



Public Spaces Trading Guidelines



Lifestyle & Opportunity

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Application for Street Trading Permit

Port of Echuca Market Conditions

Event Notification / Application Form & Process Flow Chart

Public Spaces Trading Guidelines – Exclusions

Commercial Health and Fitness Providers Application Form and User Agreement – *to be developed*

CBD Footpath Widths

EXECUTIVE SUMMARY

The Public Spaces Trading Guidelines have been developed to assist businesses, individuals and groups who wish to make an application trade on Council owned and managed land.

The guidelines seek to provide increased opportunity and clarity for premise based traders to trade in public spaces and partner with Council and other business to ensure a safe and enjoyable environment is maintained for pedestrians and other public space users.

The guideline also seeks to address, for the benefit of all businesses, the inherent value of, and use of, public spaces and reserves, by, itinerant traders at markets, events and festivals and commercial health and fitness providers.

The guidelines will ensure that Council officers consider all applications for use of public spaces using the same criteria and that the same requirements are placed on all permit holders.

Note: these guidelines should be considered in conjunction with Council's General Local Law No. 8 2015, and the Shire of Campaspe Trading Code of Practice.

DEFINITIONS

Commercial Health /Fitness Provider

is defined as a person or business carrying out health or fitness activities (supervising/instructing a session of health and fitness exercising) with one or more paying participants in a single session. The activity is broadly described as supervising/instructing a session of health or fitness exercising for commercial reward and or monetary gain.

may also be considered to be an itinerant trader when running activities from Council owned and managed land

Community Service Agencies

services to community that are provided on a visiting or temporary basis.

Council Land

This policy applies to all Council-managed public open space within the Campaspe Shire Council Local government area (including all parks, sportsgrounds, and shared pathways within parks and open spaces/reserves) owned and/or managed by Council. Including:

Public land under the operational control of the Council includes:

Crown Land where the Council is the delegated Committee of Management

Crown Land which has been vested in the Council

Land which is owned by the Council

Land which is managed by a Committee of Management appointed by the Council

Land which is leased by the Council

Any other public land where the Council has authority to apply this policy

Echuca Historic Precinct

the precinct is the area bounded by Anstruther Street and the Campaspe River to the Murray River and incorporates High, Warren, Dickson streets, Murray Esplanade and the areas known as Victoria Park, Hopwood Gardens, Aquatic Reserve and the Onion Patch. The car park area of the Echuca Moama Visitor Information Centre is excluded from this area.

Footpath

is the area between the back of kerb line and the building line.

Itinerant Trader

is identified as the person, company or organisation undertaking the selling of goods and services, generally the permit holder.

a group or individuals involved in a community or charitable event, market or festival are not classified as an Itinerant Trader.

Itinerant Trading

defined as the temporary or permanent offering of goods or services for sale for the benefit of a person, a company or organisation in a public place or on a street or road from any vehicle, caravan, trailer, bicycle, table, stall or similar structure. Council has determined that Itinerant Trading, of this nature, in the Shire of Campaspe can only occur in conjunction with markets, events or festivals.

Itinerant Trading may also be considered to be those activities offered by a commercial health or fitness providers, if those activities are offered on council owned and managed land. Council has determined that this type of trading can be offered on Council land.

Kerbside Zone

extends from the kerb line or kerb invert and allows for vehicle over hang and access to and from parked vehicles.

PUBLIC SPACES TRADING GUIDELINES

Loading Zones	a parking area defined by signage for the loading and unloading of goods by commercial vehicles.
Local Law	a local law made under Part 5 of the Local Government Act 1989 and Section 42 of the Domestic Animals Act 1994.
Markets – Farmer’s, Town & Events	these markets generally consist of stalls where handmade/homemade/home grown produce is offered for sale. Markets where commercial goods are offered for sale are not supported on Council land unless they are operated in conjunction with an event.
Markets – Port of Echuca	markets held in the port of Echuca are only open to applications from cooperatives and incorporated associations. Goods for sale must be locally made or grown produce and products, second hand goods, crafts and hand made goods. No resellers are permitted at these markets. a maximum of eight markets will be approved per calendar year.
Median Strips and Reserves	defined as the dividing parcel of land between opposing lanes of vehicular traffic.
Normal Business Hours	8.30am - 5.30pm Monday to Friday and 8.30am – 1.00 pm Saturdays
Not for Profit	is defined as any organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.
Notice to Comply	an official notice issued by Council under the Local Law or Trading Code of Practice directing that a particular act or direction must be carried out
Penalty Unit	prescribed sum issued to an individual or group who fails to comply with the Local Law or direction by an Authorised officer or with a Notice to Comply
Reseller	Market stall holders selling mass produced and manufactured imported goods including but not limited to toys, clothing, jewellery, handbags, socks, shoes and food products
Reserves	land set aside for public recreation and benefit.
Trading Zone	is the only area of the footpath where goods, café furniture and ancillary items, subject to this policy, may be placed
Trading Code of Practice	an appendices of the general local law that regulates and controls activities, events and practices so that no detriment is caused to the amenity of the neighbourhood nor nuisance to a person in the municipality
Walkway Zone	is the zone immediately adjacent to the building line or property line and is the zone primarily used to facilitate pedestrian access and travel. Pedestrian crossings and kerb crossings are part of the Walkway Zone.

1. FOOTPATH ZONES

Footpaths are divided into three zones to provide for a clear and unobstructed path of travel for pedestrian access. Each zone relates to its primary activity. The width of the zones relates to the overall width of the areas building line and the street kerb.

1.1. Walkway Zone

Primary activity – Pedestrian longitudinal access

1.2. Trading Zone

Primary activity – Public infrastructure and trading

** NOTE: Not all footpaths within the municipality are of a suitable width to support footpath trading. Council officers will assess all applications for footpath trading using the Zone Widths table shown at item 1.4.*

*** NOTE: see attachment "CBD Footpath Widths" for general information regarding footpath measurements in CBD trading areas. Each application will be considered by officers, using all relevant information, at the time it is received.*

Public infrastructure. In some locations, the gradient or surface of the footpath or the presence of public infrastructure within the proposed trading area may mean that an area is not available for use for footpath trading.

Within the trading zone the Council requires appropriate setbacks from items of public infrastructure and will determine the trading area available at each location. In cases where there is public infrastructure in front of a premise it may be possible to achieve a reduced Trading Zone if sufficient setbacks from infrastructure can be achieved.

Public infrastructure could include: Litter Bins, Public Seating, Bicycle Racks (from outer edge of use footprint), Hydrant Plugs, Parking Meters, Pay Phones, Wayfinding Signage, Trees and Tree Surrounds, Light Poles and Power poles and perpendicular paths of travel between the walkway zone and the road edge, where pedestrians cross the road.

In cases where there is public infrastructure in front of a premise or the footpath gradient is currently unsuitable, it may be possible, at the discretion of Council, for the public infrastructure to be relocated or the footpath to be reconstructed, Subject to engineering approval and with the full cost of works to be met by the applicant. At times this type of work may trigger the requirement for a Planning Permit.

Where a permit for trading is granted all of the businesses goods, plus circulation space to inspect the goods and seating push back areas must be contained within the trading area. None of the infrastructure, circulation space or chair push back areas can encroach onto the Walkway Zone or the Kerbside Zone

To allow Pedestrians access between On-Street Parking and the Walkway Zone council requires each trading area be separated from that of the adjoining business by a minimum of 1m (usually achieved by each business relinquishing 0.5m or trading area length). In the case of businesses with very long frontages an access point of minimum width 1.0 metre shall also be provided at minimum of every 6 angled parking bays and 3 parallel parking bays.

1.3. Kerbside Zone

Primary activity – Access to and from vehicles and to provide a safety buffer from moving vehicles. Kerbside zones are to extend along all road sides, including areas where extended outstands are constructed into the roadway and parking is not possible.

