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GUIDELINES FOR STREET STALL APPROVALS

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Review and Amendment Record

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All pages of this document are at the same issue status as shown on Page 1

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1 Guidelines Statement

Council will assess street stall applications in a manner consistent with the following guideline statements:

- Council will assess street stall applications in accordance with the Local Government Act 1993 and the Roads Act 1993.
- Council will ensure that commercial businesses are not disadvantaged by street stalls.
- Council will ensure equitable allocation of sites amongst applicants.
- Council will ensure safety and preservation of amenity and will provide reasonable access to maintain public safety and an aesthetic appearance.
- Street stalls are limited to temporary use at designated sites and are to be positioned to attract pedestrian traffic only.
- Streets stalls selling food must meet food safety standards.
- This guideline does not deal with applications for permanent street stalls, roadside stalls or large scale markets that attract vehicle traffic and have a greater public safety risk. Requests for such activities will be directed to Council's Events or Development and Building Teams.
- Street stalls may only be conducted by community based or not for profit organisations.
- No site is booked exclusively by any particular group where there are other requests.

2 Objectives

To provide a uniform assessment and approval process for street stall applications to ensure that such activities do not impact unreasonably on public health, safety or the environment.

In most cases, the requirement to seek development consent for business activities is an appropriate control for uses within commercial districts. However, as street stall holders are not required to seek development consent for their activities, it is considered appropriate to limit their occupation in terms of both number and tenure pursuant to S68 of the Local Government Act 1993.

3 Scope

A street stall is limited to temporary occupation of a designated street stall site for the purposes of attracting pedestrian traffic only.

This procedure will not deal with requests for permanent street stalls, roadside stalls, or larger scale markets that attract vehicle traffic and have a greater public safety risk. Requests for such activities are to be directed to Tourism and Economic Development Services, Infrastructure Management Services or Development and Building Services.

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Procedure

Applications for a Street Stall Approval

- All requests for street stalls must be in writing on the approved form.
- Evidence of at least \$10 million Public Liability Insurance coverage current for proposed stall date and time. If this evidence of insurance is not provided with the application, the Council Officer will contact the applicant or send a letter of requesting the information.
- Organisations are limited to one (1) street stall in the same commercial centre in any one (1) week, with no more than one street stall per suburb per week.
- Information tables are permitted on a daily basis for a period of up to three (3) months immediately prior to elections.
- A maximum six (6) month advance application limit applies.

Assessment Process

Once the application is received, it must be checked thoroughly to ensure that all information is provided to ensure that the date can be checked for availability and approval given.

1. *Matters to Consider in Assessing Application (S. 89)*

On receipt of the completed checklist staff members assess the likely impact of the stall in accordance with S. 89 of the Local Government Act 1993:

- (1) In determining the application, the Council:
 - a. must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and
 - b. must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and
 - c. must take into consideration the principles of ecologically sustainable development.
- (2) If no requirements are prescribed for the purposes of subsection (1) (a), and no criteria are adopted for the purposes of subsection (1) (b), the council in determining an application:
 - a. is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
 - b. is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.
- (3) Without limiting subsection (2), in considering the public interest the matters the council is to consider include:
 - a. protection of the environment, and
 - b. protection of public health, safety and convenience, and
 - c. any items of cultural and heritage significance which might be affected.

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If necessary, an assessment of the site is undertaken.

Requests for street stalls will not be approved for commercial or profit making organisations to ensure the commercial interests of the shop owners in the proximity of the stalls are preserved.

Approvals are subject to conditions.

Applications can then be approved or refused and the applicant advised accordingly.

4 Associated Forms

Title	Type	Source
Application - Street stall application - Compliance Services	Form	Dataworks

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