



# Footpath Trading Guidelines



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Moirra Shire Council has established Footpath Trading Guidelines to manage the placement of permanent and temporary items on public footpaths. The guidelines provide for improved pedestrian access, safety and the appearance of footpaths while continuing to promote street life and economic development.

## Introduction

These guidelines should be read in conjunction with Council's Community Amenity Local Law 2023 which can be found at [www.moirra.vic.gov.au](http://www.moirra.vic.gov.au).

These guidelines are used to manage the use of public footpaths within the Municipality for commercial and not for profit purposes.

They acknowledge the primary role of the footpath as a pedestrian thoroughfare and the importance of clear and unimpeded access for pedestrians of all abilities.

The footpath can be a location for commercial and non-commercial activities such as advertising boards, display of goods and outdoor eating areas. These require a Footpath Trading permit, the process can be found on page 20, which covers items such as - but not limited to - outdoor dining, furniture and fittings, heaters, umbrellas, screens, advertising, signage (a-frames), planter boxes, goods on footpath and charity events.

Footpaths are also a location for community infrastructure including electricity poles, signs, public seating and rubbish bins.

Christmas decorations are an exception but must not exceed the limitations identified in the Christmas Decorations section on page 24.

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## Guideline Objectives

The guidelines aim to:

- Enable equity of access for all as defined in the *Commonwealth Disability Discrimination Act* (1992) (The DDA).
- Provide a safe, clear and unimpeded path of access for pedestrians of all abilities
- Improve pedestrian accessibility in areas that attract high pedestrian volumes
- Provide for appropriate footpath trading activities that contribute to the vibrancy and economic viability of Activity Centres
- Make a positive contribution to the character and amenity of the area and surrounding residential areas and enhance the identity of Activity Centres
- Ensure high quality design, finish and effective contrast of all footpath trading activities e.g. outdoor furniture, display cases, racks and signs
- Ensure access is maintained to public infrastructure including street furniture, signs, bins, public transport, service pits and the roadway.
- Support the long-term viability and sustainability of a range of businesses

## Definitions

The following definitions apply to any form of footpath trading proposed within the Municipality and include outdoor eating facilities, goods on footpaths and signage.

### **Accessway:**

An accessway is "an uninterrupted path of travel to or within a building, providing access to all required facilities".

Note: for non-ambulatory people, this accessible path of travel does not include any step, stairway, turnstile, revolving door, escalator or any other impediment, which could prevent it from being safely, negotiated by people with disabilities.

### **The Trading Activity Zone:**

The Trading Activity Zone is that area of the footpath where signs, goods, café furniture and ancillary items may be permitted to be placed and where other permitted street activities may take place.

### **The Kerbside Zone:**

A buffer from the kerb to allow for access to and from parked vehicles.

## Requirements of Trading Zone Activity

Items that are required to be placed in the Trading Zone may not, due to weather or other phenomenon, be placed in any other area of the footpath. Items placed in the Trading Zone may only be done so during normal or authorised trading hours, and must not be placed on a footpath prior to 7.00AM each trading day or remain on the footpath after 11.00PM on each trading day.

Any Trading Zone must be contained within the property line of the premise to which it relates.

Currently public liability insurance of no less than \$10,000,000 is required for any single occurrence. Any permit issued will be on the basis that the permit holder ensures these insurances will stay current for the life period of the permit.

## Footpath Sections

The footpath is defined by three sections that govern its use. These include:

- **The Accessway Section**
- **The Trading Activity Zone**
- **The Kerbside Section**

**IMPORTANT:** The Trading Activity Zone varies according to the width of the footpath (Table 1) and other conditions that may influence it and may not always be available for use.

**The Accessway Section** is the area of the footpath adjacent to the building or property line and shall provide a continuous accessible path of travel for people of all abilities. The Accessway Section also includes the area above the footpath to a height of 2.4m.

**Trading Activity Zone** is the area between the Accessway and the Kerbside Sections that has been allocated for footpath trading activities.

- a. Goods or displays will not be permitted where access to a loading zone or accessible (disabled) parking bay will be impeded (1500 mm from the kerb). See Figure 1.

