CITY OF PORT PHILLIP PROCEDURES AND PROTOCOLS MANUAL

[Insert date]

Note this manual should be read in conjunction with the City of Port Phillip Local Law Number 1 (Community Amenity)
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Procedures applying to the exercise of functions by Council under the Local Government Act 1989, Local Law Number 1 (Community Amenity).

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PART 1 – PRELIMINARY PROVISIONS

1. Title

This document is referred to as the "Procedures And Protocols Manual".

2. Purpose

The following document includes the procedures and conditions that are applicable under the City of Port Phillip Local Law No.1 (Community Amenity) (the Local Law).

When conducting any investigations under the Local Law, authorised officers will have regard to their obligations under the Charter for Human Rights and Responsibilities.

The City of Port Phillip recognises that there are many people within the community that are homeless or may have complex needs, such as mental illness, addiction or domestic violence.

Authorised officers will continue to perform their duties with consideration and compassion, and provide referrals to other work areas in Council to assist in these circumstances.

In order to improve accessibility and understanding between the Local Law and this document, the sections are now numbered to reflect the relevant Local Law clause. For example Clause 73 of the Local Law refers to Delegations and sub-section 73 of this document includes the list of delegations with respect to powers under the Local Law.

Not all Clauses of the Local Law have specific procedures included in this manual and for those sections, which are intentionally left blank, reference should be made to Section 2 (general guidelines) and Section 73 (delegations).

2.1 General Guidelines

Officers have discretion in enforcing the Local Law. Officers have internal procedures to ensure that the Local Law is enforced consistently by the team in a variety of circumstances.

The key method used when considering taking any enforcement action is a risk management approach. Local laws investigations cover a wide range of issues and the outcomes can vary considerably.

2.2 Investigation Examples

No offence – the officer attends and find there is no issue. The officer will communicate their findings to the complainant

Minor issue – can be remedied quickly. The officer may issue a letter or Notice to Comply advising the person how the issue may be rectified. For example, overhanging branches that may be impeding pedestrian access. The time frame provided to rectify the issue will reflect how urgent the issue is.
Permit issue example 1 - If a trader is found to not have a permit for placement of goods on the footpath, such as an A board, they will be asked to remove it and obtain a permit prior to placing the board out again.

Permit issue, example 2 – This may include not having obtained a permit for a specific activity. If the permit is required for a high risk activity, such as placement of a crane on Council land, then the likely outcome would be the issuing of an infringement notice.

Matters referred directly to Court – some serious issues may be referred straight to Court, such as aggravated littering, when a large volume of waste is dumped somewhere or put down a storm water drain.

3. **Sections 3 to 8 not included**
PART 2 - PROCEDURES IN RELATION TO ACTIVITIES AND USES REQUIRING A PERMIT.

9. Permits and Offences

Specific procedures in relation to permits can be found in subsequent specific sub-sections relating to specific permit types.

10. Footpath Activities

Procedures relating to footpath activities can be found in the Footpath Trading Guidelines, which are published by Council from time to time.

11. Advertising Signs

11.1 Standard conditions for advertising signs

(a) Community Signage Board Guidelines and Conditions

Eligibility:

The following groups will be eligible to apply to erect a temporary advertising sign:

- City of Port Phillip Non-profit Aged and Disability Groups, Youth Groups, Arts and Cultural Groups and Non-profit community groups which meet Council's strategic directions.
- City of Port Phillip schools and preschools.
- City of Port Phillip Service Clubs.

All signs are to promote an event or activity.

The following groups/organisations/activities will be ineligible to apply to erect a temporary advertising sign:

- For-profit and commercial organisations are not eligible to apply to erect temporary signage.
- Tobacco, gambling or alcohol promotion or advertising.
- Activities that do not meet goals or objectives of the Council Plan.

Erection of Signs without Permission:

- Groups, organisations or individuals who erect advertising signage without permission, will be directed to remove the signage within 24 hours. If this request is not complied with, Council will impound the signage.

