



8.13	ITINERANT TRADING - OUTDOOR COOKING TRIAL
WARD:	LAKE
GENERAL MANAGER:	CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT
PREPARED BY:	SHONA SEKENE, FOOTPATH TRADING ADMINISTRATOR
TRIM FILE NO:	13/01/04
ATTACHMENTS:	1. Outdoor Cooking Station Options

PURPOSE

Following a request from a Fitzroy Street trader, officers were requested to investigate Council undertaking a trial of temporary outdoor cooking stations in partnership with local businesses in Fitzroy Street. This report outlines the opportunities and potential constraints of such an operation, to inform permitting a trial, its review, and any subsequent outdoor cooking policy.

1. RECOMMENDATION

That Council:

- 1.1 Supports a temporary outdoor cooking station trial for all Fitzroy Street food premises up to a maximum of 10 businesses, for a period of 18 months.
- 1.2 Advertises for expressions of interest in a temporary outdoor cooking station trial.
- 1.3 Authorises the General Manager, Place, Strategy & Development to permit a trial of temporary outdoor cooking stations under *Local Law No 1 Community Amenity (2017), Itinerant Trading*.

2. BACKGROUND

- 2.1 In October 2010, Claypots of South Melbourne Market requested an outdoor cooking station fronting Cecil Street. The Footpath Trading Panel recommended supporting a variation to the Footpath Trading Guidelines and a permit was issued, subject to conditions.
- 2.2 Cooking stations were subsequently repeated in similar forms to neighbouring restaurants at the Market.
- 2.3 The Claypots operator has now opened a new restaurant at 83 Fitzroy Street, St Kilda, and would like to introduce a cooking station to be located in their footpath trading zone in front of this business.
- 2.4 The trader believes outdoor cooking would contribute to the vibrancy of Fitzroy Street and assist in re-invigorating the area.



- 2.5 In order to ensure equity of opportunity, officers have considered Council's ability to support an outdoor cooking station trial to all Fitzroy Street food premises that if successful would inform a future municipal policy.
- 2.6 Officers have investigated outdoor cooking requirements including reflections on the South Melbourne Market experiences, liaised with other Councils, and a range of internal stakeholders.

3. KEY INFORMATION

- 3.1 Under *Local Law No 1 Community Amenity (2017)* an itinerant trading permit is required to engage in itinerant trading from a vehicle or any other temporary method of transport including a caravan, trailer, table, stall or other similar structure in a road related area, a property or public place adjacent to a road, or a person on a road or public place; or any beach or in foreshore waters.
- 3.2 An outdoor cooking station would be a form of itinerant trading and would require a permit under the Local Law.
- 3.3 Officers have investigated two design options for these cooking structures:
- **Option 1 – Temporary Outdoor Cooking Stations (removed from the footpath daily)**
This option requires that the structure:
 - Protect food from contamination, enclose all equipment and provide a designated space and boundary. The national food safety standards guide recommends a tent, marquee or similar with at least three walls and a roof.
 - Must be ancillary to a fixed premises kitchen for food storage, preparation and cleaning of equipment.
 - Must be removed daily from the footpath at the close of business.
 - **Option 2 – Semi-Permanent Outdoor Cooking Stations (remains on the footpath at all times during the trial)**
This option requires that the structure:
 - Remains on the footpath afterhours and secures the internal equipment.
 - Must be plumbed to required utilities i.e. electricity, gas, reticulated water supply and sewer.
 - Must be removed at the completion of the trial and the footpath re-instated at the trader's expense.

An analysis of each option including learnings from the South Melbourne Market, is provided in [Attachment I](#).

- 3.4 Based on feedback from Council's internal stakeholders any risks with this trial could be managed by:
- An analysis of suitable trial locations to manage any potential amenity issues,
 - The design of any outdoor cooking stations, to ensure public safety and