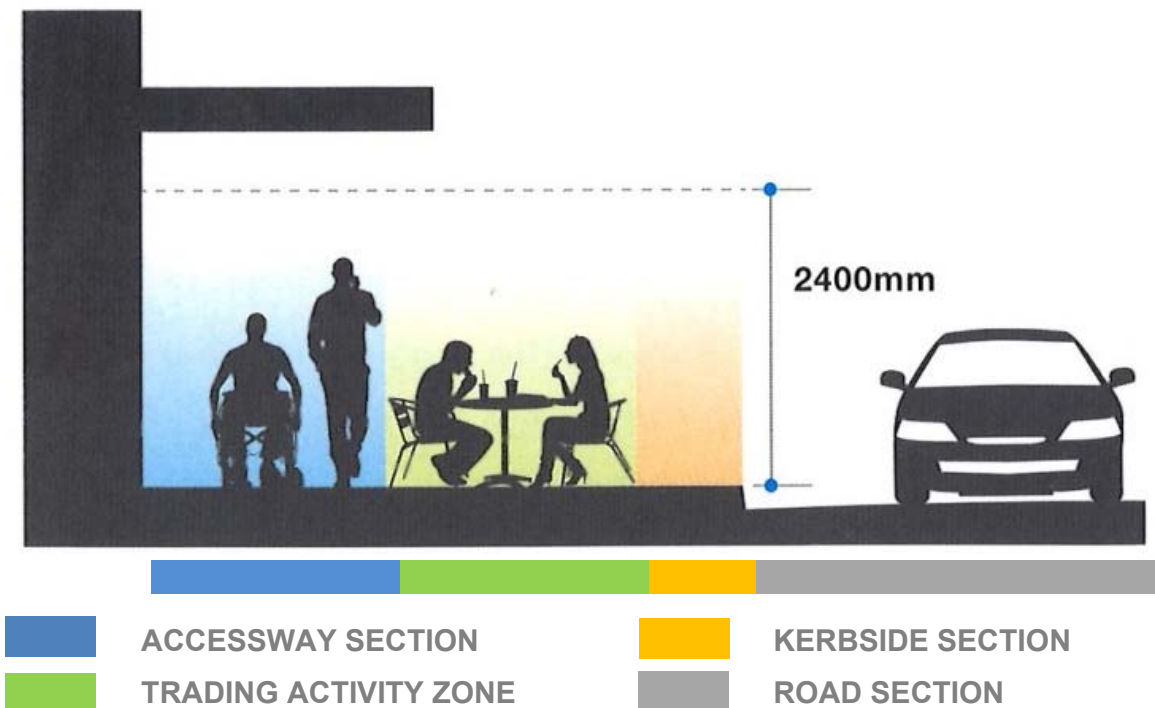
Table 1

## Footpath Requirements based on Width

FOOTPATH WIDTH (mm)	ACCESSWAY SECTION (mm)	TRADING ACTIVITY ZONE* (mm APPROX.)	KERBSIDE SECTION (mm)
4000 or wider	2000	1300 +	700*
3500 – 3900	1800	1000 – 1300	700*
2500 – 3400	1500	300 – 1200	700*
Less than 2500	No Trading Activities Permitted		

\*If you are adjacent to an accessible (disabled) or loading zone car park the Kerbside Section is required to be 1500mm.

Figure 1



## Recessed shop fronts/buildings

Throughout the shire a number of circumstances exist in which the shopfront or building is setback from the front title boundary.

In these instances the location of any footpath trading shall be based on the footpath width as set out in these guidelines but consideration may be given to locating the footpath trading activity in the building recess and onto the footpath at the building line. The onus remains with the applicant to justify departure from the adopted standard of Council.

To ensure access points from the footpath to the road are available the following setbacks are required.

## Setbacks

ITEM	SETBACK (mm)
Each side boundary of a premise	500
Sight lines from mid-block pedestrian crossings	500
Adjacent to accessible (disabled) or loading zone car parking spaces	1500 (Kerbside Zone)
Services such as gas, power, water and telecommunications should not be covered or obstructed by any permanent structures	500
Any Council seat, rubbish bin or other item of street furniture	1000

Where a premise exceeds 12 metres of frontage then a break of 1.0 metres should be provided to the satisfaction of Council at any appropriate point to allow access to the accessway from the kerbside.