Display Duration:
• The display period for a temporary sign will be a maximum of fourteen (14) days.

Limits on Size and Number of Signs:

• Temporary community advertising signs must not exceed five (5) square meters and would preferably be three (3) square meters or less.

• A maximum of two signage boards only per application will be permitted.

Content of Signs:

• The content of the sign must be submitted for approval with the application.

• Council reserves the right to disallow an application which it deems is not consistent with Council directions.

Sponsorship:

• Sponsorship identification on community signs is not to exceed 20% of the sign display area or 0.6 square meters, whichever is the lesser.

• Temporary advertising signage which displays sponsorship or advertising relating to tobacco or gambling associated activities, events or organisations, will not be granted approval to be erected in parks and reserves.

Placement and Removal of Signs:

• It is the responsibility of the applicant to erect, dismantle, and remove signs.

• Signs must be securely fixed into position, structurally adequate and demonstrate consideration for all loads that may be applied.

• When the sign(s) is (are) dismounted, all brackets, pegs and fasteners are to be removed. Signs must be taken down within 24 hours of the permit expiry date.

• Signs that are not removed by the due date, or on request thereafter, will be removed by Council and the costs of removal and storage recovered from the applicant.

• Signs are only to be placed at the designated site(s).

Conditions:
A copy of this permit shall be retained by the signage supervisor as stated above and shall be produced for inspection upon request by any member of the Victoria Police or authorised Port Phillip Council Officer.

No sign shall be placed on a building, premises and/or land without the prior consent of the occupier/landlord.

All approved signage is safely and securely fixed.

All approved signage must be removed by the date provided on the permit.

All signage is restricted to that which has been submitted and approved by formal application to Port Phillip Council.

Bookings for signage will only be received for dates less than six (6) months out at the time of application.

(b) Standard Conditions for a Real Estate Advertising Sign

- The permit-holdere is hereby permitted to place real estate pointer boards within the City of Port Phillip.
- Advertising signs promoting auctions, sales or an open house viewing must only be placed on footpaths and nature strips or Council land on the day of the event.
- The size of any advertising sign must not be greater than 1 metre in height or 70cm wide.
- The advertising sign must be removed within two hours of the conclusion of the auction/inspection.
- The advertising sign must not be placed on median strips, roundabouts or similar structures or works forming part of a road.

(c) Standard Conditions for Mobile Billboards

- A mobile billboard must not be located in a parking area for more than 2 hours regardless of whether the appropriate fee has been paid; and
- there must be at least a minimum separation of 200 metres between mobile billboards at any one time.

11.2 Designated areas for advertising signs

(a) Community Advertising Signs are permitted in the following locations within the municipality:
(i) Sol Green Reserve, City Road South Melbourne
(ii) Williamstown Road, Port Melbourne
(iii) Bay Street, Port Melbourne (opposite 317 – 334)
(iv) Bay Street, Port Melbourne (opposite 173)
(v) O’Donnell Gardens, St Kilda
(vi) Jacka Boulevard Overpass, St Kilda
(vii) Alma Park, St Kilda
(viii) St Kilda Town Hall
(ix) Beach Car Park Entry off Ormond Esplanade, Elwood
(x) Other Sites as Approved.

(b) Community advertising signs are prohibited in the following locations within the municipality:

(i) St Kilda Junction;
(ii) Canterbury Road/Fitzroy Street/Grey Street;
(iii) Beaconsfield Parade/Fitzroy Street/ Jacka Boulevard;
(iv) Beaconsfield Parade/Kerferd Road;
(v) Ferrars Street/Kerferd Road/Canterbury Road/Albert Road.

