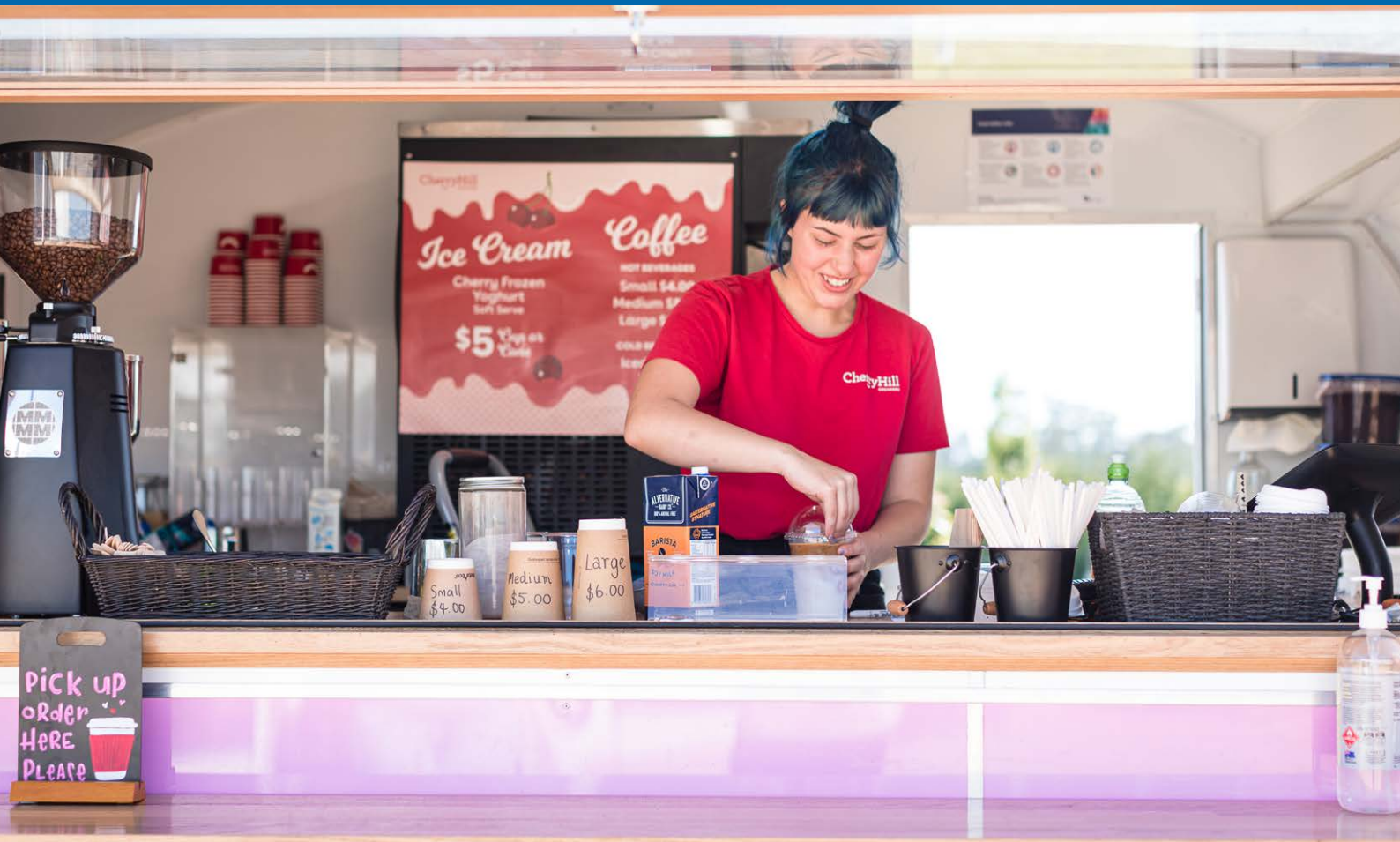




Yarra Ranges Council

Roadside and Public Place Permit Guidelines 2025





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Acknowledgement of Country



Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.

Introduction

The guidelines in this booklet are informed by the Yarra Ranges Council (**Council**) Roadside and Public Place Trading Policy 2025 and apply to all **Local Law** Roadside Trading **permit holders** within Yarra Ranges.

Roadside Trading permits are available as **Flexible Location** or **Fixed Location**.

The full policy statement and permit details can be viewed on the Council website. Roadside Trading A **mobile vendor** trading on a Council managed road or in a **public place**.