## Trading Activity Zone

### Outdoor Dining

1. Restaurant & Café furniture and associated ancillary items will only be permitted at premises, which are registered as such under the Food Act 1984 to serve food and/or beverages.
2. Any premises where alcohol is served or consumed on the footpath must have its liquor licence endorsed with the footpath as part of the “licensed area” on the liquor licence for that premise.
3. Council may, under exceptional circumstances, allow table and chairs to be placed outside non-registered premises. Applicants will need to demonstrate reason.
4. The permit holder is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must;
  - Ensure that patrons do not move tables and chairs from their positions, and/or their personal items do not obstruct the accessway.
  - Ensure that the serving of food and beverages is not occurring in the accessway and give all pedestrians priority right of way.
  - Serving food and beverages to patrons standing on the footpath within the access way is not permitted.
5. Council may place a condition on a permit requiring a permit holder to place signs in the outdoor seating area regarding point 4.
6. Staff serving at outdoor eating facilities should facilitate free access by pedestrians and give all pedestrians priority right of way.
7. Operators are responsible for maintaining the outdoor eating area. A permit may be cancelled or suspended if instances of littering, untidiness or failure to maintain the accessway are noted.

8. Items placed on the footpath must be maintained by the permit holder in an acceptable manner to the satisfaction of the Council.
9. Tables and chairs should contrast with their background to assist people with vision impairment.
10. Items which are placed on the footpath must not be fixed, and be of a stable design approved by Council, and not damage the footpath.
11. Traders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths or street fixtures and furniture.
12. Toilet facilities within the premises will be required to meet the current standards as set out in the Building Code of Australia for the premises as a pre-condition of any approval of a new permit being issued.
13. Council may place conditions on any permit.



## Furniture & Fittings

1. Unless authorised by Council, ancillary items will be allowed only in conjunction with outdoor eating furniture within the Trading Activity Zone.
2. Where an application proposes to suspend any fixture or fitting from the underside of a verandah or a building (such as lights or heaters) the fixture or fitting shall be fixed in accordance with the appropriate engineering standards and shall have a minimum clearance of 2.4 metres above the Trading Activity Zone.
3. A Planning Permit may be required for permanent furniture or fittings. Please contact the Planning Department to discuss.
4. Council may require the permit holder to insert brass markers in the footpath to clearly designate the Trading Activity Zone, this cost will be borne by the permit holder if required.

## Music and Live Entertainment

1. Live entertainment is not permitted without the written permission of Council.
2. Sound amplification equipment or jukeboxes may not be used in any outdoor seating area unless approved by Council. This is to ensure that the amenity of the area is maintained and nuisance is minimised.

## Heaters

If patio style heaters, which have a base on the footpath, are to be used they must be licensed as part of a permit and covered by traders' public liability insurance. Conditions recommended by the Australian Gas Office or other relevant authority, will apply to any approval to place heaters on the footpath.

## Umbrellas

1. Umbrellas in their open position must not exceed outside the Trading Activity Zone.
2. Where umbrellas are allowed they must be 2200 mm high at the lowest point other than the pole and must not protrude over the kerb. When it is raining, water from large umbrellas should be discharged outside the accessway.
3. Umbrellas may be secured to the footpath by a lock-in device. Lock in devices will only be approved where the device lies flush with the footpath when the umbrellas are not displayed. Plans and specifications of the items will be required to be lodged with Council prior to any umbrella being placed with a lock-in device. If a lock in device is fitted without prior approval Council may require that the lock-in device is removed and the footpath is reinstated to its original condition.
4. Where a lock-in device is not used, umbrellas must be secured in a manner approved by Council. Applications for approval for other than a lock-in device should be clearly nominated on the application.
5. Advertising signage on temporary windbreaks or umbrellas shall be limited to that to identify the operator of the business. Discrete product advertising may be permitted. Details shall accompany any application

**Figure 2**



## Temporary Screens or Screening Devices

1. Temporary screens or screening devices must be placed where there are tables and chairs for safety reasons.

## Permanent Screen Structures

The following standards shall apply to permanent screen structures:

1. The screens should be regularly cleaned and maintained by the operator of the premises and, if damaged and a risk to public safety, replaced within 24 hours otherwise replaced within one week of the damage occurring.
2. Any graffiti shall be removed within 24 hours.
3. On permanent screens the business name is the only advertising permitted.
4. A Planning Permit or Work within a Road Reserve Permit may be required for permanent furniture or fittings. Please contact Council to find out more.

