

7.1.4 FOOTPATH TRADING AND ACCESS POLICY 2024

Responsible Manager:	Greg Talbot, Manager Community Amenity
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council:

1. notes the Revised Footpath Trading and Access Policy 2021 and the Parklets on Roads Policy 2023 have been reviewed in accordance with Council's *Policy Framework*;
2. notes that following their review the Revised Footpath Trading and Access Policy 2021 and the Parklets on Roads Policy 2023 have been incorporated into the draft Footpath Trading and Access Policy 2024;
3. resolves to release the Footpath Trading and Access Policy 2024 for community consultation in accordance with Council's Community Engagement Policy; and
4. notes a subsequent report will be presented to Council for consideration following completion of the community engagement process, along with any proposed changes and an officer recommendation.

INTRODUCTION

The purpose of this report is to present to Council the draft Footpath Trading and Access Policy 2024 (Attachment One) and to seek endorsement to release the policy for public consultation.

The policy has been prepared following a review of the Revised Footpath Trading and Access Policy 2021 (Attachment Two) and the Parklets on Roads on Policy 2023 (Attachment Three) conducted in accordance with Council's *Policy Framework*. Given both policies relate to and deal with trading activities on Council land, they have been consolidated into a single policy document, with the former and latter serving as parts one and two, respectively.

The objectives of the policies remain unchanged and maintains the ability for footpaths to be effectively used for alfresco dining and the display of signs and goods whilst ensuring equitable access and pedestrian safety. Part two of the policy deals with parklets on roads and supports eligible hospitality businesses to offer outdoor dining in locations that are ordinarily used as car parking spaces.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

- Ensure an economically, socially, and environmentally sustainable municipality
- Prioritise sustainable transport options, including walking/ cycling paths and public transport

Inclusive Services

Fostering an equitable, just and inclusive Monash

Enhanced Places

- Improve public spaces and local employment by revitalising our employment hubs, activity centres and neighbourhood shops
- Prioritisation of pedestrians and active transport over vehicles

Good Governance

Effectively communicate and engage with the community.

BACKGROUND

Council's policy on footpath trading and access was last updated when it adopted the Revised Footpath Trading and Access Policy 2021. At that time the policy was updated to clarify that Council, in making public areas available for alfresco dining, requires that food must be made available for consumption at all times when these areas are in use. Consistent with the Tobacco Act, as long as food is commercially available, smoking is prohibited in these areas.

The Parklets on Roads Policy 2023 compliments Council's Footpath Trading and Access policy and permits hospitality businesses to use (with approved consent) on-street car parking bay(s) directly outside of their business or a neighbouring business with permission.

As these policies were developed at different times, they sat as two separate policies. They have now been incorporated into the one policy document.

DISCUSSION

The Draft Footpath Trading and Access Policy 2024 aligns closely with the Revised Footpath Trading and Access Policy 2021. Previously, the Footpath Trading and Access Policy had separate sections for Eaton Mall and the rest of the municipality. However, in the 2024 draft, these have been merged into one updated policy.

Importantly, the policy reaffirms Council's vision for outdoor trading areas and allows traders to use neighbouring space for additional dining where consent has been provided by neighbouring traders.

The earlier policy provided guidance on the areas available for trading in activity centres on a street-by-street basis. These have been reviewed and removed due to the redevelopment of various streetscapes, rendering the guidance obsolete. It is considered better practice to set the broad policy to form the basis of assessment and permission, which will also ensure that the policy remains current and relevant. It will also mean that it will not be affected by or parts of it will not be rendered obsolete as streetscapes and locations change over time.

Portable heaters remain prohibited due to the safety implications and risks associated with LPG gas cylinders along with strict storage requirements, as well as the obstruction that they may otherwise cause.

The use of awnings and blinds in the central trading area of Eaton Mall has been considered and the draft policy reinforces that their use is not supported. Blinds and awnings that are unevenly installed or intrusive can pose obstacles for individuals with mobility issues and can obstruct views along footpaths and thoroughfares. It is also important to avoid that notion of privatising public

space which is there for the overall benefit of the community. Additionally, the use of blinds in the central area could potentially create semi-indoor dining spaces and a visual effect akin to marquees, which contradicts the vision for Eaton Mall as a predominantly 'open air' venue. While these features may serve practical purposes such as sun and wind protection and privacy, they can unintentionally obstruct accessibility and detract from the visual appeal. Wind and weather protection can be achieved through the use of furniture and barriers and there are various examples of this in existence that work effectively.

In response to evolving enhancements in digital technology, the policy also recognises that some businesses now utilise projected images on footpaths as part of their advertising and promotional strategies. To ensure clarity and consistency, the use of this technological advancement is included in the policy.

Moreover, the policy now includes specific guidelines on outdoor trading items such as barriers, goods displays and tables and chairs, including reinforcing that furniture as it ages or becomes not fit for purpose must be replaced or updated. These guidelines will aid traders in their permit applications and facilitate the ongoing management of trading areas.

Where a permit has been issued for the use of tables and chairs, the policy clarifies that these items must be placed out and available for use at all times the business is open for trade. At all other times tables and chairs must be removed from the area, unless otherwise approved by Council.

The draft policy integrates the Parklets on Roads Policy 2023 introducing a new provision. In situations where a parklet is closely located to utility infrastructure such as traffic control boxes, power poles, telecommunication lines or towers, cables, wires, drains, and sewers, Council may consult with the utility operator to determine the appropriateness of the application.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Both policies were the subject of broad community consultation and given the draft policy is substantially unchanged it is intended to focus on traders and trader groups in this round of consultation. Whilst the community will also be able to participate in the consultation hosted on the Shape Monash platform to ensure maximum trader awareness and participation, invitations will be extended to trader groups and current permit holders. The engagement opportunity will be broadly advertised through our usual means such as social media, newsletters and Council's webpage.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

The implications of the draft policy have been assessed as compatible with the requirements of the Charter of Human Rights and Responsibilities Act 2006.

GENDER IMPACT ASSESSMENT

The consultation process will help inform the Gender Impact Assessment to be conducted when the draft policy is finalised.

CONCLUSION

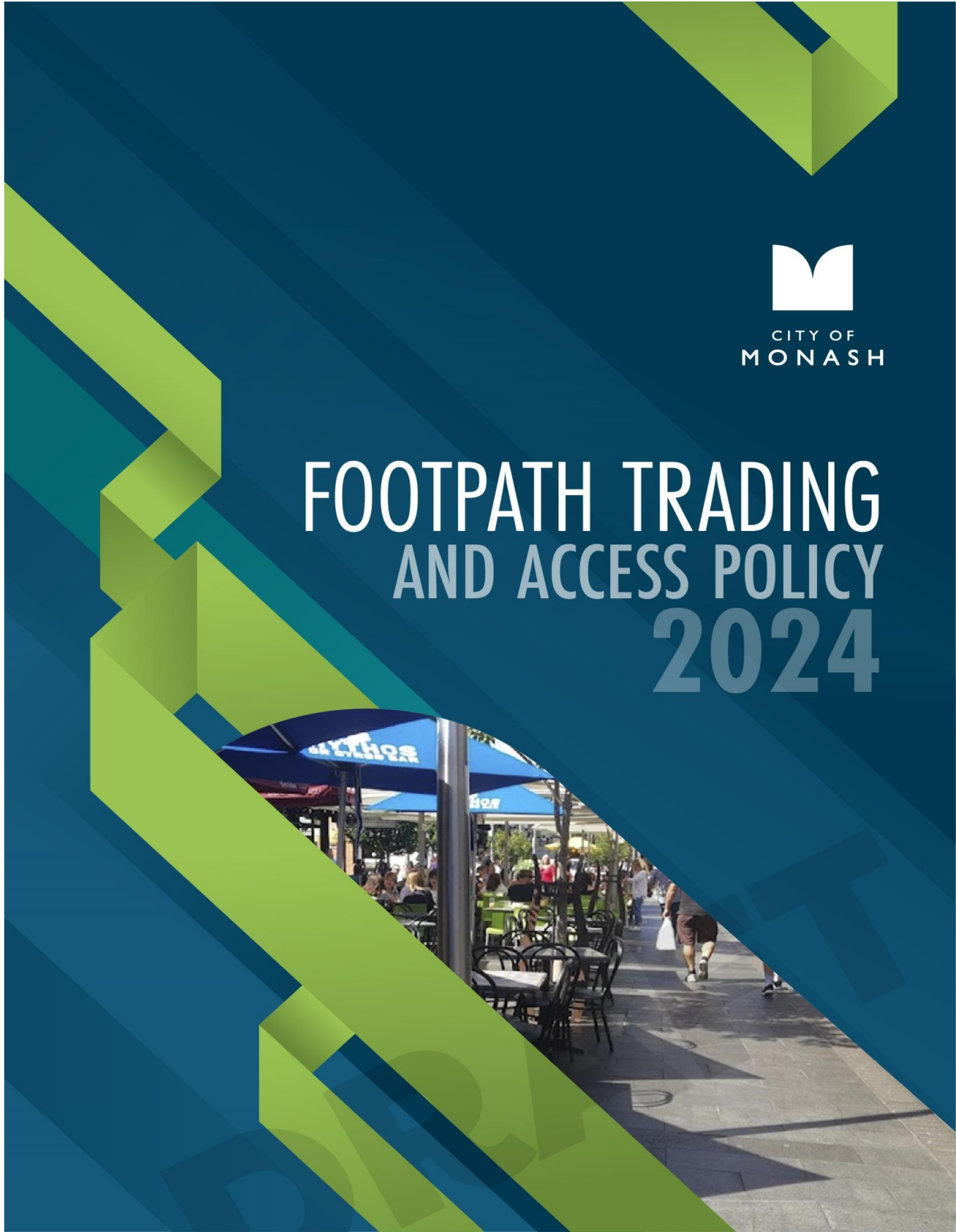
The draft Footpath Trading and Access Policy 2024 has been prepared following a review of the Revised Footpath Trading and Access Policy 2021 and the Parklets on Roads Policy 2023, conducted in accordance with Council's *Policy Framework*.

The Draft Footpath Trading and Access Policy 2024 aligns closely with the current policies and it is intended to release the draft policy for consultation with traders and the public.

Following consultation, a report will be presented to Council, detailing findings and proposing a final policy for consideration.

ATTACHMENT LIST

1. Attachment One- Draft Footpath Trading and Access Policy 2024 [7.1.4.1 - 18 pages]
2. Attachment Two - Revised Footpath Trading and Access Policy 2021 [7.1.4.2 - 36 pages]
3. Attachment Three - Parklets on Roads policy 2023 [7.1.4.3 - 6 pages]



PART ONE: FOOTPATH TRADING AND ACCESS POLICY

GENERAL PROVISIONS

Overview

Council recognises the importance of footpath trading in contributing to the vitality of commerce within the municipality.

Purpose of the Policy

Demand for using outdoor areas and footpaths for trading continues to be strong. When done correctly it can balance the safe passage of pedestrian and add to the vitality and vibrancy of an area. Council supports footpath trading for these reasons but needs to ensure the need and demand for trading is balanced with Council's duty of care for the safety of the public in general, particularly pedestrian safety. This Policy seeks to facilitate footpath trading within the City of Monash and ensure that in doing so it does not obstruct pedestrian access or create an unsafe or unsightly environment.

Council's vision for outdoor trading areas

Council wishes to foster the development and continued improvement of vibrant and welcoming communities within its municipal district. It encourages the use of outdoor trading areas by local businesses for this purpose. It is Council's intention that outdoor trading areas will be utilised to attract visitors and create welcoming family environments. Where a local business wants to make use of an outdoor trading area, Council, in assessing these requests, will ensure that traders contribute to the local atmosphere and vitality and engage in uses that are complimentary to the existing use being made of nearby outdoor trading areas. Council seeks to ensure these areas are well designed and utilised and value add to the environment they are located within.

Smoke-free outdoor trading areas

Where an outdoor trading area is in an area predominantly used for al fresco dining, Council will require a trader to make food available for consumption in such areas at all times. Consistent with the *Tobacco Act 1987*, as long as food is commercially available, smoking and vaping will be prohibited.

What the Policy applies to

This Policy applies to footpath trading areas, as well as other locations within the municipality where Council has authorised commercial activities. The Parklets on Roads Policy (which is incorporated into this policy for consistency of approach) outlines the procedures for permitting and managing parklets. However, certain aspects of this policy may also be applied to parklets as deemed necessary by Council. This ensures a comprehensive and adaptable approach to managing different trading areas. The policy also outlines the way real estate signs (pointer boards) are managed on Council land.

In addition to the General Provisions set out in this policy there are additional matters set out below that relate specifically to Eaton Mall, Oakleigh.

Matters intended to be captured by this policy include but are not limited to the following:

Table and chairs	A-frame signs
Windbreaks	Goods displays
Planter boxes	Portable advertising signs
Real estate signs (pointer boards)	Heaters
Barriers	Images projected on to Council land
Temporary structures	

Objectives of the Policy

The objective of this policy is to facilitate trading on footpaths and other areas where conditions are assessed as suitable and safe in a manner that ensures unimpeded pedestrian movement on footpaths and seamless access to businesses.

The policy is designed to comply with the *Disability Discrimination Act 1992* (Commonwealth) and adhere to the *Advisory Notes* periodically issued by the Australian Human Rights Commission.

In relation to footpath trading, the most important principles are to:

- provide a continuous accessible path of travel, which is defined as a footpath that can be used by people with various disabilities without encountering any barriers
- design and arrange elements in the streetscape that provide a continuous path of travel
- manage and maintain pedestrian access features
- acknowledge that if a footpath is wide, it does not automatically imply that any area beyond 1.8m from the building line should be available for footpath trading.
- ensure that the use of footpaths and associated areas for business purposes contributes positively to the amenity of the surrounding area, and
- ensure that street furniture, signs, and trader's activities or displays are positioned on the kerbside, rather than along the building line.