Roadside Trading (Fixed Location)
A mobile vendor trading from the **prescribed** trading site within Yarra Ranges as listed on the vendor's permit.

Roadside Trading (Flexible Location)
A mobile vendor conducting itinerant trading from a non-fixed location on council-managed roads or in public places. Trading locations are not guaranteed and trade cannot occur from a prescribed trading site.

These purpose of these guidelines is to guide the sale of goods or services to people from and in public places and ensure that these activities can operate, maximise the pleasure and safety of all roadside and public place users, and enhance the attractiveness and appeal of the area.

The guidelines do not cover council permitted events including but not limited to festivals, markets, or fairs.

Council

Yarra Ranges Council.



Local Law Permit

A permit issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between Council and another person.

Permit Holder

Means a person to whom a permit has been issued.

Roadside Trading

A mobile vendor trading on a Council managed road or in a public place

Roadside Trading (Fixed Location)

A mobile vendor trading from the prescribed trading site within Yarra Ranges as listed on the vendor's permit.

Roadside Trading (Flexible Location)

A mobile vendor conducting itinerant trading from a non-fixed location on council-managed roads or in public places. Trading locations are not guaranteed and trade cannot occur from a prescribed trading site.

Mobile Vendor

A mobile vendor is a movable, vehicle based business that must be removed from the permit location at the end of the business hours each day

Prescribed

Determined by resolution of Council

Public Place

Has the same meaning as in the Summary Offences Act 1966

Guidelines for All Roadside Trading

General Guidelines for Roadside Trading

These guidelines apply to all Roadside Trading permits, regardless of location of trade.

- Trade cannot be located on or interfere with a footpath or shared path.
- Trade cannot impede the primary function or use of public space.
- All items (including but not limited to signage and vehicles, etc) must only be displayed during business operating hours. Items must be removed within 30 minutes of the business closing times.
- Business conducted from a roadside lay-by or rest area is permitted between sunrise and sunset.
- Permit must be displayed during business operating hours.
- No **commercial** activity or equipment is permitted to lean upon or be fixed to any **public infrastructure, asset**, public land, vegetation, roads, or road reserve. Any damage caused by commercial activity will be repaired at the cost of the permit holder.
- All items must have a safe design, be clearly visible, and be constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries to pedestrians. All items must be self-supporting, windproof and/or weighted down.
- All items must not create or contribute to a traffic hazard by obstructing any motorist's view of intersections, traffic control signals or signs. Moving, rotating, illuminated or reflective items are prohibited.
- Where relevant, the permit holder must comply with the *Food Act 1984*.
- The trader must immediately remove any commercial activity at the request of Yarra Ranges Council, Victoria Police, VicRoads or other Authority.

Commercial

Means an activity related to doing business or for business purposes



Public Infrastructure/ Council Asset

An asset that has a public service function and is managed or Controlled by Council



Guidelines for Signage

Where trading occurs in a roadside lay-by, rest area or other Council land, two signs are permitted to advertise goods and display prices. These signs may be erected at the entrance and exit of the lay-by change and must not impede traffic or create a hazard. In deciding whether to grant permits for this form of roadside trading, the general location, safety of road users, visual amenity, litter control and nature of the vehicle, stall or other structure will be considered.

- Signage is to be restricted to a description of the goods and prices.
- Advertising should reflect the corporate logo or business identity and/or products central to the nature of the business, such as coffee or food products.
- Signage must not be internally illuminated, reflective, animated or reasonably expected of being mistaken for a traffic sign.
- Signage is limited to 1.2 metres in height and 0.75 metres in width

Guidelines for Furniture and Other Equipment

Furniture and **Ancillary Equipment** are prohibited unless approved by an **Authorised Officer** and listed on the permit. Items will only be permitted at prescribed sites when there is demonstrated need and benefit to the community.

Where furniture or ancillary equipment is permitted, all items must be:

- placed in a way considered safe and reasonable for the business, community, and location, and approved by an Authorised Officer.
- self-supporting, windproof and/or weighted down. Displays must not be affixed to any footpath, building, land, furniture, pole or other structure.
- of a safe design, clearly visible, and constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries.
- covered by Public Liability Insurance.

Ancillary Equipment

Movable items or accessories positioned alongside the trading which contributes to roadside trading.



Authorised Officer

A person appointed as an Authorised officer under Section 224 of the Local Government Act 2020 or any similar provision in any Act substantially re-enacting the Local Government Act 2020

Guidelines for Lighting

Where trading beyond daylight is permitted, adequate lighting must be provided to ensure the safety and amenity of patrons and the community.

