



CITY OF MELBOURNE



# Street Activity Policy 2011



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## Overview

Melbourne is a vibrant and dynamic city, with a distinctive landscape of streets, laneways and public spaces. It is an engaging retail and cultural centre with a host of unique and appealing attributes.

The valuable contribution street activity can make to the local culture and economy is widely recognised. Elements of street activity in the form of special events, street trading and busking can add to the richness of a vibrant street environment and contribute to an innate sense of safety and security for city users.

In the context of this policy, **'Street Activity'** is defined as any activity in the public place involving active selling, offering for sale, soliciting, busking, spruiking, collecting money for fundraising purposes and handing out promotional material and leaflets.

The benefits of a thriving street life are evident in the city of Melbourne and in many respects define the city, providing a connection to its spaces. The range of activities occurring within these spaces can diversify people's experiences as they move through the city.

The Street Activity Policy provides the framework for appropriate street activity within the city of Melbourne while acknowledging that in a mixed use environment, this activity must be carefully managed for equity and fairness to all and to protect the city's amenity and heritage.

## Purpose

The primary purpose of this policy is to provide a framework of guiding principles and decision-making criteria for the creation of appropriate street activity now and in the foreseeable future.

By clarifying expectations, the aim is to foster an environment that encourages and enables a range of high quality street activity to thrive in the city of Melbourne.

## Policy Objectives

The objective of this policy is to enable street activity that complements the existing retail/commercial sector, is sensitive to the needs of city users and residents and provides diversity and consumer choice. It also seeks to enhance the character, heritage, ambience and safety of Melbourne's local environment.

Specifically the policy seeks to:

- encourage diversity, vitality, amenity and ambience into the street environment
- ensure street activity results in minimal disruption to pedestrians and other legitimate street users
- protect the city's architecture, urban environment, heritage and street character
- clearly outline the City of Melbourne's decision-making process

## Relation to Legislation and Council Local Laws

The Activities Local Law 2009 ('local law') contributes to The City of Melbourne's long term and responsible approach to the ongoing health, vitality, prosperity, security and welfare of the city's residents, visitors, businesses and environment.

Under the local law, a permit is required for selling goods or services in the public place. A permit is also required for soliciting trade and other street activity such as spruiking, fundraising, distributing handbills, busking and displaying goods for sale in a public place.

The local law is made under the provisions of Part 5 of the Local Government Act 1989.



## Definitions

The following definitions are provided in the context of the Street Activity Policy 2011. Definitions extracted from the local law are highlighted by an asterisk (\*).

**Busking** is defined as sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently. Busking also includes the activity of drawing any message, picture or representation on a wall or pavement surface.

**Fundraising activity** refers to any activity that aims to collect money for, or on behalf of a Registered Charity Organisation.

\***Goods** includes food.

\***Handbill** includes a placard, notice, book, pamphlet, paper or advertisement other than an advertisement affixed to any building abutting any road or public highway, but does not include a newspaper, magazine or book sold by a news vendor or other person authorised by City of Melbourne nor any handbill containing material of an exclusively political nature distributed by hand to any person.

\***Permit** means a permit granted under Part 13 of the local law.



**\*Public** place has the same meaning as in the Summary Offences Act 1966 and, to the extent that it does not include the following, also includes:

- a) any place prescribed by City of Melbourne as a public place, other than an interior part of a building which is not occupied by City of Melbourne or a public body unless that part has been prescribed by the City of Melbourne
- b) any place to which the public whether upon or without payment for admittance have or are permitted to have access, but does not include a shopping centre
- c) any park, garden reserve or other place of public recreation or resort
- d) any vacant land or vacant space adjoining any road;
- e) any wharf, pier or
- f) a City of Melbourne building.

**\*Premises** includes the whole or part of any land, a lot on a plan of subdivision and a building or building under construction.

**\*Sell** includes barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and sell for re-sale.

**\*Spruik** includes haranguing or addressing members of the public (whether directly or by the use of pre-recorded speech or messages) to encourage members of the public to enter Premises, purchase Goods or both.