1.4. Zone Widths

Footpath Width	Walkway	Trading	Kerbside
<2.5m	All available width	No Trading	0.7m
2.5m>3.5m	1.8m	Remaining width	0.7m
3.5m<	2m (general) 2.5m (Echuca heritage)	Remaining width Remaining Width	0.7m 0.7m

**NOTE: 1.8m is the minimum width requirement for the walkway zone on CBD footpaths*

1.5. Delineation of trading areas

To identify the Trading Zone areas permitted for each business delineation markers are required where the footpath is 5 metres or greater in width. The markers are used to clearly define the areas where the traders can set up goods for sale (Trading Zone). The use of markers also assists traders to ensure that they are not in breach of the Disability Discrimination Act, the Shire of Campaspe General Local Law No. 8 2015, and the Trading Code of Practice. Delineation Markers will assist business operators to ensure that the Walkway Zone and the Kerbside Zone are kept free from goods to ensure a safe path of travel for pedestrians.

Delineation markers are installed at each corner of the approved trading area for a business.

Where Outstands are constructed, delineation markers will be placed at the front of the area to ensure that furniture and trade does not encroach into the walkway zone.

The cost of the markers and the installation is to be paid for by the business owners as part of the application for footpath trading.

- Existing permit holders, who are trading on footpaths of 5 metres or greater, will receive the charges for the markers and installation in the permit renewal application for the 2018/2019 year. Markers will be installed by council staff or contractors during August / September of 2018.
- New applications will include the charges at the time the application is received.
- Charges for installation will be a once only charge.
- Repairs to markers or reinstatement of footpath surface will be borne by Council.

2. ITINERANT TRADING

Council has determined that it will only allow itinerant trading activities for the sale of goods and services to be carried out in conjunction with markets, events and festivals. Itinerant Trading, unless it is that offered by commercial fitness providers, will not be allowed to be carried out on Council land at any other time.

3. MARKETS - HISTORIC PORT OF ECHUCA PRECINCT

3.1. Criteria for Markets held in the Port of Echuca

- a. Applications will be considered from co-operatives and incorporated associations within the Shire of Campaspe. Applications from other community groups and committees from outside of the Shire of Campaspe will be considered at the discretion of Council.
- b. Applications from commercial markets holders will not be considered.
- c. All Markets must support locally made or grown produce and products, second hand, crafts and hand made goods. No Resellers are permissible at these markets.
- d. A maximum of eight market events will be approved per calendar year, and a maximum of four per organisation / committee. Applicants should refer to the attached conditions paper.

3.2. Location / Timing

Permission may be granted for the conducting of a market from a park, garden or reserve which is the property of and is maintained by the Shire of Campaspe providing not more than eight markets are conducted in the Echuca Historic Precinct. The preferred timing for markets is on a holiday long weekend, or any other Sunday throughout the year. Where a market is planned to coincide with major precinct event, the express written approval of the event committee must be provided.

4. MARKETS - FARMER'S MARKETS, TOWN MARKETS & EVENT MARKETS

4.1. Criteria for Farmer's / Town / Events Markets

Council will consider applications from groups within the Shire of Campaspe for the running of Farmer's Markets, Town Markets and markets that are held in conjunction with an event on Council owned and managed land.

- a. Location of market must ensure that:
 - it is in an area where stalls, goods, tables or chairs must not encroach upon a roadway or designated carpark unless otherwise approved by Council;
 - an area that does not obstruct pedestrian traffic on footpaths;
 - that the market does not impede on the core use of the open space (the primary purpose for which the space is provided) as deemed by Council;
- b. If a market is planned to coincide with a major event, it must have written approval from the event committee.
- c. Itinerant Traders may only operate at a market, event, sporting event or festival when they have received the prior consent of the organiser of the market, event, sporting event or festival. In seeking the prior consent, the Itinerant Trader should provide evidence of current public liability insurance and Food Act Registration.

4.2. Excluded Activities for all Markets

- No heavy vehicles on grass areas
- No tent pegs, spikes or steel posts are permitted on any parkland / ovals with irrigation systems in place
- Tent weights are to be used on all parks / ovals with irrigation systems in place
- Where vehicle access is permitted there is to be no sharp turning, twisting or spinning of wheels.
- No driving over irrigation solenoid boxes
- Dogs are to be on leads at all times
- No wet weather access for any vehicle on any park / oval
- Jumping castle owners MUST be fully insured with Council nominated on the policy prior to setting up on Council property
- All events, markets, festivals and sporting events are responsible for all rubbish and recycling generated.

5. COMMERCIAL HEALTH AND FITNESS PROVIDERS

Campaspe Shire Council is committed to improving the health and wellbeing of our community in alignment with our Council Plan and Municipal Health and Wellbeing Plan.

In developing these guidelines, Council is responding to high rates of participation in fitness activities and an increase in demand from commercial fitness operators conducting such activities in outdoor environments.

Commercial fitness operators provide a great range of alternative physical recreation activities for residents. The guidelines aim to manage these activities in a manner that balances industry needs, provides protection of Council's built & natural assets and maintains community access and amenity. To help achieve this, the guideline formalises the principles of managing the activity and outlines the conditions of use of our public space for fitness activities.

The overarching principles of the management of Commercial Health and Fitness providers in access community spaces are to:

- a. To encourage and support the utilisation of public open space for health and recreational pursuits.
- b. Encourage a range of users to have access to Council parks, reserve and open space.
- c. Manage equitably the impact of commercial fitness activities on open space asset condition and maintenance
- d. Address and manage Public Liability risk exposure to Council in relation to commercial fitness operations on Council Land.

5.1. Terms and Conditions of Access

The following terms and conditions of access will apply.

5.2. Qualifications and Insurance

To be eligible to enter a user agreement commercial fitness operators must as a minimum provide copies of the following documentation valid for the duration of the agreement:

- Certificate IV in Fitness* (or other relevant recognised qualification)
- National Fitness Industry registration or registration with the relevant industry peak body
- Level 2 First Aid
- Current CPR
- Certificate of currency/insurance with \$10 million in Public Liability (\$20 million preferred)
- \$5 million Professional Indemnity.
- An ABN

** NOTE: activities such as yoga, Pilates etc. may not require Certificate IV in Fitness an alternative relevant qualification in the field will be considered.*

5.3. Locations

Campaspe Shire Council welcomes applications to operate at a number passive reserves and sporting grounds. The public open space requested to be accessed by a Commercial Health & Fitness Provider will be assessed for suitability on a case by case basis.

Please note:

- Open spaces that are excluded from access include Apex Park Echuca, Alton Reserve Echuca and Kyabram Memorial Gardens. Or any other area deemed unsuitable by Council's officers.
- A user agreement does not grant exclusivity of the designated area. The area must remain accessible to the general public at all times.
- Campaspe Shire Council does not provide undercover training areas in the event of inclement weather. This is the responsibility of the operator to cancel the session or seek an alternative indoor venue. Campaspe Shire Council have a number of indoor facilities available to hire including Echuca, Tongala or Kyabram Stadium. Please contact the Shire to arrange a booking.

5.4. Hours of access

Due to maintenance activities (mowing and irrigation) access to our reserve and public open spaces is limited to 5am – 7am and 3 pm onwards on weekdays

5.5. Weekend access

Time limitations to weekend access do not apply

Campaspe Shire Council will not consider applications for 'blanket bookings', (E.g. Monday to Friday 9am to 6pm).

5.6. Exclusion zones

No commercial fitness activity is permitted in or on the following areas:

- Playgrounds, specifically playground equipment and soft fall surrounds
- Trees, garden beds and vegetation.
- Picnic tables and chairs and barbecue facilities
- Park furniture (including tables, chairs and bench seats), buildings and structures (including grandstand areas)
- Environmentally sensitive areas
- Socially, historically or culturally sensitive areas, including memorials and shrines
- Art works
- Stairways within open spaces and footpaths may be transited but not used for training activity
- Any areas that may be temporarily closed by Campaspe Shire Council including during wet weather and/or maintenance activities
- Any other areas that may be nominated by Campaspe Shire Council

5.7. Permissible activities

- Gym sessions (with or without hand weights, fit balls, skipping ropes etc.)
- Boxing and pad training
- Organised aerobic activity and running groups
- Circuit training
- A combination of any of the above
- Other activities as determined by the responsible Council officer

5.8. Excluded activities

- Aggressive or intimidating activities including combat/fighting training
- Amplified music or use of amplified audio (voice) equipment
- The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products
- Use of equipment damaging to surfaces, infrastructure or trees such as tyres, medicine balls, large weights, sleds, ropes etc. Council officers will assist operators who utilise this equipment to find suitable alternative locations.
- Attaching of equipment to trees or park furniture etc.
- No pegs/stakes to be used at anytime
- Other activities as determined by the responsible Council officer

Commercial Health & Fitness Providers must not under any circumstance monopolize, impede and or restrict the general public's use of reserves or public space or any infrastructure within the reserve or public space.

