

Policy title	Street Activities
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Manager, Economic Development and Place Activation
Directorate	Planning and Sustainability Services
Approval date	22 November 2022
Outcome area	3. Our region of vibrant places and spaces
Strategy	3.1 Balance development between the needs of people, place and productivity
Delivery Program	3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements.
Operational Plan	3.1.1.4 Conduct ongoing reviews and update planning controls

Purpose

This policy recognises the value to community groups and the broader community of the opportunity to use Council footpaths and other public land for fund raising, information provision, entertainment and services.

Policy aims

This policy aims to establish the circumstances under which approvals may be granted for certain activities on public roads (including footpaths) and public car parks within the Eurobodalla shire.

Policy details

1	Application This Policy applies to the use of public roads (including footpaths) and public car parks for the following activities: <ul style="list-style-type: none"> a) Street Stalls b) Mobile Food Businesses c) Mobile Community Services d) Busking
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 .
3	Policy Objectives <ul style="list-style-type: none"> a) To allow the use of public roads and car parks for appropriate activities. b) To ensure a clear and safe footpath is maintained for pedestrians, including access for persons with a disability. c) To provide guidance on the appropriate location of certain activities on public roads and public car parks. d) To protect the viability of the Shire's commercial centres.
4	Street Stalls
4.1	Council approval is required for a person or organisation to set up a street stall on footpaths in accordance with the Street Activities Code of Practice.

4.2	Approvals will be issued for street stalls at the sites designated in the Street Activities Code of Practice, or at alternative sites adjoining retail or commercial premises in the business or village zones where the safety and amenity of pedestrians will not be compromised. Proponents of street stalls at alternative sites must notify the operator of the adjoining premises prior to submitting an application for approval.
4.3	Street stalls shall preferably be located outside of the footpath walkway zone. However, Council may approve street stalls to be located adjacent to a building (i.e within the footpath walkway zone) in locations away from entrances to retail or commercial premises, where a minimum of 2.7m is available between the stall and the kerb line.
4.4	Approvals will not permit spruiking or the use of public address systems or other forms of amplification in association with street stalls.
4.5	Fund raising activities that include the preparation of food for sale (such as a barbeque event) are not appropriate activities on public roads, including on footpaths, or public car parks. Such activities are more appropriately located on public reserves.
4.6	Fund raising activities that include the raffling of large items which are proposed to be on display at the site, such as a wheelbarrow or trailer of goods, a large Christmas stocking, a vehicle or the like, may be approved by Council in appropriate locations where the activity will not obstruct the footpath walkway zone. Large items for display must not be located in any on-street parking space.
5	Mobile Food Businesses
5.1	Council approval is required for a person or business to undertake a mobile food business on public roads and public car parks in accordance with the Street Activities Code of Practice.
5.2	Council will not approve the undertaking of mobile businesses that provide other goods or services on public roads (including footpaths) and public car parks.
5.3	Approvals will be issued for mobile food businesses to park for a temporary period in public car parks and to intermittently stop on roads where the speed limit does not exceed 50kph and not within school zones. For the purposes of this Policy, the terms “temporary” and “intermittent” refer to the period of time the operator is engaged in serving a customer or customers.
5.4	Approvals will not be issued for mobile food businesses to operate in locations within 250m of an established shop, stall, sportsground or market/ festival selling similar goods when it is open for trading.
6	Mobile Community Services
6.1	Any person or organisation proposing to set up a mobile community service on a public road or public car park, must notify Council in writing, addressing the matters outlined in the Street Activities Code of Practice. The proponent must not set up the mobile community service until Council has provided a letter of agreement to the proposal.