**\*Tout** includes soliciting business to Premises whether by addressing members of the public directly or the emission of music or other noise calculated to attract business to Premises.

**Street Activity** is defined as any activity in the public place that involves active selling, offering for sale, soliciting, any type of event, street performance (busking), spruiking, collecting money for fundraising purposes and handing promotional material and leaflets (handbills).

**Registered Charity Organisation** is an organisation, or a third party organisation, that collects money and/or pledges on behalf of a Registered Charity Organisation, which is registered with Consumer Affairs Victoria.

## Types of street activity covered by this Policy

The scope of this policy extends to the most commonly practiced forms of street activity. These include activities of a long term and short term occupation of a public place.



## Long term

Long term street activities occupy a part of the footpath for greater than one month and up to five years. Most of these activities are associated with permanently fixed infrastructure and permits are usually granted through a public tender process with pre-determined selection criteria. These activities include:

1. **Flower Kiosks** – the sale of fresh flowers from permanent City of Melbourne owned and maintained infrastructure. Five year fixed term.
2. **Fruit Kiosks** – the sale of fresh fruit and vegetables from permanent City of Melbourne owned and maintained infrastructure. Five year fixed term.
3. **Newspaper (Convenience) Kiosks** – the sale of newspapers, magazines and a wide range of products from permanent City of Melbourne owned and maintained infrastructure. Five year fixed term.
4. **Newspaper Cylinders** – the sale of newspapers and magazines from permanent City of Melbourne owned and maintained infrastructure. Five year fixed term.
5. **Food Van Sites** – the sale of food and beverages from food vans parked in permanent locations within the municipality. Three year fixed term.
6. **Horse-Drawn Carriages** – the service of horse-drawn carriage tours and joy rides. Five year permit term. This activity is currently regulated under City of Melbourne's Code of Practice for the Operation of Horse-Drawn Carriages, 2011.

## Short term

For the purposes of this policy, short term street activity is defined as any activity that extends any time from a part day to up to 12 months. These activities are temporary in nature, may occur on a daily basis and are usually disassembled and removed from the public place at the close of trade. These activities include:

- **Event and Festival Street Trading** – the sale of food, beverages and merchandise connected to special events and festivals. One day to 10 day term.
  - **Markets** – the sale of goods and services on an ongoing weekly or monthly basis, from an organised gathering of stallholders in a specified location.
  - **Seasonal Street Trading** – the sale of unique products and services (seasonally oriented) from temporary infrastructure which is removed from the public place at the close of trade each day. Up to 12 month permit term.
  - **Casual Street Trading Cylinders** – the sale of products and services from permanent City of Melbourne owned infrastructure on a casual short-term basis. Up to 12 month permit term.
  - **Spruiking** – the activity of retail operators attracting trade outside their place of business using their voice (without amplification). Activity may occur on a daily basis and during business hours.
  - **Fundraising** – Fundraising activities enable charitable organisations to collect donations and sponsorship in the public realm for the community.
  - **Handbill distribution** – Handbill permits are issued to businesses who are advertising their business/products by distributing handbills, leaflets or brochures by hand.
- **Busking** – Person or group of people providing a public street performance in exchange for donation. There are 4 categories of busking permits under this policy:
    1. **General Area Permit** – applies to buskers who do not use any dangerous goods in their performance. Examples include musicians, singers, dancers and statue artists for areas within the municipality as advised.
    2. **Pavement Art Permit** – applies to artists actively engaged in an artistic medium who work either directly on the pavement or on a medium in areas within the city of Melbourne as advised.
    3. **Bourke Street Mall Permit** – applies to professional buskers in the Bourke Street Mall.
    4. **Circle Act Permit with or without Dangerous Goods** – applies to circle act performers who have a clearly structured performance and may use dangerous goods as part of their act.

