



Policy 3 – On Street Dining, Vending and Signage

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Council Minute No: **150/23**

Statutory Authority: ***Local Government (Highways) Act 1982***

Traffic Act 1925

Vehicle and Traffic Act 1999

OBJECTIVE

To encourage a vibrant and enjoyable shopping precinct within Dorset's townships and villages, taking into consideration the needs of pedestrians, shoppers and business operators.

POLICY

This policy applies to footpath areas maintainable by Council in townships and villages in the municipality. Council will support street dining and street vending in township and village areas where there is an adequate and properly formed footpath and roadway adjacent to the premises.

Operational Requirements

- (a) Applications for street dining and vending that are inconsistent with the provisions of Council's Guidelines for Street Dining, Vending and Signage (the Guidelines) will not be permitted. The Guidelines are available to access from the Dorset Council website.
- (b) Council will issue a successful applicant with a Street Dining and Vendor Permit, which will be valid for a period of up to 24 months depending on the nature of the approved street dining/vending occupancy.
- (c) Street Dining and Vendor Permit holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining, in accordance with the Guidelines and for the duration that the area is permitted by Council to be used for such purpose.
- (d) Council may terminate a Street Dining and Vendor Permit should a safety incident occur or a permit holder fail to comply with the Guidelines for Street Dining, Vending and Signage.
- (e) Any applicable permits (e.g. food business registration) required by law must be obtained by the permit holder, who is also responsible to comply with other Council regulations.

Responsibility for the operation of this Policy rests with the Director - Community and Development.



Guidelines for Street Dining, Vending and Signage

Ref: DOC/23/11188

Reviewed: September 2023

Dorset Council recognises that smart street dining and vending opportunities contribute to more vibrant, diverse and enjoyable shopping and eating experiences. Council therefore supports these opportunities in its township and village settings where suitable footpaths and roadways are situated adjacent to business premises.

The following street dining, vending and signage guidelines are designed to support business and development growth while balancing the needs of pedestrians, shoppers and business operators.

On occasion, street occupancy for dining and vending purposes may not be possible. In these circumstances, Council is committed to working with businesses to find a suitable alternative solution where practicable.

These guidelines should be read in conjunction with Council's On Street Dining, Vending and Signage Policy (Policy No.3), copy of which can be accessed from Council's website at <https://www.dorset.tas.gov.au/policies> or by contacting Council on (03) 6352 6500.

General Requirements

- (a) All equipment, furniture and signs are to be removed at cessation of each day's trading by the Permit Holder, including screens and support posts. Footpath sockets are to be plugged.
- (b) Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- (c) The Permit Holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- (d) The Permit Holder should maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins and promptly cleaning/removing any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- (e) The existing street rubbish bins are not to be used by the applicant for disposal of table waste.
- (f) The Permit Holder must hold a sufficient public and products liability insurance cover, extending over the area designated for street vending or street dining and for the duration that the area is permitted by Council to be used for such purpose. Council is to be named on the policy and, unless otherwise authorised by Council's Director Community and Development, cover must be to a minimum value of \$20 million.

Placement of Street Dining Furniture

- (a) Street dining is permitted in two zones:-

- (i) Shopfront Zone: 1 m wide parallel strip abutting and running the length of the shopfront; and
- (ii) Kerb Zone: parallel strip running the length of the shopfront, 900 mm back from the kerb where parking occurs, or 600 mm back from the kerb where no parking occurs.

A minimum clear width of 1.7 m for pedestrians shall be maintained at all times between the two zones. Where street crossing points occur a 2 m wide unobstructed access is to be maintained.

- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No furniture is to be placed within 1 m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.
- (e) Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- (f) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Placement of Vending Equipment

- (a) Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- (b) No encroachment is permitted beyond the side boundaries of any property from which an applicant operates.
- (c) No vending is allowed within 1m of any street furniture or street tree.
- (d) The applicant is responsible for maintaining the required clearances at all times.
- (e) Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

Vending Equipment and Merchandise

- (a) Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- (b) Merchandise displayed by the applicant is to be consistent with the type and quality of goods displayed in the applicants premises. All merchandise is to be properly contained on or within the vending equipment.