5.9. Group sizes

Participation numbers will be determined at the time of booking and will be dependent on ground conditions etc.

5.10. Groups excluded from Policy

- Sporting clubs;
- Schools;
- Corporate groups
- Defence Forces;
- Social groups; and
- Organised group activities undertaken on public reserves.

These groups are however subject to an approval process under casual and regular booking procedures.

5.11. Process to Obtain a Permit

Applications will be taken on a seasonal basis, in line with the Campaspe Shire Council summer/winter sporting club seasonal agreement process. Applications will be assessed on the following:

- Availability of reserve/sporting ground
- Other activities/events being held in the area
- Nature of activities to be undertaken and the potential impact that activity may have on neighbouring residents (e.g. Boot Camps)
- Facility preservation
- Past connection of applicant to the area requested
- Previous compliance/behaviour/relationships with other users

An application form for Commercial health and fitness operators' use is available from Council's website.

5.12. Fees

There will be no booking fees for the use of passive reserves and sporting grounds for an implementation trial period of 18 months, commencing November 2017. This position will be reviewed following the trial period.

6. SHIRE OF CAMPASPE GENERAL LOCAL LAW NO. 8 (EXTRACT)

Relevance of this Guideline to the Shire of Campaspe General Local Law No. 8, 2015.

Clause 13 of that Local Law provides that “without a permit a person must not on a road or in a municipal place –

- (a) Place any advertising sign;
- (b) Display any goods;
- (c) Place any outdoor eating furniture or associated facilities;
- (d) Place any structure for the purpose of selling or offering to sell any goods or services;
- (e) Sell or offer for sale any motor vehicle
- (f) Goods or services carried about or placed on the person or any other moveable thing or do so from land adjacent to a road or a municipal place;
- (g) Solicit or collect any waste materials, gifts of money, or subscriptions, or do so from premises to premises adjacent to a road;
- (h) Busk; or
- (i) Hold a street festival or event, other than a funeral procession on any road or any public place.

7. SHIRE OF CAMPASPE – TRADING CODE OF PRACTICE (EXTRACT)

Relevance of this Guideline to the Shire of Campaspe – Trading Code of Practice. This code is an appendices to Council's General Local Law no. 8 2015. Failure to comply with the following clauses in this Guideline may result in penalties being issued.

Penalty Unit \$100

7.1. Advertising Signs on Roads and Public Places

An advertising sign shall be:

- (1) A minimum of 600mm high and 400mm in width;
- (2) If placed on a footpath, a maximum of 900mm high (measured from the ground) and 600mm wide;
- (3) If placed on any other part of a road, of a maximum size approved by Council.
- (4) All permitted signs are to be secured in place by a means that is not reliant on, or physically tied to any Council infrastructure. The means by which these signs are to be secured must not extend beyond the circumference of the permitted sign and must be to the satisfaction of an Authorised Officer. Any securing device is to be removed with the sign in accordance with permitted display timeframes.

The following requirements will also apply in respect of advertising signs:

- (5) Inflatable signs, portable electric signs, illuminated, revolving, spinning or flashing signs, flags and banners are prohibited from the footpath.
- (6) Signs must only be placed on the footpath during the normal hours of trade.
- (7) Signs must not be placed on roundabouts, or on kerb outstands outside the 'normal' alignment of the kerb adjacent to these outstands.
- (8) Signs may not be tied to poles or trees or any other street fixture, must only be on the footpath while a business is open and must only be outside the premises to which they relate.
- (9) Permission may be granted to allow the placement of an advertising sign outside a premises not occupied by the applicant. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which the items are intended to be placed. In this instance public liability insurance must be extended to include this situation of risk.
- (10) The maximum number of signs permitted per premises is two (2).
- (11) Any free-standing advertising sign shall be of such material and construction to minimise the risk of being blown over or of causing injury to any person.
- (12) No advertising signs shall remain on the footpath or road outside of trading hours.
- (13) Persons placing advertising signs shall produce the permit issued to an Authorised Officer of the Council as required.

- (14) Any permit issued by Council can be cancelled by Council or have conditions altered or added by Council at any time and for any reason.
- (15) Permits shall be subject to a minimum annual fee payable by the permit holder at the time of taking out the permit and thereafter of the commencement of each financial year.
- (16) Advertising signs can only be placed as listed below:
 - a. In Echuca, no advertising signs are permitted on the footpath or road in the metered parking area;
 - b. In all other areas only where directed by Council.

7.2. Street furniture on Roads and Public Places

- (1) 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) The permit holder 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 footpath;
 - b. ensure that patrons do not allow pets, prams or any other personal items to obstruct the footpath; and
 - c. not serve food or beverages to patrons standing on the footpath except for take away sales.
- (3) An Authorised Officer may place a condition on a permit requiring a permit holder to place written reminders to patrons in the outdoor seating area, regarding the above, if deemed appropriate by that Authorised Officer.
- (4) A set back of 0.5 metres is required from each side boundary of a premise to ensure access points from the footpath to the road are retained between each premise. Access points of minimum width 1.0 metre shall also be provided at minimum of every 6 angled parking bays and 3 parallel parking bays. This applies also to the construction of eating platforms (outstands) that comprise of plinths, bollards, ropes or chains that would ordinarily obstruct movement of pedestrians.

Traders are responsible for the appropriate disposal of all litter generated by patrons of their footpath dining areas.

- (5) Serving staff at cafes with kerbside trading/serving should facilitate free access by pedestrians and give pedestrians (prams, disabled, etc) passing priority over their own movements into and out of cafes.
- (6) Each operator is responsible for maintaining the outdoor seating area in a tidy manner. A permit may be cancelled or suspended if instances of littering or ongoing untidiness are noted.
- (7) Items which are placed on the footpath must be stable and of good design and are not able to damage the footpath.
- (8) Tables and chairs should have a contrasting colour to their background to assist the vision impaired.
- (9) Traders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths caused by chairs/tables etc.
- (10) Tables and chairs may only be displayed outside the premises to which they relate and must be contained within the property line, with the required setback from the property line of 0.5 metres on each side to allow for access. Permission may be granted to extend the placement of tables and chairs to one adjacent premise, however, there

must still be a 0.5 metre setback from each property line and an access point provided every 6 angled parking bays and 3 parallel parking bays. Any application must be accompanied by written permission from the proprietor of that business which fronts the footpath on which the items are intended to be placed. In this instance, public liability insurance must be extended to include this situation of risk as per the permit conditions.

- (11) Footpath trading will only be permitted till 11pm unless, in the opinion of the Authorised Officer, the amenity, safety or access of nearby residences will not be affected.
- (12) Any premises that propose to serve alcohol on the footpath must have their liquor licence endorsed as part of the "licensed area" on the liquor licence for those premises.
- (13) An Authorised Officer reserves the right to prohibit chairs backing on to the walkway zone.

7.3. Display of Goods on Roads

- (1) In order to provide a consistent, unobstructed walkway, goods displays may only be displayed in the Trading Zone.
- (2) Goods and goods stands must only be placed on the footpath during the normal hours of trade.
- (3) Goods (except furniture) must be displayed on stable stands approved by an Authorised Officer. Goods must be displayed on stable stands that are able to withstand adverse weather conditions. Stands must be secured in a manner which ensures that adverse weather conditions will not create a risk for pedestrians, property and passing traffic. Goods and goods stands must not cause any damage to the footpath.
- (4) Goods displays will not be permitted where access to a loading zone or disabled parking bay will be impeded.
- (5) Goods displays will not be permitted where they will cause difficulty to pedestrians and people exiting or accessing parked vehicles or the footpath. It is recognised that the opportunity exists for Council staff to work with traders to identify opportunities for street trading at sites where conditions of this nature exist. Stands and goods must be free of sharp edges and protrusions and must not present a hazard to pedestrians.
- (6) Goods displays will not be allowed to exceed a height of 1.5 metres and a length / width of 0.75 metres.
- (7) Goods should have a contrasting colour to their background to assist the vision impaired.
- (8) Goods displays will not be permitted to overhang either the kerb or walkway. Full-length shop awnings will be considered on a case by case basis to protect goods and may require a planning permit.

