



WARRNAMBOOL  
CITY COUNCIL

# **Footpath Trading Policy**

APPROVAL DATE: JULY 2018

REVIEW DATE: JULY 2022

## DOCUMENT CONTROL

<b>Document Title:</b>	<i>Footpath Trading Policy 2018</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>City Amenity</i>
<b>Responsible Officer:</b>	<i>Director of City Infrastructure</i>
<b>Document Status:</b>	<i>Adopted</i>
<b>Approved By:</b>	<i>Council</i>
<b>Adopted Date:</b>	<i>July 2018</i>
<b>Review Date:</b>	<i>July 2022</i>

# 1. INTRODUCTION

## 1.1 Purpose

Warrnambool has many wide streets and footpaths which provide the opportunity for a range of activities including footpath trading. An activated footpath has a positive impact on the viability of retail businesses and the quality of city life.

Warrnambool City Council is committed to supporting and enhancing local business and activated streetscapes. This Policy aims to ensure a safe and vibrant environment that reflects Warrnambool's vision and continues to facilitate a wide range of street trading opportunities and an innovative approach to footpath trading.

This Policy seeks to provide support to local businesses, provide a framework for footpath trading, manage the public realm and to meet the legal responsibilities in relation to footpath use. Council also requires that the development of street trading be in keeping with the character of the City and ensure that the visual amenity of our streetscape remains cosmopolitan, vibrant and consistent.

Whilst acknowledging the importance of street trading opportunities for traders, this Policy seeks to achieve a balance of facilitating footpath trading without compromising safety or creating an untidy and unattractive streetscape.

This Policy sets out clear obligations and requirements through the Footpath Trading application and permit process to ensure pedestrians can move through the streetscape in an orderly, safe and accessible manner.

Whilst acknowledging the importance of footpath trading opportunities for traders, public footpaths exist for all persons.

The Policy is implemented through the Footpath Trading Procedures available on Councils website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au). The Procedures provide specific information to guide permit applications and provide certainty and consistency, although each application will be assessed on its merits and on a case by case basis to ensure flexibility is shown where appropriate in order to meet the Policy objectives.

## 1.2 Scope

This Policy applies to all public footpaths within the Municipality, and includes trading, merchandising, promotional activities, busking and street art, for commercial and not for profit. This Policy does not apply to private land, road closures and special events.

### 1.3 Definitions

Term	Definition
“Public Footpath”	A public path or laneway occupying part of the road reserve managed by Council for pedestrians.
“Trading”	The act of engaging in trade, includes outdoor dining, busking, fundraising, advertising.
“Busking”	Perform for voluntary donations.
“Street Art”	Temporary decorative works of art.
“Fundraising”	Seeking financial support for a cause.
“Advertising”	Draw attention to or describe favourably goods or services in a public medium to promote sales.
“Trading items ”	Includes but not limited to chairs, tables, screens, heaters, planter boxes, umbrellas, A-frame signs, merchandise.

### 1.4 References

<b>Acts</b>	<ul style="list-style-type: none"> <li>• Planning &amp; Environment Act 1987</li> <li>• Road Management Act 2004</li> <li>• Local Government Act 1989</li> <li>• Tobacco Act 1987</li> <li>• Occupational Health and Safety Act 2004</li> <li>• Disability Discrimination Act 1992</li> <li>• Building Act 1993</li> <li>• Liquor licensing 1998</li> <li>• EPA Act 1970</li> </ul>
<b>Regulations</b>	<ul style="list-style-type: none"> <li>• Warrnambool City Council Local Laws</li> </ul>
<b>Standards or Guidance Materials</b>	<ul style="list-style-type: none"> <li>• Infrastructure Design Manual (IDM)</li> <li>• Council Standard Drawings</li> <li>• Council Streetscape Design Guidelines</li> <li>• Footpath Trading Procedures</li> </ul>

## **2. POLICY OBJECTIVES**

Council's Footpath Trading Policy provides direction for applicants to trade on the footpath.

### **2.1 Policy Objectives**

The objective of this policy is to ensure that:

- The City is vibrant and activated whilst being safe, visually appealing, cosmopolitan and consistent.
- Footpath trading and merchandising is conducted in a safe and visually attractive manner.
- Shopping centres and footpaths are accessible to the public and comply with the relevant legalisation.
- Orderly and responsible management of footpath infrastructure.
- The amenity and aesthetics of the streetscape are protected and enhanced.
- Pedestrian activity remains the principal activity on City footpaths.
- All permits issued under this Policy align with relevant Council guidelines, Local Laws and legislation.

### **2.2 Policy Statement**

Council will:

- Manage and regulate secondary activities on roads including trading, placement of goods, advertising and collections so that it does not compromise the primary need for the passage of people and goods;
- Provide free and safe access for people with sight and movement impairment or disabilities; and
- Provide generally for the peace, order and good governance of the Municipality.

No items or activities as defined by this Policy may occur on the footpaths or road reserves unless in accordance with this Policy and Procedures.

Permits must be obtained before trading commences.

## **3. GOVERNANCE**

### **3.1 Owner**

The Director of City Infrastructure is responsible for monitoring the relevance and currency of this Policy and for updating it when required.

### **3.2 Review**

The Director of City Infrastructure will review the policy for any necessary amendments no later than three years after its adoption or after the last review.

### **3.3 Charter of Human Rights Compliance**

It is considered that this Policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

### **3.4 Footpath Trading Applications**

Applications will be individually assessed based on merit, equity, subject to meeting the requirements of prevailing legislation and relevant Policy and Procedures.