- Lighting must not adversely affect surrounding residents.
- Directional spotlights must not be focused in a manner that, either by general radiance or specific aim, would cause any risk or detriment to the safety of motorists or their passengers.
- Festoon or string lights must be a minimum of 2.4m above the ground at their lowest point.
- Lighting is not permitted to flash, strobe, or operate in a manner that distracts traffic or pedestrians.

Information about Roadside Trading (Flexible Location)

- Roadside Trading (Flexible Location) Permits are available as 12-month (calendar year) or one-day permits.
- Trading must not occur within 1km of a fixed business selling goods or services of the **same type or nature**.
- A trading site must comply with the Road Safety Act 1986 and the Road Safety Road Rules 2017 and adhere to any parking restrictions.
- Authorised Officers may direct a mobile vendor to vacate a location if it is deemed unsuitable for trading.

Same type or nature



For the purpose of this policy, this refers to goods or services by a mobile vendor that are substantially similar in category, style, or primary purpose to those provided by a fixed business.

Example: A mobile vendor primarily selling souvlaki would be considered of the same type or nature as a fixed souvlaki restaurant, and therefore could not operate within 1km of that business. However, the same vendor could operate near a fish and chip shop that sells souvlaki as a minor item, since souvlaki is not the core business of that shop.



Information about Roadside Trading (Fixed Location)

- Traders can apply to trade from a prescribed site by completing an expression of interest (EOI) application when advertised by Council.
- Permits are awarded through an expression of interest procurement process and cannot be renewed. This process will occur every two-years or earlier by Council discretion if a site becomes vacant.
- A **permit holder** can only operate from the site prescribed on the permit for the time and duration specified on the permit.
- The Yarra Ranges Council website lists sites prescribed by the Council for Roadside Trading (Fixed Location) and their availability.

Vacancy from a fixed site

Council intends to keep sites activated where a primary permit holder temporarily vacates a site. Traders are encouraged to notify Council if they intend to vacate a prescribed trading site for longer than four weeks.

The primary permit is considered inactive for the period notified to Council. In these circumstances, it is beneficial to the amenity of the Yarra Ranges to keep trading sites active through the engagement of shortlisted roadside traders. The shortlist intends to temporarily fill vacant sites at short notice after Council receives notification from the permit holder that they will not trade at the site for more than four weeks.

Relocation from a prescribed site

Council may permanently or temporarily close a site at any time. Site closure is defined as the planned cessation of access to a prescribed site for more than 70% of permitted trading days in four weeks.

If a site is closed:

- the permit holder will be given written notice as soon as practicable.
- the permit holder cannot claim for loss of income in any circumstance.
- the permit holder will be given the option to trade from an available prescribed site elsewhere in Yarra Ranges until the site reopens or the permit expires, whichever occurs first.
- Where no prescribed site is available, a pro-rata refund may be given at Council's discretion.

The Council shall not be held responsible in the event that another Authority closes a site.

Festivals and Events

Where Council has permitted a community festival or event at a fixed site location, event organisers will be encouraged to include existing traders.

Note: Festivals and events will take priority over all Roadside Trading permits. Refunds will not be given where a festival or event takes precedence over a Roadside Trading permit.

Guidelines for Operation and Management of Footpath Trading Permits

The responsibilities associated with roadside trading are diverse. Some fall to the Council, some to permit holders, and others may be shared. For instance, management of the street and public space and the efficient processing of applications are Council responsibilities. The effective management and sale of roadside goods and services falls to permit holders, while matters of education, policy and permit compliance are shared responsibilities.

Permit holders are also encouraged to consider environmental issues. Effective energy management, adopting proactive waste management practices, and minimising the use of disposable packaging in public spaces can accrue significant benefits to environmental sustainability.

Cleanliness and Waste Management

- Roadside trading locations must be regularly maintained to be clean, tidy, litter-free and graffiti-free.
 - Graffiti or other forms of disfigurement to roadside trading equipment/vehicles should be removed within 48 hours by permit holders. Permit holders are encouraged to report the nuisance to the local Police Station and/or relevant Authority. Graffiti clean-up trailers and bins can be requested through Council's website
- Vehicles and items must not be offensive in any way, negatively impact on amenity or contain any words or illustrations that could be considered offensive, disrespectful or discriminatory.
- Council will fulfil its role by ensuring that streets and trading locations are cleaned and bins emptied to help roadside trading areas look attractive at all times.

