

August 2022

Outdoor Trading Policy

Draft for consultation



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1. Introduction

1.1. Background

A key strategy of the City of Boroondara Community Plan 2021-2031 is to provide opportunities to support the creation of a strong and vibrant local economy with retail precincts that are accessible, attractive, and welcoming for the benefit of the community and visitors to the municipality.

The Policy supports the activation and promotion of greater outdoor trading opportunities for traders to enhance the use of shared footpaths and roadways while maintaining safety and local amenity, as well as being sensitive to the needs and expectations of the community.

The valuable contribution of activating outdoor areas for commercial trade for the benefit of traders and the community is widely recognised as is the potential for new opportunities to emerge. Council continues to support this innovation and balances this with community expectations and public safety.

Outdoor dining is a significant and founding element of the wide-ranging potential of outdoor trading and one which continues to grow in popularity both on footpaths and on the road. New and enhanced guidance has been developed in recognition of this evolution to support traders increase the vibrancy and functionality of retail precincts.

1.2. Purpose

The purpose of the City of Boroondara Outdoor Trading Policy (Policy) is to provide a framework for Council's guiding principles to activating public footpaths and roadways for commercial purposes and for the broader community benefit, while maintaining a balance between the safe passage for pedestrians and vehicles through these shared spaces.

1.3. Scope

Outdoor trading encompasses the incentivising by Council of traders to activate and enhance the use of public footpaths and roadways for commercial purposes.

Public footpaths and roadways can be activated by the installation of temporary, semi-permanent or permanent installations for defined periods of time in accordance with any permit or licence issued by Council.

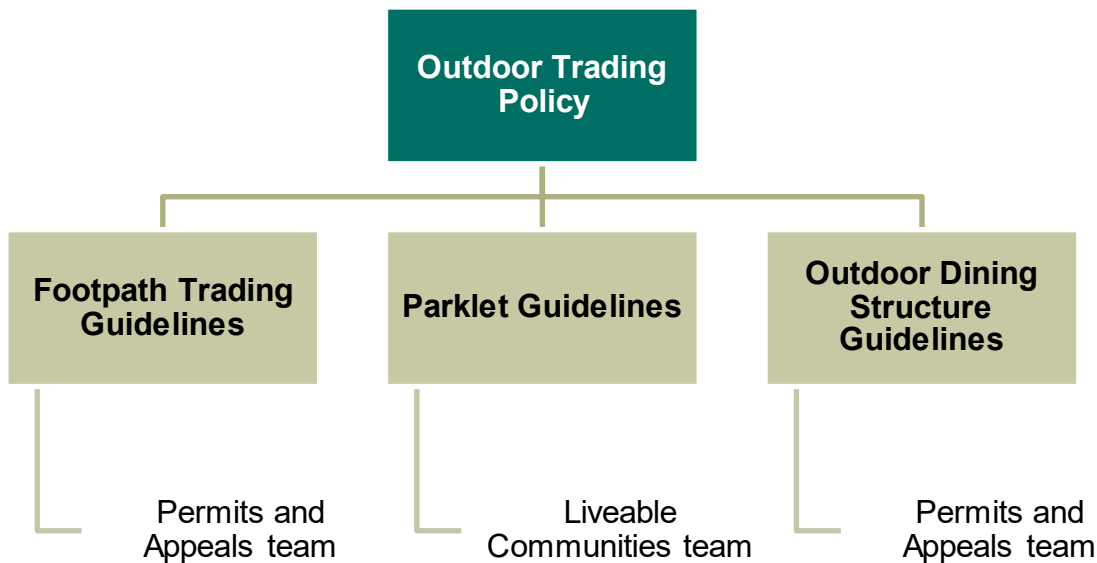
The use of footpath areas includes:

- installation of temporary infrastructure for dining and the display of goods
- installation of Outdoor dining structures
- display of signage to advertise a trader's business.

The use of roadway areas includes:

- repurposing parking bays or laneways for dining
- use of Council carparks.

Detailed guidelines for a range of commercial trading opportunities are informed by the Policy as shown below.



The Policy considers the needs and expectations of:

- Residents
- Traders, their patrons, and employees
- Trader groups and associations
- Visitors to the municipality
- Public authorities
- Government departments.

