



Street Trading Policy

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Responsible Officer:	Director Engineering Services
Strategic Plan Reference:	2.3 Community facilities are safe, accessible and meet contemporary standards.

1. POLICY STATEMENTS

- 1.1 This policy outlines the process and permit conditions for the establishment of street trading (including dining, vending and signage) within a road reservation.

2. DEFINITIONS

In this policy:

- 2.1 “Council” means the Kingborough Council.
- 2.2 “Footpath” means the area between a property boundary and the face of the nearest kerbside road, which is provided for use by pedestrians and includes a nature strip and entry areas not in private property.
- 2.3 “Furniture” includes chairs, tables, barriers, panels and umbrellas, vending equipment, plus any other chattels used in street trading.
- 2.4 “On-street dining” means the consumption of food and or beverages by customers seated in an area of road external to the business providing and selling food or beverages.
- 2.5 “Pedestrian” means any person traveling along a footpath, whether walking or by using a wheeled recreational vehicle; pram; stroller; trolley; guide dog; or a mobility aid such as wheelchair, motorised scooter, or walking frame.
- 2.6 “Road” as defined in the *Roads and Parking By-Law No. 4 of 2021*.
- 2.7 “Street trading” means the selling or exposing or offering for sale of any article or the supplying or offering to supply of any service on a road for gain or reward, and includes on-street dining.
- 2.8 “Street trading area” means the part of a road which has been approved by the General Manager as being an area within which street trading may be carried out by the issue of a permit.

3. OBJECTIVE

- 3.1 Ensure that street trading within the Kingborough municipal area does not obstruct vehicular or pedestrian access and that pedestrian pathways remain accessible for pedestrians of all abilities.
- 3.2 Ensure that street trading permits are issued in accordance with the *Roads and Parking By-Law No. 4 of 2021*.
- 3.3 Encourage street trading activities which contribute to the amenity and vibrancy of the local area.

4. SCOPE

- 4.1 This policy applies for all Council roads within the Kingborough municipality.
- 4.2 This policy does not apply to outdoor dining, vending or signage contained within a private property boundary.
- 4.3 This policy does not apply to the operation of mobile food vending (food trucks) on Council roads.

5. PROCEDURE (POLICY DETAIL)

5.1 Method of control

- 5.1.1 Street trading is to be controlled by the issue of a permit by Council under the conditions of this policy and the provisions of the *Roads and Parking By-Law No. 4 of 2021*.
- 5.1.2 Council is under no obligation to issue a permit for street trading, and each permit is issued solely at the General Manager’s discretion.

5.2 Footpath zones

- 5.2.1 Council has a legal responsibility to ensure a safe and unobstructed pathway for pedestrians of all mobility levels where footpaths are provided.
- 5.2.2 To simplify the setbacks required for street trading it is helpful to consider footpaths in three distinct zones. The size of these zones may vary depending on the width of the footpath or streetscape, however, there are minimum requirements for both the Pedestrian and Kerbside zones to ensure accessibility for pedestrians and other road users:
- **Pedestrian Zone** – the section of footpath providing a continuous unobstructed line of travel for pedestrians with a minimum width of 1.8 metres. Council reserves the right to extend the pedestrian zone width on a case by case basis.
 - **Kerbside Zone** – a buffer zone between footpath activity and the kerb. A minimum width of 0.6 metres must be maintained. Barricades or bollards may be required in this zone otherwise this area of the footpath must be kept free of obstructions. Council reserves the right to extend the kerbside zone width on a case by case basis to ensure parking and access requirements at the location are not compromised.
 - **Street Trading Zone** – the zone designated for trading which is the remaining space once the pedestrian zone and kerbside zone are allocated and, without additional approval, must not extend in width past the premises. This is the only area where the placement of goods, furniture and other items may be authorised.

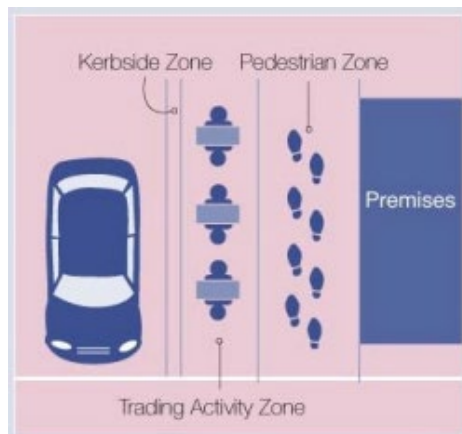


Figure 1 – Street trading example with the zones identified

- 5.2.3 In order to facilitate a consistent unobstructed pathway for pedestrian access, footpaths with a total width less than 3 metres will NOT be considered for on-street dining.