Patron Behaviour

- Permit holders must ensure patrons behave in an orderly manner and do not disrupt others. Patrons are not to move any permitted items or interfere with movement and accessibility in public places.
- Permit holders and patrons are to behave in a manner that would not be offensive to a reasonable person or interfere with the reasonable enjoyment of the nearby area by others.
- In consideration of patrons and nearby residents, entertainment in roadside trading areas is not permitted. Entertainment includes spruiking, touting, amplified or piped music or sound from any other form of audio equipment or other un-amplified noise which is deemed to be unreasonable as defined in the Environment Protection Act 2017 or nuisance under the Neighbourhood Amenity Local Law 2020.

Single-Use Plastic Laws

Under single-use plastic bans in Victoria, some single-use plastic and polystyrene items are banned from being sold and supplied in Victoria. This ban applies to all businesses and organisations. It is the permit holder's responsibility to comply with relevant current regulations.

For more details, visit: <https://www.vic.gov.au/single-use-plastics>

Smoking and e-Cigarette Laws

Under Tobacco Laws in Victoria, all smoking and the use of e-cigarettes (vaping) is banned:

- in all commercial outdoor dining areas.
- within 10 metres of a food stall or food vendor.

It is the permit holder's responsibility to comply with the Tobacco Act 1987 or relevant current regulations.

For details, visit: <https://www.health.vic.gov.au/public-health/tobacco-reforms>





Permit Applications

Application for a Roadside Trading Permit

When applying for any Roadside Trading Permit in Yarra Ranges, the **applicant** must, where applicable, provide the following current documents with their application:

- Application Fee
 - This fee covers the processing of applications and is not refundable.
 - Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
- Current Public Liability insurance and indemnity for a minimum of \$20 million
- Waste Management Plan
- Liquor Licence
- Relevant Municipal Food Business registration certificate
- FoodTrader registration
- Written advice on the proposed business location and hours.

Applicant

Person who applies for a permit



Note: Where trading occurs as part of an event, the applicant may need to notify Council and comply with relevant legislation, regulations and policies.

Note: Where trading is planned on public land not managed by Council, evidence of approval by the appropriate Authorised body is required to trade at the location. Approval may be required from:

- Vicroads (Department of Transport and Planning)
- Parks Victoria
- Department of Energy, Environment and Climate Action (DEECA)
- National Parks
- Other agency or Authority.

Application for a Roadside Trading Permit (Fixed Location)

Eligibility

All applicants for Roadside Trading (Fixed Location) must provide the following evidence where applicable to be considered during the Expression of Interest procurement:

- Food Trader Registration with the Victorian Government Department of Health
- Relevant Municipal Food Business registration certificate
- Waste Management Plan
- Not currently have outstanding debts with Yarra Ranges Council
- Current Public Liability insurance and indemnity for a minimum of \$20 million

Expression of Interest Assessment

Applicants can apply for one or multiple permits. Each site will be evaluated based on the assessment criteria. The assessment panel may decide not to fully assess any EOI if, in its opinion, it does not adequately address or meet any of the evaluation criteria. Respondents should ensure sufficient information is included in their EOI to facilitate proper evaluation following the stated criteria.

Applications for Roadside Trading (Fixed Site) permits deemed eligible will be assessed against criteria including but not limited to:

- Locally registered businesses
- Compliance with Food Safety Standards and adherence to Yarra Ranges Council policies (if applicable)
- Compliance with all relevant Council permits and policies
- Range of Menu Options
- Environmentally sustainable practices
- Small Business Demographics

Note: Full application criteria will be available before each Expression of Interest period and are subject to change to meet community and trader needs.

Probity and Ethics

Council's procurement activities are performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements. All Applicants must be treated fairly, with access to the same information to afford them an equal opportunity to participate in the EOI process.

Council will provide open and honest feedback to Applicants who participate in the EOI process, subject to restrictions of confidentiality of Commercial In Confidence information.



Conflicts of Interest

- When submitting its EOI, the Applicant must declare any actual or potential conflicts of interest which may arise between the Applicant and Council.
- All Council staff involved in evaluating EOIs must disclose any conflicts of interest, as required by the relevant legislation and Council guidelines.

Lodgement of Submissions

Applicants will be required to complete and submit the Application Form (including any supporting documentation) via Council's automated procurement system. Applicants may submit an EOI for more than one site.