Guiding Principles

- Council aims to provide clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths, in accordance with Council's statutory responsibilities.
- Footpath trading activity must relate, and make a positive contribution, to the character and amenity of the immediate and surrounding areas.
- Council strongly supports the long-term viability and sustainability of activity and neighbourhood centres
- Council acknowledges the importance of footpath trading in enhancing the amenity, vitality and safety
- Footpath trading is a privilege, not a right

Eaton Mall Oakleigh

Council's vision for Eaton Mall

Eaton Mall is locally and internationally renowned as a food destination, providing predominantly Greek cuisine in an al fresco environment. The atmosphere and vitality of Eaton Mall is entirely unique in Melbourne and Council is dedicated to retaining that character.

Council's vision for Eaton Mall is to protect, and continue to improve on, its renown. It will do so by ensuring that traders in Eaton Mall continue to contribute to its atmosphere and vitality, particularly by making food available for consumption in al fresco areas at all times.

Where the policy applies

This Policy applies to the central footpath area of Eaton Mall, from private property boundary to opposite private property boundary (see Eaton Mall Plan at Annexure A). It also applies to the limited trading in the central area south of Portman Street subject to clear unimpeded pedestrian access being maintained (see Portman Street Plan at Annexure B). Trading can only occur in the areas defined within these annexures

Guiding principles specific to Eaton Mall

To uphold the vision of Eaton Mall as an alfresco dining area and to ensure its continued accessibility for all patrons and visitors, the following principles are applied:

- It is essential to maintain a 2.4-metre pedestrian walkway between the central trading area, as detailed in the relevant annexures, and the trading zones adjacent to shopfronts. This area is typically marked by the stormwater grates that run from north to south along the length of the Mall and the central trading spaces.
- The use of awnings and blinds in the central trading area is not supported
- The central trading area is designed for shared use. It is important that no single trader monopolizes this space, ensuring its use remains fair and equitable for all

Special events

This policy is not applicable to special events such as festivals or street parties held in Eaton Mall, which are organised by traders with the Council's approval. For hosting such events, traders need to obtain an event permit from Council.

OUTDOOR TRADING ITEMS

Temporary Structures

Temporary structures may be permissible at the discretion of Council upon application. A license agreement may be entered into subject to standard conditions including insurance provisions and associated fees are considered and set as part of Council's annual budget process. A relevant trading permit along with compliance with conditions will be taken into account in determining an approval.

Heaters

Portable heaters are not allowed due to the inherent risks associated with their use, the need for ongoing maintenance and the strict LPG storage requirements that provide gas cylinders can only be stored in special circumstances and not indoors.

Fixed gas or electric heaters that are permanently connected to a mains supply are safer and preferred by Council. Fixed gas heaters (or any part of) must be installed a minimum of 600mm from the kerb and within the Footpath Trading Zone. This would prevent a truck hitting the heater whilst pulling up to park next to the kerb. In addition, there must be at least a 2.2 metre vertical clearance between the bottom of the heater and the ground level to prevent pedestrians from hitting the heater.

Tables and chairs

Furniture used must be of high-quality, safe, durable, windproof, and have a contrasting colour to its surroundings. Furniture as it ages or becomes not fit for purpose must be replaced or updated. The use of all-plastic furniture, which may be displaced in windy conditions, is not allowable. Chair legs should not extend beyond the chair to a degree that they pose a tripping hazard. If necessary, durable rubber or plastic tips should be fitted to the feet of café furniture to prevent footpath damage. The style and appearance of the furniture and equipment used should be in harmony with the area. If Council urban design guidelines exist, the design and colour of the furniture should comply with these guidelines. The designs should encourage neighborhood interaction and enhance the perception of safety. Council may ask for samples of the proposed street furniture to be provided as part of any approval process.

Where a permit has been issued for the use of tables and chairs, these items must be placed out and available for use at all times the business is open for trade. At all other times, tables and chairs must be removed from the area, unless otherwise permitted by Council on a case by case basis.

Barriers and screens

All items must fit within the permit area without any part extending beyond it. They should not display offensive content, be free from damage and deterioration and be sturdy. Barriers and screens used on footpaths must be secured at all times in Council-approved sleeves, which are permanently installed into the footpath where conditions are deemed suitable. These sockets, when approved, will be supplied and installed by the Council at the permit-holder's cost.

In other areas, where permission has been granted to temporarily use a barrier or screen without a permanent sleeve, suitable bases must be fitted to stabilise them, ensuring that base plates or anchor bags do not protrude into the pedestrian zone and create a tripping hazard.

The height of the barriers should not exceed 1.0 metre, although Perspex screens up to 1.5 metres may be approved in special circumstances. Any screens above 1.0 metre must have their design and construction approved by the Council before a permit is issued. All items must be demountable and removed from the footpath when the permit holder's business is closed.

Planter Boxes

Planter boxes may be approved from time to time and must be placed within the trading area approved by the Council. In cases where temporary planters are permitted, these boxes must be removed from the footpath when the permit holder's business is not in operation.

The permit holder is responsible for the regular maintenance of approved planter boxes and their contents which must not exceed 1 metre in height so as not to impede sight lines for drivers and pedestrians.

Portable advertising signs

Portable advertising signs, including A-frame signs, are to be placed exclusively in the designated trading zone in front of the premises to which the permit is issued. All displayed items must be well-designed, clearly visible, not display offensive content, be free from damage and deterioration, free from sharp edges or hazardous parts, self-supporting and stable. They should be sufficiently weighted to prevent tipping or being dislodged by pedestrians or gusty winds, and must not be attached to any part of a building or the street infrastructure.

Additionally, they should be clearly visible and suitably illuminated by an overhead light when trading hours extend between sunset and sunrise and must not exceed 1.0 metres in height or 600mm in width. They should not contain or display any powered illuminations, whether steady, flashing, or revolving.

Goods displays

All furniture used for displaying goods should be aesthetically pleasing made from high-quality, safe, durable, and windproof materials. The furniture should be stable on lockable wheels and always remain within the designated trading area while on the footpath. Displays should not be placed in positions or in ways that pose a safety risk to the public, nor should they be fixed to any part of a building or the street infrastructure.

The overall height of displays, including the furniture used for display and the displayed goods, should not exceed 1 metre above the footpath, unless otherwise approved by Council. Goods should be sufficiently secured and contained on or in approved furniture or equipment to prevent displacement by pedestrians or adverse weather conditions.

Food items must be placed at a minimum height of 900mm above the footpath. The display of white goods and other household type appliances and furniture in a trading zone is not permitted.

Additionally, goods should not be hung from shopfronts, verandas, or awnings.

Images projected on to Council land

Images or advertising material associated with footpath trading may be projected on to Council land, subject to a permit issued under the provisions of this policy. The projected image must fall within the relevant trading area.

Entertainment and amplified music

Entertainment and amplified music are not permitted in footpath zones unless approval is granted by Council.

Real estate signs (pointer boards)

Real estate agents must secure a permit to display pointer boards. These signs are permitted to be displayed only between 8am and 5pm on the day of a property sale, or 30 minutes before and after a premise is open for inspection or auction. The dimensions of the signs should not exceed 0.6 metres in width or 0.9 metres in height. It is crucial that these signs are adequately secured to prevent any risk to pedestrians, property, or passing traffic.

The placement of signs on roundabouts, roadways, traffic islands, or garden beds is strictly prohibited at all times. Additionally, signs should not be attached to any part of a building or the street infrastructure.

FOOTPATH ZONES

A permit to trade on the footpath can only be considered in a location where the footpath width is greater than 2.4 metres. To ensure a clear, safe and unobstructed walkway for pedestrians, footpath trading is made up of three zones: the Pedestrian Zone, the Trading Zone and the Kerbside Zone

Pedestrian Zone

The Pedestrian Zone spans from the property boundary to the Trading Zone and at a minimum should be 1.8m but no less than 1.5m in exceptional circumstances subject to footpath dimensions and street geometry. It ensures a clear and accessible route for pedestrians. This space is solely dedicated to pedestrian use and must be kept clear at all times. Even during adverse weather conditions, it is imperative that no items are placed within pedestrian zones.

Trading zone

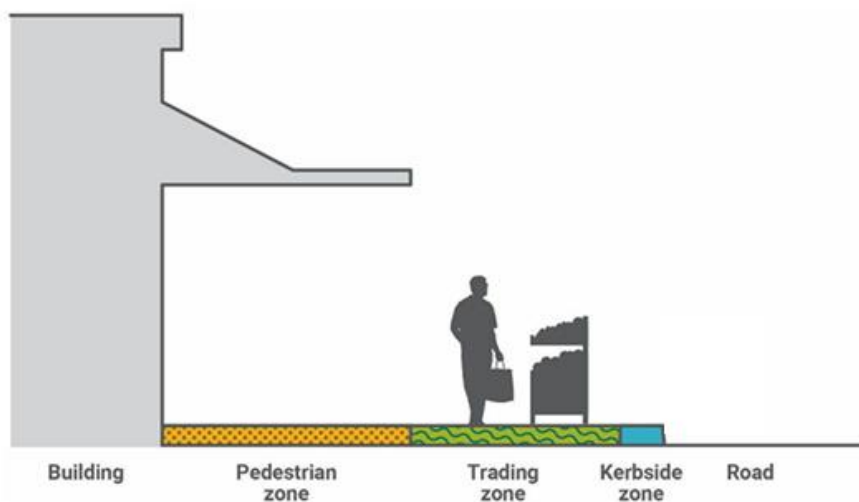
The Trading Zone is the area between the Pedestrian and the Kerbside Zones that has been allocated for footpath trading activities. The Trading Zone varies according to the width of the footpath and other conditions that may influence it and footpath trading may not always be available in all locations. In instances where the footpath usage is not directly in front of a business, such as a courtyard, Council may exercise its discretion to approve a permit. This is typically done if the result enhances the streetscape and benefits the community. Council may also allow trading in front of an adjoining business provided that there is written consent from the adjoining business and for only as long as that permission remains valid, noting that permission from the adjoining business does not mean that Council will always allow permission.

Kerbside zone

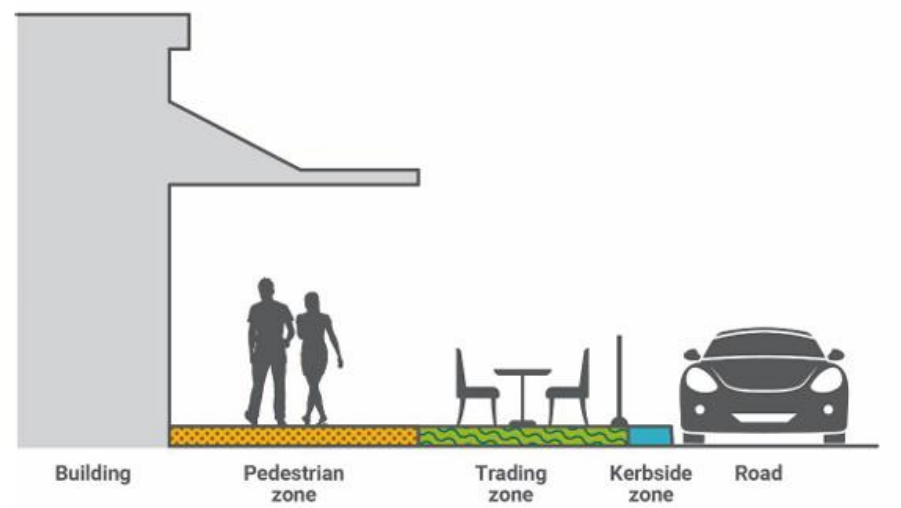
The Kerbside Zone provides a buffer section between the footpath and the roadway. It also allows for access to and from parked vehicles. Kerbside zones are no less than 0.6 metres.

