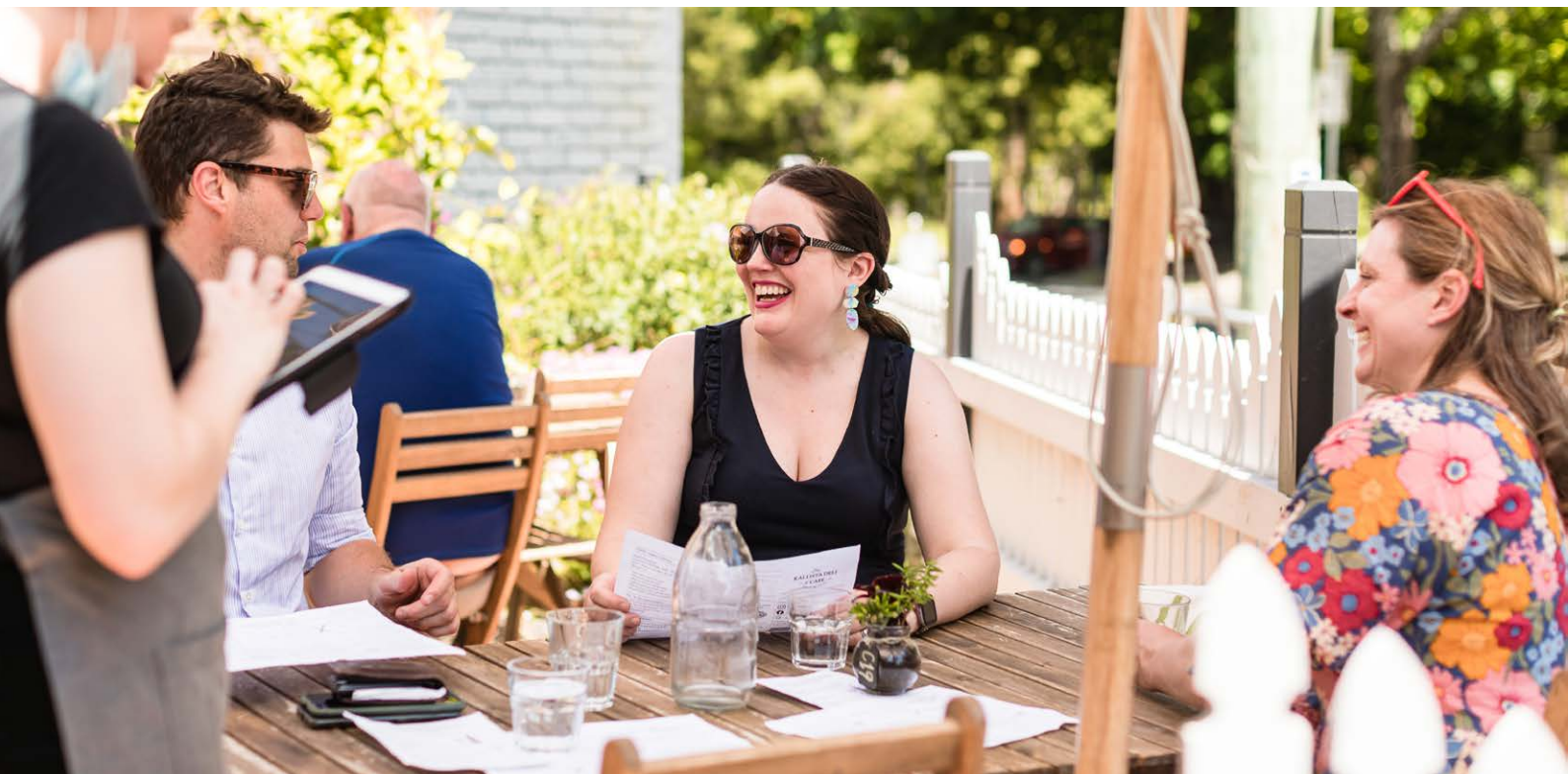
<https://www.health.vic.gov.au/public-health/tobacco-reforms>

## Hours of Operation

- A footpath dining area must not operate beyond the hours prescribed for the principal business.
- No footpath dining area will be permitted between 11pm and 9am unless situated more than 300 metres from the nearest residence.

## Toilet and Sanitary Facilities

- The addition of footpath dining to a principal business will likely increase the number of patrons requiring toilets. To accommodate staff needs and potentially increase customers, the permit holder may be required to have access to extra toilet facilities, including provision for people with disabilities.
- The Building Code of Australia specifies toilet numbers for facilities. Permits may be necessary for toilet upgrades.





# Permit Applications and Renewals

## Application for a Permit

When applying for a Footpath Trading Permit in Yarra Ranges, the applicant must, where applicable, provide the following with their application:

- This fee covers the processing of applications and is not refundable. Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
- Current Public Liability insurance and indemnity for a minimum of \$20 million
- Relevant Municipal Food Business registration certificate
- Waste Management Plan
- Current Liquor Licence including “Red Line Plan”
- Planning Permit
- Written advice on the proposed business hours. This may form part of an existing planning permit or liquor licence and must consider the limitations of any other permits.
- Description of the proposed footpath trading activities

- Item categories that are intended to be placed in the trading zone:

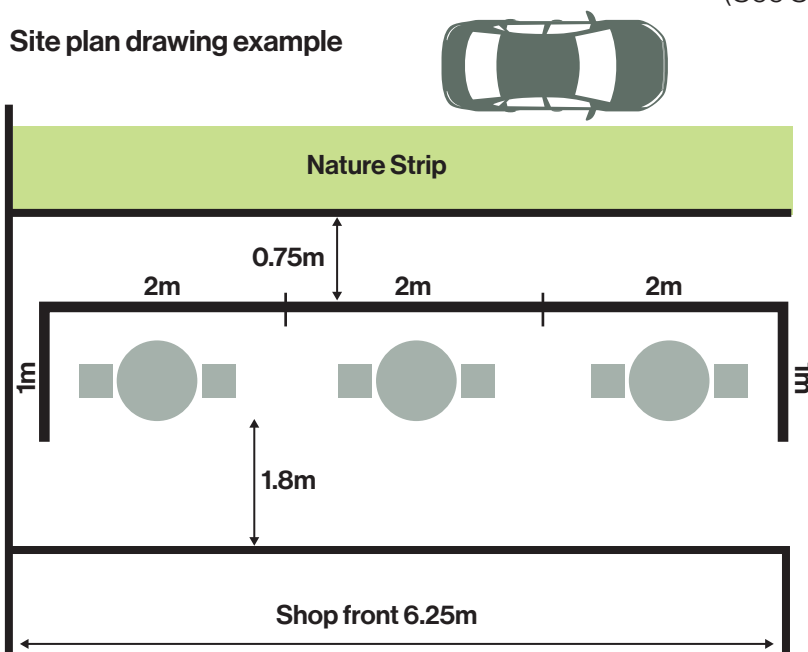
- Signage
- Merchandise for Display
- Furniture for Dining

- Site Plan, including:

- the principal business site address, boundaries, buildings, width of frontage, and position of all doorways and service openings
- the location and use of adjoining buildings
- existing street infrastructure: trees, seats, poles, signs, pits, hydrants, parking, etc
- total footpath width from the back of the kerb edge to the building line, and the width of the *Pedestrian* (including passing bays where required), *Kerb*, and *Access Zones*.

- Written consent is required when applying for a trading permit in front of an adjoining property to extend a proposed footpath dining area and/or where a trader with no street-level premises applies to advertise on signage in front of a business owned by another trader. (See Section 2.4)

### Site plan drawing example



- Evidence of any other relevant Council permits (i.e. for any structure needing to be fixed to the footpath).
- Evidence that toilet and sanitary facilities satisfy the Building Code of Australia, meet the requirements of the principal business and are sufficient to accommodate the needs of the footpath dining area.

## Advertising the Application

Council may require applicants to inform adjoining property owners or others who may be affected by an intention to apply for a permit. Written submissions received during the advertising period will be considered and may contribute to the imposition of permit conditions. Advertisements will be at the applicant's cost.

### Approval

- Council will inform applicants of the outcome of applications as soon as practicable.
- Permit holders must comply with:
  - The conditions specified on the permit
  - All other relevant Council permits and policies

### Renewal

- Existing annual permit holders will receive a renewal notice a minimum of one month before the expiry date.
- It is the permit holder's responsibility to ensure all renewals, including updated Public Liability information and fee payments, are made to Council before the due date.
- Real Estate permits are issued for three months and are not renewed.

For renewable permits, at least one month before permit expiration, an operator/trader will receive a renewal notice requesting the following items:

- the annual renewal fee
- confirmation of continuing Public Liability Insurance for the permit period
- current written consent from the owner and occupier as well as proof of current Public Liability insurance for the use of adjoining trading zones (as outlined in section 2.4)
- current written consent from the property owner and occupier of premises where portable signs are used to advertise on behalf of a business which has no business frontage (as outlined in section 3.10)
- written advice about any previously undisclosed amendment(s) to permit conditions.



# Permit Compliances

## Penalties

Any permit and endorsed plan approved under this policy must be available for inspection at any time during trading upon the request of an Authorised Council Local Laws officer. Any of the following actions may be taken where trading is in breach of permit conditions, the permit has expired, or a permit has never been issued:

- verbal educative warning
- issuance of a Notice to Comply
- service of a penalty infringement for contravening and/or failing to follow the Notice to Comply
- suspension or cancellation of the permit
- removal and/or seizure of all street furniture
- court action.

Where a permit has never been issued, the operator will be given a Permit Application, have his/her full details recorded, and shall remove and store the street furniture until a permit is granted.

Items may be seized immediately in accordance with the provisions of the *Neighbourhood Amenity Local Law 2020*. They can be returned to the owner upon payment of a fee, sold, destroyed, or given away.

## Variation or Revocation

A Footpath Trading Permit may be varied or revoked at any time. Generally, this action will be taken after pedestrian or parking patterns have been monitored and results reveal that a change is needed in the public interest. If a permit is to be varied or revoked, notice will be given in writing, and a period of grace will be granted before the variation/revocation becomes effective. In situations where there is a risk to public safety, periods of notice will be reduced or take effect immediately. Following a variation or revocation, the permit holder had 28 days to respond in writing to Council senior leadership for consideration.

## Amendments

All requests to amend a permit must be submitted to the Council in writing and may be subject to a processing fee. Amendments may include:

- change of trading hours
- changes to the type of items placed in the *Trading Zone*
- changes to the size of the *Trading Zone*
- other variations.

## Monitoring

Council officers will regularly monitor and liaise with permit holders to discuss and rectify issues/difficulties relative to the operation of the permit or facility. Advice in writing will be given of any action needed and the time allotted to perform corrective work.



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