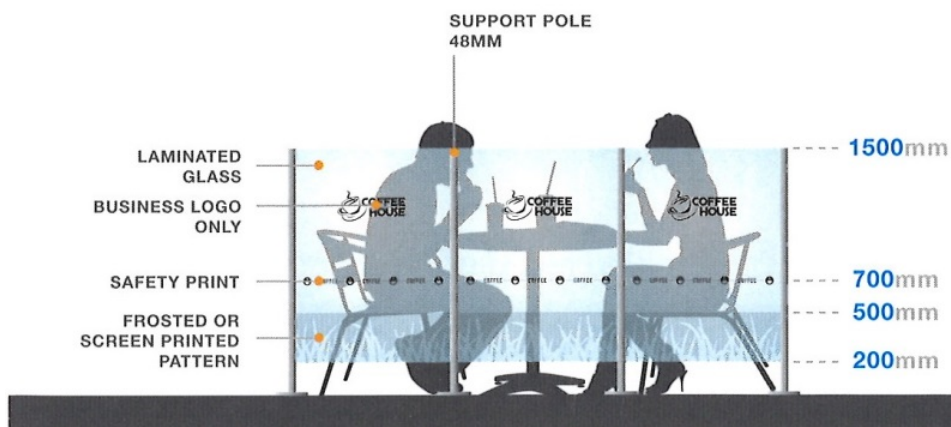
## Technical Requirements of Permanent Screens

Please see Figure 3 in conjunction with the following

1. Screens are manufactured of laminated glass 1500mm in height with a minimum thickness of 10.38mm.
2. Screens can be a maximum height of 1500mm.
3. Screens require a minimum clearance of 200mm from the footpath surface.
4. Screens can have a return length of no more than 2000mm.

5. Glass may be frosted or have a screen print pattern to a height of 500mm above pavement level otherwise the glass shall be clear.
6. A safety screen print pattern should be provided at a height of between 700mm above pavement level.
7. Other than the name or logo of the café/restaurant no commercial advertising is permitted on permanent screens.
8. The base of any screen is to be constructed of cast aluminium, and affixed in a location so that the screen is located in accordance with the siting requirements of these Guidelines.
9. Support poles are required to be a minimum of 48mm in diameter and made of extruded aluminium and finished in a clear anodised coating or other colour on request. Consideration will be given to any adopted urban design policy of the Council in approving non-standard fixtures and fittings.
10. The design and construction of glass screens would conform to the Australian Standards and Moira Shire Council's recommendations.
11. Glass screens must be certified by a structural engineer in relation to fixing and impact loads.

**Figure 3**



## Advertising

1. A Planning Permit may be required depending on cumulative amount of advertising associated with any premises. Please contact the Planning Department to discuss.
2. Inflatable signs, portable electric signs, illuminate, revolving, spinning or flashing signs, flags and banners are prohibited.

## Blinds and Awnings

1. Shop sun blinds and awnings to protect goods located in the Trading Activity Zone shall be in accordance with the current Building Regulations and may require a Building Permit.
2. Advertising displayed on any awning shall be limited to no more than 20% of the area of the awning and shall contain only the name of the business.