Footpath Trading Examples

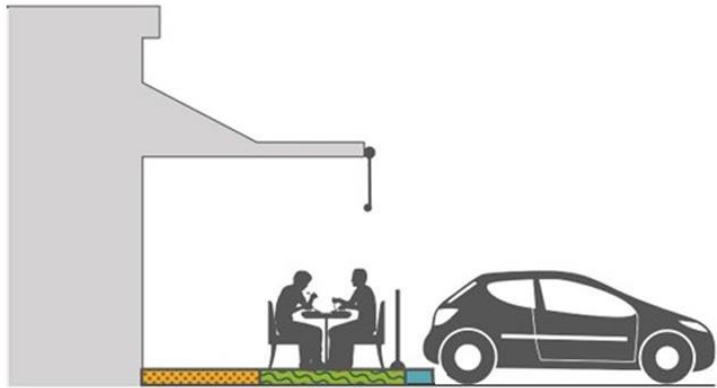
Goods display



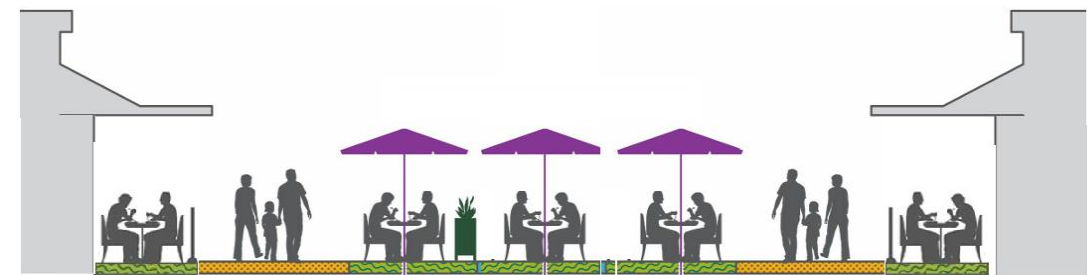
Alfresco Dining



Angled parking



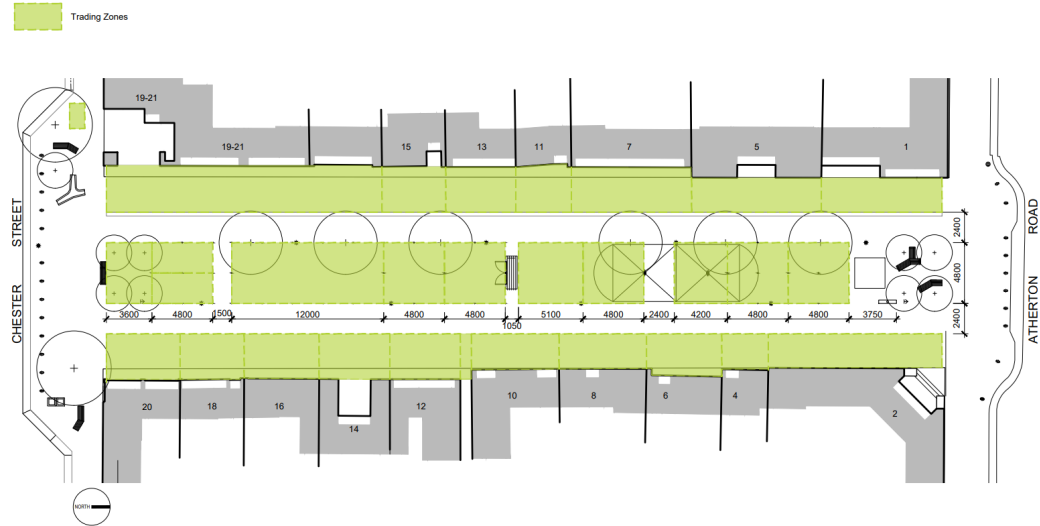
Eaton Mall



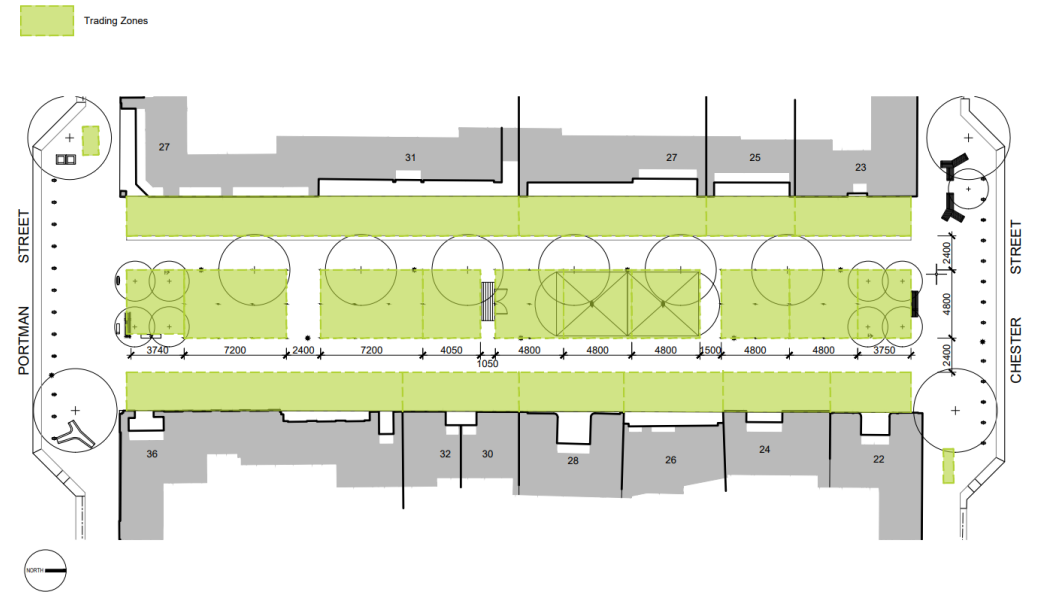
Eaton Mall trading areas

Permits may be issued for the purpose of alfresco dining and trade in the areas within Eaton Mall as illustrated below.

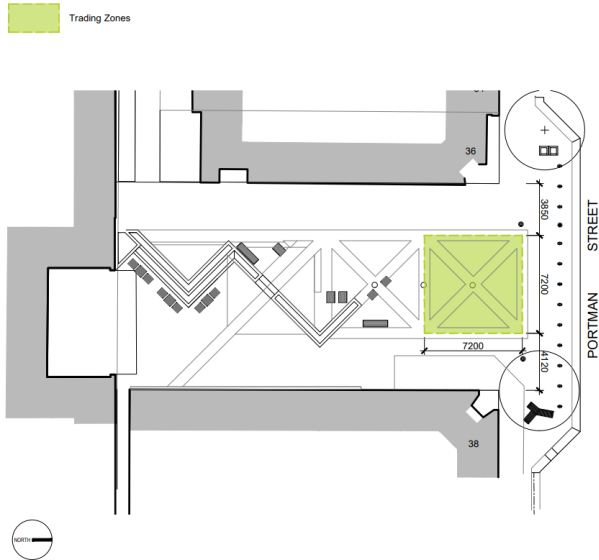
Eaton Mall – Atherton Road to Chester Street



Eaton Mall – Chester Street to Portman Street



Eaton Mall – Portman Street to Oakleigh Central



PERMITS FOR FOOTPATH TRADING

Decision making by Council

In accordance with Local Laws that may be in operation from time to time, when considering an application for a permit, Council may consider any:

- 1) policy or guideline adopted by Council relating to the subject matter of the application for the permit;
- 2) submission that may be received in respect of the application;
- 3) comments that may be made in respect of the application by any public body, community organisation or other person;
- 4) any previous history of non-compliance or outstanding payments, and
- 5) any other relevant matter.

The following matters may also be considered by Council in assessing an application for a permit, having regard to the available footpath area and local conditions:

- a) whether the proposal has the potential to compromise pedestrian or traffic safety or public amenity or otherwise impact negatively on the functionality of a footpath, roadway, car parking space, loading bay, public amenity and/or asset or the like;

- b) the visual impact of the proposal, including the potential to create visual clutter or poor street image (especially in the case of display of goods);
- c) the potential amenity impacts of the proposal, including the cumulative impact of footpath trading on nearby occupancies;
- d) whether a condition restricting trading or display hours is warranted, having regard to matters such as the use and development of surrounding land, the location of the footpath trading, the nature of the use of the footpath and any management conditions including the hours of operation of nearby commercial premises;
- e) the interaction between the proposed use of the footpath area, including the interaction between proposed structures and existing built form;
- f) the nature, design, layout and function of the proposed structures and associated land use; and
- g) any impacts on other public land or public infrastructure/assets having regard to the available footpath area and local conditions including impacts of residential amenity.

Neighbour Consent

In instances where footpath trading items might infringe on the space of a neighboring building, business, or parking bay (whether partially or fully), it's incumbent upon the permit holder to secure and uphold written consent from the concerned party. Failure to keep this consent active will necessitate the removal of the items. Council will not issue a permit where this consent does not exist and will cancel a permit if the consent is withdrawn at any time.

Discretion

An appropriately delegated officer may use their discretion to determine:

- 1) whether the permit should be granted or refused; and
- 2) the terms and conditions appropriate for the relevant permit, if the permit is granted, having regard to any relevant operational guidelines.

An application may be approved by Council as submitted, or approved subject to modifications. A permit may also be subject to conditions imposed at Council's discretion. It will be a condition of every permit that the Local Law is complied with at all times.

Where a permit is granted, the permit may allow non-exclusive occupation in a form that differs from that originally applied for. For example, it might:

- a) vary the number of tables and chairs to be placed in the permit area
- b) require any furniture to be designed differently from that contemplated by the application;
- c) impose additional terms and conditions with respect to the maintenance of the permit area; or
- d) such other matters as Council sees fit.

ENFORCEMENT OF PERMIT CONDITIONS

Council's obligations

When Council grants a permit under the Local Law and this Policy, it ensures adherence to the Local Law and any permit stipulations. If non-compliance is observed, Council acts considering the potential impact on pedestrian and trader safety, access to the area and neighboring businesses, and overall area amenity.

Enforcement of Non-compliance

Officers authorised under the Local Government Act are responsible for enforcing the Local Laws that may be in place from time to time, including permit conditions where a permit is in place. They are required to adhere to the following enforcement principles:

Proportionality

A proportionate response means that an Officer’s actions will be scaled to the seriousness of the breach. Council recognises that most individuals want to comply with the law. Officers will assist by being open and helpful, offering advice and providing the opportunity to discuss compliance issues to rectify non-compliances where possible.

Consistency

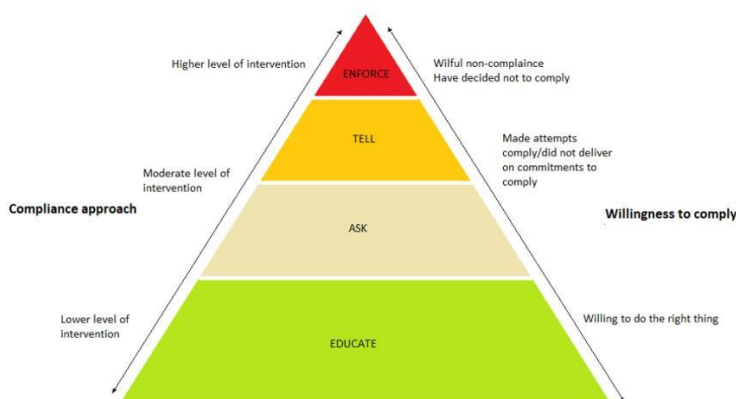
Officers will endeavour to take a similar approach in similar cases. Decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances.

Transparency

Officers will be open and transparent about the way they undertake enforcement action and the legislation under which the action is enforced. They will provide the opportunity and will be open to discussing all matters including potential and actual non-compliances.

Use of Discretion

Officers, when faced with non-compliance, have a range of enforcement options from no response to prosecution. The choice of action depends on factors like risk level, community harm, breach severity, and need for deterrence.



PART TWO: PARKLETS ON ROADS POLICY

Introduction

About this policy

Parklets support eligible hospitality businesses to offer outdoor dining in locations that are ordinarily used as car parking spaces. This policy complements Council's Footpath Trading and Access Policy.

This policy permits hospitality businesses to use (where appropriate, with approval from Council) on-street car parking space(s) directly outside of their business or the neighbouring business (with permission) for trading.

- There are two permit types businesses can apply for Seasonal permits that may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation

Each application will be considered on a case by case basis following an assessment by Council on what is proposed.

Eligibility will be the subject on an initial assessment that will consider matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Unless otherwise stated, the requirements and restrictions contained within of the adopted City of Monash Footpath Trading and Access Policy (including Eaton Mall) where applicable will apply and be included within any permit issued.

Objectives

Outdoor dining on roads will:

- utilise self-contained (inclusive of any traffic safety mitigation required as freestanding barriers will not be allowed), purpose built, prefabricated parklets that can be easily moved in and out place
- see successful applicants hiring or buying prefabricated parklet infrastructure and installing these at their cost
- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages where possible
- support local business (both the Permit Holder and the area broadly)
- recognise the needs of Council services, emergency services, utilities and other essential works
- provide high quality design that positively contributes to the local character
- foster neighborhood interaction
- help activate streets and the perception of safety
- test public appetite for permanent streetscape improvements where appropriate
- only be considered where any footpath trading opportunity is fully utilised prior to or as part of any enhanced area application being made must not be inconsistent with a Planning Permit or Planning Scheme or any other legislative requirement.

Site Criteria

Parklets are preferred in designated parking spaces which:

- are on a street with a speed limit of 40km/hr and up to 50km/hr considered on a case by case basis and subject to a satisfactory road safety assessment.
- are on a street with a straight road geometry ensuring uninhibited view lines for drivers.
- are parallel or 90 degrees
- are on streets which are not arterial roads.
- are on streets which are not clearways.
- are more than 10m from an intersection.
- are more than 20m from a signalled intersection.
- do not require utility access pit or storm drains within the parking space
- are not within red signed zones such as No Stopping, Bus Zones, Loading Zones, Mail Zones or Disabled parking zones.
- are in areas that are not (or will be) adversely impacted by road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities. For example the upcoming Suburban Rail Loop Authority Project (SRLA) is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

Permit Duration

- Short term or limited tenure permits where appropriate if impacts and issues are foreseen such as the SRLA project
- Seasonal permits may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation.

Permit Fees

- No application fee
- Fee per chair applies (pro-rata for 6 monthly permits)
- Fees will be adjusted annually in accordance with the fees and charges adopted by Council

Costs

All costs including the cost of any infrastructure including parklets installed for outdoor dining will be at the expense of the applicant. This includes but is not limited to any authority approvals, engineering assessments, road safety assessments and any road management requirements during installation or removal.

How to Apply

Before applying, applicants are encouraged to meet with the Community Laws team to discuss their proposal.

Applications can be made in writing and must include:

- Letters of consent from relevant neighbouring business/property owners/ residences where necessary (see *Neighbour Consent* below)
- The intended operating hours for the parklet
- Whether it is proposed to serve liquor in the parklet and acknowledging the further approvals required
- A Public Liability Insurance Certificate of Currency to \$20m, which cites Council as an insured party
- Photographs of the location where it is intended to install the parklet (see below)
- A site plan (see below)

Site Plan

A comprehensive site plan must be provided as this will help inform the early stages of the assessment.

Site plan requirements

The site plan must clearly show where all infrastructure will be placed within the proposed area, including:

- proposed outline of outdoor dining area boundaries with dimensions
- seating plan within the proposed outdoor dining area (including footpath trading areas)
- layout of all proposed screens, tables, chairs, umbrellas, etc.
- access points to any other businesses adjacent to the space
- liquor license red line boundaries
- location of neighbouring properties on each side of the park/open space in relation to your proposed outdoor dining area
- adjacent residential buildings or dwellings on each side of (or in direct proximity to) the proposed outdoor dining area
- Specifications of all proposed furniture and infrastructure – reference imagery is encouraged

Photos required to support applications

Along with the site plan and permit application form, photos of the site are also required, clearly showing the proposed outdoor dining area relative to buildings, adjacent properties, residential dwellings or buildings, and existing features in the footpath such as tree plots, bins, poles, parking metres etc.

Road Safety Assessment

Parklets must be assessed in terms of road safety by an independent road safety assessor. The applicant is responsible for engaging such a provider and the associated costs. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment must form part of the structure(s) and be incorporated within it/them.

