

Outdoor Trading Policy

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Related strategic documents, policies, or procedures:	Community Engagement Policy 2021 Council Plan 2021-2025 Municipal Public Health and Wellbeing Plan 2021-2025 Outdoor Trading Guidelines Disability Inclusion Action Plan		

1. Purpose

The Outdoor Trading Policy ('the Policy') establishes Mount Alexander Shire Council's position in relation to the sustainable use and management of our footpath trading areas. The Policy explains when and how to trade on areas that form part of footpaths, laneways, road reserves and roads including car parking spaces.

The policy has been developed to maintain the balance between universal pedestrian access, carparking and trading activities.

Council owns and maintains footpaths and other public areas, and therefore has a legal responsibility for the regulation of any activities undertaken in these spaces.

Council aims to provide a safe environment for people who move through the Shire, and providing a clear unobstructed pathway for the public to use is essential. Council strongly supports the long-term viability and sustainability of retail strips and business precincts and acknowledges the importance of outdoor trading in enhancing the amenity and vibrancy of the Shire's commercial areas.

2. Objectives

The objectives of this Policy are to:

- Facilitate opportunities for outdoor trading on Council owned or managed land, which add to the public's enjoyment and use of public places in the Shire, while not reducing safety or access to public land.
- Provide a safe, clear and unimpeded path of access for pedestrians of all abilities.
- Provide for appropriate outdoor trading activities that contribute to the vibrancy and economic viability of the Shire.
- Ensure high quality design and finish of all outdoor trading activities e.g. outdoor dining furniture, goods display racks and advertising signs in order to reduce negative impacts on the environment and to reduce consumption of non-renewable resources, minimize waste, and contribute to healthy and productive environments.

3. Scope

This policy extends to all individuals and businesses seeking to utilise footpaths, on-street parking bays and Council managed laneways and spaces for commercial or other purposes within Mount Alexander Shire.

This includes the placement of infrastructure such as, but not limited to:

- moveable advertising signs

- temporary street stalls and vans
- moveable tables and chairs
- temporary retractable awning and blinds
- moveable umbrellas
- moveable heaters
- moveable planter boxes
- parklet infrastructure
- permanent and temporary café screens

The policy and guidelines should be read in conjunction with General Local Law 2020 to ensure a complete and thorough understanding of your rights and obligations.

It is noted that any furniture that is fixed to a property/building may require a planning or building permit, please check with council for your specific requirements.

This policy does not apply to any area outside mount alexander Shire Council's authority, for example roads managed by the Department of Transport and Planning.

4. Policy

The Policy will provide the opportunity for areas that form part of footpaths, laneways, road reserves and roads including carparking spaces to be used for trading.

Pedestrian zones along footpaths will be regulated to provide a safe, clear and consistent pathway.

5. Key Principles of the Policy

5.1. Public Safety

Council will: in areas where outdoor trading is occurring on footpaths, laneways, road reserves and roads including carparking spaces, ensure driver and cyclist sightlines are unobstructed, and footpaths provide a safe and unhindered passage for pedestrians of all abilities.

5.2. Responsive to change

Council will: respond to the changing economic landscape by supporting businesses to thrive. Adhering to sustainable design principles will ensure vibrant retail and business strips that meet the changing needs of the community.

5.3. Attractive streetscapes

Council will: support outdoor trading where it contributes to attractive streetscapes that are clean, enjoyable to spend time in, and where heritage significance is preserved and enhanced.

5.4. Leisure and entertainment opportunities

Council will: support outdoor trading that brings business outdoors to facilitate greater public interaction and create a welcoming outdoor dining and shopping experience.

5.5. Universal and inclusive design

Council will: support and encourage a diverse range of business types to trade outdoors, to ensure a varied streetscape that meets the needs of the diverse community.

Council will: ensure the needs of all in the community and consider 'universal design' principles.

5.6 Clear processes

Council will: provide clear guidelines to businesses looking to apply for Outdoor Trading permits, and be uphold transparency related to fees.

Council will: retain the right to decline permit applications where the guideline purposes are not reflected and pedestrian safety is affected.

6. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy

Term	Definition
Advertising sign	Any A-frame, board, sign, banner (whether portable, affixed or attached to any land or building) which provides information about the occupier of land, building, or business. Any sign advertising goods, services, events or competitions, or which provides directions to the location of property or land.
Ancillary activity	Includes busking, barbeques, raffles, charity collections, temporary stalls persons campaigning for any Local, State or Federal election or any other activity that may be designated from time to time.
Authorised Officer	A person appointed by Council to be an Authorised Officer under section 224 of the Local Government Act 2020.

Council	Mount Alexander Shire Council
Footpath trading	The use of footpath for commercial activities.
Kerbside zone	The area between the kerb and the outer edge of the trading zone.
Outdoor dining	Outdoor dining provided on Council owned or managed land.
Outdoor dining furniture	Fixed or movable tables, chairs, benches etc. which are provided for the use of patrons of a café, bar or restaurant with outdoor dining.
Parklet	A parklet is a structure placed in a car parking bay. It is usually a small platform or deck that extends from a footpath into a parking space and provides seating and landscaping for public use.
Pedestrian zone	The area between the property line and the inner edge of the Trading Zone.
Permit	A permit issued by Mount Alexander Shire Council, authorising outdoor dining, temporary stalls, signage or any other ancillary activity within the trading zone.
Temporary retractable awning	Any horizontal awning that is fixed to a building and projects over a footpath to form a veranda, or a vertical drop-down awning (including partial and full length) that is fixed to veranda's and projects over a footpath.
Temporary stall	Stalls or displays of information or merchandise available for sale.
Trading activity zone	The area between the pedestrian zone and the kerbside zone where trading activities can occur.

7. Roles and responsibilities

This Policy will be administered by the Coordinator Community Safety and Amenity and Council Authorised Officers. Economic Development will provide targeted education to businesses who will be affected by this policy.

8. Human Rights Statement

Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees.

Outdoor Trading Policy



Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.