(c) Mobile Billboards

(i) Mobile billboards are prohibited in the following locations within the municipality:

- Ormond Esplanade, Marine Parade, Jacka Boulevard, Beaconsfield Parade, Beach Street, Beacon Road, The Boulevard and abutting car parks, including foreshore car parks
- St Kilda Road
- Fitzroy Street
- Acland Street Commercial Zone
- Clarendon Street Commercial Zone
- Bay Street Commercial Zone
Carlisle Street Commercial Zone

Note: In all other locations, relevant parking restrictions must be complied with at all times.

(ii) Mobile billboards are not permitted within the designated local access only zone for the period of the Australian Grand Prix from midnight on the Monday preceding the Grand Prix to midnight on the Monday following the Grand Prix.

11.3 Delegations for advertising signs

Please refer to sub-section 73 for the relevant delegations.

11.4 Enforcement guidelines for breaches of Clause 11 of the Local Law

Council officers will generally follow the guidelines set out in the table below following detection of a breach of clause 11 of the Local Law regarding advertising signs:

<table>
<thead>
<tr>
<th></th>
<th>Community Group</th>
<th>‘Small’ Commercial Operator</th>
<th>‘Major’ Corporate Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>First offence</td>
<td>Issue Notice to Comply - for removal within 7 days</td>
<td>Issue Notice to Comply - for removal within 7 days</td>
<td>Issue Infringement Notice and Issue Notice to Comply - for removal within 7 days</td>
</tr>
<tr>
<td>Non compliance after first offence and Notice to Comply</td>
<td>Issue Infringement Notice</td>
<td>Issue Infringement Notice to those identified within the local law.</td>
<td>Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).</td>
</tr>
<tr>
<td>Second or subsequent Offence</td>
<td>Issue Notice to Comply - for removal within 3 days.</td>
<td>Issue Infringement Notice to those identified within the local law and Notice to Comply within 24 hours.</td>
<td>Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).</td>
</tr>
<tr>
<td>Non compliance after second offence and Notice to Comply</td>
<td>Issue Infringement Notice</td>
<td>Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).</td>
<td>Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).</td>
</tr>
<tr>
<td>further PINs, issue of Summons</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12. **Itinerant Trading**

Please refer to sub-section 73 for delegations in relation to this clause.

13. **Itinerant Trading from House to House**

Please refer to sub-section 73 for delegations in relation to this clause.

14. **Occupation of Roads**

14.1 **Standard conditions for a street occupation / hoarding**

(a) This permit is subject to compliance with the Construction Management Measures contained under Local Law No. 1 (Community Amenity) 2013, Procedures & Protocols Manual Section 14.1.

(b) A minimum 1.5m width must be maintained unless otherwise approved, for safe pedestrian access. Pedestrian safety must be maintained at all times by the appropriate use of bollards and tape. On each approach to the occupied area, one or more of the following signs must be displayed and in place;

(i) Arrows, or

(ii) Pedestrians Watch Your Step or,

(iii) Use Other Footpath

(c) Accredited Traffic Controllers must operate in accordance with any approved Traffic Management Plan associated with the works. Traffic Controllers must assist pedestrians and cyclists as required.

(d) If traffic flow is affected by the works, emergency services, including Fire Brigade, Ambulance and Police must be notified by the permit-holder a minimum of 24 hours prior to commencement of works.

(e) The City of Port Phillip does not accept any responsibility for accidents, damage or injury to property, participants or third parties that may arise out of this event. There must be public liability insurance for the type of work proposed with an indemnity of not less than $10M, including full indemnity for the City of Port Phillip Council against any claim laid against it either by members of the public or persons engaged in any activities associated with the works who, as a result of the works, suffer personal injury, property damage or financial loss.

(f) To the satisfaction of, and at no cost to Council, the permit-holder must reinstate all assets and infrastructure.

(g) To amend the dates of this licence requires a written request to be received by the Development Permits unit by 9am, whilst the permit is valid. Once this permit has expired it cannot be re-used, amended or fees refunded. A
maximum of 2 amendments to the dates of the permit can occur prior to incurring additional costs.

(h) A copy of this permit must be kept on-site and presented to any authorised officer upon request.