Neighbour Consent

Where a parklet encroaches upon the frontage of an adjacent building or business or car space

located in front of another building or business (whether it be in part or full), an application must be accompanied with the written and signed consent of neighbouring business. Where consent is not able to be obtained, an application can only be made for a parklet that is limited to being directly in front of the premises that is the subject of the application. For the avoidance of doubt, an application cannot be made for use of part of a car space that extends in part or full across a neighbouring property without the written and signed consent of the neighbouring property.

Parklet Design

The parklet must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. The parklet must be purchased or hired from a supplier of such products. The applicant is solely responsible for sourcing the parklet which can be purchased or hired but must be approved by Council. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment must form part of the structure and be incorporated within it. The parklet must be certified by an Engineer including submitting a Certificate of Compliance (Reg 126) and be installed by an appropriately qualified and registered person to Council's satisfaction.

Assessment Guidelines

Assessments will first consider the local conditions, including matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Consideration will also be had to parklets proposed in areas where there may be adverse effects resulting from road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities, such as the upcoming Suburban Rail Loop Authority Project (SRLA) that is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

The following elements will be used to guide decision making throughout the approval process.

Safety and Amenity

Prefabricated parklets should be designed to create an attractive, comfortable and safe ambience and should not compromise public amenity. Safety features and well-designed and maintained furniture and associated infrastructure are essential.

Access to Utilities

Where a parklet is within close proximity to utility infrastructure such as traffic control boxes, power poles, telecommunication lines or towers, cables, wires, drains and sewers, Council may consult with the utility operator to determine the appropriateness of the application.

Equity of Access

Commitment to ensuring equity of access for people of all ages and abilities is a fundamental principal of design and delivery. Parklets should ensure usability and inclusion of people of all ages and abilities, according to disability legislation and standards.

Pedestrian Access

A well-designed and maintained outdoor dining space is essential to ensure adequate open space for people to enjoy, without obstructions on the street. Street dining should be integrated into the street in a way that does not compromise existing uses, building entrances, emergency access, bike lanes, and access for people with disability and pedestrian safety.

Vehicular Access

The establishment of outdoor dining must not compromise essential or emergency vehicle access or obstruct loading, construction zones and entrances to private buildings and carparks.

Attractive and High Quality

The design and appearance of parklets and furniture should be high quality, robust and structurally sound to be able to withstand prolonged exposure to various climatic conditions. It is expected that furniture is stored inside building premises when not in use. The parklet must be purchased or hired from a supplier of such products.

Shade and Vertical Structures

Any form of shade provision or vertical structure apart from commercial heavy duty umbrellas or café umbrellas, must obtain a Certificate of Compliance by an independent structural engineer at the trader's expense.

Avoid scalable structures. Vertical elements must not provide climbing access to buildings and trees.

Avoid vertical elements that create tunnels under shop awnings, or block sight lines to neighbouring businesses.

Construction and Installation

Parklets must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. Installation should take no longer than 1 day.

Surfaces and Materials should be able to be regularly cleaned. No

fixings to roadway, kerbs or footpaths will be permitted.

Drainage kerb channel flows must be maintained. Rubbish grates may be required to intercept litter.

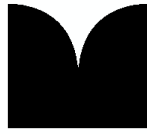
Removal

- Parklets must be decommissioned and removed with 7 days after the permit expiry date
- Council may require that parklets be temporarily removed to accommodate urgent works and asset maintenance, where reasonable notice will be given where possible. This will be at the trader's cost.

Operation and Management

Parklets will be the subject of permit conditions that may include operational and management requirements that must be adhered to. For the avoidance of doubt, unless otherwise stated, the requirements and restrictions contained within Part One: Footpath Trading and Access Policy (including Eaton Mall) will apply to the use of these areas, and appropriate conditions from this policy will be included on any permit that is issued.

†



CITY OF
MONASH

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PART ONE - FOOTPATH TRADING AND ACCESS POLICY

1. OVERVIEW

1.1 Purpose of the Policy

Traditionally, public footpaths have been provided to facilitate the safe passage of pedestrians. Trends in more recent times by businesses in activity and neighbourhood centres have been towards greater usage of footpaths to increase trading opportunities.

Council supports footpath trading so long as it contributes to the ambiance and vitality of a centre. This support needs to be in balance with Council's duty of care for the safety of the public in general, particularly pedestrian safety.

The purpose of this Policy is to facilitate footpath trade within the City of Monash that does not obstruct pedestrian access or create an unsafe or unsightly environment.

Council recognises the importance of footpath trading in contributing to the vitality of commerce within the municipality.

1.2 Council's vision for outdoor trading areas

Council wishes to foster the development and continued improvement of vibrant and welcoming communities within its municipal district. It encourages the use of outdoor trading areas by local businesses for this purpose. It is Council's intention that outdoor trading areas will be utilised to attract visitors and create welcoming family environments.

Where a local business wants to make use of an outdoor trading area, Council, in assessing these requests, will ensure that traders contribute to the local atmosphere and vitality and engage in uses that are complimentary to the existing use being made of nearby outdoor trading areas.

For example, where an outdoor trading area is in an area predominantly used for al fresco dining, Council will require a trader to make food available for consumption in such areas at all times. Consistent with the Tobacco Act 1987, as long as food is commercially available, smoking will be prohibited.

1.3 What the Policy applies to

This Policy applies to the following types of footpath uses associated with premises within the City of Monash with the exception of Eaton Mall, Oakleigh (unless stated otherwise) which is dealt with in Part Two of this Policy:

- Tables and chairs
- Windbreaks
- Umbrellas

- Heaters
- Display and sale of goods
- Portable advertising boards, signs and flags
- Temporary structures (including Eaton Mall)

1.4 **Where the Policy applies**

This Policy applies to all footpaths and activity and neighbourhood centres within the municipality with the exception of Eaton Mall Oakleigh (unless stated otherwise) and including but not limited to the activity and neighbourhood centres listed in the appendices.

1.5 **Objectives of the Policy**

Pedestrian safety, and the use of Council assets for purposes that contribute to the surrounding environment, are primary concerns for footpath use. This Policy has been developed with this in mind.

Council is committed to ensuring good access for people to move along footpaths, and to enter and exit businesses. At a minimum, Council, through this Policy, aims to meet the requirements of the *Disability Discrimination Act 1992* (Cth) (**Discrimination Act**) and the Advisory Notes on Access to Premises published by the Australian Human Rights Commission (**Advisory Notes**).

In relation to footpath trading, the most important principles are to:

- provide a continuous accessible path of travel (an accessible footpath is considered to be one that people with a range of disabilities are able to use without encountering barriers);
- design and arrange elements in the streetscape that provide a continuous path of travel;
- manage and maintain pedestrian access features; and
- ensure that the use of footpaths and associated areas for business purposes contributes positively to the amenity of the surrounding environment.

The objective of this Policy is to provide safe and unencumbered pedestrian access while allowing footpath trading where conditions are assessed as suitable and safe for these market-based activities.

1.6 **Guiding Principles of the Policy**

- 1.6.1 Council aims to provide clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths, in accordance with Council's statutory responsibilities.
- 1.6.2 Footpath trading activity must relate, and make a positive contribution, to the character and amenity of the immediate and surrounding areas.
- 1.6.3 Council strongly supports the long-term viability and sustainability of activity and neighbourhood centres.
- 1.6.4 Council acknowledges the importance of footpath trading in enhancing the amenity, vitality and safety.
- 1.6.5 Footpath trading is a privilege, not a right.

1.7 Special Events

This Policy does not apply to special events, such as festivals or street parties, organised and held by traders with Council's permission. Traders wishing to hold such special events will require a separate permit, to be administered by Council.

1.7 Temporary Structures

These may be permissible at the discretion of Council upon application. A license agreement may be entered into subject to standard conditions including insurance provisions and an initial \$1,000 fee with a renewal fee of \$200 (or as otherwise provided). A relevant trading permit along with compliance with conditions will be taken into account in determining an approval.

2. PERMITS FOR FOOTPATH TRADING

2.1 Management of Footpath Trading

Where a person intends to use a footpath for a purpose listed under cl 1.2 of this Policy, they are required to obtain Council's permission to do so.

For this purpose, Council will receive and consider requests for permits under Council's Local Law No 3 – Community Amenity (**Local Law**) which will allow the non-exclusive occupation of defined areas within the municipality. Permits will be granted subject to such terms and conditions as Council sees fit. Terms and conditions may vary between permits, at Council's absolute discretion.

2.2 Permit Assessment Criteria

Applications for permits will be considered and determined in accordance with the Local Law and this Policy. Permits will only be issued to traders where sufficient space exists to allow the requested usage to be properly and safely provided for, keeping in mind Council's obligations under the Discrimination Act and Advisory Notes.

2.3 Decision making by Council

In accordance with clause 184 of the Local Law, when considering an application for a permit, Council may consider any:

- 2.3.1 policy or guideline adopted by Council relating to the subject matter of the application for the permit;
- 2.3.2 submission that may be received in respect of the application;
- 2.3.3 comments that may be made in respect of the application by any public body, community organisation or other person; and
- 2.3.4 other relevant matter.

The following matters may also be considered by Council in assessing an application for a permit, having regard to the available footpath area and local conditions:

- 2.3.5 whether the proposal has the potential to compromise pedestrian or traffic safety or public amenity or otherwise impact negatively on the functionality of a footpath, roadway, car parking space, loading bay, public amenity and/or asset or the like;
- 2.3.6 the visual impact of the proposal, including the potential to create visual clutter or poor street image (especially in the case of display of goods);
- 2.3.7 the potential amenity impacts of the proposal, including the cumulative impact of footpath trading on nearby occupancies;
- 2.3.8 whether a condition restricting trading or display hours is warranted, having regard to matters such as the use and development of surrounding land, the location of the footpath trading, the nature of the use of the footpath and any management conditions including the hours of operation of nearby commercial premises;
- 2.3.9 the interaction between the proposed use of the footpath area, including the interaction between proposed structures and existing built form;
- 2.3.10 the nature, design, layout and function of the proposed structures and associated land use; and
- 2.3.11 any impacts on other public land or public infrastructure/assets having regard to the available footpath area and local conditions.

2.4 Discretion

An appropriately delegated officer may use their discretion to determine:

- 2.4.1 whether the permit should be granted or refused; and

- 2.4.2 the terms and conditions appropriate for the relevant permit, if the permit is granted, having regard to any relevant operational guidelines.

An application may be approved by Council as submitted, or approved subject to modifications. A permit may also be subject to conditions imposed at Council's discretion. It will be a condition of every permit that the Local Law is complied with at all times.

Where a permit is granted, the permit may allow non-exclusive occupation in a form that differs from that originally applied for. For example, it might:

- 2.4.3 vary the number of tables and chairs to be placed in the permit area;
- 2.4.4 require any furniture to be designed differently from that contemplated by the application;
- 2.4.5 impose additional terms and conditions with respect to the maintenance of the permit area; or
- 2.4.6 such other matters as Council sees fit.

3. ENFORCEMENT OF PERMIT CONDITIONS

3.1 Council's Obligations

Where Council issues a permit under the Local Law and this Policy, it will monitor compliance with the Local Law and any permit conditions to ensure that traders are complying with their obligations under both.

Where Council observes any non-compliance, it will act to achieve compliance, having regard to, among other things, the impact that any non-compliance has, or might have, on the safety of pedestrians and traders, access to and egress from the general area and adjoining businesses and the general amenity of the area.

3.2 Enforcement of Non-compliance

Where Council observes any non-compliance, it will generally, having regard to the matters outlined above, adopt the following escalating approach to enforcement, according to the number of non-compliances observed of a particular trader:

- 3.2.1 First non-compliance – verbal warning coupled with education. Details of any warning will be kept on Council's files.
- 3.2.2 Second non-compliance – issue a Notice to Comply under the Local Law.
- 3.2.3 Third non-compliance – issue an infringement notice, either in respect of a failure to comply with a Notice to Comply or a non-compliance that Council regards as serious.

3.2.4 Fourth non-compliance – prosecution for an offence against the Local Law.

3.2.5 Fifth non-compliance – cancellation of permit.

Council may also, at any time, take steps to impound items used by traders found to be in breach of the Local Law or their permit conditions.

Whether Council follows each of these steps on a particular occasion is entirely at Council's discretion. Council may depart from the above at any time.

APPENDIX A

GLEN WAVERLEY ACTIVITY CENTRE

A1 Application

This appendix applies to the Glen Waverley Activity Centre. Footpaths included are:

Kingsway	Bogong Avenue to O'Sullivan Road (both sides)
Montclair Avenue	Kingsway to laneway at rear of Kingsway (West) shops (both sides)
Coleman Parade (South side only)	Springvale Road to laneway at rear of Kingsway (West) shops
Railway Parade North (North side only)	Springvale Road to Euneva Avenue
O'Sullivan Road (South side only)	Springvale Road to Kingsway
Springvale Road (West side only)	O'Sullivan Road to Railway Parade North

A2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Glen Waverley Activity Centre.

Aspect	Assessment
Parking Style	60° angle parking in Kingsway, both sides – Bogong Avenue to Coleman Parade & Coleman Parade, south side – Springvale Road to Kingsway Parallel parking in all other locations where parking is permitted
Traffic Conditions Road Classification Volumes Speed Vehicle Type	Springvale Road – Arterial All others - Local Springvale Road – Heavy All others – Moderate • O’Sullivan Road – All roads within the Glen Waverley Activity Centre precinct are limited to 40 kph in parts of Sneddon Drive, O’Sullivan Road, Railway Parade North, Coleman Parade and Kingsway. Springvale Road – Mixed including heavy through traffic Railway Parade North – Mixed including heavy bus traffic to station terminal All others – Mainly light vehicles & delivery vehicles
Kerb Profile	Rollover type throughout
Pedestrian Traffic	Heavy (Kingsway) to moderate in other locations
Footpath Widths	Varies from 2.85 to 5.6 metres
Building Alignment	Regular
Social & Cultural Significance	Strong entertainment hub Growing alfresco dining style and Chinese influence

A3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Glen Waverley Activity Centre:

- Building line
- Pedestrian Zone
- Trading Zone
- Kerbside Zone

Table A1 sets out the allocation of footpath space in the Glen Waverley Activity Centre.