7.4. Heritage areas of the Shire

(1) Advertising Signs

Advertising signage must be in keeping with the heritage nature of the area, but regardless of location, be in a style that is neat and professional.

(2) Street Furniture

- a. Corporate sponsorship not exceeding 30% of the surface area may be permitted for advertising purposes on screens and umbrellas only in accordance with the specifications set out in the application form to the satisfaction of Council.

- b. In keeping with the heritage areas, tables and chairs must be in accordance with seating type and lettering style guidelines attached to the application form. Works relating to outdoor dining may require a planning permission. As part of the application process the application will be forwarded to planning. A Local Law permit will not be issued until planning permission is granted.
- c. Colours are to be chosen from the palette of 6, being Taubmans, "Brown Mitchell Brown" (closest to Hamersley Brown), "Grey Woolstone Grey", "Yellow/ochre Kirribilli", "Green Mid Bristol Green", "Red Phillip" and "Cream Lachlan Cream".
- d. Windbreaks will not be permitted where outstands and bollards have been constructed.
- e. Plastic chairs are generally not permitted, applications for use of same will be considered on a case by case basis

7.5. Ancillary Items (umbrellas, enclosures, heaters and pot plants)

Unless authorised by an Authorised Officer, ancillary items will be allowed only in conjunction with café furniture, only for premises that are registered to serve food and/or beverages under the Food Act 1984.

7.6. Outdoor Speakers / Amplification Equipment

- (1) Speakers that owners propose to affix to a building or veranda may require a planning permit. Where these items are fitted without permission, an Authorised Officer may require the items to be removed. In that event, the speakers must be removed.
- (2) No live entertainment in a Municipal place is permitted without a permit.

7.7. Noise Emission

- (1) The permit holder of kerbside seating must take all necessary steps to ensure that no noise or other disturbance emanates from the footpath activity which causes a nuisance to others or causes detriment to the amenity of the neighbourhood.

7.8. Heaters

- (1) Due to narrow footpath widths outdoor heaters should, wherever possible, be affixed to the awnings or verandas so as to be located off the footpath. A planning permit may be required in relation to fixed heaters. The application will be forwarded to planning. A Local Law Permit will not be issued until planning permission is granted.
- (2) If patio heaters, which have a base on the footpath, are to be used they must be licensed as part of a Public Space Permit Agreement and covered by traders' public liability insurance.
- (3) All outdoor heaters must comply with safety standards as specified by the Office of Gas Safety.
- (4) Solid fuel heaters must not be used on Council owned land.

7.9. Umbrellas

- (1) Umbrellas may only be placed in the Trading Activities Zone.
- (2) 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 pedestrians walking path.

- (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. Approval for a lock-in device will be given upon special application to Council's Local Laws Unit. Lock in devices for umbrellas should be fitted with a cap or lid covering the hole when umbrella is not in place. 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 Council approval, an Authorised Officer may require that the lock-in device is removed and the footpath is reinstated to its original condition. In that event, the lock-in device must be removed.
- (4) Where a lock-in device is not used, umbrellas must be secured to the satisfaction of an Authorised Officer.

7.10. Barrier Screens

- (1) Screens or screening devices must be placed where there are tables and chairs for safety reasons.
- (2) There are several types of screens approved by Council:
 - a. Temporary canvas screens – of the type commonly provided by coffee companies;
 - b. High barrier screens – made of safety glass or heavy duty opaque plastic and fitted to the footpath with a locking device; and
 - c. Full-length awnings/blinds attached from veranda to the footpath will be considered on a case by case basis and may require planning approval. These awnings/blinds are most appropriate for protection of perishable goods displays such as fruit or flowers.

7.11. Temporary Canvas Screens

- (1) May only be placed in the Trading Zone. A set back of 0.5 metres is required from each property boundary to ensure a 1 metre access point between premises. Temporary canvas barrier screens must be placed so that the screens are stable and secured or weighted so that they will not be moved by patrons or weather conditions. Barriers must be removed from the footpath when a premise is not open. The signs should not be used for excess advertising other than for identification purposes.

7.12. Full Length Verandah Awnings / Blinds

Will be considered on a case by case basis and upon design merit by Council's Heritage Advisor (if required), Road Services Department and planning staff. A planning permit may be required and as part of the process the application will be forwarded to planning.

7.13. Planter Boxes

- (1) Planter boxes will only be allowed in the Trading Zone.
- (2) Planter Boxes must provide a positive contribution to the visual amenity of the street. Permits that allow planter boxes require that they be well maintained with healthy plants. If this is not adhered to the permit for the planter boxes will be revoked and the planter boxes will/must be removed.

- (3) Permission may be given for:
 - a. Temporary Planters - must be brought in during non-trading hours.
 - b. Permanent Planters – must be of solid design. A planning permit may be required in heritage areas. As part of the application process the application will be forwarded to planning.
- (4) Unless written permission is provided by an Authorised Officer, permanent planters may not be used as enclosures unless the outdoor seating area is located on a kerbed outstand and must be placed so as to cause no obstruction to street cleaning vehicles.

7.14. Ancillary Items Owned by Business Remaining on The Footpath on A Semi Permanent Basis

- (1) Semi permanent café furniture that is fixed with lock in devices will be allowed subject to Authorised Officer approval.
- (2) Lock-in Screen and Umbrellas – plans and specifications to be lodged with and will be assessed on a case by case basis and upon design merit by Road Services Department and planning staff.
- (3) Council reserves the right to place markers along the footpath when deemed necessary to ensure appropriate minimum pedestrian corridor is maintained at all times. Premises that breach the minimum required clearance may have the footpath marked as part of enforcement action.

7.15. Bike Racks, Benches and Other Permanent Fixtures on The Footpath

- (1) Bike racks, benches, bins, pedestrian crossings, fire hydrants and other emergency assets, parking meters, traffic signal boxes, public transport shelters and other permanent fixtures placed on the footpath are public assets and have priority over commercial interests. A minimum clearance of 0.5 metres, or greater if deemed appropriate by an Authorised Officer, will be required on either side of any asset permanently affixed to the footpath. Failure to maintain this clearance will constitute a breach of permit and may result in fines and / or possible cancellation of permit. No items may be placed between parking meters and the Walkway Zone.
- (2) As a general rule, rubbish bins and parking meters will not be relocated at the request of traders. Traders should take this into account when selecting a site.
- (3) Operators may apply to Council to relocate other Council maintained fixtures such as bike racks and benches. A request in writing must be submitted with the application for a footpath trading permit. If approved, the costs associated with relocations will be met by the applicant.
- (4) The request must include a plan showing the site of the proposed relocation and a letter signed by the trader outside whose premises the rack or bench will be relocated. Council will charge traders for the cost of relocation of public assets.

8. ENFORCEMENT OF PUBLIC SPACES TRADING POLICY AND PROCEDURE

Upon determination of a breach of the Public Spaces Trading Policy, Guidelines or specific Permit conditions, Council may issue a written Notice to Comply – a first and final warning with a time limit for compliance.

Council may impound any items that do not comply with the Public Spaces Trading Policy and Guidelines and /or any conditions placed on a permit.

Incidents of non-compliance will be noted on the traders file.

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

Incidents of non-compliance will be taken into consideration when requests to vary a permit are received by council.

9. ADMINISTRATION

9.1. Street Cleaning

All tables, chairs, trade displays, street trading signs and ancillary items (except those with approval to be left out permanently) must be removed from the foot path at the end of each day's trade. Proprietors are responsible cleaning the footpath area at the front of their premises on a daily basis.

