

GUIDELINES

Guidelines Name	Street Traders Permit Guidelines
Related Policy	Outdoor Dining / Street Traders Policy
Department / Officer	Property Team
Dates Reviewed	July 2017
Attachments	Street Traders Application form

STREET TRADERS PERMIT- GUIDELINES

Pursuant to Section 222 Local Government Act 1999

1. SCOPE

These Guidelines cover display objects intruding into the public footpath space for the purpose of the display of goods by a business that are not subject to other Council policies or local government regulations. These guidelines should be read in conjunction with the Outdoor Dining / Street Traders Policy.

2. METHODOLOGY

Each site is unique and will have its own opportunities and constraints, including differing width footpaths and the presence of trees, driveways, rubbish bins and other street furniture. Council's guidelines are structured to enable a merit based assessment of applications that takes in to account these obstacles and enables joint development of solutions that achieve safety and accessibility requirements alongside business needs.

3. DEFINITIONS

Street Trader: a business using the footpath for the sale/display of goods from their adjoining business premises

Public Footpaths: are defined as all footpaths and malls which are intended to provide public pedestrian access and are under the care and control of Council

Display Object: any structure that enables products to be displayed on or in them, such as trestle tables, hanging product displays (such as clothing racks), bins, trolleys, baskets, barrows and carts

"Display Objects" does not include individual items, loose goods or signs

Intrusion: is caused by the placement of a display object on or over a public footpath, partly or entirely within the footpath space

Ground Level Intrusion: is a display object in contact with a public footpath and includes but is not limited to; tables' clothes racks, planter boxes and moveable A-frame signs

Elevated Intrusion: a display object which is not in contact with a public footpath or other structure, but which may be attached by frame, bracket or other device to a building or veranda post, which extends over the footpath space. This may include but not limited; hanging mobiles, dream catches (does not include signs, flags or feathers- see signage Policy)

Horizontal Clearance: is the distance between the edge of the footpath space and the closest point of a display object, measured perpendicular to the footpath. A clearance can either be a clearance from the property line or from the kerb

Vertical clearance: is the distance between the lowest point of an elevated display object and the level of the footpath.

4. STRATEGIES FOR IMPLEMENTATION

For street trading display objects to be approved, applicants will need to meet requirements for public access and circulation including for people with vision or mobility impairments.

If a location is deemed unsafe for this activity, approval may not be granted even if the application complies with the Outdoor Dining / Street Traders Policy and Guidelines.

Street trading should be directly associated with the business that holds the Street Traders Permit and should only operate when those premises are open for business.

Council needs to ensure that the competing uses in the public realm are balanced and that the public footpath utilisation is in keeping with the City of Victor Harbor's Town Centre Master Plan.

Council will consider applications which may include but not limited to the set criteria as contained within the Outdoor Dining / Street Trader's Policy and these Guidelines.

Core guidelines, essential to the achievement of the Street Traders Policy objectives, include:

-) the need to maintain a clear pedestrian pathway of at least 1.8m width, being between 0.6m and 2.4m from the immediate frontage of the building or property boundary to ensure safety, consistency and legibility for the vision and mobility impaired
-) commercial uses must not encroach on public use of the footpath or impede access to public seating, other public infrastructure, or major pedestrian crossing point
-) sight lines for road users must be neither compromised nor restricted
-) must meet the clearances and setbacks as specified in these guidelines for each particular circumstance
-) the number of commercial display object/s per premises street frontage allowable (either ground level or elevated intrusions) will be subject to Council's guidelines being met
-) elevated intrusions will be assessed on a case by case basis
-) the display objects must be located directly between the business frontage of a permit holder's business premises and the nearest kerb and subject to other design requirements being met
-) the display of goods which are loose and / or with undefined edges and proportions will not be approved as they pose a danger to the public and visually detract from the streetscape
-) to ensure that all street trading is appropriately authorised with reference to Council's policy and these Guidelines and any risk to Council is mitigated

Note: these Guidelines does not include reference to moveable signs. See Council's "Moveable Sign By-law".

5. OPERATIONAL GUIDELINES

5.1 Location and Positioning Of Footpath Objects

Street Trading will be considered on footpaths where there is adequate footpath space to accommodate it, while not compromising pedestrian access and other streetscape activities circulation requirements, resting places and traffic safety.

Existing items for public use including public signage, street trees, seats, rubbish bins, and light poles take precedence over commercial uses of footpaths.

The street trading area must:

-) be located directly outside the associated business premises within the area defined by a perpendicular extension from each side boundary of the premises
-) be located either along the kerb or on the property line
-) allow a minimum of 1.8m pedestrian corridor to ensure unobstructed movement for all user groups, including the visual and mobility impaired.

The permit holder must not without prior approval from Council or delegate:

-) secure any objects associated with street trading activities to the footpath, veranda posts or other existing structures
-) enclose the permit area with café barriers, blinds awnings, banners, planter boxes or similar structures.