Table A1 - GLEN WAVERLEY ACTIVITY CENTRE
FOOTPATH SPACE AND ZONE ALLOCATIONS

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrian	Trading (maximum)	Kerbside
Coleman Parade	North	Kingsway to Railway Station walkway	Nil	0	3.00	Subject to redevelopment		
	South	Springvale Rd to Kingsway						
		No. 193	Nil	1	2.95	1.8	0.55	0.8
		No. 187-191	Nil	2	2.95	1.8	0.55	0.8
		No. 163-185	60A	14	3.25	1.6	0.6	0.9
	63 Kingsway to right-of-way	Nil	2	4.2	2.0	1.2	1.0	
Kingsway	East	O'Sullivan Road to Railway Pd North (No. 2-36)	P	10	3.15	1.8	0.55	0.8
		Coleman Parade to Civic Centre (No. 62-110)	60A	26	4.6	2.1	1.6	0.9
	West	O'Sullivan Rd to Railway Parade North (No. 5)	P	1	3.6	1.8	1.0	0.8
		Railway Parade North to Coleman Parade	Nil	9	6.6	Subject to redevelopment		
		Coleman Parade to Bogong Avenue (No. 63-113)	60A	25	4.6	2.1	1.6	0.9
Montclair Av	North	87 Kingsway to right-of-way	Nil	0	4.1	1.5	1.8	0.8
	South	89 Kingsway to right-of-way	P	1	3.9	1.5	1.6	0.8
O'Sullivan Rd	South	Springvale Road to right-of-way (No. 56-60)	P	3	5.6	1.8	2.8	1.0
		Glenway Arcade to Kingsway	Nil	3	5.5	1.8	1.8	1.9
Railway Pd North	North	Springvale Rd to right-of-way (No. 55-75)	P	8	3.5	1.5	1.2	0.8
		Right-of-way to 36 Kingsway	Nil	1	2.9	1.5	0.6	0.8
		Kingsway to Euneva Avenue (No. 15-37A)	60A	6	3.7	1.5	1.2	1.0

	South	Kingsway to Bus Terminal	Nil	2	4.0	Subject to redevelopment		
Springvale Rd	West	O'Sullivan Rd to right-of-way						
		No. 245-249	Nil	3	4.9	1.5	2.2	1.2
		No. 251-261	Nil	6	4.9	1.5	2.2	1.2
		No. 263	P	1	2.85	1.5	0.55	0.8
		No. 265	P	2	3.2	1.5	0.9	0.8
		No. 265A	P	2	3.1	1.5	0.8	0.8
		Right of way to Railway Pd North (No. 267-269)	P	3	2.9	1.5	0.6	0.8

Legend:

Parking Types: 60A = 60 degree angle parking
90A = 90 degree angle parking
P = Parallel parking
Nil = No Standing zone

APPENDIX B

OAKLEIGH ACTIVITY CENTRE

B1 Application

This appendix applies to the Oakleigh Activity Centre. Footpaths included are:

Atherton Road	Jones Street to Clyde Street (north side)/Downing Street (south side)
Chester Street	Jones Street to Hanover Street
Hanover Street	Atherton Road to right-of-way south of Portman Street
Oxford Street	Atherton Road to Carpark (east side)
Portman Street	Chester Street to Hanover Street
Station Street	Atherton Street to Portman Street

B2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Oakleigh Activity Centre.

Aspect	Assessment
Parking Style	Parallel parking in all locations where parking is permitted
Traffic Conditions Road Classification Volumes Speed Vehicle Type	Atherton Road – Arterial All others - Local Atherton Road & Hanover Street – Heavy All others – Moderate 50kph General light to medium vehicles & delivery vehicles Moderate bus traffic to bus terminal in Portman Street
Kerb Profile	Standard type throughout with exception of Station Street (brick invert with bollards)
Pedestrian Traffic	Heavy to moderate in other locations
Footpath Widths	Varies from 2.4 to 4.1 metres
Building Alignment	Irregular in a number of locations
Social & Cultural Significance	Strong cultural hub Significant numbers of alfresco dining venues

B3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Oakleigh Activity Centre:

- Building Line
- Trading Zone
- Pedestrian Zone
- Kerbside Zone

Table B1 sets out the allocation of footpath space in the streets within Oakleigh Activity Centre.

Table B1 OAKLEIGH ACTIVITY CENTRE

FOOTPATH SPACE AND ZONE ALLOCATIONS

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
Atherton Road	North	7 (Drummond Street)-41 (Palmerston Grove)	P	12	3.60	1.8	1.0	0.8
		43-55 (Atkinson Street)	P	6	4.30	1.8	1.5	0.8
		63-103	P	10	3.80	1.5	1.5	0.8
	South	2 (Jones Street)-10A (Station Street)	P	9	3.95	1.8	1.35	0.8
		12 (Station Street)-24 (Eaton Mall)	Bus & P	11	3.95 to 3.65	1.8	1.15 to 0.85	1.0
		2 Eaton Mall-34A (ROW)	P	8	3.75	1.8	1.15	0.8
		36-44	P	4	3.9 to 3.05	1.8	1.1 to Nil	0.8
		46-50	P	4	2.85	1.8	Nil	0.8
		52	P	5	2.80	1.8	Nil	0.8
		56 (Hanover Street)	P	1	2.95	1.8	Nil	0.8
66 (Car park)-82 (Downing Street)	P	6	2.95	1.5	0.65	0.8		
Chester Street	North	22 Station Street	P	1	2.85	1.5	Nil	0.8
		13-17D	P	6	4.10	1.5	1.8	0.8
		17 Eaton Mall	P	1	2.60	1.5	Nil	0.8
		18 Eaton Mall	P	1	2.70	1.5	Nil	0.8
		33A (Car park)-45 (Hanover Street)	P	7	3.85	1.5	0.65	0.8
Chester Street	South	24 Station Street	P	1	2.50	1.5	Nil	0.8
		12	P	1	4.10	1.5	1.8	0.8
		18B-23 Eaton Mall	P	2	3.20	1.5	0.9	0.8
		22 Eaton Mall	P	1	2.75	1.5	Nil	0.8
		22-28	P	8	3.55	1.5	1.25	0.8
		30-32	P	2	4.00	1.5	1.25	0.8
Hanover Street	West	23-72 Portman Street	Nil	6	3.10	1.5	0.8	0.8
		45 Chester Street	Nil	1	4.30	1.5	0.7	0.8
		56 Atherton Road	Nil	1	3.00	1.5	0.7	0.8
Oxford Street	East	2	P	1	3.1	1.5	0.8	0.8

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
Portman Street	North	Chester Street to Station Street	Bus	2	3.55	2.55	Nil	1.0
		5 (Station Street)	P	5	2.60	1.5	Nil	0.8
		7A-15	P	2	2.80	1.5	0.5	0.8
		17	P	1	2.60	1.5	Nil	0.8
		19-21	P	2	3.60	1.5	1.3	0.8
		23-27 (Eaton Mall)	P	4	2.60	1.5	Nil	0.8
		36 Eaton Mall	Bus	1	2.60	1.8	Nil	0.8
		29-35	P	4	3.70	1.5	1.4	0.8
		37-45	P	6	2.40	1.5	Nil	0.8
	51-59	P	5	3.70	1.5	1.4	0.8	
	South	18-36(Eaton Mall)	P	9	2.70	1.5	Nil	0.8
		38(Eaton Mall) -42A	P	4	2.60	1.5	Nil	0.8
		44(Shopping Centre)-56	P	3	4.15	1.5	1.35	0.8
		56A-58B	P	5	3.60	1.5	1.3	0.8
60-66		P	5	2.75	1.5	Nil	0.8	
		68-72	P	5	3.60	1.5	1.3	0.8
Station Street	East	Atherton Road to 20	P	7	3.50	1.5	1.2	0.8
		22 (Chester Street)	P	1	2.40	1.5	Nil	0.8
		24- Portman Street	P	5	2.40	1.5	Nil	0.8
	West	Atherton Road to Portman Street	P	19	3.10	1.5	0.8	0.8

Parking Types:
 60A = 60 degree angle parking
 90A = 90 degree angle parking
 P = Parallel parking
 Nil = No Standing zone

APPENDIX C

MOUNT WAVERLEY ACTIVITY CENTRE

C1 Application

This appendix applies to the Mount Waverley Activity Centre. Footpaths included are:

Hamilton Place	Full length (both sides)
Hamilton Walk	Hamilton Place to Winbourne Road (west side)
Stephensons Road	Hamilton Place (north leg) to Virginia Street (both sides)
The Highway	Stephensons Road to Gallery Place (north-east sides)
Winbourne Road	Stephensons Road to Right of Way (south side)

C2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Mount Waverley Activity Centre.

Aspect	Assessment
Parking Style	90° angle parking in Hamilton Place, east, south & west sides 60° angle parking in Hamilton Place-north side, Stephensons Road-between 262 & 282, The Highway-north east side & Winbourne Road-south side. Parallel parking in all other locations where parking is permitted
Traffic Conditions Road Classification Volumes Speed Vehicle Type	Stephensons Road – Arterial All others - Local Stephensons Road – Heavy All others – Moderate Stephensons Road – 60kph All others – 50kph Stephensons Road – Mixed including heavy through traffic All others – Mainly light vehicles & delivery vehicles
Kerb Profile	Standard type throughout
Pedestrian Traffic	Generally moderate
Footpath Widths	<ul style="list-style-type: none"> Varies from 2.95 to 4.15 metres Hamilton Walk (no vehicular traffic) – 7.70 metres
Building Alignment	Regular
Social & Cultural Significance	Village-style suburban shopping centre Several alfresco dining venues

C3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Mount Waverley Activity Centre:

- Building line
- Pedestrian Zone
- Trading Zone
- Kerbside Zone

Table C1 sets out the allocation of footpath space in the Mount Waverley Activity Centre.

**Table C1 - MOUNT WAVERLEY ACTIVITY CENTRE
FOOTPATH SPACE AND ZONE ALLOCATIONS**

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
Hamilton Place	North	9 Hamilton Place (side boundary)	Nil	3	4.20	1.5	1.9	0.8
		14 (side boundary)-right-of-way	Nil	3	4.15	1.5	1.85	0.8
		20(ROW)-30 (Stephensons Road)	60A	3	4.60 to 3.15	1.5	2.1 to 0.65	1.0
	East	2-14	90A	7	3.10	1.8	0.6	0.6
	South	47-79	90A	17	3.95	1.8	0.95	1.2
	West	1-9 13-45	90A	7 11	3.35 4.15	1.8 1.8	0.6 1.15	0.6 1.2
Hamilton Walk	West	1-11	Nil	6	7.70	1.8	Verify	0
Stephensons Road	East	262 (Winbourne Road) to 282 (The Highway)	60A	9	3.15	1.5	0.65	1.0
		284-316	P	19	3.30	1.5	0.8	1.0
	West	79 Hamilton Pl (side boundary)	Nil	2	3.10	1.8	0.8	0.5
		303 (Winbourne Road) to 327 (Virginia Street)	P	14	4.00	1.5	1.5	1.0
The Highway	N/E	2-12	60A	7	3.50	1.5	1.0	1.0
Winbourne Road	South	303 Stephensons Rd (side boundary)	60A	3	2.95	1.5	Nil	1.0

APPENDIX D

PINEWOOD ACTIVITY CENTRE

D1 Application

This appendix applies to the Pinewood Activity Centre. Footpaths included are:

Blackburn Road	No. 471 to 71 Centreway (west side)
Centreway	All (all sides)

D2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Pinewood Activity Centre.

Aspect	Assessment
Parking Style	90° angle parking in Centreway-north side (47 to 69) 60° angle parking in Blackburn Road - west side (425 to 71 Centreway), east side and west side Parallel parking in all other locations where parking is permitted
Traffic Conditions Road Classification Volumes Speed Vehicle Type	All local roads Moderate to light 50kph Mainly light vehicles & delivery vehicles
Kerb Profile	Standard type throughout
Pedestrian Traffic	Generally light to moderate
Footpath Widths	<ul style="list-style-type: none"> Varies from 2.0 to 3.2 metres 5.45 metres in front of 25 & 27 Centreway
Building Alignment	Generally regular
Social & Cultural Significance	Village-style suburban shopping centre Several alfresco dining venues

D3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Pinewood Activity Centre:

- Building Line
- Pedestrian Zone
- Trading Zone
- Kerbside Zone

Table D1 sets out the allocation of footpath space in the streets within Pinewood Activity Centre.

Table D1 PINEWOOD ACTIVITY CENTRE

FOOTPATH SPACE AND ZONE ALLOCATIONS

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
Blackburn Road (Service Road)	West	425-71 Centreway	60A	12	3.00	1.5	0.5	1.0
		407	P	4	2.00	1.5	Nil	0.5
Centreway	South	2 (frontage)	Nil	2	2.3	1.5	Nil	0.8
		24-30	P	4	2.5	1.5	Nil	1.0
		32	Nil	1	2.6	1.5	Nil	0.8
		34-38	Nil	3	2.9	1.5	0.6	0.8
	East	47 (side boundary)	60A	2	3.00	1.5	0.5	1.0
		right-of-way to 2	60A	2	2.30	1.5	Nil	0.8
	North	47-69 (right-of-way)	90A	12	3.2	1.5	0.7	1.0
		71	P	2	3.2	1.5	0.9	0.8
	West	1-23	60A	9	3.20	1.5	0.7	1.0
		25-27 (Walkway)	60A	2	5.45	1.5	Verify	1.0
29 (Walkway) to Theatre		60A	9	3.2	1.5	0.7	1.0	

APPENDIX E

CLAYTON ACTIVITY CENTRE

E1 Application

This appendix applies to the Clayton Activity Centre. Footpaths included are:

Carinish Road	Rights-of-way west of 309 Clayton Road to Mary Street
Clayton Road	Railway line to Centre Road
Dunstan Street	Rights-of-way west of Clayton Road to Clayton Road
Haughton Road	Clayton Road to rights-of-way east of Clayton Road

E2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Clayton Activity Centre.

