

Public Spaces Trading



Council Policy Number	159
Date adopted	21 July 2021
Scheduled for review	July 2025

1. Preamble

To ensure appropriate and safe use of Campaspe Shire Council's ('Council') footpaths, parks and reserves for pedestrians and businesses.

2. Purpose

- To provide Council with a mechanism to control and regulate trading activities on Council's footpaths, parks and reserves.
- To ensure that the footpath remains accessible and safe for all pedestrians.
- To provide guidelines that clearly specify the timing, locations, activities and equipment relating to trading on Council owned and managed land.
- To ensure that trading does not detract from the amenity and aesthetics of the area.

3. Definitions

Council Land – Public Space

This policy applies to all Council-managed public open space within the Campaspe Shire Council Local government area (including all footpaths, parks, sportsgrounds, and shared pathways within parks and open spaces/reserves) owned and/or managed by Council. Including:

Public land under the operational control of the Council includes:

- Crown Land where the Council is the delegated Committee of Management
- Crown Land which has been vested in the Council
- Land which is owned by the Council
- Land which is managed by a Committee of Management appointed by the Council
- Land which is leased by the Council

Any other public land where the Council has authority to apply this policy.

Commercial Health /Fitness Provider

is defined as a person or business carrying out health or fitness activities (supervising/instructing a session of health and fitness exercising) with one or more paying participants in a single session. The activity is broadly described as supervising/instructing a session of health or fitness exercising for commercial reward and or monetary gain.

Footpath

is the area between the back of kerb line and the building line. The primary activity of the Footpath is longitudinal pedestrian access.

to assist with the interpretation of this policy the Footpath is made up of a number of zones/areas.

Footpath - Kerbside Zone	this 0.7 metre area extends from the kerb line or kerb invert towards the centre of the footpath and allows for vehicle overhang and access to and from parked vehicles.
Footpath – Potential Trading Area	is the area 1.8 metres from the building line and 0.7 metres from the kerb line. This is the only area of the footpath where Council may provide approval for goods, café furniture and ancillary items, subject to this policy, to be placed.
Footpath - Walkway Zone	is the 1.8 metre zone immediately adjacent to the building line or property line and is the zone used to facilitate pedestrian access and travel. Pedestrian crossings and kerb crossings are part of the Walkway Zone.
Itinerant Trader	is identified as the person, company or organisation undertaking the selling of goods and services, generally the permit holder. a group or individuals involved in a community or charitable event, market or festival are not classified as an Itinerant Trader.
Itinerant Trading	defined as the temporary or permanent offering of goods or services for sale for the benefit of a person, a company or organisation in a public place or on a street or road from any vehicle, caravan, trailer, bicycle, table, stall or similar structure. Council has determined that Itinerant Trading in the municipality can only occur in conjunction with markets, events or festivals.
Loading Zone	a parking area defined by signage for the loading and unloading of goods by commercial vehicles.
Markets – Port of Echuca	markets held in the Port of Echuca Precinct are only open to applications from cooperatives and incorporated associations. Goods for sale must be locally made or grown produce and products, second-hand goods, crafts and hand made goods. No resellers are permitted at these markets.
Markets – Farmers', Town & Events	these markets generally consist of stalls where handmade/homemade/home grown produce is offered for sale. Markets where commercial goods are offered for sale are not supported on Council land unless they are operated in conjunction with an event.

4. Policy Statement

4.1. Footpath Trading

- a. The primary purpose of a footpath is to provide an accessible and safe means of travel for pedestrians. Trading is a secondary use for footpaths. Council may, in some circumstances, provide approval for trading to be conducted within the Potential Trading Area of some footpaths. Trading on footpaths can only occur with the permission of Council and must be confined to the area identified as the Potential Trading Area.
- b. Businesses wishing to conduct trading from the footpath adjacent to their premises must make an application to Council on the relevant application forms which are to be accompanied with the nominated fees for consideration.
- c. Council will consider all applications in accordance with the Public Spaces Trading Guidelines.

4.2. Markets – Port of Echuca

- a. To specify the timing, location and requirements for conducting markets in parks and reserves within the Port of Echuca Precinct.
- b. Council will consider annual applications through an expression of interest process in accordance with the Public Spaces Trading Guidelines.

4.3. Markets – Farmers', Town and Event Markets

- a. To specify the requirements for conducting markets in parks and reserves within the municipality.
- b. Council will consider applications in accordance with the Public Spaces Trading Guidelines.

4.4. Commercial Health and Fitness Providers

- a. Commercial Health and Fitness Providers operate in Council owned and managed parks and reserves across the municipality. The Guidelines specify the requirements for these providers when accessing Council property.
- b. Council will consider applications in accordance with the Public Spaces Trading Guidelines.

5. Exclusions

Policy does not apply to use of land other than that owned and managed by Council.

In order to facilitate a clear and consistently unobstructed footpath for pedestrian access footpaths of less than 2.5 metres cannot be used for street trading.

Council may undertake works that may alter the slope and surface of any footpath therefore preventing traders from accessing the trading zone of the footpath outside their premise. These works may affect access during the period that the works are undertaken or prevent use on a permanent basis.

6. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

7. Related Legislation

Disability Discrimination Act 1992 (Federal)

8. Related Policies, Procedures and Strategies

Shire of Campaspe General Local Law No 8 2015 Policy 067 Port of Echuca Precinct Tourism Ride Operators

9. Attachments

Public Spaces Trading Guidelines

10. Review Period

Four years

Responsible officer

Manager Community Business

11. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

12. Approval History

Adopted	21 November 2017	Minute Book Reference No 3392
Revised	16 February 2021	Administrative update to apply consistent references to Campaspe Shire Council ('Council') and legislation
Revised	21 July 2021	Minute Book Reference No 8 (Item 9.8)

Chief Executive Officer: 

Date: 23 July 2021