6.2	Council encourages the setting up of mobile community services for a temporary period of time at the designated sites in the Street Activities Code of Practice or at public car parks that meet the following criteria: a) good exposure to passing traffic; b) not a priority parking area (a priority parking area has high demand and high turnover, such as a paid parking area or the parking area in the immediate vicinity of retail premises); c) sufficient available parking for customers; d) close proximity to toilet facilities; and e) close proximity to food premises.
6.3	Council will also consider the parking of mobile community services at other locations, such as on the grounds of existing community facilities where appropriate and where parking for the community facility is not significantly reduced.
7	Busking
7.1	Council approval is required for a person or group to undertake busking on a footpath of a public road in accordance with the Street Activities Code of Practice.
7.2	Busking shall preferably be located outside of the footpath walkway zone. However, Council may approve individual buskers to be located adjacent to a building (i.e. within the footpath walkway zone) in locations away from the entrances to retail or commercial premises, where a minimum of 2.7m is available for pedestrians between the busker and the kerb line.
7.3	Approvals may permit the use of amplified music or public address systems for busking activities on a trial basis. Should complaints be received from the public regarding excessive noise from approved busking activities, Council reserves the right to revoke the approval and/or refuse to grant further approvals.
7.4	Approvals for busking will not permit the use of dangerous materials or animals.
8	Street Vending
8.1	Approvals will not be granted for street vending in the Eurobodalla.
	Note: Roadside stalls (as defined in the <i>Local Environmental Plan 2012</i>) may not be located on the road reserve in front of the property. A Development Application is required for a roadside stall.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Street Activities Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Manager, Strategic Services
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers

3	Concerns Concerns received regarding this policy will be recorded on Council's Customer Service or records system and handled in accordance with Council's Customer Service or complaints Policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
4	Consultation Consultation with relevant stakeholders and the community will be undertaken when the policy is due for review.	Manager, Strategic Services

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Street Activities.

The policy may be revoked by Council at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: The next general local government election is expected to be held in September 2024.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Community concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Definitions

Term	Definition
Busking	playing music or performing entertainment on footpaths for tips and gratuities from passing pedestrians
Dangerous materials	materials and implements that pose risk, hazard or uncertain outcomes for people and include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, knives, spears, swords, spikes and other sharp implements.
Footpath walkway zone	that part of the footpath extending from the building line or shop front of premises towards the street kerb for a minimum of 2 metres.
Mobile Community Service	the use of a vehicle parked on a public road or public car park for the purpose of offering a community service, such as the mobile Blood Bank, mobile Department of Health services, mobile library or toy library services
Mobile Food Business	the use of a vehicle parked on a public road or a public car park for a short period of time and/or travelling on public roads making brief intermittent stops for the purpose of selling food
Spruiking	the act of repetitively and loudly advocating the offers and bargains to be found at the street stall, with or without the use of a public address system or other form of amplification, but does not include the act of greeting passers-by to offer raffle tickets for sale or engage in a discussion with regard to the particular charity or services being advocated at the stall.
Street Stall	a small table, stall or stand set up on footpaths for the purpose of not-for-profit organisations, volunteer organisations, community organisations,

	charities and the like to sell goods, including raffle tickets, for the purpose of raising funds, or to provide information to the community
Street Vending	the setting up or use of any standing vehicle, box, stall, stand or barrow on footpaths for the sale of food or goods not associated with any existing premises in the vicinity, but does not mean a street stall, mobile business or roadside stall

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Roads Act 1993	https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-033
Crown lands Act 1989	https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-058

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/
Transport for NSW	www.transport.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Nov 2011	Council	11/304	E06.0376	Policy commenced (Report O11/244) replacing Street Vending policy
2	27 Aug 2013	Council	13/246	E13.7095 E06.0376	Updated to new Policy Template, updated review date, updated references and links
3	27 June 2017	Council	17/214	E16.0297 E06.0376	Reviewed and updated (start of new Council term)
4	22 Nov 2022	Council	22/313	S004-T00060	Reviewed and updated at start of new Council term Report

Internal use

Responsible officer	Director Planning & Sustainability Services		Approved by	Council	
Minute	22/313	Report	GMR22/11	Effective date	22 Nov 2022
File	S004-T00060	Review date	22 Nov 2022	Pages	5