(i) All other standard conditions and Council permits and licenses apply.

(j) The City of Port Phillip reserves the right to amend or revoke the above at any time.

14.2 Standard conditions for a road opening (A permit issued under the Road Management Act 2004)

(a) This permit is subject to compliance with the Construction Management Measures contained under Local Law No. 1 (Community Amenity) 2013, Procedures & Protocols Manual Section 14.2.

(b) A minimum 1.5m width must be maintained unless otherwise approved, for safe pedestrian access. Pedestrian safety must be maintained at all times by the appropriate use of bollards and tape. On each approach to the occupied area, one or more of the following signs must be displayed and in place;

(i) Arrows, or

(ii) Pedestrians Watch Your Step or,

(iii) Use Other Footpath

(c) All traffic treatments must be in accordance with any Traffic Management Plan submitted to Council and maintained during the works.

(d) Signage must be visible and must not obstruct sightlines, footpaths and vehicle crossings and access points.

(e) Accredited Traffic Controllers must operate in accordance with any approved Traffic Management Plan associated with the works. Traffic Controllers must assist pedestrians and cyclists as required.

(f) The City of Port Phillip does not accept any responsibility for accidents, damage or injury to property, participants or third parties that may arise out of this event. There must be public liability insurance for the type of work proposed with an indemnity of not less than $10M, including full indemnity for the City of Port Phillip Council against any claim laid against it either by members of the public or persons engaged in any activities associated with the traffic diversion who, as a result of the diversion, suffer personal injury, property damage or financial loss.

(g) To the satisfaction of, and at no cost to Council, the permit-holder must reinstate all assets and infrastructure.
In addition to the requirement to obtain a Road Opening Permit, further permits may be required for activities on Council land such as Skip Bin, Road Closure, Street Occupation, or Asset Protection. Consents may also be required from VicRoads, utilities and public transport operators. The permit-holder must ensure all relevant permits and approvals have been obtained prior to commencing any works.

To amend the dates of this licence requires a written request to be received by the Development Permits unit by 9am, whilst the permit is valid. Once this permit has expired it cannot be re-used, amended or fees refunded.

A maximum of 2 amendments to re-schedule the works are allowed before incurring additional fees.

This permit must be kept on-site and presented to any authorised officer upon request.

All other standard conditions and Council permits and licenses apply.

The City of Port Phillip reserves the right to amend or revoke the above at any time.

Prior to commencement – Notifications and inspection

The permit-holder must provide a minimum of 2 business day’s written notification to the occupants of all affected owners, occupiers and businesses affected by the works and a copy forwarded to the City Permits unit, e-mail: devpermits@portphillip.vic.gov.au. Notification must include:

(i) The nature of the works being performed
(ii) The date and hours of works occurring under this permit
(iii) Council’s permit reference
(iv) Contact name and phone number for the permit holder and/or site manager

The permit-holder must contact the Asset Inspection Officer at least 2 business days before commencing works, by e-mail: helpassetinspection@portphillip.vic.gov.au, or Ph: 03 9209 6220, to arrange an inspection to determine:

(i) the extent of reinstatement works including road pavement, signage and markings
(ii) the requirement for further inspections,
(iii) any requirements for the removal, storage and reinstatement of bluestone assets
(iv) removal and reinstatement of street furniture, (litter bins, public seating and bicycle hoops)

During construction

(p) Works that may cause significant delay to traffic and/or public transport services must be scheduled outside peak periods of 7–9am and 4–6pm weekdays unless otherwise permitted with the written consent of Council.

(q) Works must be carried out in accordance with ‘Road Management Act 2004 Code of Practice Worksite Safety – Traffic Management’ and any approved Traffic Management Plan.

Work execution

(r) Without the written consent of the Council the permit-holder must utilise boring techniques when installing underground services. Any piping or cabling work under an existing vehicle crossing must be carried out by boring, unless approval from Council’s Asset Inspection Officer has been obtained.