The placement of display objects must not:

-) encroach on public use of the footpath
-) impede access to public seating, other public infrastructure or major pedestrian crossing points
-) compromise or restrict sight lines for road users
-) be placed so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway.
-) Allow for a minimum 2100mm vertical clearance from the lowest end of the display object to the footpath

The number of commercial display object/s per premises street frontage allowable (either ground level or elevated intrusions) will be subject to Council's guidelines being met and assessed on an individual basis.

Elevated intrusions such as dream catches, hanging mobiles will be assessed on an individual basis and against but not limited to these guidelines.

Council may set markers on the footpath to define the boundaries for the placement of goods.

5.2 Design, Appearance and Size of Footpath Display Objects

Council recognises the commercial role for objects on footpaths, however, it is mandatory that they do not have a negative impact on public space.

Therefore, objects should be designed to ensure that they do not:

-) obscure public signage
-) create safety hazards for footpath or road users
-) detract from the desired character of the City

Permit holders should minimise any risk or hazards by ensuring that:

-) no part of the display object overhangs or projects beyond its base and is maintained in good condition with no rough or sharp edges
-) no part of the base projects excessively beyond the edges of the object
-) the object is stable and if on wheels, that the wheels must be lockable
-) merchandise displayed must be considered to be safe, neat and secure
-) the display object is designed for stability by ensuring it is appropriately proportioned and weighted
-) the display object be constructed of high quality materials and have no rotating or moveable parts or flashing lights
-) the base of the display object is designed to be detectable to a visually impaired person navigating the footpath with the aid of a cane; i.e the incorporation of a bar or panel spanning the otherwise open base of the object
-) the display object is removed in adverse weather conditions

Stability:

All display table/clothes racks on wheels must incorporate a locking device for safety and stability.

Hanging display objects (i.e clothes racks) are not permitted to hang from awnings, canopies, poles or brackets fixed to the outside of the building. The hanging product display must be structurally freestanding.

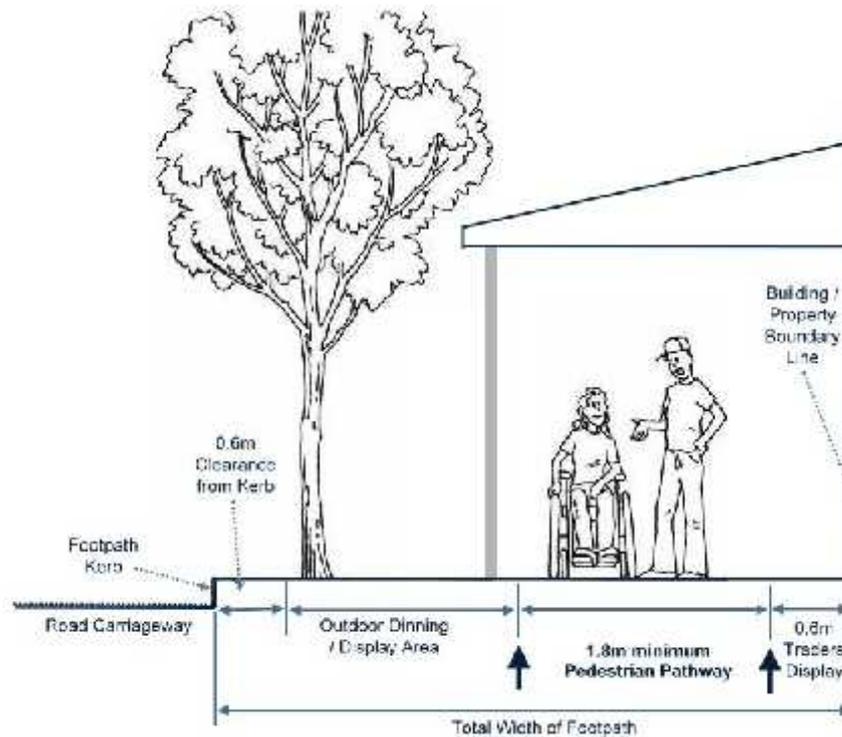
5.3 Ground level intrusions

This section describes the conditions under which a footpath object is permitted to produce a ground level intrusion into the footpath space.

Setback and clearance summary table

Situation	Required
Horizontal clearance from the kerb face	0.6m (min)
Horizontal clearance from the property line	0.6m (max)
Intersection setback (from corner of property lines)	1.8m (min)
Side access setback (driveways, crossovers or private access roads)	1.8m (min)
Setback between footpath items (adjacent objects, seats, bins, street trees, street lights, etc.)	1.0m (min)
Setback from disabled access car parking space(s) parallel to the kerb	1.8m (min)

Setback from bus, taxi and loading zones and pedestrian crossings	1.8m (min)
Vertical clearance (from lowest end of the display object to the footpath)	2.1m (min)



5.4 Display objects

Display objects must not be more than:

Situation	Required
Display tables (excluding products or ornamental items on display)	1.0m high
Racks / display hanging object (including products, signs or ornamental items on display)	1.6m high
In a direction perpendicular to the kerb	0.75m wide
If located on property line	0.6m wide
In a direction parallel to the kerb	1.5m long

6. APPLYING FOR A PERMIT

6.1 Circumstances in which Permits are required

A Street Trading Permit is required for the placement of display objects on a public footpath in all circumstances other than those exempted by the Local Government Act and By-Laws.