9.2. Service Authority Works and Special Events

Service authorities or Council may require the use of a site to undertake works. When this occurs it will be normal to provide at least one week's general notice. In an emergency sites may need to be cleared immediately. Permit holders will be responsible for the movement of all items and any associated costs.

9.3. Public Liability Insurance and Indemnity

The permit holder shall take out, and maintain during the currency of the permit, in the name of the permit holder a policy of insurance to the value of at least \$10,000,000 against liability for possible personal injury, whether at Common Law or by virtue of any statute or for liability for property damage which may arise or could be held to arise from any act allowed by the permit.

The permit holder shall provide proof of the insurance policy as required to Council when applying for a permit when paying the annual fee and also at any time during the currency of the permit as Council or an Authorised Officer thereof may require.

9.4. Applying for a Permit

All applications for a permit shall be in writing on any form prescribed by Council.

All applications must include a site plan that shows dimensions of the proposed alfresco dining facility, trade display, advertising sign and any ancillary activity. All applications must be accompanied by the permit fee.

Indicate setbacks from shop frontage, kerb and side boundaries and any other existing obstructions.

9.5. Decision Making

Council will not permit any activity where it could compromise pedestrian or traffic safety or cause detriment to the amenity of the area. Relevant local conditions include the width of the footpath, proximity to major roads, disabled parking bays, loading zones, clearways, trees, parking meters, location of residences and other factors.

Council has the right to approve an application as submitted or with modifications and with or without conditions as set out in the Permit.

Council has the right to reject an application, modify the conditions of an existing Permit or withdraw a Permit if:

- Any conditions contained within the Public Spaces Trading Policy and Guidelines are not met
- The sight and access of drivers, cyclists and pedestrians is interfered with so as to cause a hazardous situation
- Permit requirements have not been previously met and there is a continuing failure to comply with directions
- The permit holder fails to maintain public liability insurance
- Under any circumstances likely to cause detriment to the amenity of the area

10. FEES

- a. Permit fees will be set annually as part of Council's budget process.
- b. Permits will be issued for a 12-month period and will have a common expiry date, except in those instances where it is withdrawn by Council prior to the expiry date.
- c. Permit fees will not be refunded.
- d. Permits are not transferrable. A new permit must be obtained where there is a transfer of proprietorship.
- e. A permit expires if the permit holder ceases to maintain public liability insurance or to meet the condition of the permit or the Public Spaces Trading Policy and Guidelines.

10.1. Adopted fees 2017/18

Street furniture - per setting (table and 4 chairs) \$145.00

A Boards (per board) \$85.00

Goods for sale permit \$145.00

10.2. New fees for 2018/19

Delineation Markers

\$2 per marker

Installation \$50 per premise

Once only fee – payable upon 2018/19 permit renewal or at time of initial application. Cost of repairs and reinstatements will be met by Council.

10.3. Fees to be confirmed 2019/20

Commercial Fitness Provider

There will be no booking fees for the use of passive reserves and sporting grounds for an implementation trial period of 18 months, commencing November 2017. This position will be reviewed following the trial period and booking fees determined and presented for Council consideration during the development of the 2019/20 fees and charges schedules.

11. ATTACHMENTS

Application for Street Trading Permit

Port of Echuca Market Conditions

Event Notification/ Application Form & Process Flow Chart

Public Spaces Trading Guidelines - Exclusions

Commercial Health and Fitness Providers Application Form and User Agreement – *to be developed*

CBD Footpath Widths

Local Laws

Application for Permit



Applicants should refer to General Local Law No. 8 2015, Council's Trading Code of Practice, Policy 159 Public Spaces Trading Policy and the Public Spaces Trading Guidelines prior to lodging this application. Please allow at least five (5) working days for the processing of this application.

A non-refundable permit fee applies (street stalls/raffle application fee exempt). Please attach payment as detailed on Page 2. Your permit will be posted to you on approval of this application.

Applicant's Details

Your Surname		
Given Name/s	Title (Mr/Mrs/Ms)	
Business or Charity Name		
Mailing Address		
	Postcode	
Day time Contact Number		
Email		

Permit Details

Location - Street Name		
Town	Postcode	
If raffle/stall, detail position on street, ie. north side	Property No. (not required for street stalls/raffles)	

I hereby apply for a permit/s to undertake the following on a road or municipal place (tick box):

- Street stall Date: / /
- Is food being sold at the street stall? Yes No
- Sell raffle tickets Date: / /
- Place advertising signs
- Display goods for sale or offer
- Place outdoor eating furniture or associated facilities
- Place a structure for the purpose of selling or offering goods
- Other (specify):

Outdoor Furniture Details (not applicable for street stalls/raffles)

This application is for the following number of items (complete number of items in box provided):

Number of tables	<input type="text"/>	@ \$145 per setting (max. 4 chairs per setting)	\$
Number of A Boards	<input type="text"/>	@ \$85 per board	\$
Goods for sale	<input type="text"/>	@ \$145	\$
Number of umbrellas	<input type="text"/>	(no fee)	
Number of windbreaks	<input type="text"/>	(no fee)	
Number of pot plants	<input type="text"/>	(no fee)	
Number of outdoor heater	<input type="text"/>	(no fee)	
Other: _____	<input type="text"/>		

Attachments (not applicable for street stalls/raffles)

In support of this application I attach the following documents:

- Payment for this application (mandatory)
- Copy of your Public Liability Insurance Policy required in accordance with Council's Trading Code of Practice (mandatory)
- A site plan showing proposed layout (mandatory)
- Details of structures, signs or furniture including colour and materials (mandatory)
- Details of ANY advertising (mandatory)
- Photographs (recommended)
- Other:

I, the Applicant, acknowledge that notwithstanding the conditions listed as attached, all permits shall comply with the Shire of Campaspe Trading Code of Practice.

Applicant's Signature

Date / /

Lodgement Details

Please return completed form, supporting documents and cheque to:

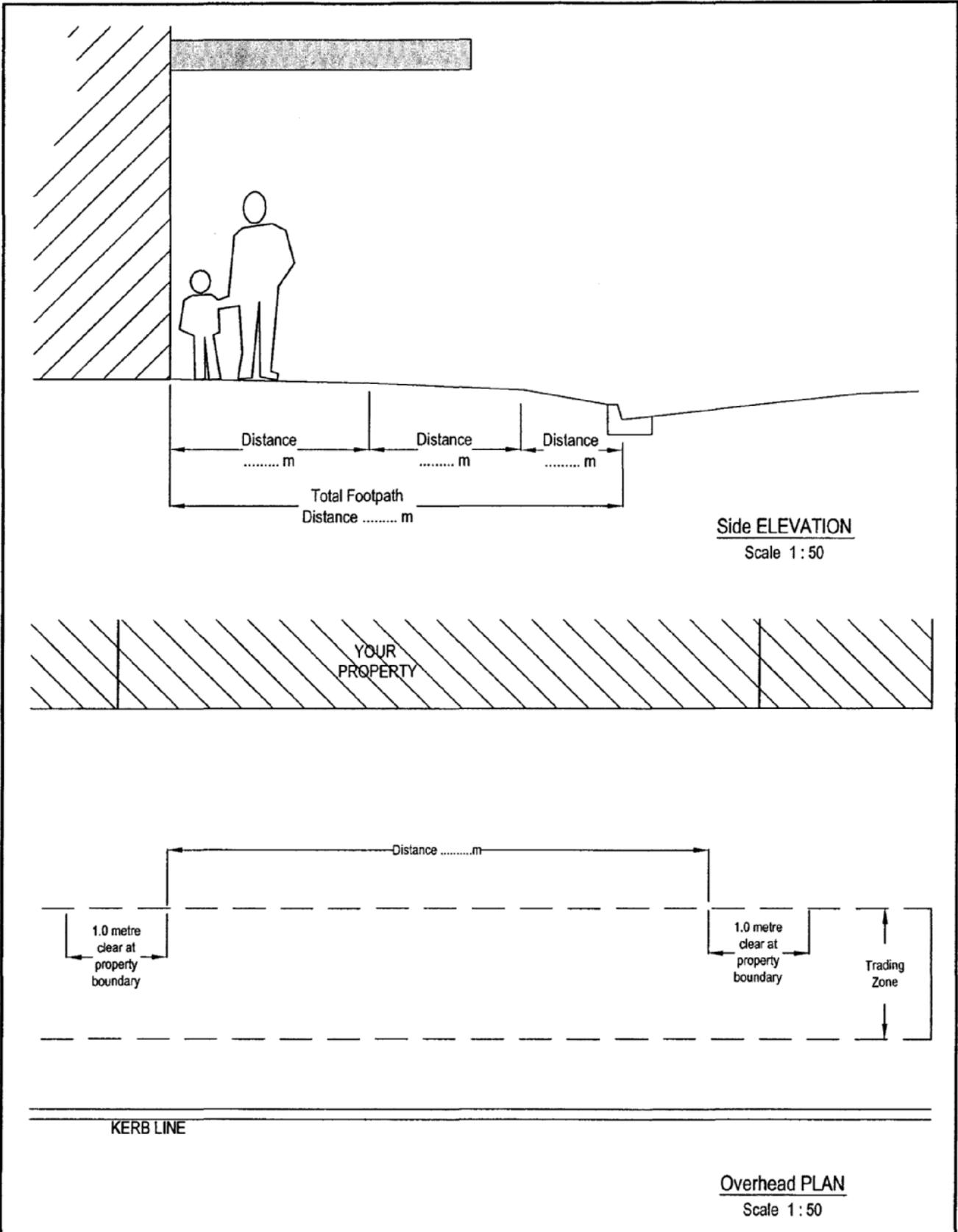
Mail	Email	Phone
Shire of Campaspe	shire@campaspe.vic.gov.au	5481 2200 / 1300 666 535
PO Box 35	Web	Fax
ECHUCA VIC 3564	www.campaspe.vic.gov.au	5481 2290