(s) Within 7 days of completion of the works the permit-holder must submit a request for final inspection to e-mail: devpermits@portphillip.vic.gov.au.

(t) If agricultural drains or irrigation pipes are encountered during excavation the permit-holder must carefully replace the pipes to their original position prior to backfilling.

(u) The minimum lateral clearance from a drain is 500mm and a vertical clearance of 300mm. If the proposed road opening or any other work interferes with any underground drains, the approval must be obtained from the Council’s Assets department prior to the commencement of works.

(v) The minimum lateral clearance from a street tree is 2 metres. If the proposed road opening is less than 2 metres, consent must be obtained from Council’s Arborist.

(w) Reinstatement of finished surfaces must match and be flush with existing.

(x) Any excavated material must be removed from the road reserve daily and the area left in a clean and tidy condition.

(y) Any damage to Council assets caused by the permit-holder’s reinstatement works must be rectified to the satisfaction of Council’s Asset Inspection Officer.

(z) Failure to restore the road reserve and associated assets will result in Council undertaking the reinstatement works and deducting the cost from the security bond and the remainder refunded. Where costs exceed the security bond amount held, the permit holder will be liable for the excess and charged accordingly.
(aa) If works are conducted in contravention of this permit, the City of Port Phillip reserves the right to amend or revoke the above at any time.

Reinstatement of footpaths

Asphalt footpaths

Specification for Asphalt Footpath – Refer to Standard Drawing: SD3103

(bb) The permanent asphalt layer of footpaths must be constructed in accordance with Council’s current Standard Drawing.

(cc) The Bituminous surface at the edges of the trench must be cut with a circular saw.

(dd) A temporary bituminous surface of premix (cold-mix) minimum depth 75mm must be constructed before the crossing is opened to traffic, unless the permit-holder is completing a permanent reinstatement immediately with hot-mix asphalt.

(ee) The full width of the footpath must be reinstated. Where only part of a concrete footpath/vehicle crossing panel has been damaged, reinstatement must include the removal and reinstatement of the whole panel.

Concrete footpaths

Specification for Concrete Footpaths – Refer to Standard Drawing: SD3103

(ff) The permanent concrete layer of footpaths must be constructed in accordance with Council’s current Standard Drawing.

(gg) Concrete footpath areas affected by works will be reinstated in full sections within the surrounding joints unless directed otherwise by Council’s Asset Inspection Officer.

(hh) Existing surface levels must be maintained and the tops of all service pits/junction boxes must be at the footpath surface level.

Reinstatement of road pavements

(ii) Where the permit-holder or contractor’s road opening is less than 1.0 metre from the lip of a channel, the floating section of pavement must be removed and the final surface reinstatement will be from the furthest edge from opening/trench to the lip of channel.

(jj) All road pavement surfaces must be cut with a circular saw.

Flexible road pavement (Asphalt)

Specification for Flexible Road Pavements – Refer to Standard Drawing SD3103

Rigid Road Pavement (Concrete)
Temporary reinstatements

(kk) All temporary road reinstatements must be finished with cold-mix (premix asphalt) flush with the existing surfaces unless permanent hot-mix asphalt reinstatement is being completed immediately following the compaction of the pavement surface.

Nature strips

(ll) All nature strips must be reinstated. Backfilling of nature strips must be completed with natural soil material compacted in 150mm layers, 90% standard compaction to a level 75mm below surface. The remaining backfill must be uncompacted topsoil to 15mm above the surface level and the surface even and seeded to Council’s satisfaction. The area must be kept moist until germination has occurred.

Reinstatement of vehicle crossings
Specification for Vehicle Crossings – Refer to Standard Drawing SD4101

(mm) The vehicle crossing must be constructed in accordance with Council’s current Standard Drawing.

(nn) Concrete vehicle crossings affected by works must be reinstated in full sections (panels) within the surrounding joints unless otherwise directed by Council’s ‘Asset Inspection Officer’.