Aspect	Assessment
Parking Style	A mix of 45° angle & parallel parking
Traffic Conditions	
Road Classification	Clayton Road – Arterial
Volumes	All others - Local
Speed	Clayton Road – Heavy
Vehicle Type	Carinish Road, Haughton Road & Dunstan Street – Moderate to heavy
	Clayton Road – 40kph – during trading hours
	All others – 50kph
	Clayton Road – Mixed including heavy through traffic
	All others – Mainly light to medium & delivery vehicles
Kerb Profile	Standard type throughout
Pedestrian Traffic	Heavy to moderate
Footpath Widths	• Varies from 2.6 to 8.3 metres
Building Alignment	Irregular in a number of locations
Social & Cultural Significance	Strong cultural hub Several alfresco dining venues

E3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Clayton Activity Centre:

- Building Line
- Pedestrian Zone
- Trading Zone
- Kerbside Zone

Table E1 sets out the allocation of footpath space in the streets within Clayton Activity Centre.

Table E1 - CLAYTON ACTIVITY CENTRE
FOOTPATH SPACE AND ZONE ALLOCATIONS

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
Carinish Road	North	123 (Clayton Road) to 151	P	19	3.50	1.5	1.2	0.8
		309 Clayton Road Westerly	Nil	3	4.15	1.5	1.85	0.8
Clayton Road	East	276-280 (Houghton Road)	Nil	3	2.6	1.8	Nil	0.6
		282 (Houghton Road)-294 (right-of-way)	Nil	8	2.6	1.8	Nil	0.6
		296-312A	Bus	11	5.35	2.95	Nil	2.4
		314-324	45A	8	5.5	1.8-2.1	2.1-2.4	1.3
		324A-328A	P	3	5.45	1.8-2.1	2.15-2.35	1.3
		330-332A	Nil	5	8.3	5.5	Nil	2.8
		334-334A	Nil	2	8.3	1.8-2.1	Verify	2.8
		336-340	45A	5	4.05	1.8-2.1	Verify	1.3
		340A-346	45A	5	5.5	1.8-2.1	Verify	1.3
		346A	45A	2	4.0	1.8-2.1	Verify	1.3
		348-350A	P	3	4.0	1.8-2.1	Verify	0
		352	Nil	1	3.8 to 5.3	1.8	Verify	0.8
		354-362	Nil	5	5.3	1.8	Verify	0.8
		364-368 (Centre Road)	Nil	3	3.9	1.8	Verify	1.2
Clayton Road	West	299 to 309	Nil	14	4.3	1.5	2.0	0.8
		317 (Houghton Road)-331	Nil	5	3.1 to 3.4	1.8	Verify	0.8
		333A-337	P	6	7.1 to 6.3	1.8	Verify	0.8
		337A	Nil	1	2.25	1.8	Nil	0.6
		339-343 (Dunstan Street)	Nil	3	8.35	1.8	Verify	0.6
		345 (Dunstan Street)-349	Bus	5	5.75	3.45	Nil	2.3
		351	Bus	1	5.75 to 4.1	3.45	Nil	2.3
		353-355	Nil	2	4.1	1.8-2.1	1.3-1.0	1.0
		357-367	45A	13	4.1	1.8-2.1	1.3-1.0	1.0
		369 (Arcade) -373C	Nil	4	4.1	2.1	Nil	2.0
Dunstan Street	North	375-381	P	5	3.85	1.8	1.05	1.0
		383-407	45A	13	3.85	1.8	1.05	1.0
		35-47 (Clayton Road)	P	8	3.4	1.8	0.6	1.0

Road	Side	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrians	Trading (maximum)	Kerbside
	South	Clayton Road to right-of-way	P	2	2.7	1.8	Nil	0.9
Houghton Road	South	Clayton Road to right-of-way	Nil	1	2.7	1.8	Nil	0.8

APPENDIX F

NEIGHBOURHOOD CENTRES

F1 Application

This appendix applies to the Neighbourhood Centres listed.

Andrew Street	Mount Waverley	East side, Highbury Road to No. 20
Atkinson Street	Chadstone	West side, No. 41 to No. 51
Barlyn Road	Mount Waverley	North side, Huntingdale Road to No. 13
Batesford Road	Chadstone	North side, No 43 to Power Avenue
Bellerive Avenue	Mount Waverley	South side, No. 14 to Stephenson's Road
Blackburn Road	Glen Waverley	East side, High Street Road to No. 268
Blackburn Road	Mount Waverley	West side, No. 187 to High Street Road
Blackburn Road	Mount Waverley	West side, Lucerne Street to No. 71
Brandon Park Drive	Wheeler's Hill	North side, Lum Road to Ondine Drive
Centre Road	Clayton	North side, No. 1457 to Kionga Street
Clayton Road	Clayton	East side, No. 162 to Myrion Street
Cleveland Road	Ashwood	West side, High Street Road to Mavron Street
Coleman Parade	Glen Waverley	South side, Blackburn Road to Fiander Avenue
Dunoon Court	Mulgrave	West side, No. 1 to No. 8
Essex Road	Mount Waverley	North side, No. 3 to No. 13
Essex Road	Mount Waverley	South side, No. 54 to Surrey Road
Ferntree Gully Road	Notting Hill	South side, Blackburn Road to No. 414
Glenwood Avenue	Glen Waverley	West side, Waverley Road to No. 11
Hansworth Street	Mulgrave	South side, Einstein Avenue to No. 124
Hennessy Street	Chadstone	West side, Rae Street to No. 51
High Street Road	Ashwood	North side, No. 207 to Raymond Street
High Street Road	Mount Waverley	North side, Leeds Street to No. 513
High Street Road	Mount Waverley	North side, Larch Crescent to Blackburn Road
High Street Road	Glen Waverley	South side, No. 678 to No. 710 (Myers Avenue)
Highbury Road	Burwood	South side, Evens Street to No. 58

Huntingdale Road	Chadstone	West side, Railway Parade to No. 277
Huntingdale Road	Huntingdale	East side, No. 186 to Dandenong Road
Huntingdale Road	Huntingdale	East side, Leigh Street to Greville Street
Huntingdale Road	Huntingdale	East side, Hargreaves Street to North Road
Huntingdale Road	Mount Waverley	East side, No. 412 to Waverley Road
Huntingdale Road	Oakleigh	West side, No. 271 to Railway Avenue
Johnson Street	Oakleigh	East side, Haughton Road to Mora Avenue
Kangaroo Road	Hughesdale	North side, No. 113 to Dalston Road
Kerrie Road	Glen Waverley	East side, High Street Road to No. right-of-way
Lawson Street	Oakleigh East	South side, No. 2 to Oberon Avenue
Mackie Road	Mulgrave	North side, Medora Grove to No. 81
Macrina Street	Oakleigh East	East side, Macrina Avenue to No. 4
Marianne Way	Mount Waverley	West side, Jacqueline Road to No. 61
McLochlan Street	Mount Waverley	North side, No.15 to No. 25
Poath Road	Hughesdale	East side, Paget Street to Arthur Street
Dandenong Road	Clayton	North-east side, Clayton Road to Glenbrook Avenue
Springvale Road	Glen Waverley	West side, Frank Street to No. 373
Springvale Road	Mulgrave	West side, Wilma Avenue to No. 903
Stanley Avenue	Mount Waverley	West side, No. 49 to Ian Grove
Vannam Drive	Ashwood	West side, No. 35 to No. 45
Viewpoint Avenue	Glen Waverley	West side, No. 39 to Waverley Road
Wadham Parade	Mount Waverley	West side, No. 47 to Miller Crescent
Wanda Street	Mulgrave	East side, No. 38 to No. 50 (right-of-way)
Warrigal Road	Ashwood	East side, Douglas Street to High Street Road
Warrigal Road	Chadstone	East side, Railway line to Batesford Road
Warrigal Road	Chadstone	East Side, Waverley Road to Tuhan Street
Warrigal Road	Hughesdale	West side, Railway line to No. 103
Warrigal Road	Oakleigh	East side, No. 140 to Schoolhall St
Warrigal Road	Oakleigh	East side, No. 170 to North Road
Waverley Road	Mount Waverley	North side, No. 169 to No. 171
Waverley Road	Mount Waverley	North side, No. 335 to Stephenson's Road
Waverley Road	Glen Waverley	North side, Dominion Avenue to No. 869

Westerfield Road	Notting Hill	West side, No. 39 to No. 49
Willesden Road	Hughesdale	North side, Poath Rd to No. 21
Willow Avenue	Glen Waverley	South side, Medina Road to No. 48
Yertchuk Avenue	Ashwood	Both sides, Arthur Street to Nos. 19/22

F2 Footpath Appraisal

The following appraisal has been conducted to determine the zone configuration for Neighbourhood Centres.

Aspect	Assessment
Parking Style	Mostly angle parking in parking setbacks
Traffic Conditions	
Road Classification	Mostly local roads
Volumes	Generally moderate to light
Speed	50-60kph
Vehicle Type	Mostly light to medium vehicles & delivery vehicles
Kerb Profile	Standard type throughout
Pedestrian Traffic	Generally light
Footpath Widths	<ul style="list-style-type: none"> Varies
Building Alignment	Generally regular
Social & Cultural Significance	Local shopping strip Generally have one or more takeaway food shops and occasional alfresco dining venues

F3 Footpath Space Allocation

Following appraisal, the following footpath space allocation has been adopted for Neighbourhood Centres:

- Building Line
- Pedestrian Zone
- Trading Zone
- Kerbside Zone

Table F1 sets out the allocation of footpath space in these centres.

**Table F1 – NEIGHBOURHOOD CENTRES
FOOTPATH SPACE AND ZONE ALLOCATIONS**

Road	Suburb	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrian	Trading (maximum)	Kerbside
Andrew Street	Mount Waverley	2 to 20	60A	10	4.25	1.5	1.75	1.0
Atkinson Street	Chadstone	41 to 51	60A	6	4.10	1.5	1.60	1.0
Barlyn Road	Mount Waverley	1 to 13	90A	7	3.20	1.5	0.70	1.0
Batesford Road	Chadstone	43 to 53	75A	6	3.20	1.5	0.70	1.0
Bellerive Avenue	Mount Waverley	14 to 22	90A	5	3.20	1.5	0.70	1.0
Blackburn Road	Mount Waverley	47 to 71	60A	13	3.25	1.5	0.75	1.0
Blackburn Road	Mount Waverley	187 to 197	60A	6	2.65		Nil	
Blackburn Road	Glen Waverley	202 to 214	60A	7	3.70	1.5	1.20	1.0
		216 to 268	60A	24	3.60	1.5	1.10	1.0
Brandon Park Drive	Wheelers Hill	200 to 212	Nil	6	5.80	1.8	4.00	0.0
Centre Road	Clayton	1457 to 1485	60A	14	3.20	1.5	0.70	1.0
Clayton Road	Clayton	162 to 176	P	9	3.20	1.5	1.10	0.6
Cleveland Road	Ashwood	3 to 17	60A	9	4.30	1.5	1.80	1.0
Coleman Parade	Glen Waverley	1 to 29	P	11	3.70	1.5	1.60	0.6
Dunoon Court	Mulgrave	1 to 8	90A	9	3.10	1.5	0.60	1.0
Essex Road	Mount Waverley	3 to 13	60A	6	3.10	1.5	0.60	1.0
Essex Road	Mount Waverley	54 to 66	60A	7	4.20	1.5	1.70	1.0
Ferntree Gully Road	Notting Hill	402 to 414	P	8	3.15	1.5	1.05	0.6
Glenwood Avenue	Glen Waverley	1 to 11	60A	6	3.25	1.5	0.75	1.0
Hansworth Street	Mulgrave	114 to 124	90A	5	3.20	1.5	0.70	1.0
Hennessey Street	Chadstone	41 to 51	60A	5	3.65	1.5	1.15	1.0
High Street Road	Ashwood	207 to 219	60A	4	3.15	1.5	0.65	1.0
High Street Road	Mount Waverley	491 to 513	60A	12	3.60	1.5	1.10	1.0
High Street Road	Mount Waverley	613 to 625	P	5	2.05		Nil	
		627 to 641	P	6	3.55	1.5	1.45	0.6
High Street Road	Glen Waverley	678 to 710	60A	14	3.75	1.5	1.25	1.0
Highbury Road	Burwood	56 to 58	P	2	2.70	1.5	Nil	0.8
Huntingdale Road	Chadstone	265 to 277	60A	7	3.55	1.5	1.05	1.0
Huntingdale Road	Mount Waverley	412 to 418	60A	5	3.20	1.5	0.70	1.0
		420 to 430	P	7	3.40	1.5	1.30	0.6
Huntingdale Road	Huntingdale	186 to 190	90 A	8	3.85	1.5	1.35	1.0
		192 to 200	Zero	5	4.00	1.5	1.90	0.6
Huntingdale Road	Huntingdale	240 to 248	60 A	9	3.90	1.5	1.40	1.0
Huntingdale Road	Huntingdale	276 to 286	90 A	12	6.10	1.8	3.30	1.0
		288 to 314	60 A	22	4.05	1.8	1.25	1.0
Huntingdale Road	Oakleigh	271 to 323	P	27	3.80	1.8	1.40	0.6
Johnson Street	Oakleigh	2 to 26	60A	9	3.50	1.5	1.00	1.0

