

	<h1>On-Street Dining and Vending Policy</h1>	Policy Number 5.8		
		LAST REVIEWED NOV 2016	NEXT REVIEWED NOV 2018	MINUTE REF C515/23-16
POLICY STATEMENT:	To provide guidelines for the establishment of on-street dining and on-street vending.			
OBJECTIVE:	To regulate and ensure that on-street dining and vending within the Kingborough municipal area does not interfere with the use of the footpaths by the general public and that it operates in accordance with the permit issued by Council.			
SCOPE:	Applies throughout Kingborough.			
PROCEDURE: (POLICY DETAIL)	<ol style="list-style-type: none"> 1. Method of Control. <ol style="list-style-type: none"> 1.1 Street dining and vending is to be controlled by the issue of a licence by Council under the provisions of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>. 1.2 Notwithstanding the fact that guidelines can be satisfied, Council is under no obligation to issue a licence for outdoor dining, and each licence is issued solely at the General Manager's discretion. 1.3 Licenses will be issued or renewed annually from 1st July each year on receipt of payment of the annual fees as determined by Council from time to time. 			
GUIDELINES:	<ol style="list-style-type: none"> 2. Guidelines for Placement of Street Dining Furniture. <ol style="list-style-type: none"> 2.1 A minimum clearance of 2.0 metres is to be maintained between the dining area and any shop front to ensure a clear route for pedestrian traffic. 2.2 When adjacent to a travel lane or kerbside parking a minimum clearance of 600 mm is to be maintained between the kerb and dining area to provide a safe buffer zone and permit pedestrian access to and from parked vehicles. 2.3 The General Manager may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed between the dining area and the kerb at the applicant's cost. 2.4 Dining furniture and screens must be of sufficient weight to ensure that under strong winds they do not blow away or alternatively are fixed to the pavement in an approved manner so as not to cause a hazard to pedestrians and motorists. 2.5 On days of strong winds, dining furniture should not be placed out on the footpath. 2.6 No furniture is to be placed within 1.0 metre of any Council owned/managed street furniture or street trees. 2.7 Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks. 2.8 Notwithstanding the above, where clearance specified cannot be achieved, the General Manager may allow the placement of dining furniture if the applicant can demonstrate to the General Manager's satisfaction that it will not cause danger to or obstruction to footpath users. 3. Furniture Design Parameters. <ol style="list-style-type: none"> 3.1 Size, materials, colours for tables, chairs, umbrellas, screens, barricades and any other dining furniture proposed to be used is subject to approval by the General Manager and must be of sufficient weight so as to prevent them blowing away in strong winds. Furniture shall not have any protruding parts which are likely to catch clothing and will not cause danger to or obstruction to pedestrians. 3.2 The furniture must be maintained in a good and serviceable condition to the satisfaction of the General Manager. 3.3 Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are not to be allowed on any furniture, however advertising logos relating to the activities of the business may be permitted on barricades. 			

	<p>4. Guidelines for Placement of Vending Equipment.</p> <p>4.1 Street vending is only permitted in a 2.0 metre wide strip parallel to the applicant's shop front.</p> <p>4.2 A minimum clearance of 2.0 metres is to be maintained between the vending equipment and any shop front to ensure a clear route for pedestrian traffic.</p> <p>4.3 No encroachment is allowed beyond the side boundaries of any property.</p> <p>4.4 No vending is allowed within 1.0 metre of any Council owned/managed street furniture and street tree.</p> <p>4.5 The licence holder is responsible for maintaining the required clearances at all times.</p> <p>4.6 Notwithstanding the above, where clearance specified cannot be achieved, the General Manager may allow street vending if the application can demonstrate to the General Manager's satisfaction that it will not cause danger to or obstruction to footpath users.</p> <p>5. Guidelines for Vending Equipment and Merchandise.</p> <p>5.1 Vending equipment is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of the General Manager.</p> <p>5.2 Merchandise displayed by the license holder is to be consistent with the type and quality of goods displayed in the license holder's premises. All merchandise is to be properly contained on or within the vending equipment.</p> <p>6. Signboards on Footpaths.</p> <p>6.1 Signboards are only to be placed on the footpath in accordance with the provisions of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</p> <p>7. Operating Hours.</p> <p>7.1 All relevant dining furniture or vending equipment is to be removed at the cessation of each day's trading by the licence holder.</p> <p>8. Health and Other Regulations.</p> <p>8.1 Food businesses applying for a licence must have premises registered by Council under the <i>Food Act 2003</i>.</p> <p>8.2 Any other permits required by law must be obtained by the licensee, who is also responsible to comply with other Council regulations.</p> <p>9. Application Process.</p> <p>An application is to be submitted in accordance with Clause 17 of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</p>
COMMUNICATION	<p>Kingborough residents/business proprietors.</p> <p>Kingborough Council staff.</p>
LEGISLATION:	<p>Permits for on-street dining shall be issued in accordance with the requirements of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</p>
RELATED DOCUMENTS:	<p><i>Roads, Parking and Stormwater By-law No. 4 of 2011.</i></p> <p><i>Food Act 2003.</i></p> <p><i>Disability Discrimination Act 1992.</i></p>