Assessment Panel

Applications will be assessed internally by a cross-organisational group of Council Officers and *may* include but is not limited to:

- Safer Communities Representative/s
- Economy, Tourism and Culture Representative/s
- Building and Planning Representative/s
- Design and Place Representative/s
- Recreation and Parks Representative/s
- Health and Wellbeing Representative/s

Awarding of Permits

Council will award the permits based on the best quality and value for the community. In determining this, Council will consider the report prepared by the EOI assessment panel and any other relevant factors.

The EOI assessment panel will evaluate EOIs following the assessment criteria. Council reserves the right to exclude any non-conforming EOI from assessment at any stage of the EOI process.

Notification of Outcome

Council will be informed of successful applications, and all Applicants will be notified in writing of the outcome of their application no less than three months before the commencement of the following permit period. Successful applicants will be listed on the Council's website.

Shortlist

Applicants, based on the initial assessment, may be shortlisted and further information requested. Any such shortlist shall be:

- Based on the Assessment Criteria
- Undertaken where no benefit is derived from the evaluation of all EOIs received
- Used to contact traders where a site becomes temporarily vacant (see section 2.5).

Permit Approval Notification

- Council will inform successful Roadside Trading (flexible location) applicants of the outcome of applications as soon as practicable.
- Once granted:
 - permit fee must be paid by applicant prior to issuing
 - Fee scales can be obtained from the Council website. All Council fees and charges are reviewed annually.
 - Fixed sites with additional amenities (i.e. power or water connection) may be subject to additional fees and charges.
 - all permit conditions must be complied with.

Permit Renewal

- Roadside Trading (Fixed Location) permits are valid for the length of the permit and are not renewed. All fixed locations must be obtained through an expression of interest process (outlined in section 3.2).
- Roadside Trading (Flexible Location) permits are renewed annually. Existing permit holders will receive a renewal notice a minimum of one month before the expiry date.
 - It is the responsibility of the permit holder to ensure the relevant information and payments are made to Council before the due date, including:
 - the annual renewal fee
 - confirmation of continuing Public Liability Insurance for the permit period
 - written advice about any previously undisclosed amendment(s) to permit conditions.

Withdrawal or Revocation of Permit

If the Roadside Trading (Fixed Site) permit holder withdraws their permit or has their permit revoked, a permit for that site will be awarded to another permit holder.

Where a permit has greater than 6 months plus a reasonable Expression of Interest timeframe, a permit will be awarded following the EOI process outlined in section 3.2.

Where a permit has fewer than 6 months plus a reasonable Expression of Interest timeframe, the permit will be awarded with Council discretion from the shortlist as outlined in section 3.2.9.

Refunds do not apply for withdrawal or revocation of permits.



Permit Compliance

Penalties

Any permit and endorsed plan approved under this policy must be available for inspection at any time during trading upon the request of an Authorised Council Local Laws officer. Any of the following actions may be taken where trading is in breach of permit conditions, the permit has expired, or a permit has never been issued:

- verbal educative warning
- issuance of a Notice to Comply
- service of a penalty infringement for contravening and/or failing to follow the Notice to Comply
- suspension or cancellation of the permit
- removal and/or seizure of all street furniture
- court action.

Where a permit has never been issued, the operator will be given a Permit Application, have his/her full details recorded, and shall remove and store the street furniture until a permit is granted.

Items may be seized immediately in accordance with the provisions of the *Neighbourhood Amenity Local Law 2020*. They can be returned to the owner upon payment of a fee, sold, destroyed, or given away.

Variation or Revocation

A Roadside Trading Permit may be varied or revoked at any time. Generally, this action will be taken after traffic, pedestrian, or parking patterns have been monitored and results reveal that a change is needed in the public interest.

If a permit is to be varied or revoked, notice will be given in writing, and a period of grace will be granted before the variation/revocation becomes effective. When there is a risk to public safety, periods of notice will be reduced or take effect immediately. Following a variation or revocation, the permit holder has 28 days to respond in writing to Council senior leadership for consideration.

Amendments

All requests to amend a permit must be submitted to the Council in writing and may be subject to a processing fee. Amendments may include:

- change of trading hours
- addition of or changes to any advertising or ancillary equipment as outlined in section 2.
- other variations.

Monitoring

Council officers will regularly monitor and liaise with permit holders to discuss and rectify issues/difficulties relative to the operation of the permit or facility. Advice in writing will be given of any action needed and the time allotted to perform corrective work.

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