

## POLICY MANUAL

<b>Policy Number: 72</b>	<b>Street Dining and Vending</b>
<b>Purpose:</b>	To establish a Policy for the controlled management of street dining and vending within townships.
<b>Department:</b>	Development Services
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<b>Minute Number:</b>	138/2013
<b>Next Review Date:</b>	<i>August 2016</i>

### POLICY

#### **1. Definitions**

Road Occupation Licence: means a licence to occupy the portion of pavement adjacent to the premises encroaching thereon.

#### **2. Objective**

The objective is to provide guidelines for the management of street vending and dining within the Meander Valley, taking into considerations the needs of pedestrians, shoppers and business operators, to encourage a vibrant and enjoyable shopping precinct within townships.

#### **3. Scope**

Applies to all townships and shopping precincts within the Meander Valley.

#### **4. Policy**

In accordance with the controls set out in Section 21 of the Local Government (Highways) Act 1982 Council will support street dining and street vending in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a licence subject to the following:-

##### **4.1. Method of Control**

- (a) Street dining and street vending is to be controlled by the issue of licences from Council, to be known as Road Occupation Licences, other than when a business undertakes either of these activities for less than 10 occasions per year.

- (b) Licences are to specify the conditions of use outlined in these guidelines.
- (c) For business providing on street dining, Licenses will only be issued to food premises complying with the Food Act 2003 requirements and can only be used on pavement immediately outside the premises.
- (d) Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a licence and each licence is issued solely at Council's discretion.
- (e) Licences may be terminated if guidelines are not complied with, following due warning for non-compliance.
- (f) Licences will be issued or renewed annually from 1<sup>st</sup> July.

#### **4.2 Road Occupation Licences**

Council will issue successful applicants with a Road Occupation Licence that will be valid for one year from the commencement date. No fee will be charged by Council. The applicant will be responsible for applying to renew the licence on an annual basis.

#### **4.3 Indemnity**

Licence holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

A certificate of insurance must be produced which covers the term of the licence proposed, and must not be cancelled during the duration of the licence.

#### **4.4 Operational Requirements**

- (a) All equipment, furniture and signs to be removed at cessation of each days trading by the license holder including screens and support posts, footpath sockets to be plugged.
- (b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- (c) The licence holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- (d) The licence holder must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins, washing pavements on a daily basis, and promptly cleaning and washing away any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- (e) The existing street rubbish bins are not to be used by the licence holder for disposal of table waste.

#### **4.5 Health and Other Regulations**

- (a) Food premises applying for a licence must have premises registered by Council's Environmental Health Officer under the Food Act 2003.
- (b) Any other permits required by law must be obtained by the licence holder, who is also responsible to comply with other Council regulations.

#### **4.6 Guidelines for Placement of Street Dining Furniture**

- (a) Street dining is permitted in two zones:-
  - Shopfront Zone: 1m wide parallel strip abutting and running the length of the shopfront
  - Kerb Zone: parallel strip running the length of the shopfront, 900mm back from the kerb.

A minimum clear width of 1.7m for pedestrians shall be maintained at all times between the two zones.

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs, a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

- (b) No encroachment is allowed beyond the side boundaries of any property.
- (c) No furniture is to be placed within 1m of any street furniture or street tree.
- (d) The licence holder is responsible for maintaining the required clearances at all times.
- (e) Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

#### **4.7 Guidelines for Placement of Vending Equipment**

- a) Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- b) No encroachment is allowed beyond the side boundaries of any property.
- c) No vending is allowed within 1m of any street furniture or street tree.
- d) The licence holder is responsible for maintaining the required clearances at all times.

- e) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

#### **4.8 Guidelines for Vending Equipment and Merchandise**

- a) Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- b) Merchandise displayed by the licence holder is to be consistent with the type and quality of goods displayed in the licence holder's premises. All merchandise is to be properly contained on or within the vending equipment.

#### **4.9 Furniture Design Parameters**

(a) (i) Tables and Chairs

Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) finish to be durable and colour to be compatible with 'gunmetal' street furniture colour.

(ii) Screens

Screens defining the outer dining areas to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Posts and screen frames to be colour compatible with 'gunmetal' street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture. Details of posts and sockets are available from Council.

(iii) Umbrellas

Umbrellas to be of durable construction, designed for a public environment and set in approved weighted bases capable of maintaining hold-down in strong winds.

- (b) Advertising logo or signs are not allowed on tables, however, logos only may be permitted on umbrellas, screens and chair backs.
- (c) Special furniture or furniture not complying with guidelines may be submitted for consideration.

#### **4.10 Guidelines for Portable Pavement Signs**

- a) 2 signs are allowed per premises, or 1 per tenant where multiple tenants exist in a premises
- b) Signs must be securely anchored to the pavement or other stable object
- c) Signs must be removed each night
- d) Signs can only be placed in shopfront zone and kerbside zone

- e) Signs must not exceed dimensions listed below
- f) Signs do not require a Road Occupation Licence

#### **4.11 Signage Definition:**

A sign not permanently attached to a building or structure or to the ground. It includes the following types:

##### **A Frame**

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

##### **T Frame**

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

##### **Menu Board**

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

##### **Mobile**

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

#### **4.12 Application Process**

- (a) An applicant is required to submit the following:-
  - ❖ a written application together with a plan to a suitable scale showing the size, number, colour and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
  - ❖ A copy of public liability insurance showing indemnity in favour of Council
- (b) When all information has been received Council's Development Services Director will decide within (14) days to issue a licence. In the event of approval the applicant will have to meet all the requirements of the licence before commencement of street dining or street vending. Where an application is refused Council will provide grounds for refusal.
- (c) In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.

## **5. Legislation**

Local Government (Highways) Act 1982

Traffic Act 1925

Vehicle & Traffic Act 1999

## **6. Responsibility**

Responsibility for the operation of the policy rests with the Development Services Director.