- accessibility,
 - Appropriate permit conditions to assist in managing and monitoring the success of a trial.
- 3.5 The South Melbourne Market is considered to be a unique situation, as it has a footpath width of approximately 6.0m along Cecil Street and Council controls the use(s) of the land, the building and surrounding footpaths. The provision of outdoor cooking in this location has added to the vibrancy, diversity in eating choices and overall experience of the Market.
- 3.6 The South Melbourne Market location is also considered to be atypical to main streets in other activity centres, as:
- There is a fixed canopy over the Cecil Street footpath, which protects the outdoor cooking activities from pests and contamination and ensures the cooking stations and outdoor dining areas are useable even during inclement weather.
 - There are limited dwellings in close proximity, to the outdoor cooking stations that are impacted by cooking smells, fumes and or activity.
- 3.7 Officers liaised with the City of Melbourne, which is the only metropolitan Council known to support an outdoor cooking station (at the corner of Little Collins and Swanston Streets), utilising a Council-owned kiosk
<https://whatson.melbourne.vic.gov.au/DiningandNightlife/takeaway/takeaway/Pages/7540.aspx> and identified the following:
- The kiosks do not relate to an adjacent business.
 - The kiosks are consistent in design, being installed and maintained by the Council.
 - Traders apply to lease the kiosks, with Council able to determine the use of each kiosk, i.e. florist, fresh fruit, newsagent etc.
 - Gas is not connected to the kiosks.
 - Some kiosks have power and running water with individual meters.
 - Food products cooked and served are low-risk and avoid offensive odours i.e. crepes, pre-packaged foods.
 - Servery windows are elevated and food preparation areas screened to minimize risk of contamination.
 - Kiosks are designed to be fully secured when not in operation.
- 3.8 Semi-permanent outdoor cooking stations identified in Option 2 would be similar to these kiosks, as they would reduce some of the risks to the public through the provision of hot and cold running water for hand-washing and would not require the inconvenience of a daily set-up.
- 3.9 Constraints of the semi-permanent structures however, would include the significant cost to traders to provide plumbing, power and grease traps, without any guarantee of a trial being a financial success or becoming permanent. Furthermore, without the weather protection afforded to the South Melbourne Market examples, even semi-permanent cooking stations may not be usable during inclement weather, yet they would continue to occupy the public space.
- 3.10 Benefits of temporary outdoor cooking stations identified in Option 1, include businesses having the opportunity to show-case their products and contribute to the vibrancy and atmosphere of the activity centre without the expense of permanent utility



connections. Moreover, this would be the least expensive option for traders to trial, but would have the inconvenience of daily set-up and removal.

- 3.11 Option 1 is the preferred option for conducting a trial due to the following reasons:
- 3.11.1 Temporary outdoor cooking stations are the least expensive option and therefore are more likely to be implemented for the coming summer by one or more traders
 - 3.11.2 If the trial was deemed to be unsuccessful, there would be less financial risk to traders and for Council to withdraw its support
- 3.12 These elements could encourage suitable businesses in appropriate locations to be part of a trial and would provide an opportunity to test out the concept to inform a future policy.
- 3.13 A trial period of 18 months has been selected to allow the opportunity for 2 summers and if some businesses require 6 months planning, this still allows for 12 months of opportunity to offset the investment cost.
- 3.14 Claypots Seafood Express seeks support for their venue at 83 Fitzroy Street, St Kilda to be one of the businesses involved as part of the proposed trial and could commence in January 2018, until at least 30 April 2018.
- 3.15 Fitzroy Street has been identified as a location with sufficient footpath widths (approximately 6.0m) to undertake this trial. Limiting the initial trial to Fitzroy Street also affords an opportunity to provide pro-active measures that support Fitzroy Street trader's to rejuvenate the area as a destination.
- 3.16 Subject to review, a future policy should include but not be limited to:
- The identification of appropriate locations.
 - Urban design and visual amenity.
 - Precinct specific guidelines.
 - Community amenity.
 - Hours of operation.
 - Cooking Station Design Standards.
 - Safety and accessibility requirements.
 - Hygiene & cleanliness.
 - Operator's responsibilities.
 - Risk assessment.
 - Insurance and Council indemnification.
 - Decision-making criteria, review.
 - Fees and asset protection bonds.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The formulation of an outdoor cooking station policy would contribute towards the following outcomes in the Council Plan 2017-2027:

Strategic Direction 4: We are growing and keeping our character:

- 4.1.1 Liveability in a high density City.
- 4.1.2 A City of diverse and distinctive neighbourhoods and places.