Furniture Design Guidelines

- (a) Screens defining the outer dining areas are to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Details of posts and sockets are available from Council.
- (b) Umbrellas are to be of durable construction, designed for a public environment. Umbrella bases to be a socket purchased by the business owner and to be set within the pavement by Council.
- (c) Special furniture or furniture not complying with the guidelines may be submitted for consideration of approval.

Portable Pavement Signs

The following guidelines apply to portable pavement signs:

- (a) Two (2) signs are allowed per premises or one (1) per tenant where multiple tenants occupy the premises.
- (b) Signs must be weighted or secured to the pavement so as to not present a hazard to pedestrians or road users.
- (c) Signs must be removed at cessation of each day's trading.
- (d) Signs can only be placed in (i) the shopfront zone and (ii) the kerbside zone (see requirements for Placement of Street Dining Furniture for details).

All portable pavement signs must not exceed the applicable dimensions listed below:

A Frame

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

T Frame

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

Menu Board

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

Mobile

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

Application Process

- (a) An applicant is required to submit the following:-
 - (i) a written application together with a plan to a suitable scale showing the size, number and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - (ii) A copy of public liability insurance showing indemnity in favour of Council.
 - (iii) Payment of the requisite fee identified under Council's Fees and Charges Schedule.
- (b) When all required information and full application payment has been received, Council's Director Community and Development will decide within 14 days to either approve or refuse an application. Approved applications will be issued with a Street Dining and Vending Permit. Refused applications will be provided with grounds for refusal in writing.
- (c) In the event of an application being refused, the applicant has twenty-one (21) days from the date of notice of the decision to request a review of the decision by the General Manager.



Street Dining and Vendor Permit Application / Renewal Form

(Council Policy Number 3)

☐ Application for Street Dining and Vendor Permit

☐ Application for renewal of Street Dining and Vendor Permit

Applicant Details *(Owner, occupier or day-to-day operator)*

| | | | |
|---|----------------------|-----------|---------------------------------|
| Applicant Name: | <input type="text"/> | | |
| Business Name: | <input type="text"/> | | |
| Business Address: | <input type="text"/> | Phone No: | <input type="text"/> |
| | <input type="text"/> | | <input type="text"/> |
| Postal Address: (If different from Business Address) | <input type="text"/> | | Mobile No: <input type="text"/> |
| | <input type="text"/> | | <input type="text"/> |
| Email address: | <input type="text"/> | | |
| Emergency Contact Person: | <input type="text"/> | Phone No: | <input type="text"/> |

Additional information to accompany application:

NOTE: THE FOLLOWING MUST BE INCLUDED WITH THE SUBMISSION OF THIS APPLICATION:

- A CERTIFICATE OF PUBLIC LIABILITY INSURANCE SHOWING INDEMNITY IN FAVOUR OF COUNCIL AND, UNLESS OTHER AUTHORISED BY COUNCIL'S DIRECTOR - COMMUNITY AND DEVELOPMENT, TO A MINIMUM VALUE OF \$20 MILLION DOLLARS.
- A PLAN TO A SUITABLE SCALE SHOWING THE SIZE, NUMBER, COLOUR AND LOCATION OF VENDING EQUIPMENT AND/OR TABLES AND CHAIRS, SCREENS AND OTHER FURNITURE PROPOSED INCLUDING PHOTOGRAPHS OR OTHER ILLUSTRATIONS (**NOTE:** PLEASE REFER TO COUNCIL'S GUIDELINES FOR STREET DINING, VENDING AND SIGNAGE FOR FURNITURE PLACEMENT REQUIREMENTS AND SETBACK RESTRICTIONS).

Signature of applicant:

Date:

Dorset Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Unless required by law or by a Court or tribunal, the Council will take the necessary steps to ensure that the personal information that members of the public share with us remains confidential. How we use this information is explained in our Privacy Policy, which is available at www.dorset.tas.gov.au or at Council Offices.

Please return your completed form to Council Offices or via email to development@dorset.tas.gov.au