5.3 Application process and requirements

- 5.3.1 To apply for a street trading permit a business owner must submit a Street Trading Permit Application Form available from the Council Offices and Website.
- 5.3.2 A street trading application must include copies of:
- a certificate of currency for Public and Products Liability Insurance for the minimum sum of \$20 million
 - details of operating and opening times
 - if applicable, a copy of a valid liquor license, which incorporates the proposed street trading area

- a detailed site plan of the proposed street trading area with setbacks clearly identified and in compliance with the footpath zones described in **Section 5.2** above. The site plan should list all furniture and installations and the proposed locations of all furniture and installations.
- 5.3.3 A per square metre fee applies to street trading as outlined in the annual Kingborough Council fees and charges. The applicable fee must be paid in full before a permit is issued.
- The per square metre fee applies to the entire street area taken up by trading (the street trading zone) as specified in the street trading application.
- 5.3.4 All street trading permits will expire annually on 30 June each year, at this time a permit renewal application will need to be submitted.
- A lesser fee of 50% of the prescribed fees may be charged for a new street trading application where the 30 June expiry date is less than six months away.
- 5.3.5 Street trading permits are not transferable. A new permit must be obtained if the proprietor of the business changes hands.

6. GUIDELINES

6.1 General conditions

- 6.1.1 Street trading must adhere to all applicable provisions in the *Roads and Parking By-Law No. 4 of 2021*.
- 6.1.2 The permit holder is responsible for ensuring the street trading zone is always clean and tidy and, if applicable, provide waste bins which are regularly emptied.
- 6.1.3 The permit holder must display a valid street trading permit clearly at the front of the premises.
- 6.1.4 The permit holder is responsible for maintaining the required footpath zone clearances described in Section 5.2 of this policy at all times, ensuring that patrons do not move tables or chairs or allow pets, prams or any other items to obstruct the pedestrian zone or kerbside zone.
- 6.1.5 Council may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed in the kerbside zone at the applicant's cost.
- 6.1.6 Permission is required from Council for the installation of any speakers or associated amplification equipment in the street trading area.
- 6.1.7 If alcohol is to be consumed in the street trading area, the area must be included as part of the 'licensed area' on the liquor license for the premises.
- 6.1.8 Street trading is not permitted adjacent to loading zones, bus stops or taxi ranks.
- 6.1.9 Any merchandise displayed by the permit holder is to be consistent with the type and quality of goods displayed in the permit holder's premises. All merchandise is to be properly contained on or within the vending equipment.
- 6.1.10 No encroachment is allowed beyond the side property boundaries of any premises, without Council approval and written permission from the landowners and lessees of the neighbouring properties in question.

- 6.1.11 The permit holder will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths and roads or street fixtures or furniture due to street trading activities.
- 6.1.12 Service authorities or Council may require the temporary use of approved street trading areas to undertake works or for community events such as, but not limited to, parades and festivals. The permit holder is required to cease trade on such occasions and will be responsible for clearing the street trading zone, without compensation.
- 6.1.13 Council may cancel a permit immediately if a permit holder breaches any conditions of the permit.
- 6.1.14 Council may add or remove permit conditions as may be required. Failure to comply with a direction will be taken as failing to comply with a condition of the permit.

6.2 Furniture requirements

- 6.2.1 Furniture 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.
- 6.2.2 On days of strong winds, unsecured furniture should not be placed in the street trading zone.
- 6.2.3 The size, materials and colours of proposed furniture or equipment is subject to Council Officer approval. Furniture is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape.
- 6.2.4 Furniture must not have any protruding parts which are likely to catch clothing or cause danger to, or obstruction to pedestrians.
- 6.2.5 Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.
- 6.2.6 Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are not permitted on any furniture; however, advertising logos relating to the activities of the business may be permitted on barricades.
- 6.2.7 All furniture not approved to be permanently affixed must be cleared from the street trading zone by the permit holder at the cessation of each day's trading.
- 6.2.8 No furniture is to be placed within 1 metre of any Council managed street furniture or street trees.

6.3 Portable signs

- 6.3.1 This policy also incorporates the placement of portable signs or signboards on footpaths.
- 6.3.2 Portable signs are only to be placed on the footpath in accordance with the provisions of the *Roads and Parking By-Law No. 4 of 2021*.
- 6.3.3 Signs are only to be placed in a location approved by Council Officers. On all footpaths a 1.8m unobstructed pedestrian zone must be maintained.
- 6.3.4 Signs must not exceed 600mm in width or 1000mm in height.
- 6.3.5 Signs must only be displayed during the normal trading hours of the permit holder's business.
- 6.3.6 Signs must feature the business name or service provided by the business to which it relates.
- 6.3.7 Inflatable signs; portable electric signs; illuminated, spinning, or flashing signs; flags and banners are prohibited.

7. COMMUNICATION

- 7.1 Kingborough residents and relevant business proprietors.
- 7.2 Kingborough Council staff.

8. LEGISLATION

- 8.1 Permits for street trading shall be issued in accordance with the requirements of the *Roads and Parking By-Law No. 4 of 2021*.

9. RELATED DOCUMENTS

- 9.1 *Local Government Act 1993*
- 9.2 *Food Act 2003*
- 9.3 *Disability Discrimination Act 1992*

10. AUDIENCE

- 10.1 Public
- 10.2 Local businesses