(oo) When reinstating a section/panel, Y16 dowel bars 400mm lengths must be inserted 200mm into the existing concrete surface and spaced 300mm apart.

Kerb and channel

Specification for Concrete Kerb and Channel – Refer to Standard Drawing SD1101

Specification for Bluestone Kerb and Channel – Refer to Standard Drawing SD1102

(pp) The kerb and channel must be reinstated to the satisfaction of Council’s Asset Inspection Officer.

Bluestone pitchers

Specification for Bluestone Pitchers – Refer to Standard Drawing SD3101

(qq) The bluestone pitcher kerb and channel, and pavement must be reinstated to the satisfaction of Council’s Asset Inspection Officer.

(rr) City of Port Phillip reserves the right to amend or revoke the above at any time.
15. Special Events

15.1 General

Under Clause 15 of the Local Law No. 1 (Community Amenity), a permit is required to hold a Special Event. Application forms for events are available on the City of Port Phillip website. A Special Event includes the following kinds of event:

(a) Events with 20+ attendees

(b) Markets produced by external providers

(c) Promotional activities

Application requirements

An application for a special event must provide:

a) Details of the event in the format required by the Council

b) Detailed event operations and management plans

c) Evidence of support from emergency service providers

d) Proof of gaining approval for all other regulatory requirements, including (but not limited to) liquor licences, APRA licences and building permits.

e) A certificate of currency indicating that the applicant has at least $20m public liability insurance.

15.2 Standard conditions for events, markets and promotions

General Conditions:

(a) A copy of this approval letter must be produced on request by any authorised Council Officer during the conduct of the activity.

(b) Your organisation/the permit holder nominates [insert name] including their mobile telephone number [insert number] who can be contacted on the day of the activity.

(c) This permit is not transferable.

Site Management

(d) It is the responsibility of the permit holder to:

(i) Leave the event area in a clean and tidy condition.

(ii) Ensure that there is no damage to property, council assets or the environment resulting from the conduct of the event and/or its associated activities.
(e) Permit holders will be required to reimburse council for the cost of any restoration or repairs which are required as a result of the event and/or its associated activities.

(f) The site set up must be as per an approved layout plan for the event.

(g) The permit holder must not use the permitted site for any other purpose other than what is specified in the approved location.

(h) All infrastructure is to be weighted, not pegged.

(i) All infrastructure must be placed at least 2 metres away from the base of and meet all specific tree protection restrictions required of the site.

(j) Nothing is permitted to be attached to trees or existing council assets.

(k) The permit holder is responsible for any damage caused to the garden, reserve, foreshore or surrounding area by event contractors or sub contractors.

(l) The permit holder must not make any alterations to any fixtures or fittings or interfere with any services without the consent in writing of the City of Port Phillip.

(m) The permit holder must not:

   (i) do anything that is or may be dangerous or offensive or that may interfere with other persons;

   (ii) do anything which might affect any insurance policy relating to the permitted event by causing it to become void or voidable or having claim on it being rejected or by causing any premium payable by City of Port Phillip to be increased;

   (iii) remove any of City of Port Phillip property from the permitted site without permission.

(n) City of Port Phillip site gates at the reserve are to remain locked once bump in has been completed, other than during waste collection periods.

(o) The permit holder is responsible for any damage caused to the garden, reserve, foreshore or surrounding area by event contractors or sub contractors.

(p) The permit holder must permit authorised council officers access into any area of the permitted event site at any time for the purpose of compliance inspections.

(q) Should your event be conducted on or adjacent to Council’s bike path, you are required to provide a suitable number of crowd controllers to ensure public safety.
A minimum walking space of 1.5 metres must be left on the footpath for pedestrians.

To enable emergency access, the event area must provide a clear 2.5 metre walkway for other pedestrian traffic at all times.

The permit holder must provide adequate mobile toilets appropriate to the number of patrons expected.

Cable covers must be used for any cables or trip hazards running across pathways or pedestrian areas.

