

Footpath Trading and Parklet Policy

Owner Manager City Futures

Approved by Council

Date approved

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Acknowledgement of Country

Moonee Valley City Council respectfully acknowledges the traditional custodians of this land – the Wurundjeri Woi-wurrung people of the Kulin Nation, their spirits, ancestors, elders and community members past and present.

Purpose

Council owns and maintains footpaths, and therefore has a legal responsibility for the regulation of any footpath activities undertaken in the space.

Council aims to provide a safe environment for people who move through the City of Moonee Valley, and part of this aim requires Council to provide a clear unobstructed footpath for the public to access and travel along. Council also aims to support businesses by providing fair fees to traders while supporting innovation and encouraging creativity for use of the footpath.

The Footpath Trading and Parklet Policy (the Policy) has been developed to maintain the balance between universal pedestrian access, trading activities and ensuring an enjoyable shopping experience.

Scope

This policy extends to all individuals and businesses seeking to utilise footpaths, on-street parking bays and Council managed laneways for commercial or other purposes within the municipality.

This includes the placement of infrastructure such as:

- moveable advertising signs
- temporary street stalls
- moveable tables and chairs
- temporary retractable awning and blinds
- moveable umbrellas
- moveable heaters
- moveable planter boxes
- parklet infrastructure
- permanent and temporary café screens.

This policy does not apply to council use of and activities on footpaths and in road reserves.

Policy statement

Footpaths, as their primary purpose, have a multitude of uses beyond being just a pavement and enabling safe, unobstructed access for pedestrians. Footpaths provide for a variety of amenities, such as seating, bike racks, rubbish bins, and important infrastructure such as telecommunications, power poles and the like. They can accommodate decorative items, including bollards, landscaping and public art,

and also provide spaces for commercial purposes. Footpaths are important, functional public spaces where people like to be, play and communicate.

Council aims to provide a safe environment for people who move through the municipality, and part of this aim requires Council to provide clear unobstructed footpaths for the public to access and travel along.

Council is committed to ensuring that the vibrancy of our strip shopping centres and business precincts are enhanced through creating new public spaces and improving pedestrian experience. The Footpath Trading Policy will provide the opportunity for footpaths and other parts of the road reserve, such as parklets and laneways to also be used for trading and, in particular, outdoor dining.

The Policy maintains balance between pedestrian access, trader and supplier access, parking, and trading activities, and ensures an enjoyable shopping experience.

In granting a Footpath Trading Permit or a Parklet Permit, Council will adhere to the following legislation:

- Commonwealth Disability Discrimination Act 1992
- Local Government Act 1989
- Local Government Act 2020
- Charter of Human Rights and Responsibilities Act 2006
- Liquor Control Reform Act 1998
- Tobacco Act 1987
- Planning and Environment Act 1987
- Council's Activities and General Amenities Local Law 2018
- Food Act

Policy principles

Council's commitment to providing a clean, attractive, safe, unobstructed footpath at all times, for all abilities, and for all thoroughfare, community and commercial purposes is expressed through the following principles:

1. Public Safety

Driver and cyclist sightlines are unobstructed, and footpaths provide a safe and unhindered passage for pedestrians of all abilities.

2. Responsive to change

The city responds to changing economic landscapes by supporting businesses to thrive and flourish, and designing vibrant shopping strips that meet the evolving needs of the community.

3. Striking streetscapes

Streets are attractive, clean and pleasant to spend time in, and heritage significance is preserved and enhanced.

4. Leisure and entertainment opportunities

Parklets and footpath trading bring business outdoors, facilitating greater pedestrian interaction and fostering a welcoming outdoor dining experience.

5. Equitable access

A diverse range of business types are encouraged and supported to obtain access to parklets and to Footpath Trading permits to ensure a varied streetscape that meets the needs of the diverse community.

6. Clear and transparent processes

Council will provide staff with procedures to guide the implementation of this Policy. Council will also provide clear guidelines to businesses looking to apply for Parklet and Footpath Trading permits.

Fees will be set annually as part of the budget process.

Responsibilities

The following Council departments and business units have direct and / or supporting responsibilities associated with this policy:

Role	Responsibilities
Audit and Risk Committee	The Audit and Risk Committee provides an oversight function regarding: <ul style="list-style-type: none"> • Council's policies • Risk management system • Compliance controls • Audit functions
The City Compliance unit	The administration and enforcement of this policy.
The Economic Development unit	Communicating with and supporting traders in adhering to this policy.

Definitions

A full list of definitions can be found in the [Corporate Glossary](#).

Term	Definition
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Advertising sign	Any A-frame, board, sign, banner (whether portable, affixed or attached to any land or building) which provides information about the occupier of land, building, or business. Any sign advertising goods, services, events or competitions, or which provides directions to the location of property or land.
Ancillary activity	Includes busking, barbeques, raffles, charity collections, temporary stalls persons campaigning for any Local, State or Federal election or any other activity that may be designated from time to time.
Authorised Officer	A person appointed by Council to be an Authorised Officer under section 224 of the Local Government Act 1989.
Clearway	The area between the side boundary of each premises and commencement of the trading zone.
Council	Moonee Valley City Council.
Delineation marker	Circular marker disks, inserted into the footpath, to allow pedestrians and traders to distinguish the permitted trading zone.
Exclusion zone	Refers to the following areas: <ul style="list-style-type: none"> • A distance of 10 metres from an intersection; • A distance of 20 metres before and 10 metres after a pedestrian or school crossing or traffic lights; • An area adjacent to a bus zone, loading zone, mail zone or a no stopping area.
Footpath trading	The use of footpath for commercial activities.
Footpath width	The distance from the face of the kerb to the outside edge of the property line.
Kerbside zone	The area between the kerb and the outer edge of the trading zone.
Not-for-profit groups	Any groups or individuals collecting to fund or manage charitable programs and /or work or to promote an issue, and include local kindergartens, local primary and secondary schools, sporting clubs,

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

Trading zone	The area between the pedestrian zone and the kerbside zone.
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Related legislation and reference sources

- Only list documents actually relevant to your policy
- All documents listed should be hyperlinked

Related Council documents

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