Road	Suburb	Limits	Parking Type	No. of Shop Fronts	Footpath Width (m)	Zone Widths (m)		
		Street Nos. (inclusive)				Pedestrian	Trading (maximum)	Kerbside
Kangaroo Road	Hughesdale	113 to 127	P	8	4.35	1.5	2.25	0.6
Kerrie Road	Glen Waverley	2 to 24	60A	10	3.95	1.5	1.45	1.0
Lawson Street	Oakleigh East	2 to 16	90A	6	3.95	1.5	1.45	1.0
Mackie Road	Mulgrave	71 to 81	60A	5	4.10	1.5	1.60	1.0
Macrina Street	Oakleigh East	1 to 4	60A	7	3.15	1.5	0.65	1.0
Marianne Way	Mount Waverley	47 to 61	60A	8	5.60	1.5	3.10	1.0
McLochlan Street	Mount Waverley	15 to 25	60A	6	3.15	1.5	0.65	1.0
Poath Road	Hughesdale	40 to 118	P	35	3.70	1.8	1.30	0.6
Dandenong Road	Clayton	1895 to 1919	P	11	3.75	1.5	1.65	0.6
Springvale Road	Glen Waverley	363 to 373	P	6	3.30	1.5	1.20	0.6
Springvale Road	Mulgrave	881 to 895	P	6	5.10	1.5	3.00	0.6
		897 to 903	90A	6	3.65	1.5	1.15	1.0
Stanley Avenue	Mount Waverley	49 to 63	60A	8	3.80	1.5	1.30	1.0
Vannam Drive	Ashwood	35 to 45	P	6	3.80	1.5	1.70	0.6
Viewpoint Avenue	Glen Waverley	39 to 49	60A	6	4.05	1.5	1.55	1.0
Wadham Parade	Mount Waverley	47 to 63	90A	9	3.65	1.5	1.15	1.0
Wanda Street	Mulgrave	38 to 50	60A	8	4.50	1.5	2.00	1.0
Warrigal Road	Ashwood	481 to 487	60A	4	2.25		Nil	
		489 to 509	60A	9	3.65	1.5	1.15	1.0
		511 to 545	P	16	3.50	1.5	1.40	0.6
Warrigal Road	Chadstone	617 to 655	P	20	3.55	1.5	1.45	0.6
Warrigal Road	Chadstone	715 to 723	P	5	3.30	1.5	1.20	0.6
Warrigal Road	Hughesdale	65 to 103	P	17	4.10	1.5	2.00	0.6
Warrigal Road	Oakleigh	140 to 148	P	5	4.00	1.5	1.70	0.6
Warrigal Road	Oakleigh	170 to 200	P	15	4.00	1.8	1.60	0.6
Waverley Road	Mount Waverley	169 to 171	60A	3	3.10	1.5	0.60	1.0
Waverley Road	Mount Waverley	335 to 361	P	8	3.65	1.5	1.55	0.6
Waverley Road	Glen Waverley	861 to 869	60A	4	3.30	1.5	0.80	1.0
Westerfield Road	Notting Hill	39 to 49	90A	6	3.40	1.5	0.90	1.0
Willesden Road	Hughesdale	1 to 21	P	11	2.80	1.5	0.70	0.6
Willow Avenue	Glen Waverley	28 to 48	60A	9	3.80	1.5	1.30	1.0
Yertchuk Avenue	Ashwood	1 to 19	60A	10	3.20	1.5	0.70	1.0
		2 to 22	60A	11	3.20	1.5	0.70	1.0

Legend: Parking Types: 60A = 60 degree angle parking
90A = 90 degree angle parking
P = Parallel parking
Nil = No Standing zone

PART TWO - EATON MALL FOOTPATH TRADING AND ACCESS POLICY

4. OVERVIEW

4.1 Purpose of the Policy

Traditionally, public footpaths have been provided to facilitate the safe passage of pedestrians. Trends in more recent times by businesses in activity and neighbourhood centres have been towards greater usage of footpaths to increase trading opportunities.

Council supports footpath trading so long as it contributes to the ambiance and vitality of a centre. This support needs to be in balance with Council's duty of care for the safety of the public in general, particularly pedestrian safety.

The purpose of this Policy is to facilitate footpath trade in Eaton Mall, Oakleigh that does not obstruct pedestrian access or create an unsafe or unsightly environment.

Council recognises the importance of footpath trading in contributing to the vitality of commerce within Eaton Mall.

4.2 Council's vision for Eaton Mall

Eaton Mall is locally and internationally renowned as a food destination, providing predominantly Greek cuisine in an al fresco environment. The atmosphere and vitality of Eaton Mall is entirely unique in Melbourne and Council is dedicated to retaining that character.

Council's vision for Eaton Mall is to protect, and continue to improve on, its renown. It will do so by ensuring that traders in Eaton Mall continue to contribute to its atmosphere and vitality, particularly by making food available for consumption in al fresco areas at all times.

Consistent with the Tobacco Act 1987, as long as food is commercially available, smoking will be prohibited.

4.3 What the Policy applies to

This Policy applies to the following types of footpath uses associated with premises in Eaton Mall:

- Tables and chairs
- Windbreaks
- Umbrellas
- Heaters
- Display and sale of goods

- Portable advertising boards, signs and flags

4.4 Where the Policy applies

This Policy applies to the central footpath area of Eaton Mall, from private property boundary to opposite private property boundary (see Eaton Mall Plan at Annexure A). It also applies to the limited trading in the central area south of Portman Street subject to clear unimpeded pedestrian access being maintained (see Portman Street Plan at Annexure B).

4.5 Objectives of the Policy

Pedestrian safety, and the use of Council assets for purposes that contribute to the surrounding environment, are primary concerns for footpath use. This Policy has been developed with this in mind.

Council is committed to ensuring good access for people to move along footpaths, and to enter and exit businesses, within Eaton Mall. At a minimum, Council, through this Policy, aims to meet the requirements of the *Disability Discrimination Act (1992)* (Cth) (**Discrimination Act**) and the Advisory Notes on Access to Premises published by the Australian Human Rights Commission (**Advisory Notes**).

In relation to footpath trading, the most important principles are to:

- provide a continuous accessible path of travel (an accessible footpath is considered to be one that people with a range of disabilities are able to use without encountering barriers);
- design and arrange elements in the streetscape that provide a continuous path of travel;
- manage and maintain pedestrian access features; and
- ensure that the use of footpaths and associated areas for business purposes contributes positively to the amenity of the surrounding environment.

The objective of this Policy is to provide safe and unencumbered pedestrian access in Eaton Mall while allowing footpath trading where conditions are assessed as suitable and safe for these market-based activities.

4.6 Guiding Principles of the Policy

- 4.6.1 Council aims to provide clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths in Eaton Mall, in accordance with Council's statutory responsibilities.
- 4.6.2 Footpath trading activity must relate, and make a positive contribution, to the character and amenity of Eaton Mall and surrounding areas.
- 4.6.3 Council strongly supports the long-term viability and sustainability of Eaton Mall as a retail strip and food destination.

4.6.4 Council acknowledges the importance of footpath trading in enhancing the amenity, vitality and safety of Eaton Mall.

4.7 **Special Events**

This Policy does not apply to special events, such as festivals or street parties, organised and held by traders in Eaton Mall with Council's permission. Traders wishing to hold such special events will require a separate permit, to be administered by Council in accordance with its Special Event Operational Guidelines.

5. **PERMITS FOR FOOTPATH TRADING**

5.1 **Management of Footpath Trading**

Where a person intends to use a footpath in Eaton Mall for a purpose listed under cl 1.2 of this Policy, they are required to obtain Council's permission to do so.

For this purpose, Council will receive and consider requests for permits under Council's Local Law No 3 – Community Amenity (**Local Law**) which will allow the non-exclusive occupation of defined areas within Eaton Mall. Permits will be granted subject to such terms and conditions as Council sees fit. Terms and conditions may vary between permits, at Council's absolute discretion.

5.2 **Permit Assessment Criteria**

Applications for permits will be considered and determined in accordance with the Local Law and this Policy. Permits will only be issued to traders where sufficient space exists in Eaton Mall to allow the requested usage to be properly and safely provided for, keeping in mind Council's obligations under the Discrimination Act and Advisory Notes.

5.3 **Decision making by Council**

In accordance with clause 184 of the Local Law, when considering an application for a permit, Council may consider any:

- 5.3.1 policy or guideline adopted by Council relating to the subject matter of the application for the permit;
- 5.3.2 submission that may be received in respect of the application;
- 5.3.3 comments that may be made in respect of the application by any public body, community organisation or other person; and
- 5.3.4 other relevant matter.

The following matters may also be considered by Council in assessing an application for a permit, having regard to the available footpath area and local conditions:

- 5.3.5 whether the proposal has the potential to compromise pedestrian or traffic safety, public amenity or impact negatively on the functionality of a

footpath, roadway, car parking space, loading bay, public amenity and/or asset or the like;

- 5.3.6 the visual impact of the proposal, including the potential to create visual clutter or poor street image (especially in the case of display of goods);
- 5.3.7 the potential amenity impacts of the proposal, including the cumulative impact of footpath trading on nearby occupancies;
- 5.3.8 whether a condition restricting trading or display hours is warranted, having regard to matters such as the use and development of surrounding land, the location of the footpath trading, the nature of the use of the footpath and any management conditions including the hours of operation of nearby commercial premises;
- 5.3.9 whether a condition relating to the types of activities that may be conducted is warranted, having regard to matters such as the nature of surrounding businesses and the desirability of maintaining the atmosphere, character and vitality of the surrounding area;
- 5.3.10 the interaction between the proposed and current use of the footpath area, including the interaction between proposed structures and existing built form;
- 5.3.11 the nature, design, layout and function of the proposed structures and associated land use; and
- 5.3.12 any impacts on other public land or public infrastructure/assets having regard to the available footpath area and local conditions.

5.4 Discretion

An appropriately delegated officer may use their discretion to determine:

- 5.4.1 whether the permit should be granted or refused; and
- 5.4.2 the terms and conditions appropriate for the relevant permit, if the permit is granted, having regard to any relevant operational guidelines.

An application may be approved by Council as submitted, or approved subject to modifications. A permit may also be subject to conditions imposed at Council's discretion. It will be a condition of every permit that the Local Law is complied with at all times.

Where a permit is granted, the permit may allow non-exclusive occupation in a form that differs from that originally applied for. For example, it might:

- 5.4.3 vary the number of tables and chairs to be placed in the permit area;
- 5.4.4 require any furniture to be designed differently from that contemplated by the application;

5.4.5 impose additional terms and conditions with respect to the maintenance of the permit area; or

5.4.6 such other matters as Council sees fit.

6. ENFORCEMENT OF PERMIT CONDITIONS

6.1 Council's Obligations

Where Council issues a permit under the Local Law and this Policy, it will monitor compliance with the Local Law and any permit conditions to ensure that traders are complying with their obligations under both.

Where Council observes any non-compliance, it will act to achieve compliance, having regard to, among other things, the impact that any non-compliance has, or might have, on the safety of pedestrians and traders, access to and egress from Eaton Mall and adjoining businesses and the general amenity of the area.

6.2 Enforcement of Non-compliance

Where Council observes any non-compliance, it will generally, having regard to the matters outlined above, adopt the following escalating approach to enforcement, according to the number of non-compliances observed of a particular trader:

6.2.1 First non-compliance – verbal warning coupled with education. Details of any warning will be kept on Council's files.

6.2.2 Second non-compliance – issue a Notice to Comply under the Local Law.

6.2.3 Third non-compliance – issue an infringement notice, either in respect of a failure to comply with a Notice to Comply or a non-compliance that Council regards as serious.

6.2.4 Fourth non-compliance – prosecution for an offence against the Local Law.

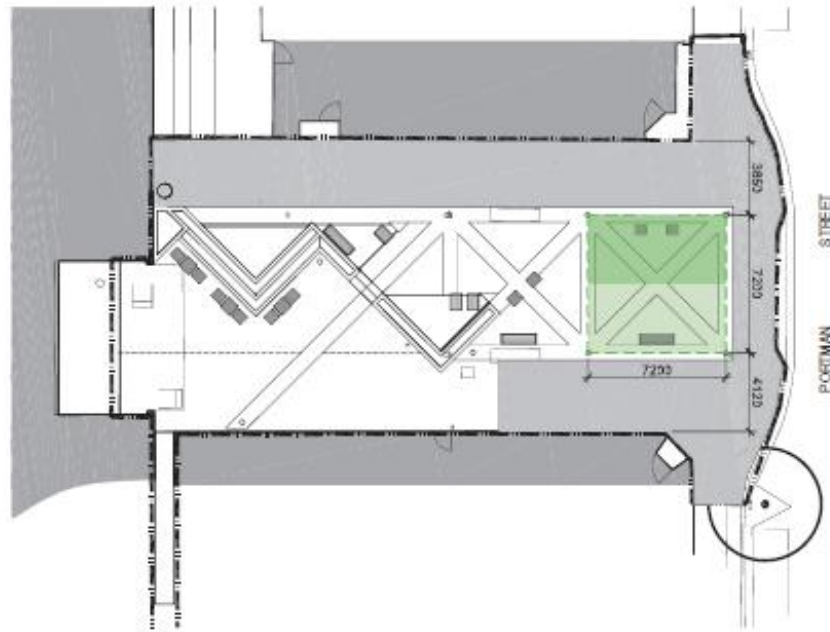
6.2.5 Fifth non-compliance – cancellation of permit.

Council may also, at any time, take steps to impound items used by traders found to be in breach of the Local Law or their permit conditions.