Noise Management & Music Approvals

Noise and music must be kept at acceptable levels at all times creating as little disturbance as possible to surrounding residences. Acceptable levels include those specified by EPA, any authorised Council Officer or the Victorian Police during the conduct of the event.

Noise management must comply with EPA SEPP N-2 and 5dB(A) above background level in accordance with EPA 1254.

Noise from the event must be managed as per an approved Noise Management Plan.

All amplified noise must be monitored and levels must be recorded at sites designated by council officers. This information must be supplied to council 24 hours after the event conclusion.

A complaints handling procedure must be in place to promptly action any noise complaints.

Any amplified PA system used at any time must have speakers facing seaward or away from residential areas where possible.

Events which involve live or recorded music must obtain the appropriate licences or tariffs from the Australasian Performance Company of Australia (APRA) and/or the Phonographic Performance Company of Australia (PPCA).

The permit holder indemnifies City of Port Phillip for any liability to the copyright owner, APRA and/or PPCA arising from the performance of any musical work or music video without the appropriate licences or authority.

Health & Amenity Management

Advertising of tobacco and gambling is not permitted.

The selling of food or drink by wandering vendors is not permitted.

No balloons (including helium filled) may be used at the event.
(gg) This permit is subject to appropriate approvals from the City of Port Phillip Health Services in regards to the serving and selling of food and drink. All food/drink vendors must apply for a temporary food premises permit via Streatrader https://streatrader.health.vic.gov.au/public_site

Waste Management

(hh) It is the event organiser’s responsibility to ensure that all waste is removed from the event site and is correctly disposed of at the conclusion of the event.

(ii) No waste associated with the event (such as advertising material) is to go into Council waste containers. This does not include general public waste such as food and drink containers.

(jj) The permit holder will be required to reimburse council for the cost of any additional cleaning or waste removal required post event.

Communications Management

(kk) All signage approved by this permit must not be varied from an approved Signage Plan.

Risk Management

(ll) The permit holder is required to hold current public liability insurance to the value of $20 million indemnifying Council against any liability arising from the event.

(mm) Event organisers have a duty of care under the Victorian Occupational Health and Safety Act 2004 (the OHS Act) to provide a safe operational environment. Under this legislation, event organisers must ensure so far as reasonably practicable that people are not exposed to risks arising from the event or associated activities.

(nn) The permit holder is responsible for managing the event safety risks through integrated event safety planning and associated approved documentation.

(oo) The permit holder acknowledges that occupational health and safety in relation to the permitted event is the responsibility of the permit holder (other than to the extent City of Port Phillip cannot at law contract out of its obligations with respect to the Occupational Health and Safety Act).

(pp) The permit holder must comply with all OH&S laws and applicable Australian Standards.

(qq) The permit holder is responsible for the security of event equipment and property.
The permit holder is responsible for the safeguarding of the public against injury and for maintaining the site during the conduct of the event in a safe condition at all times.

The permit holder must notify a City of Port Phillip representative immediately after an accident or any incident involving injury or property damage.

As a general precaution, EPA advises against swimming near stormwater drains, rivers, streams and other outlets into Port Phillip Bay during rainfall and for at least 24 hours afterwards. It is the responsibility of event organisers to decide whether to cancel, postpone, or alter an event due to the possibility of stormwater pollution. Refer to EPA’s Beach Report website (http://yarraandbay.vic.gov.au/beach-report) for information on assessing beach water quality.

A pedestrian/traffic management plan must be supplied to ensure the safety of public users (including cyclists), event staff and volunteers onsite during the bump in, bump out and during the event in regards to the use of machinery/plant equipment & vehicles.

Traffic management

The permit holder must finalise the Traffic Management Plan at least 8 weeks prior to the event with Council’s Traffic Engineer to develop and implement a viable traffic management plan.

Traffic must be managed and implemented according to the approved Traffic Management Plan.