Office Use Only

Received by	Date received
Receipt no	Date

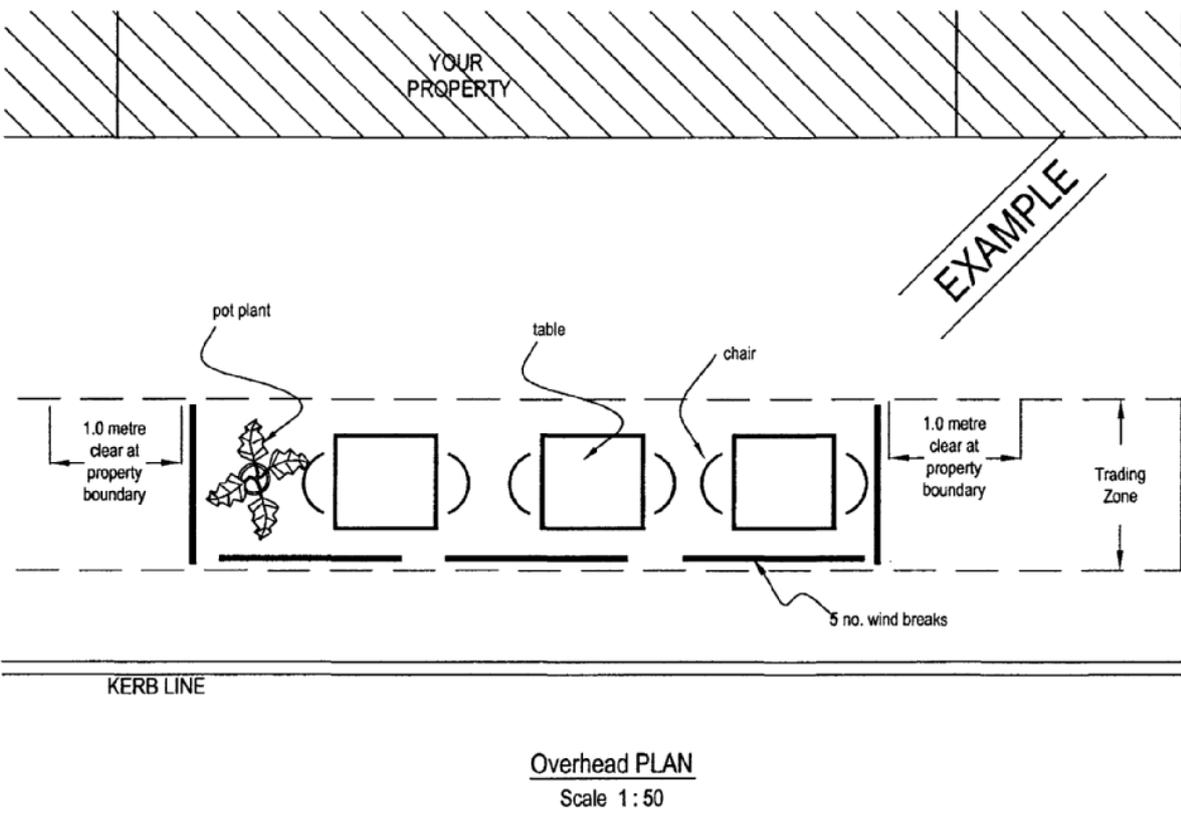
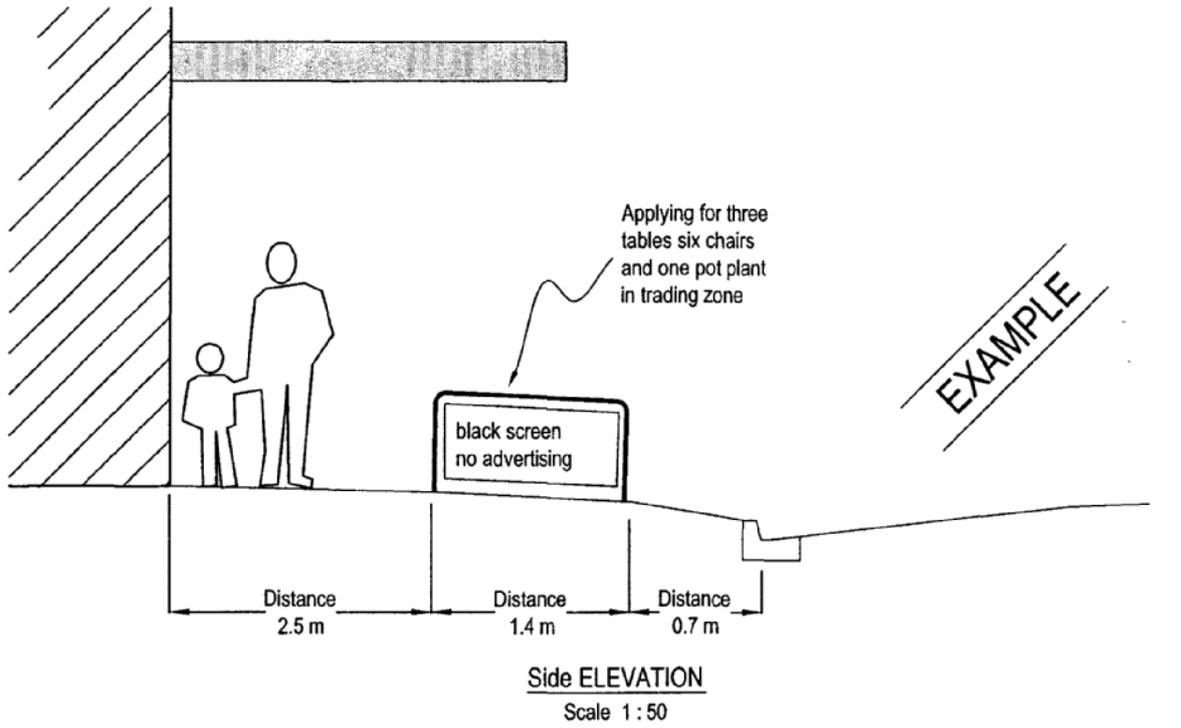
Conditions for the Issue of Permits

