

## FOOTPATH TRADING POLICY & ROADSIDE AND PUBLIC PLACE TRADING POLICY

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Report Author: Manager Community Wellbeing

Responsible Officer: Director Communities

Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

Since establishing the Streets and Roadside Trading Policy in 2010, both legislative requirements and community expectations have changed, directly impacting Council's ability to regulate and manage trading on footpaths and in public places where Council has authority. The existing policy was reviewed and has identified significant updates including but not limited to:

- The need to split the existing policy into two distinct policies
- Supporting the compliance and enforcement of permit conditions
- Introduction of prescribed (fixed) roadside trading sites at identified locations

The Footpath Trading Policy 2025, Roadside and Public Place Trading Policy 2025, and Prescribed Roadside Trading Sites are presented as attachments to this report.

### RECOMMENDATION

#### ***That Council***

- 1. Adopts the Footpath Trading Policy 2025.***
- 2. Adopts the Roadside and Public Place Trading Policy 2025 including Prescribed Roadside Trading Sites.***
- 3. Repeal the existing Streets and Roadside Trading Policy 2010.***

## RELATED COUNCIL DECISIONS

The Streets and Roadside Trading Policy was adopted by Council in 2010. The proposed Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are intended to replace the 2010 policy.

## DISCUSSION

### *Purpose and Background*

The purpose of this report is to present the Footpath Trading Policy 2025, Roadside and Public Place Trading Policy 2025, and Prescribed Roadside Trading Sites 2025 for consideration and adoption by Council.

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 (the Policies) provide guidance to Council officers, where there is authority to do so, when making decisions relating to the management of public trading across the municipality. The policies set out the legislative and regulatory requirements for trading in public places and outlines Council's role and expectations for managing trading consistently, equitably and transparently for the benefit of business operators, residents, tourists, and visitors.

Since establishing the current policy, roadside trading permits (primarily classified as 'food trucks') have almost doubled (from 15 to 28). This increase, feedback from both community and business operators and legislative changes led Council to consider policy change with an aim to stabilise trading in public places while supporting permit holders and the community.

The new Policies have been developed to provide clarity for local trading opportunities while outlining regulations and expectations which would be required for permitting trade within the municipality. The Policies address matters of but not limited to:

- How permit applications are made, and decisions are reached
- Supporting consistent actions undertaken by Council officers
- Operation and management of footpath trading zones and prescribed sites for trading within the municipality, including the responsibilities of both permit holders and Council
- Guidelines and conditions of Footpath Trading Permits, including clear guidance on items which may be placed on footpaths
- Allowing for the application of semi-permanent or permanent furniture to be considered by relevant Council teams
- Guidelines and conditions of Roadside Trading Permits, introducing Fixed Site Locations and Permits in addition to the existing Flexible Location Permits.

The Policies have been presented to and considered by the Disability Advisory Committee who approved of clarifying guidelines for the management of footpaths, roadsides, and public places across Yarra Ranges to better support Australian accessibility standards.

### ***Options considered***

Following community engagement and review of the existing policy the following options were considered

- Continue operating under the Streets and Roadside Trading Policy (2010)
- Review and update the singular Streets and Roadside Trading Policy
- Develop two distinct and clear policies as they relate to
  - Footpath Trading
  - Roadside and Public Place Trading

### ***Recommended option and justification***

Through consideration of the feedback provided by the community and business operators, Council developed two clearly defined policies being the Footpath Trading Policy 2025 and the Roadside and Public Place Trading Policy 2025. This provides clarity to all stakeholders on the expectations and difference in operating business within these Council managed areas.

As detailed in the Summary of Changes, Council expanded or clarified language to be clear, practical and less restrictive while balancing the expectations of both Council and the community.

## **FINANCIAL ANALYSIS**

### ***Simplified Collateral for Traders***

The cost to professionally design these documents has been quoted at approximately \$5,000 plus GST and will be funded through Council's current operational budget.

### ***Fees, Charges, and Inspections***

Fees and charges as they relate to the Policies have been benchmarked across other councils and are presented as they would be for the 2025/26 financial year.

The Footpath Trading Policy 2025 assessment and inspection costs will be covered by the initial permit fee of \$205 and annual renewal fee of \$160, which are subject to concessions and/or amendments during annual budget process.

The Roadside and Public Place Trading Policy assessment and inspection fees are covered by the annual permit fee of \$2,034.50 which is subject to concession and/or amendment during annual budget process.