These exemptions include:

-) Signs which have been placed pursuant to an authorisation under another Act
-) Signs indicating an open inspection of any land or building that is available for purchase or lease
-) Signs related to State or Commonwealth elections displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls and polling day (need authorisation under Section 221 of the Local Government Act); and
-) Signs of a prescribed class.
-) A-frame signs (for business purpose) pursuant to Council Moveable Sign By-Law No.2
-) Objects with a valid permit under Council's Outdoor Dining Policy do not require a further permit under this Policy.

Some elevated intrusions (including signs/ feathers) will require consent from Council (under delegated authority). A permit is not required.

6.2 What the Permit allows

The permit allows for ground level and elevated intrusion/s on the footpath space of each business premises provided it meets the criteria outlined in the Outdoor Dining / Street Traders Policy and these guidelines.

6.3 Where to Apply

An application form can be obtained from Council's office or can be downloaded from Council's Website www.victor.sa.gov.au

6.4 How to apply for a new Permit

The following information is required as part of an application for a Street Trading Permit:

-) a completed application form
-) public liability insurance Certificate of Currency to a minimum value of \$20 million; (against all actions, costs, claims charges and expenses whatsoever to property or persons arising out of or connected with the activities undertaken in respect of the permit). Noting the City of Victor Harbor as an interested party
 - **The Policy must not be allowed to lapse during the period of the Permit.*
-) a receipt for payment of fees in accordance with the Council's Schedule of Fees and Charges
-) supporting information including:
 - o a site plan identifying the business premises frontage, the proposed street, footpath clearances and setback
 - o a graphic representation (photograph or drawing) of the proposed object showing type of object, construction and colours
 - o dimensions of the display object.

6.5 Permit Approval

Approval is granted by Council under delegated authority with reference to Council's Outdoor / Street Traders Policy and these Guidelines. If approved, Council staff will notify the applicant and issue a Street Trading Permit and sticker.

The Permit becomes valid when all of the following has been completed:

-) all information and fees are received and approved
-) an executed Permit has been issued to the applicant
-) a permit sticker is affixed to a window adjacent to the entrance of the permit holders business.

The Permits are valid for a maximum 12 month period and renewal notices will be sent out by Council. Currently the timeframe is from 1 September until 31 August each year, but may be subject to change.

Permits are not transferable to a new Proprietor.

6.6 Schedule of Permit Fees

Fees associated with the issuing of a Street Traders Permit are detailed in the Council's Schedule of Fees and Charges and are reviewed on an annual basis.

6.7 Permit Holder's responsibilities

Permit holders must:

-) comply with the permit conditions
-) ensure that footpath display objects conform to the criteria specified in the Guidelines
-) not create a hazard for pedestrians or motorists, particularly during adverse weather conditions.

Display objects should only be displayed on the footpath during operating hours the relevant business premises.

The permit holder must not cause, suffer or permit any damage to Council land or property. The permit holder is liable to pay to the Council the costs of making good any damage caused to Council land or property in connection with the permit holder's use of the permit area for the permitted use.

At the end of the period(s) of trading the permit holder must ensure the permit area is left clean and reinstated to the Council's satisfaction. Where, upon inspection of the permit area, the Council is required to undertake cleaning and/or tidying of the permit area, the Permit Holder will be liable to reimburse the Council for the cleaning and/or tidying costs incurred by the Council.

The permit holder must not cause any unreasonable disturbances or nuisance to users of land adjacent to the permit area or to vehicles or pedestrians using the permit area.

6.8 Removal or Relocation of the Display Object

The Council reserves the right to suspend a permit or to require an display object to be relocated or removed, if in the opinion of an authorised / delegated Council Officer:

-) there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location, type of object or goods displayed on the object
-) removal is considered necessary to facilitate occasional events such as road or footpath works, parades, festivals, etc.
-) if permit conditions are not complied with.

Using a footpath for business purposes without a Permit issued by Council is an offence under the *Section 222 of the Local Government Act 1999* and carries a maximum penalty of \$2,500 or an expiation fee of \$210. Should an area of footpath be used that is outside an approved Permit boundary then it is considered to be an offence (no Permit). Any continued breach may attract further expiations fines issued at a timeframe set by Council's delegate.

Any breach or continued breach of the Permit conditions may result in the Permit being cancelled for the remaining Permit period or suspended for a period of time as determined by Council's delegate and after notice has been given in writing to the Permit Holder pursuant to *Section 225 of the Local Government Act 1999*.

6. LEGISLATION AND COMPLIANCE

Refer Outdoor Dining / Street Traders Permit Policy