## Signage (A-Frames)

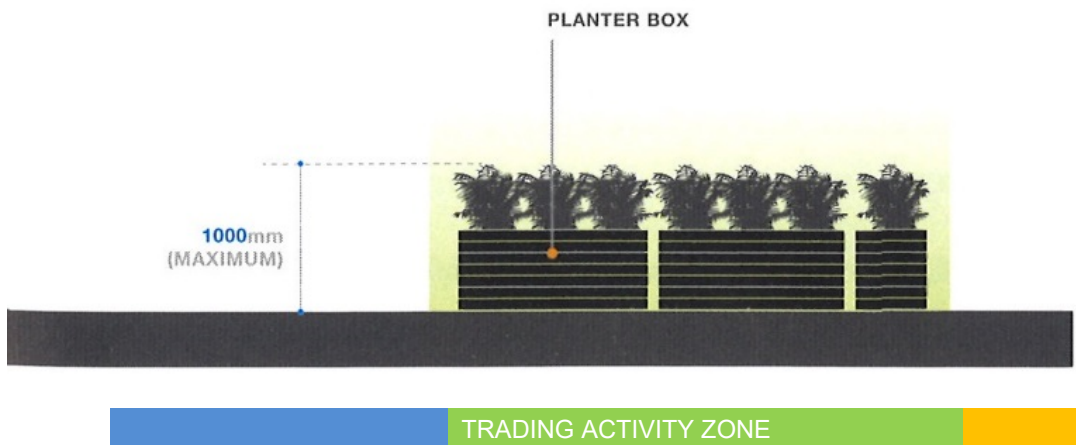
1. A-Frames may only be displayed in the Trading Activity Zone.
2. A moveable sign can be a maximum of 600mm in width and 1200mm in height.
3. Moveable signs must not be tied to poles, trees or any other street fixtures, and may only be on the footpath outside the premises it relates, whilst the business is open.
4. Moveable signs must not be placed on roundabouts.
5. Moveable signs should have a contrasting colour to their background (eg. ground surface) to assist people with vision impairment.
6. The maximum number of movable signs permitted per premises is one.



## Planter Boxes

1. Planter boxes will only be allowed in the Trading Activity Zone.
2. Planter boxes can be a maximum height of 1000mm that includes plants.
3. Planter Boxes must provide a positive contribution to the visual amenity of the street.
4. Permits for planter boxes require that they be well maintained with healthy plants. Planter boxes will be removed where they are not adequately maintained.
5. Permission may be given for placement in the Trading Activity Zone of:
  - Temporary Planters – must be brought in during non-trading hours.
  - Permanent planters may not be used as enclosures without written consent from Councils Infrastructure Department and must be placed so as to cause no obstruction to street cleaning vehicles.

**Figure 4**





## Goods on Footpaths

1. Goods and displays may only be displayed in the Trading Activity Zone.
2. Goods (except furniture) must be displayed on stable stands approved by Council that are able to withstand adverse weather conditions. Stands must be secured in a manner, which ensures that adverse weather conditions (wind, rain) will not create a risk for pedestrians, property or passing traffic. Stands and goods must not cause any damage to the footpath.
3. Goods or displays will not be permitted where access to a loading zone or disabled parking bay will be impeded (1500 mm from the kerb).
4. Where goods or displays cause difficulty to pedestrians and people exiting or accessing parked vehicles or the footpath they will not be permitted.
5. Goods displays will not be allowed to exceed a height of 1500mm.
6. Stands and displays should contrast with their background to assist people with vision impairment.
7. Goods displays are only permitted in the Trading Zone and must not overhang into the kerb zone or accessway.
8. No spruiking shall be conducted from the Trading Activity Zone.



## Other Obstructions

### Obstructions

1. Any application for the placing of any other obstruction, fixture fitting or equipment that would not fit within the definition of sign, goods or outdoor eating facility shall be nominated on an application form and the applicant shall demonstrate compliance with these guidelines prior to any approval being issued.
2. Any obstruction shall be placed only within the Trading Activity Zone.
3. The fee applicable shall be determined by the Council depending upon the nature of the occupation sought.

### Transfer of ownership

Permits issued under this guideline are for the person/company/association listed on the permit and cannot be transferred to any other trader.

## Temporary Charity Events/Sausage Sizzles

### Definitions

**Street Stall:** A stall or table set up to raise funds by selling produce or raffle tickets.

**Sausage Sizzle:** A type of street stall that cooks and sells sausages and or meat as a fundraising activity.

**Community Group:** A non-profit community group that does not pay income tax.

1. In accordance with Council's Community Amenity Local Law 2023, Clause 4.2 – Trading of Goods or Services, a permit, must be obtained to hold a street stall.
2. Permit fees may be waived for community groups at the discretion of the Chief Executive Officer or their delegate.
3. A street stall shall be located to ensure that the relevant minimum width (no less than 1.8m) from the building line of the footpath is left available for pedestrian traffic.
4. No more than three street stalls per day will be permitted in any town, with no more than one selling goods and no more than two selling raffle tickets.
5. Council will only issue permits to hold sausage sizzles and food stalls to not for profit, schools, community or charity groups. Before holding a sausage sizzle remember to contact Council's Environmental Health Team regarding food handling requirements.