## Guiding Principles

Street activity is guided by eight principles that are designed to help create and manage street activities within the municipality. The principles are consistent with City of Melbourne's vision for a bold, inspirational and sustainable city.

People who wish to apply for a Street Activity Permit must ensure their proposed activity is aligned to these principles.



## 1. Appropriate Location

Street activity is encouraged in locations that enhance the vibrancy and the social fabric of a particular area or neighbourhood.

Street activities are required to meet specific guidelines that are particular to a specific location in the municipality. Considerations include existing street furniture, footpath width, safety and public amenity.

## 2. Accessibility

A well designed and maintained urban environment is essential to ensure adequate open space for people to enjoy without the clutter of commercial activity on the street.

Street activity should be integrated into the street in a way that does not compromise existing uses, street furniture, building entrances, disabled access and pedestrian safety.

## 3. Unique and Distinctive

Melbourne has distinctive character with unique laneways, arts and cultural diversity. Street activities should be a natural extension of the city as inspiration is often sought from activities that are bold, innovative and distinctive.

The range of street activities should reflect the uniqueness, depth and breadth of creative opportunities. This extends to innovative design of equipment and infrastructure used in association with the street activity.

The originality of street activity concept should be demonstrated with a strong point of difference to ensure that there is minimal duplication of existing activities and services in the public realm.

#### 4. Safety & Amenity

Street activities should be designed to create an attractive, comfortable and safe ambience for the public and should not compromise the public amenity. Activities should be non-invasive and respectful of city amenity.

Well-designed and maintained equipment, trading stalls and associated infrastructure are essential. With safety in mind, street activities should aim to improve the environment, reduce the opportunity for crime and promote accessible places that encourage a feeling of safety and community participation.

#### 5. Diverse and Engaging

Street activities should be engaging and diverse in nature. The ability to attract and engage people can enhance the vitality of a street and create a sense of interest and curiosity.

To encourage diversity, street activities should demonstrate a point of difference. The activity should also have tourist appeal and be interactive. The variety and range of products, services and activities offered may be seasonally oriented and should be complementary to existing street uses.

Applicants sought will be energetic, dynamic, creative and adept at identifying local niche markets. Permit holders with these qualities ultimately generate a distinctive business culture with strong links to the commercial/retail sector.

#### 6. Attractive and High Quality

Melbourne's character and streetscapes encompass many culturally significant places and architectural elements. Any additions to the streetscape should create a seamless and attractive addition to the city.

The overall design of street activity infrastructure and associated equipment should contribute to Melbourne's physical characteristics and enrich city life and street culture.

The design and appearance of structures should be innovative and vibrant, and structurally sound to be able to withstand prolonged exposure to various climatic conditions.



## 7. Sustainable

Sustainable street activity in the context of this policy encompasses an activity that is socially, environmentally and economically responsible. Applications must consider and be able to demonstrate their ability to adhere to the following sustainability principles:

- **Financially Robust** - Permit applications should be able to demonstrate business readiness and have a sound and comprehensive business plan.
- **Socially Sustainable** - Social enterprises and micro businesses with a contribution to broader social objectives can enhance the city's social and cultural elements. Regardless of social objectives, the street activity proposal will be assessed against all principles set out in this policy.
- **Environmentally Sustainable** - Street activity applicants are encouraged to integrate environmentally friendly practices in their operations.

## 8. Suitability of Activity

All street activity must be considered suitable and acceptable with regard to its public appeal and amenity. The safety of those using or observing the activity is also paramount when considering suitability.

Criteria such as evidence of quality, noise levels, risk management and the use of dangerous goods will be assessed in relation to suitability.

### Policy Operating Statements

The information contained in City of Melbourne's policy operating statements provides relevant definitions, application requirements, eligibility criteria and guidelines for making an application for, establishing and managing street activities within the city of Melbourne.

The operating conditions and requirements are aligned closely with the Street Activity Policy 2011 and achieving City of Melbourne's vision of a bold, inspirational and sustainable city.

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