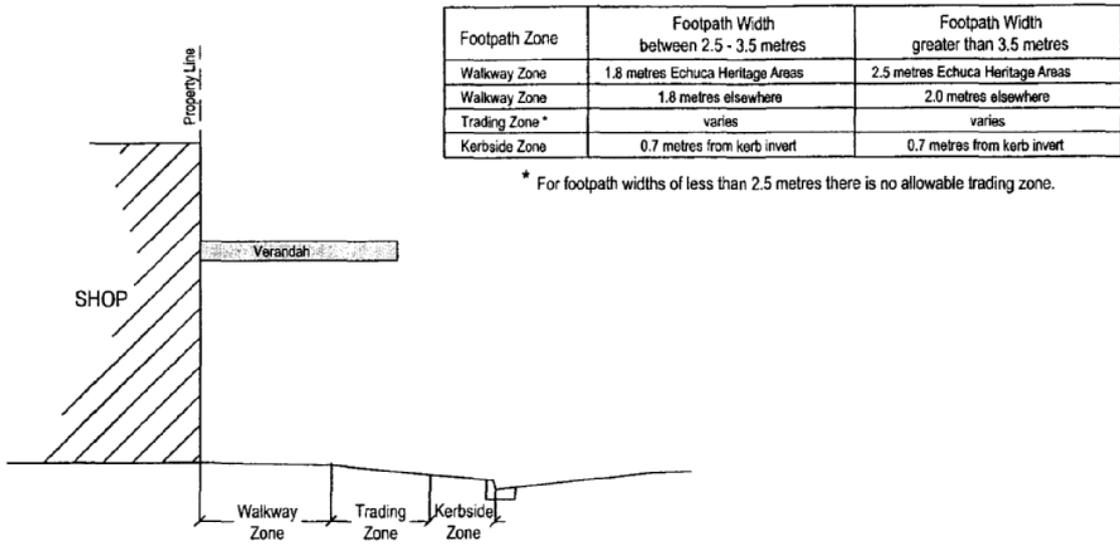
- All applications for a permit shall be made in writing on the prescribed form.
- All permits expire annually on 30 June and new applications must be lodged for permit renewal
- Any permit issued by Council can be cancelled by Council or have conditions altered or added by Council at any time and for any reason.
- The permit holder shall take out, and maintain during the currency of the permit, in the name of the permit holder a policy of insurance to the value of \$10,000,000 indemnifying the permit holder against liability for possible personal injury, whether at common Law or by virtue of any state or for liability for property damage which may rise or could be held to arise from any act allowed by the permit. The insurance MUST list the Shire of Campaspe as an interested party.
- The permit holder shall provide proof of the insurance policy as required in (4) to the Council when applying for a permit and paying the annual fee and also at any time during the currency of the permit as Council or an authorised officer thereof may require.
- Goods displayed on any footpath, nature strip or road in any area designated as a heritage area in any planning scheme shall only be permitted if the applicant first complies with the Codes of Practice or Council Policies relating to that area. In particular, style, material and colour of items to be located within any heritage area shall comply with adopted styles/schemes for those areas.
- Goods, street furniture and associated structures may be placed on the footpath only in accordance with the Shire of Campaspe Public Spaces Trading Policy and Trading Code of Practice.
- Notwithstanding Clause (7), no goods, street furniture and associated structures shall be permitted to be placed on any footpath or nature strip, if in the opinion of the Council the area is unsuitable.
- No street furniture, unless fixed in place in a manner approved by Council, shall remain on a footpath or any part of a road outside of trading hours.



Overhead PLAN

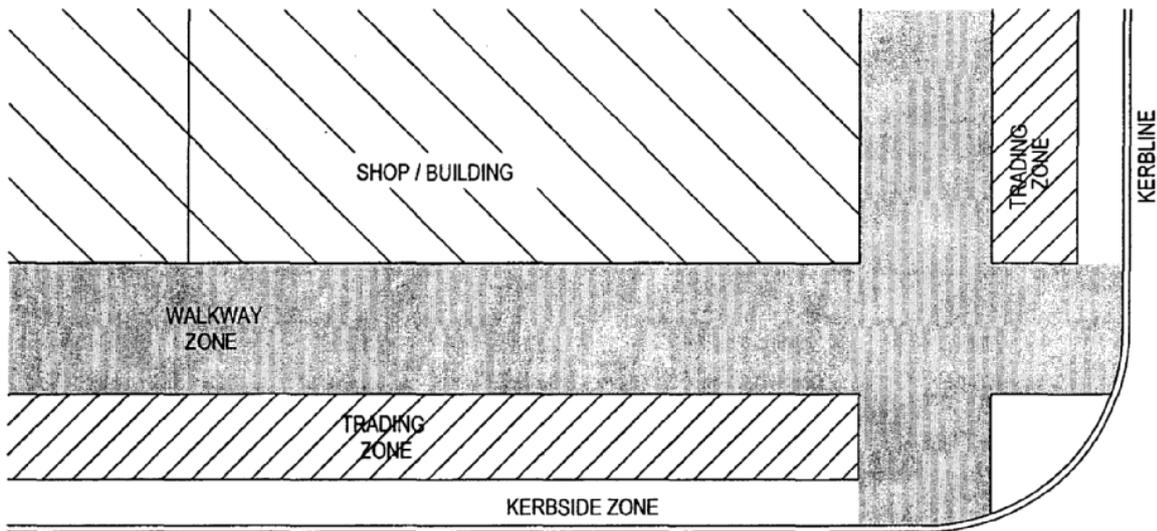
Side ELEVATION





FOOTPATH ZONES - ELEVATION

Scale 1 : 100



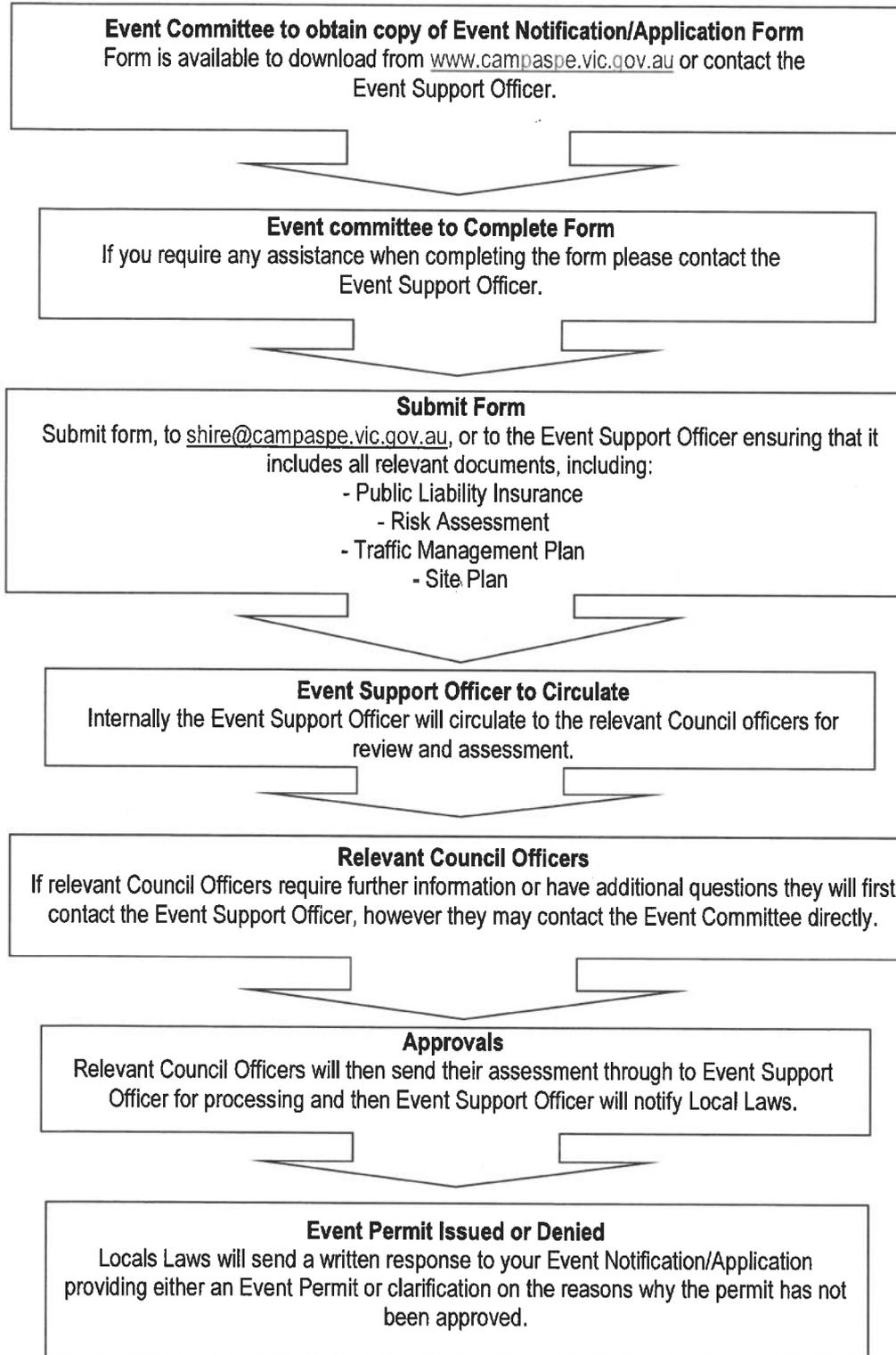
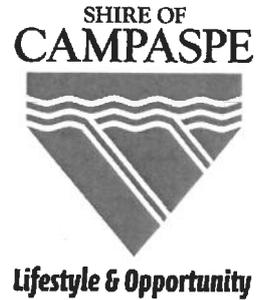
FOOTPATH ZONES - ELEVATION

