

LOCAL LAWS POLICIES PART 6 – FOOTPATH ACTIVITIES

This part applies to the use of footpaths for the placing of free standing advertising signs, displays of goods, and tables and chairs on footpaths.

1. The requirements relating to the placing of free standing advertising signs, displays of goods, and table and chairs on footpaths are designed to:
 - (a) contribute to the atmosphere and therefore the shopping experience in the municipal district;
 - (b) to protect and enhance the visual amenity of the locality;
 - (c) to maintain a degree of uniformity and equity in the extent of advertising permitted; and
 - (d) to provide and maintain public safety for people using any public way.
2. Unless otherwise exempted, all free standing advertising signs, displays of goods, and tables and chairs must relate directly to the business activities conducted on the adjacent property.
3. A permit for free standing advertising signs, displays of goods, and tables and chairs may be issued subject to conditions as determined by Council and subject to the following requirements:
 - (a) No more than two (2) advertising signs will be allowed per premises or ten (10) metres of frontage; and/or
 - (b) No more than two (2) displays of goods will be allowed per premises or ten (10) metres of frontage; and/or
 - (c) No more than two (2) tables, each with four (4) accompanying chairs, will be allowed per premises or ten (10) metres of frontage.
 - (a) All freestanding advertising signs must not be larger in size than one (1) metre square on each side.
 - (b) All freestanding advertising signs, displays of goods, and tables and chairs must only be displayed during the trading hours of the business.
4. All free standing advertising signs, displays of goods, and tables and chairs must be constructed to tradesman quality and be of solid and stable construction, braced, regular in shape and with no uneven projections.
5. All free standing advertising signs, displays of goods, and tables and chairs must be designed to ensure that it does not constitute a tripping hazard or obstruction to footpath traffic and is properly secured.
6. All displays of goods must be no more than one (1) metre wide and must allow a minimum clearance of two (2) metres for pedestrian traffic.
7. Free standing advertising signs which are outside the central activities area as defined in the Wangaratta Planning Scheme and are proposed to exceed the size requirements prescribed in Clause 41 may apply for an exemption. Exemptions may be issued by an authorised officer of Council having taken into account the site of the proposed sign, danger to vehicular and pedestrian traffic, and sight distance.
8. Unless otherwise exempted, all free standing advertising signs and/or tables and chairs must be placed outside the premises to which it relates, and not within the Walkway Zone or the Kerbside Zone.
9. All displays of goods must be located adjacent to the premises to which it relates and not within the Walkway Zone or the Kerbside Zone.
10. All free standing advertising signs, displays of goods, and tables and chairs must only be placed on hard standing areas such as concrete, asphalt, brick or other approved surfaces and generally have a cross slope of not greater than 5%.
11. Tables and chairs that are fitted with sunshades or umbrellas must be designed and placed so that neither table nor umbrella could create a hazard at any time to any person using the road or footpath because of the design or stability of the furniture or any other reason.

12. Free standing advertising signs when displayed by real estate agents, must:
- (a) only be displayed on the day of any auction or open house if advertising an auction or open house.
 - (b) only be displayed on the footpath not less than one (1) metre from the kerb outside any property to be auctioned or opened to the public.
13. The owner/occupier of any premises which has a permit for the display of free standing advertising signs, or displays of goods, and/or tables and chairs must ensure that public liability insurance is maintained at all times indemnifying the Council, and where appropriate, the Roads Corporation, from any action that may arise from accidents involving any free standing advertising sign or display of goods or tables and chairs. The level of this insurance shall be in accordance with the approved level stated in the permit. Proof of this insurance must be provided upon request by an authorised officer.
14. The owner/occupier of any premises which has a permit for the display of free standing advertising signs, or display of goods, and/or tables and chairs must ensure that the footpath area fronting the property utilizing the footpath free standing advertising signs, or displays of goods, and/or tables and chairs is kept clear of any litter. Sweeping the litter into the roadside gutter is not permitted.
15. The licensee is responsible for the conduct of patrons at tables and chairs in the outdoor seating area and must:
- (a) ensure that patrons do not move tables and chairs from their positions and obstruct the Walkway or Kerbside Zones; and
 - (b) ensure that patrons do not allow pets, prams or any other personal items to obstruct the Walkway or Kerbside Zones.
16. Where umbrellas are allowed they must be 2.2 metres high at the lowest point and must not protrude over the kerb. At times when it is raining water from large umbrellas should be discharged in the areas outside the Walkway Zone.
17. (a) With the exception of road traffic signs and other regulatory signs, advertising signs affixed to street furniture within a road reserve or on Council land shall:
- be limited to the name, function and/or activity of the business located on the immediately adjoining land.
 - be in keeping with the built environment and cultural amenity of the area, having particular regard to the avoidance of visual disorder or clutter;
 - consist of colours sympathetic to the colours used in the streetscape design;
 - be limited to non-illuminated, non-reflective, static signs.
 - be of a size that can be contained within the external dimensions of the structure to which it is affixed and not exceed 25% of the area of the structure;
 - have lettering on the sign not exceeding 25cm in height.
- The objective of this provision is consistent with Council's Municipal Strategic Statement which seeks to improve the appearance of retail areas.
- (b) Where an applicant for a street furniture sign is aggrieved by the decision of Council's authorised officer to refuse the sign because it does not meet the policy guidelines, the applicant may appeal in writing to a committee of Council established to consider such appeals. The decision of the committee shall be final.
18. The planting of any tree or plant within a nature strip shall not cause interference to or loss of view to pedestrians using the footway or motorists entering the street from private property or entering the street from an adjoining street intersection or junction.
19. The planting of any tree or plant within a nature strip shall be a type that is selected from a list of suitable plants supplied by the Council and consistent with the existing streetscape.