Decision making is underpinned by several government Acts, Regulations and Council Local Law and, is enhanced by existing plans to support local traders and residents as detailed for example in the City of Boroondara Community Plan 2021-2031, Placemaking Framework 2019 and Shopping Centre Improvement Plan.

1.4. Corporate framework

The community vision statement expressed in the Boroondara Community Plan 2021-2031 is '*A sustainable and inclusive community*'.

The application of the Policy supports this vision across the following themes:

- Theme 1 Community, Services and Facilities - Community services and facilities are high quality, sustainable, inclusive and strengthen resilience.
- Theme 3: The Environment - The environment is considered in all decision making.

- Theme 4 - Neighbourhood Character and Heritage - Protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development.
- Theme 6 Local Economy - Support local businesses and enhance shopping precincts, fostering a strong economy and welcoming places for the community.

2. Policy environment

Public footpaths and roadways managed and maintained by Council and other relevant coordinating road authorities, are a finite resource. There are multiple competing uses of these spaces as well as the expectations from the local community to activate these while balancing this with maintaining user access to Council assets, accessibility and ensuring the protection of neighbourhood character, heritage and amenity.

The Policy provides the foundation to manage existing commercial trading opportunities and enable new ones. It is applied alongside activity specific guidelines and the City of Boroondara Amenity Local Law.

2.1. Guiding Principles

Outdoor trading is guided by four principles to support and provide opportunities for traders to bring the community together in welcoming and safe spaces.

When considering current and emerging commercial outdoor trading opportunities, Council adopts the following four Policy priorities:

1. Vibrant street-life and a prosperous economy
Ensuring Boroondara streets and roadways remain vibrant, lively and contribute positively to an area's sense of place and character and one where shopping precincts can thrive and prosper by providing a platform to incentivise traders to enhance their trading opportunities.
2. Public safety and amenity
Provide and manage the safe and unobstructed passage for all pedestrians, drivers and cyclists. Ensuring footpaths and roadways are maintained to provide for safe, healthy, and equitable use and enjoyment.
3. Accessibility
Commitment to ensuring equity of access for people of all ages and abilities. Outdoor trading aims to ensure suitable locations are made available that maintain usability and inclusion for people of all ages and abilities in accordance with the Commonwealth Disability Discrimination Act 1992.
4. Welcoming and attractive
Ensuring the variety and design of installations and infrastructure are vibrant, inviting and constructed to suit prolonged outdoor conditions.

Activity specific guidelines have been developed for each of the following available outdoor trading opportunities:

- Footpath Trading Guidelines

- Outdoor Dining Structure Guidelines
- Parklet Guidelines.

Compliance with these guidelines is enforced in accordance with the City of Boroondara Amenity Local Law 2019 and permit conditions.

3. Implementation and monitoring accountabilities

For all queries or feedback regarding this Policy, please use the contact details for the responsible departments below.

Contact department	Contact number	Contact email
<ul style="list-style-type: none"> • Urban Living - Permits and Appeals team (Footpath Trading and Outdoor Dining Structures) • Liveable Communities team (Parklets) 	9278 4444	boroondara@boroondara.vic.gov.au

4. References

Related documents:

- City of Boroondara Amenity Local Law 2019
- City of Boroondara Footpath Trading Guidelines
- City of Boroondara Outdoor Dining Structure Guidelines
- City of Boroondara Parklet Guidelines
- *Local Government Act 1989*
- *Planning and Environment Act 2004*
- *Road Management Act 2004*
- Road Management (General) Regulations 2016
- City of Boroondara Register of Public Roads 2016
- City of Boroondara Parking Management Policy 2017
- City of Boroondara Traffic Management Policy 2018
- City of Boroondara Disability Action Plan 2018-22
- City of Boroondara Asset Management Policy 2019
- City of Boroondara Shopping Centre Improvement Plan
- Boroondara Planning Scheme
- *Disability Discrimination Act 1992*

- Victorian Charter of Human Rights and Responsibilities Act 2006
- City of Boroondara Community Plan 2021-2031
- City of Boroondara Placemaking Framework 2019
- City of Boroondara Economic Development and Tourism Plan 2016-2021
- *Privacy and Data Protection Act 2014*