Scale 1 : 100

**CONDITIONS FOR
MARKETS POLICY FOR ECHUCA HISTORIC PRECINCT**

- a. Applications must be made in writing to Council on Council's Events Notification/Application form at least three months prior to the intended market.
- b. The organisers will be required to provide public liability insurance cover to the value of \$10,000,000. Evidence of such insurance coverage must be supplied at the time of application.
- c. Stalls, goods, tables or chairs must not encroach upon a roadway or designated car park unless otherwise approved by Council.
- d. Use of the roadway will require permission from Council and the use of barricades from Council's depot will be erected. Draft Traffic Management Plans must be submitted at the time of application and may be subject to a fee.
- e. No vehicles are to be driven or parked on any grassed area without the prior approval of Council.
- f. No obstruction is to be caused to pedestrian traffic on footpaths.
- g. The area is to be left in a clean and tidy condition. Failure to comply with this condition will result in a cleaning fee being levied on the organisation to cost recovery.
- h. A bond may be requested at the discretion of Council. The amount of the bond will be determined by Council during the setting of the annual budget. This bond may be applied by the Council, at its sole discretion, to repair or replace any losses as a consequence of the market. This bond is refundable if the site is left in a clean and tidy manner and all conditions of the policy are met. The bond will be refunded by the Council within fourteen (14) days of the completion of the use of the location.
- i. Compliance with all relevant Council Local Laws and Government regulations must be adhered to.
- j. Markets planned to coincide with major precinct events must have written approval from the event committee.

Event Notification/Application Form Process Flow Chart



At least 3
Months Prior to
Event Date

At least six
weeks prior to
event.

5. Will the event include the sale or consumption of alcohol (including BYO)?

YES NO

If yes, please contact Victorian Commission for Gambling and Liquor Regulation (VCGLR) to seek the relevant licences.

6. Will the event require additional rubbish bins and/or collection services?

To be eligible for waste assistance you must be a non for profit organisation and the event must be held on council owned and managed land. (The in-kind value of this support is valued at \$7.00 per bin.)

YES NO

If yes, how many bins are required? Waste: _____ Recycle: _____

7. Will the event require roadside advertising signage?

YES NO

If yes, please provide details of the sign/s, including materials, design and proposed location.

8. Will there be fireworks?

YES NO

If yes, please advise company name: _____

9. Traffic considerations - does the event require:

a. Road closures, footpath closures, car park closures or car park use?

YES NO

b. Effect or impact traffic or pedestrian flows?

YES NO

c. Will your event impact on any public transport (bus, train, coach, taxi) route or stop?

YES NO

10. Will the event have an inflatable jumping castle or similar device?

YES NO

If yes, ensure the commercial operator of the inflatable device has appropriate insurance and adheres to the requirements of Australian Standard 3533.4.1. This standard includes consideration of setup, anchorage methods, design, supervision, the use of safety mats in connection with the installation of the device and is compulsory for commercial operators.

11. Would you like further information on making your event accessible and inclusive to all? e.g. wheelchairs, prams, people with mobility constraints.

YES NO

12. Will you require Campaspe Shire promotional banners at your event?

YES NO

If yes, please send an invitation, including time, date and location, to either PO Box 35, Echuca VIC 3564 or shire@campaspe.vic.gov.au at least three weeks prior to your event.

Authorisation: I have read and completed my/our event application form in good faith and have adhered to all requirements specified by Campaspe Shire Council. All details provided are accurate and true and the event will be organised and managed as I have described unless advised otherwise by Council officers. I am aware that the personal information on this form is being collected for the issuing of an event permit or directly related purposes.

Signed: **Date:**

Commercial Health and Fitness Providers

Excluded Activities

- Aggressive or intimidating activities including combat/fighting training
- Amplified music or use of amplified audio (voice) equipment
- The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products
- Use of equipment damaging to surfaces, infrastructure or trees such as tyres, medicine balls, large weights, sleds, ropes etc.
- Attaching equipment to trees or park furniture etc.
- No pegs/stakes to be used at anytime
- Other activities as determined by the responsible Council officer

Excluded Zones

No commercial fitness activity is permitted in or on the following areas:

- Playgrounds, specifically playground equipment and soft fall surrounds
- Trees, garden beds and vegetation.
- Picnic tables, chairs and barbecue facilities
- Park furniture, (including tables, chairs and bench seats), buildings and structures (including grandstand areas)
- Environmentally sensitive areas
- Socially, historically or culturally sensitive areas, including memorials and shrines
- Art works
- Stairways within open spaces and footpaths may be transited but not used for training activity
- Any areas that may be temporarily closed by Campaspe Shire Council including during wet weather and/or maintenance activities
- Any other areas that may be nominated by Campaspe Shire Council

Open spaces that are excluded from access include Apex Park Echuca, Alton Reserve Echuca and Kyabram Memorial Gardens, or any other area deemed unsuitable by Council officers.

Markets, Events and Festivals

Excluded Activities

- No heavy vehicles on grass areas
- No tent pegs, spikes or steel posts are permitted on any parkland / ovals with irrigation systems in place
- Tent weights are to be used on all parks / ovals with irrigation systems in place
- Where vehicle access is permitted there is to be no sharp turning, twisting or spinning of wheels.
- No driving over irrigation solenoid boxes
- Dogs are to be on leads at all times
- No wet weather access for any vehicle on any park / oval
- Jumping castle owners MUST be fully insured with Council nominated on the policy prior to setting up on Council property
- All events, markets, festivals and sporting events are responsible for all rubbish and recycling generated.

CBD FOOTPATH WIDTHS

Footpath Width	Walkway	Trading	Kerbside
<2.5m	All available width	No Trading	0.7m
2.5m>3.5m	1.8m	Remaining width	0.7m
3.5m<	2m (general) 2.5m (Echuca heritage)	Remaining width Remaining Width	0.7m 0.7m

Town	Street	Footpath Width (hard surface area only)
Echuca	High St (POE)(E)	7.8m
	High St (POE) (W)	5.5m
	Hare St (W)	5m
	Hare St (E)	5m
	Pakenham St (N)	5.5m
	Pakenham (S)	5.5m
Kyabram	Allan St (N)	4m
	Allan St (S)	4m
	Union St (W)	3.7m
	Union St (E) South end	2.5m
Girgarre	Morgan Cres (N)	3.4m
	Morgan Cres (S)	4.3m
Rochester	Moore St (E)	4m
	Mackay St (E & W)	4m
	Gillies St	4m
Rushworth	High St	4.6m
	Moora Rd	3.6m
Tongala	Mangan St (N)	3.6m
	Mangan St (S)	4m
Stanhope	Birdwood Ave (N)	4.2m
	Birdwood Ave (N) East end	3.6m
	Birdwood Ave (S)	4.2m
Lockington	Lockington Rd (W)	3.6m
	Hopetoun St (E)	3.6m
Gunbower	Main St	5m