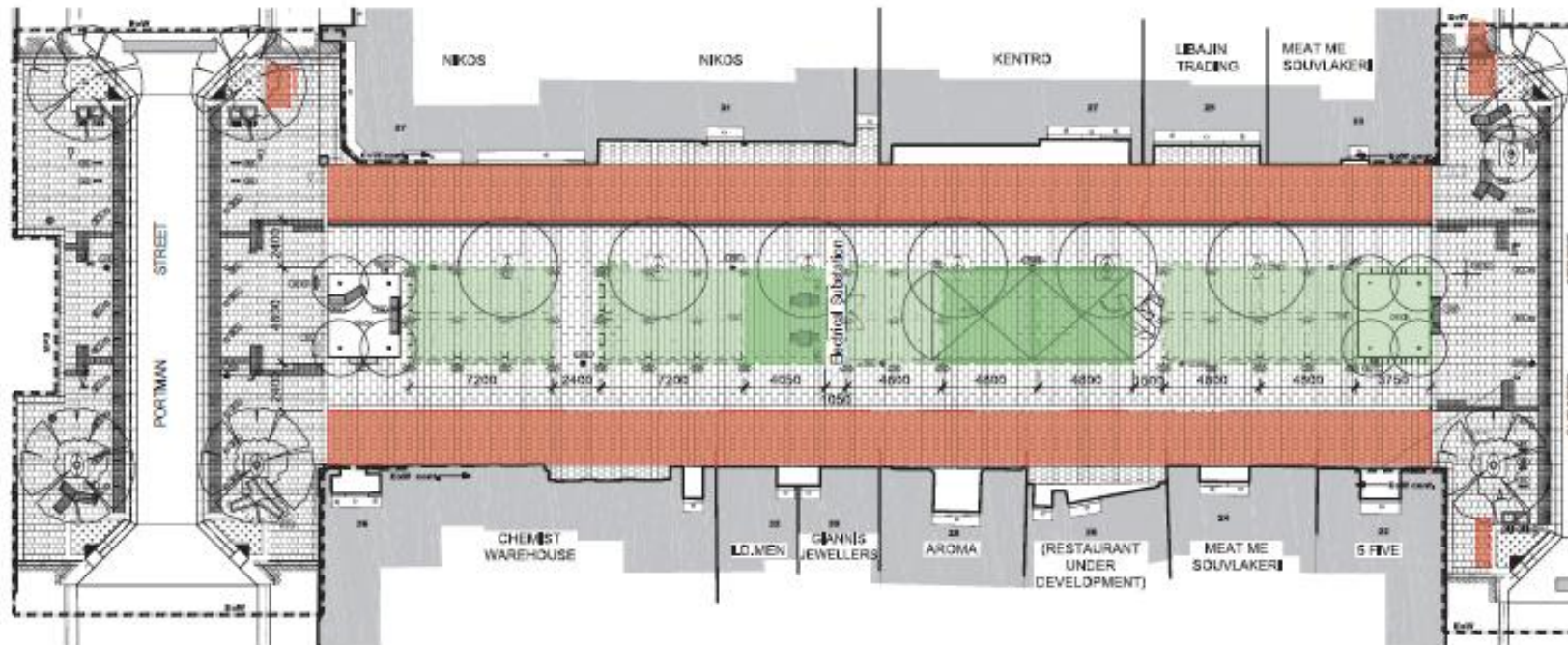
Whether Council follows each of these steps on a particular occasion is entirely at Council's discretion. Council may depart from the above at any time.

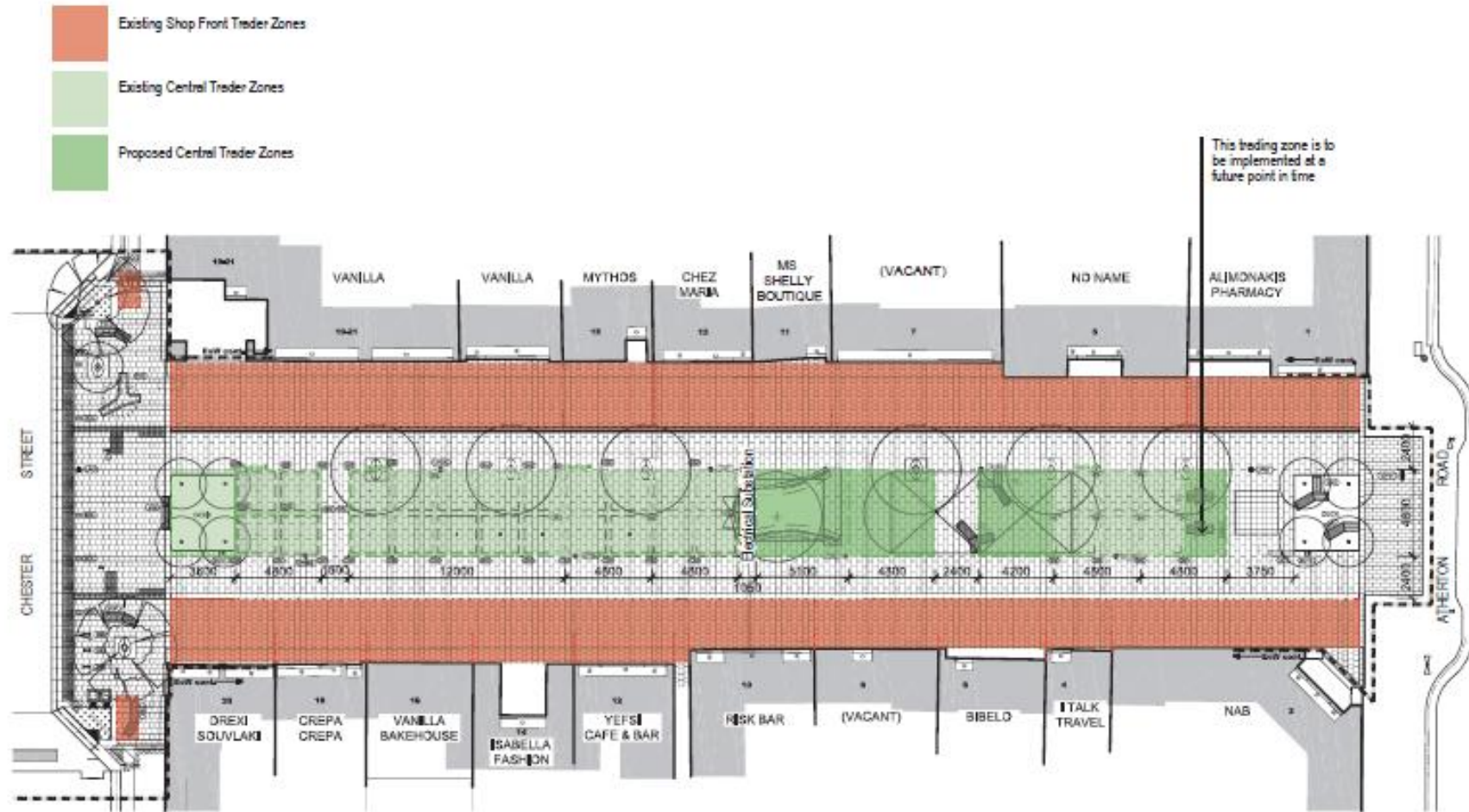
ANNEXURE A – EATON MALL TRADING PLAN

- Existing Shop Front Trader Zones
- Existing Central Trader Zones
- Proposed Central Trader Zones



-  Existing Shop Front Trader Zones
-  Existing Central Trader Zones
-  Proposed Central Trader Zones







Parklets on Roads Policy

February 2023

Introduction

About this policy

Parklets support eligible hospitality businesses to offer outdoor dining in locations that are ordinarily used as car parking spaces. This policy complements Council's Footpath Trading and Access Policy.

This policy permits hospitality businesses to use (where appropriate, with approval from Council) on-street car parking space(s) directly outside of their business or the neighbouring business (with permission) for trading.

- There are two permit types businesses can apply for Seasonal permits that may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation

Each application will be considered on a case by case basis following an assessment by Council on what is proposed.

Eligibility will be the subject on an initial assessment that will consider matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Unless otherwise stated, the requirements and restrictions contained within of the adopted City of Monash Footpath Trading and Access Policy (including Eaton Mall) where applicable will apply and be included within any permit issued.

Site Criteria

Parklets are preferred in designated parking spaces which:

- are on a street with a speed limit of 40km/hr and up to 50km/hr considered on a case by case by and subject to a satisfactory road safety assessment.
- are on a street with a straight road geometry ensuring uninhibited view lines for drivers.
- are parallel or 90 degrees
- are on streets which are not arterial roads.

Objectives

Outdoor dining on roads will:

- utilise self-contained (inclusive of any traffic safety mitigation required as freestanding barriers will not be allowed), purpose built, prefabricated parklets that can be easily moved in and out place
- see successful applicants hiring or buying prefabricated parklet infrastructure and installing these at their cost
- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages where possible
- support local business (both the Permit Holder and the area broadly)
- recognise the needs of Council services, emergency services, utilities and other essential works
- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety
- test public appetite for permanent streetscape improvements where appropriate
- only be considered where any footpath trading opportunity is fully utilised prior to or as part of any enhanced area application being made must not be inconsistent with a Planning Permit or Planning Scheme or any other legislative requirement.

- are on streets which are not clearways.
- are more than 10m from an intersection.
- are more than 20m from a signalled intersection.
- do not require utility access pit or storm drains within the parking space
- are not within red signed zones such as No Stopping, Bus Zones, Loading Zones, Mail Zones or Disabled parking zones.
- are in areas that are not (or will be) adversely impacted by road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities. For example the upcoming Suburban Rail Loop Authority Project (SRLA) is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

Permit Duration

- Short term or limited tenure permits where appropriate if impacts and issues are foreseen such as the SRLA project
- Seasonal permits may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation.

Permit Fees

- No application fee
- Fee of \$418 per chair applies (pro-rata for 6 monthly permits)
- Fees will be adjusted annually in accordance with the fees and charged adopted by Council

Costs

All costs including the cost of any infrastructure including parklets installed for outdoor dining will be at the expense of the applicant. This includes but is not limited to any authority approvals, engineering assessments, road safety assessments and any road management requirements during installation or removal.

How to Apply

Before applying, applicants are encouraged to meet with the Community Laws team to discuss their proposal.

Applications can be made in writing and must include:

- Letters of consent from relevant neighbouring business/property owners/ residences where necessary (see *Neighbour Consent* below)
- The intended operating hours for the parklet
- Whether it is proposed to serve liquor in the parklet and acknowledging the further approvals required
- A Public Liability Insurance Certificate of Currency to \$20m, which cites Council as an insured party
- Photographs of the location where it is intended to install the parklet (see below)
- A site plan (see below)

Site Plan

A comprehensive site plan must be provided as this will help inform the early stages of the assessment.

Site plan requirements

The site plan must clearly show where all infrastructure will be placed within the proposed area, including:

- proposed outline of outdoor dining area boundaries with dimensions
- seating plan within the proposed outdoor dining area (including footpath trading areas)
- layout of all proposed screens, tables, chairs, umbrellas, etc.
- access points to any other businesses adjacent to the space
- liquor license red line boundaries
- location of neighbouring properties on each side of the park/open space in relation to your proposed outdoor dining area
- adjacent residential buildings or dwellings on each side of (or in direct proximity to) the proposed outdoor dining area
- Specifications of all proposed furniture and infrastructure – reference imagery is encouraged

Photos required to support applications

Along with the site plan and permit application form, photos of the site are also required, clearly showing the proposed outdoor dining area relative to buildings, adjacent properties, residential dwellings or buildings, and existing features in the footpath such as tree plots, bins, poles, parking metres etc.

Road Safety Assessment

Parklets must be assessed in terms of road safety by an independent road safety assessor. The applicant is responsible for engaging such a provider and the associated costs. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment must form part of the structure(s) and be incorporated within it/them.

Neighbour Consent

Where a parklet encroaches upon the frontage of an adjacent building or business or car space located in front of another building or business (whether it be in part or full), an application must be accompanied with the written and signed consent of neighbouring business. Where consent is not able to be obtained, an application can only be made for a parklet that is limited to being directly in front of the premises that is the subject of the application. For the avoidance of doubt, an application cannot be made for use of part of a car space that extends in part or full across a neighbouring property without the written and signed consent of the neighbouring property.

Parklet Design

The parklet must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. The parklet must be purchased or hired from a supplier of such products. The applicant is solely responsible for sourcing the parklet which can be purchased or hired but must be approved by Council. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment

must form part of the structure and be incorporated within it. The parklet must be certified by an Engineer including submitting a Certificate of Compliance (Reg 126) and be installed by an appropriately qualified and registered person to Council's satisfaction.

Assessment Guidelines

Assessments will first consider the local conditions, including matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Consideration will also be had to parklets proposed in areas where there may be adverse effects resulting from road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities, such as the upcoming Suburban Rail Loop Authority Project (SRLA) that is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

The following elements will be used to guide decision making throughout the approval process.

Safety and Amenity

Prefabricated parklets should be designed to create an attractive, comfortable and safe ambience and should not compromise public amenity. Safety features and well-designed and maintained furniture and associated infrastructure are essential.

Equity of Access

Commitment to ensuring equity of access for people of all ages and abilities is a fundamental principal of design and delivery. Parklets should ensure usability and inclusion of people of all ages and abilities, according to disability legislation and standards.

Pedestrian Access

A well-designed and maintained outdoor dining space is essential to ensure adequate open space for people to enjoy, without obstructions on the street. Street dining should be integrated into the street in a way that does not compromise existing uses, building entrances, emergency access, bike lanes, and access for people with disability and pedestrian safety.

Vehicular Access

The establishment of outdoor dining must not compromise essential or emergency vehicle access or obstruct loading, construction zones and entrances to private buildings and carparks.

Attractive and High Quality

The design and appearance of parklets and furniture should be high quality, robust and structurally sound to be able to withstand prolonged exposure to various climatic conditions. It is expected that furniture is stored inside building premises when not in use. The parklet must be purchased or hired from a supplier of such products.

Shade and Vertical Structures

Any form of shade provision or vertical structure apart from commercial heavy duty umbrellas or café umbrellas, must obtain a Certificate of Compliance by an independent structural engineer at the trader's expense.

Avoid scalable structures. Vertical elements must not provide climbing access to buildings and trees.

Avoid vertical elements that create tunnels under shop awnings, or block sight lines to neighbouring businesses.

Construction and Installation

Parklets must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. Installation should take no longer than 1 day.

Surfaces and Materials should be able to be regularly cleaned.

No fixings to roadway, kerbs or footpaths will be permitted.

Drainage kerb channel flows must be maintained. Rubbish grates may be required to intercept litter.

Removal

- Parklets must be decommissioned and removed with 7 days after the permit expiry date
- Council may require that parklets be temporarily removed to accommodate urgent works and asset maintenance, where reasonable notice will be given where possible. This will be at the trader's cost.

Operation and Management

Parklets will be the subject of permit conditions that may include operational and management requirements that must be adhered to. For the avoidance of doubt, unless otherwise stated, the requirements and restrictions contained within the City of Monash Outdoor dining Policy (including Eaton Mall) will apply to the use of these areas, and appropriate conditions from this policy will be included on any permit that is issued.