In the township of Yarrawonga sausage sizzles will only be permitted on a rotational basis in the following areas:

- Kiosk on Belmore Street near Piper Street
- Near the Shire Hall
- In front of Ritchies IGA; and
- In front of Safeway car park.



00001

 **OXFAM**

 **OXFAM** Get together for International Women's Day Pamper night **PRIZE DRAW** 00001

Prizes include  
1/2 hour golf lesson at Bowood, £30 voucher for Bravissimo,  
Various vouchers for pampering treatments,  
one hour photo session including a 10x8 photo  
and more.....

The draw will take place at The Phoenix, 3-4 High street, Royal Wootton Bassett  
on Friday, 8th March 2013 at 8.00pm  
- Tickets £1.00 each -

Registered charity No. 200918  
Registered under the Gambling Act 2005 with Oxford City Council  
Promoter: Sharon Jones, Oxfam House, John Smith Drive, Oxford OX4 2JY  
Tickets are not transferable and may not be purchased by persons under 16 years of age.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Tel. \_\_\_\_\_

Please return counterfoils,  
cash and unsold tickets  
by 8th March 2013

Photo by Bobbie Taylor, Oxfam www.oxfam.org.uk



## Applying for a Permit

### Information to be provided

To obtain a permit, applicants need to:

- Complete, sign and pay for the relevant footpath activity application:  
<http://www.moirā.vic.gov.au>
- Provide a site plan drawn to scale that shows dimensions of proposed kerbside café, goods display etc.
- Indicate setbacks from shop frontage, kerb and site boundaries and any existing elements, for example, tree, light pole, rubbish bin, public transport shelters, etc.
- Provide a photograph(s) of the area at the front of the shop/premises where it is proposed to undertake the footpath trading activity.
- Provide a Certificate of Currency in relation to a public liability policy of insurance, insuring against liability for the death of or injury to any person or damage to any property arising out of the activity authorised by the permit, which lists;
  - A minimum of \$10,000,000 in public liability
  - The insured (including situation of risk)
  - The name of the Insurance Company
  - Expiry Date
  - Policy Number
  - Reference pertaining to the activity applied for  
examples:
    - Display of goods on the footpath/road reserve
    - Moveable sign/board on the footpath/road reserve
    - Tables and chairs on the footpath/road reserve

## Decision Criteria

Council reserves the right to reject any application made for footpath trading.

In addition to any matters set out above in considering whether to grant a permit Council will consider, but not limited to, the following:

1. How the proposal meets the general and specific principles of these guidelines.
2. The effect on pedestrian flow and safety.
3. The impact on the appearance of the street and its surroundings.
4. The design and standard of any permanent structures proposed.
5. Any impact on trading generally within the area.
6. Any impact likely to be caused to nearby residential properties.
7. The hours of operation of the facility/use and how it relates to the use of the adjacent land.
8. Whether approval has been granted for advertising or other forms of trading activities for the premises.
9. The effect on vehicular flows and traffic safety.
10. Whether it is complementary to the business plan for the activity centre.
11. Whether it achieves Council guidelines for the activity centre or precinct.
12. Whether the conditions of any previous approval have been complied with.
13. Whether the proposal will under any circumstances be detrimental to the amenity of the area, including residential amenity.
14. Any other matter deemed relevant to an application.

## Fees

There are fees associated with footpath trading and these are determined by Council.

The current fees can be found in the Council Budget Fees and Charges document which is located on Council's website [www.moira.vic.gov.au](http://www.moira.vic.gov.au)

## Council & Public Authorities Responsibilities

### Maintenance of Footpaths

Council will continue to manage the use of footpaths at all times and reserves the right to reclaim access to and remove all footpath trading at any time for any purpose. Council will endeavour to provide adequate notice to any permit holder.

Except where permanent structures have been installed Council will continue to maintain a regime of repair and reinstatement of footpaths and furniture.

### Activities of Service Authorities

Council is not able to provide notification of any action of a service authority that is likely to interrupt or affect the use of footpaths for trading activities. Council where it has the authority required to carry out any works, will generally give notice to affected traders.