### **Compliance**

The Policies will enable Council to review permits and ensure that Authorised Officers have a clearly defined basis for decision making and actions in the event of non-compliance. Fixed trading sites allow a more proactive approach to inspections and enforcement where necessary.

## **APPLICABLE PLANS AND POLICIES**

This report contributes to the following strategic objective(s) in the Council Plan:

- Healthy Connected Communities
- Quality Infrastructure and Liveable Places
- Prosperous Community and Vibrant Economy.

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are informed by the following Council documents:

- Neighbourhood Amenity Local Law 2020
- Health and Wellbeing Plan
- Recreation and Open Space Plan
- Equity Access and Inclusion Strategy
- Economic Development Strategy
- Procurement Policy

The Footpath Trading Policy 2025 and Roadside and Public Place Trading Policy 2025 are also informed by the following:

- Yarra Valley Tourism - Yarra Valley and Dandenong Ranges Destination Management Plan 2023
- Victorian State Government – Experience Victoria Strategic Plan 2033

## **RELEVANT LAW**

- Gender Equality Act 2020 (Vic)
- Local Government Act 2020 (Vic)

- Summary Offences Act 1966 (Vic)
- Standards Australia (1992) Design for access and mobility AS 1428.2-1992
- Disability Discrimination Act 1992 Commonwealth of Australia.

The following legislation applies to and must be adhered to by permit holders:

- Environment Protection Act 2017 (Vic)
- Environment Protection Amendment (Banning Single-Use Plastic Items) Regulations 2022 (Vic)
- Food Act 1984 (Vic)
- Road Safety Act 1986 (Vic)
- Road Safety Road Rules 2017 (Vic)
- Tobacco Act 1987 (Vic)

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

The Policies support businesses and encourage visitors to explore varied trading opportunities throughout the municipality.

### ***Social Implications***

The Policies support the activation of public spaces and creating opportunities for healthy connected communities across in the municipality.

### ***Environmental Implications***

The inclusion of fixed sites aims to limit unforeseen or unmanaged environmental impacts while the policy includes provisions for waste management related to trading on footpaths and in public places throughout Yarra Ranges

## **COMMUNITY ENGAGEMENT**

Engagement with traders across the Yarra Ranges was undertaken throughout November 2023 to March 2024, with further engagement and presentation of Policies being undertaken from 14 April to 18 May 2025 with the broader community.

Stakeholder and community engagement included:

- Shaping Yarra Ranges Page Engagement

- 620 unique visitors to the Shaping Yarra Ranges (SYR) engagement website
- 5 contributions made through the SYR website
  - An additional 2 survey responses were requested to be made via physical copy
- 2 community roadshow engagement events
- In person discussions with traders through outreach to townships and known roadside trading locations
  - 25 attendees at 'traders group' meetings
  - 11 Roadside Traders visited
  - 184 Footpath Traders visited across 15 townships with active footpath trading
- Formal letter of feedback and response from Tourism East (formerly Yarra Ranges Tourism)
- 3 in-person workshops with traders to discuss the current state of permits and opportunities for improvements. While all permit holders were invited, attendance was primarily roadside traders.
  - 33 attendees across in-person workshops

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

The development of the Policies has been guided through consultation and collaboration with other Local Government Authorities and across teams from Communities, Planning & Sustainable Futures, and Built Environment & Infrastructure directorates.

## **RISK ASSESSMENT**

Without updated policies, Council is unable to effectively manage and control trading on footpaths, roadsides, and other public places which results in non-compliance with legislative requirements.

<b>Threat</b>	<b>Assessment</b>	<b>Mitigation</b>
Negative response to final policies by community and traders.	Low Risk (Minor Consequence, Unlikely Occurrence)	High levels of engagement through policy drafting and continuous communication with relevant stakeholders.

Prescribed Site Permits have low or no applications/ uptake	Low Risk (Minor Consequence, Unlikely Occurrence)	Sites have been chosen through known current use and/or possible high traffic locations. Individual sites have had internal risk assessments completed. Traders and community have the opportunity to recommend additional sites for consideration as an approved fixed trading location.
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## CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## ATTACHMENTS TO THE REPORT

1. Footpath Trading Policy
2. Footpath Trading Guidelines
3. Roadside Trading Policy
4. Roadside Trading Guidelines
5. Proposed Roadside Trading Sites