Strategic Direction 5: We thrive by harnessing creativity:

- 4.1.3 A City of dynamic and distinctive retail precincts
- 4.1.4 A prosperous City that connects and grows business

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Officers consulted with a range of internal and external stakeholders. The internal stakeholders would be involved in any subsequent policy being developed and have provided the following comments in relation to the trial:
- 5.2 Health Services: A range of requirements for temporary outdoor cooking stations must be achieved. These must include a structure or design which protects food from contamination, encloses all equipment and provides a designated space and boundary. The national food safety standards guide recommends a tent, marquee or similar with at least three walls and a roof.
- 5.3 Traffic: Prior to offering permits the support of external stakeholders should be considered. These may include: VicRoads, CitiPower, Metropolitan Fire Brigade, Victoria Police, Public Transport Victoria and Yarra Trams.
- 5.4 Economic Development: Limiting the number of permits available may restrict the effectiveness of using this opportunity to contribute to the revitalisation of Fitzroy Street.
- 5.5 City Design: The look and feel of the street is key to the future marketability of the street. Outdoor cooking stations should be complimentary to the overall streetscape and design allow for open sightlines. It would be integral for City Design to play a part in any future policy.
- 5.6 Local Laws: Pro-active inspections would be made. Officers would work in partnership with each operator, including Health and City Permits officers to help determine the success of the trial.
- 5.7 Risk:
- \$20M public liability insurance would be recommended by Aon, Council's insurance broker.
 - Each outdoor cooking station request would require a comprehensive risk assessment.
 - Council must be resourced to ensure proper operations and on-going monitoring.



- There may be an equity issue with other traders unable to achieve an outdoor cooking station.
- 5.8 Statutory Planning: A planning permit would not be required if the structure is associated with a footpath activity under the Local Law.
- 5.9 Building: A building permit would not be required if structures were not attached in any way to the adjoining building.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 **Equity**: The proposed outdoor cooking station trial is proposed to be limited in number, and only to Fitzroy Street, as an action towards supporting its resurgence and future success as an activity centre. The trial has the potential to raise questions of equity with respect to other centres, however the specific characteristics of Fitzroy Street combined with the fact that this is the first step to a possible future Council wide outdoor cooking policy, should limit any concerns of inequity.
- 6.2 **Financial**: If a trial was unsuccessful this could be detrimental to each business considering the private investment involved. This could be managed by setting out the expectations to each business entering the trial and understanding that if unforeseen circumstances require the trial could end prematurely.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 An outdoor cooking station trial would provide opportunity to encourage:
- Use of only recyclable and/or compostable packaging.
 - Energy efficient appliances.
 - Waste management plans, including recycling and worm farm/composting.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 An outdoor cooking trial provides an opportunity to explore a new measure to activate Fitzroy Street, and in turn give further support to local businesses. Alfresco-dining already contributes to the ambience of the area and take-away options can encourage visitors to promenade and explore this section of St Kilda.

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 Temporary outdoor cooking stations have the least initial set-up costs to businesses, in comparison to the semi-permanent option, which would be unrealistic for a trial.
- 7.3.2 Outdoor cooking provides an opportunity to businesses to showcase products and create a visual spectacle, not dissimilar to what occurs at South Melbourne Market. A review of the trial could provide opportunity to extend outdoor cooking stations in other suitable activity centres in the municipality.



7.4 FINANCIAL IMPLICATIONS

- 7.4.1 The implementation of an outdoor cooking trial would require additional resources to comprehensively assess proposed locations and support prospective operators through the expressions of interest process.
- 7.4.2 Health and Local Laws units would need to be resourced to implement education, inspections and on-going monitoring of the trial locations.
- 7.4.3 A bond of at least \$1,000 would be held for the duration of each outdoor cooking station to assist in resolving any potential damage to Council assets, or cleaning.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 Expressions of interest to be advertised via:
 - 8.1.1.1 Notification to all current Fitzroy Street footpath trading permit-holders and via the traders association.
 - 8.1.1.2 Council website.
- 8.1.2 As the initial requestor, officers would work in partnership with the applicant for Claypots Seafood Express as a pilot operator to achieve a temporary outdoor cooking station design and arrangement that manages all identified risks and achieves food and public safety requirements.
- 8.1.3 Each request would be individually assessed against a range of known risks, including public safety, accessibility and amenity. With each recommendation made to the General Manager, Place Strategy & Development, if supported this would include site specific permit conditions.
- 8.1.4 On-going monitoring of each permitted outdoor cooking station to ensure requirements are being adhered to, and to identify any new challenges.
- 8.1.5 A trial period of 18 months has been selected to allow the opportunity for 2 summers and if some businesses require 6 months planning, this still allows for 12 months of opportunity to offset the investment cost.
- 8.1.6 Mid-2018 - Councillors to be briefed on the initial up-take from businesses, the success of the trial and recommended ways-forward.

8.2 COMMUNICATION

- 8.2.1 Communicate with Claypots Seafood Express as the pilot operator for the trial.
- 8.2.2 Advertise the remaining 9 outdoor cooking station trial permits to all current footpath trading permit-holders in Fitzroy Street, including the traders association, and on Council's website.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.