Council will request that service authorities give under their adopted customer charters adequate notice of street works but Council is not able to give guarantees that such notice will be provided.

### Compensation for loss of trade

Where any service authority are required to carry out works within the road reserve which requires the removal and/or alteration to the footpath trading arrangements, no compensation will be payable for any loss of trade experienced during and after the works.

## Inspection

Council will make regular inspection of areas that have been authorised for footpath trading.

Authorised officers will give direction to any permit holder in respect to compliance with the permit or activity authorised. Failure to respond to a lawful direction will result in enforcement action being taken.

## Revocation/suspension/modification

Council may at its discretion suspend, revoke or amend, relocate or otherwise modify any permit it issues. Council must give any permit holder 14 days notice of its intention to suspend or revoke amend, relocate or otherwise modify any permit. If such action is taken by Council the permit holder or any other person shall not be entitled to any payment compensation or damages of any kind.

## Enforcement

Upon detection of a breach of the Local Laws, Footpath Trading Guidelines or a specific permit condition, Council may issue:

- a written Notice to Comply – a first and final warning with a time limit for compliance.
- an infringement Notice of \$200 – a fine for noncompliance with the above notice.
- further fines or permit suspension for a minimum period of 3 months and/ or prosecution.

Council may impound any items on the footpath that do not comply with Local Laws, these Guidelines and any conditions placed on a permit. A procedure adopted by Council for the impounding of outdoor trading items is referred to on page 24.

Incidents of non-compliance will be noted on a trader's file and will be taken into consideration in delivering an appropriate penalty at a later date should further incidents of non-compliance be noted.



Second and subsequent fines will be issued without additional warning for further acts of non-compliance.

Incidents of non-compliance will be taken into consideration when requests to vary or add to a permit are considered for approval.

Traders will be required to sign a form acknowledging that they understand the enforcement protocol and its implications before each permit renewal.

## Christmas Decorations

The primary role of the footpath is as a pedestrian thoroughfare therefore it is important that it remains clear and unimpeded for pedestrians of all abilities.

1. Temporary Christmas Decorations can be displayed for 28 days on the footpath between 1 December and 31 December each year.
2. Decorations must be moveable and not impede or risk pedestrian access or use.
3. Decorations can be displayed during your normal or authorised trading hours (not prior to 7am or after 11pm).
4. You are responsible for meeting the requirements of the Footpath Trading Guidelines.
5. Public liability insurance of no less than \$10,000,000.00 is required.

## Some helpful pointers:

### What decorations are allowed during the Christmas period?

1. Decorations must be placed in the Trading Activity Zone and may include:
  - A small flag or banner
  - Moveable decorations such as a small Christmas tree
2. Other decoration options may include:
  - Window and in-store decorations
  - Decoration of existing A-frame signs

### Where can you place the decorations?

1. Items are to be placed in the Trading Activity Zone (see page 4 for more detail).
2. If you have a verandah, post decorations may be attached in a temporary manner but must be weather and wind resistant.
3. For example, garland wrapped around the post in a secure and non-risk way will be permitted. Tinsel and other disintegrative materials however will not be accepted on fixed structures and you may be requested to remove it. Tinsel will be accepted on movable decorations.
4. Decorations cannot be on Council signage such as parking and street signs, poles, posts or barriers etc.

### What spacing is required between items on the footpath?

1. Items on the footpath must comply with the Setbacks detailed on page 4.
2. If you are adjacent to a disabled or loading zone car park you must allow 1500mm from the kerbside (see page 3 for more detail).

**How high and wide can your decorations be?**

1. Decorations should be no more than 1500mm high.
2. For the width of your decorations please refer to pages 4 & 5 of this document.

**When do you require a Building, Planning or Local Laws Permit?**

1. If you are planning to have your decorations up outside of this period please contact Council as a permit may be required.
2. If your decorations fall outside of any of the requirements of these guidelines please contact Council to discuss.

If your decorations are not deemed to meet the requirements of the Footpath Trading Guidelines you may be subject to the enforcement provision of the Local Law.

Council encourages business operators to make enquiries before installing decorations on 5871 9222 or [business@moira.vic.gov.au](mailto:business@moira.vic.gov.au)

**Impound Procedure**

Authorised under the Moira Shire Council Community Amenity Local Law 2023.