

CITY OF
MONASH

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MONASH

on footpaths

**REVISED FOOTPATH TRADING
AND ACCESS POLICY 2021**

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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.

Attachment Three

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 <ul style="list-style-type: none"> • 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

Attachment Three

	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

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	90A	7	3.35	1.8	0.6	0.6
		13-45	90A	11	4.15	1.8	1.15	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 Volumes Speed Vehicle Type	Clayton Road – Arterial All others - Local Clayton Road – Heavy 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
		375-381	P	5	3.85	1.8	1.05	1.0
383-407	45A	13	3.85	1.8	1.05	1.0		
Dunstan Street	North	35-47 (Clayton Road)	P	8	3.4	1.8	0.6	1.0

Attachment Three

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 Stephensons 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	Wheelers 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 Myriong 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

Attachment Three

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

Attachment Three

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.

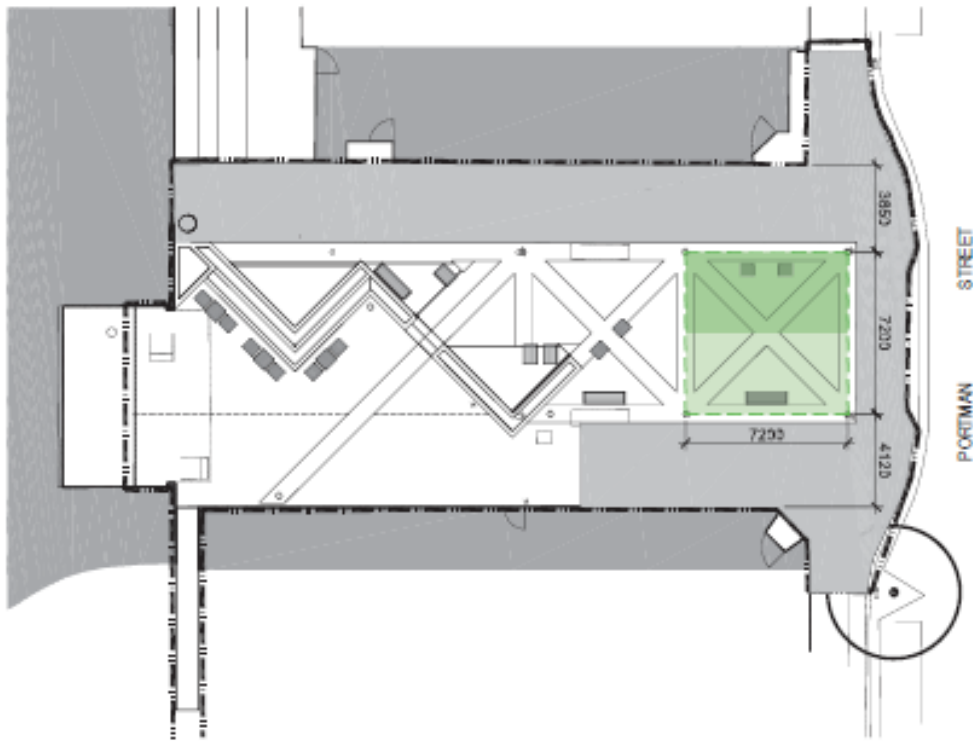
6.2.5 Fifth non-compliance – cancellation of permit.

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.

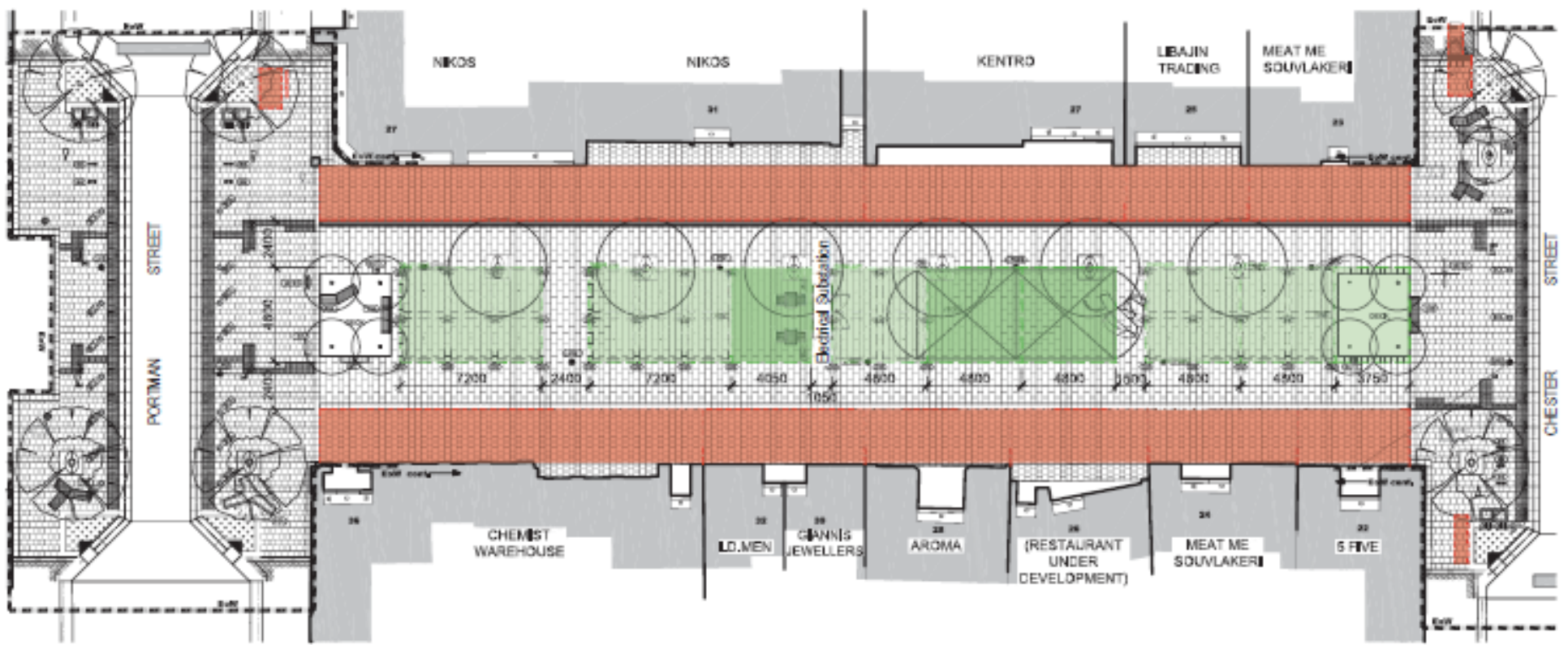
Whether Council follows each of these steps on a particular occasion is entirely at Council's discretion. Council may depart from the above at any time.

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



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