Ten days prior to the event, the permit holder is to letter drop surrounding residents advising them of the road closure and the time of the event. Major road closures may require additional letter drops.

The permit holder is accountable for the removal of all traffic signage associated with the event within 4 hours of the event’s conclusion.

Barricades must be secured so as not to be moved around easily by weather or unauthorised persons.

Parking and vehicles

No parking is permitted on the foreshore or the promenade.

All parking and vehicle usage is subject to Council parking restrictions, local laws and state road rules.

Vehicles can only access the site to off-load equipment and for pack-up. Outside these times, all vehicles associated with the event must park in the designated roadside or car parking spots.
Vehicular access on the promenade must be in line with the “St Kilda Foreshore Promenade – Vehicular Access and Load Limitations’ Document. This can be found at Event Maps & Resources - City of Port Phillip Website.

The permit holder must ensure all vehicles accessing the site comply with the Conditions of the Vehicles in Reserves & Parks guidelines.

The permit holder may be charged a fee per unauthorised vehicles parked onsite during the event.

Non-Compliance

A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each interested party, cancellation of the permit or with the matter being referred to the Magistrates’ Court.

Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.

**Special Conditions – applied as required:**

- **(iii)** Any pegging of temporary structures must occur a minimum of ½ metre away from irrigation lines and 2 metres from any power cables.

- **(jjj)** The organiser needs to contact ‘Dial Before you Dig’ prior to any pegging or structures.

- **(kkk)** All temporary structures must be weighted and not pegged when on grassland.

- **(lll)** Cable covers must be used on low lying cables.

- **(mmm)** Site set up must be as per the approved layout plan.

- **(nnn)** A structural design is to be provided from a qualified and registered structural engineer taking into account the wind loads along the foreshore.

- **(ooo)** The permit holder must supply a Certificate of Compliance (Design) issued by the structural engineer pursuant to Regulation 1507 of the Building Regulations 2006.

- **(ppp)** The permit holder must supply a Certificate of Compliance (Inspection) issued by the structural engineer pursuant to Regulation 1507 of the Building Regulations 2006.

- **(qqq)** All infrastructure must be supported by compliance certificates and have sign off from a structural engineer.
(rrr) Inflatable rides must comply with Australian Standards for Amusements Rides and Devices.

(sss) Inflatable structures must comply with council guidelines Use of Inflatable or Mechanical Rides.

(ttt) The nursery must comply with The Department of Primary Industry’s Code of Practise for the Display of Animals.

(uuu) Animal nurseries or farms must comply with council guidelines for Use of Animal Nurseries/Farms.

(vvv) This permit is conditional upon Siting Approval for a Prescribed Temporary Structure and/or approval for an Occupancy Permit for a Place of Public Entertainment.

(www) All infrastructure is to be weighted, not pegged.

(zzz) Any damage or disturbance to grass, gardens or soil must be immediately reported to Council.

(yyy) Vehicles must drive slowly onto the forecourt area and a marshal must walk in front of the vehicle during bump in/out to ensure pedestrian safety.

(aaaa) The vehicle must enter and exit via Cavell Street and are not to drive over or through pedestrian crossings.

(bbbb) All vehicles must comply with the above conditions (including bump in/out vehicles)

(cccc) The activity must be clearly marked with flags/signage to show that it is an event.

(dddd) Trees must be protected as per the Catani Gardens Tree Protection Map.

(eeee) Heritage features within the garden must be protected as per the Catani Gardens Heritage Conditions guidelines.

(ffffffff) Vehicles must only enter and exit via Pier Rd gates.

(gggg) Vehicles need to stay on paths as much as possible.

(hhhh) The permit holder must ensure all vehicles accessing the site comply with the Conditions of the Catani Gardens Vehicle and Site restrictions.

(iiii) Access to the event site is only permitted via the reserve.

(jjjj) The permit holder must ensure all vehicles accessing the site comply with the Conditions of the South Beach Reserve Vehicle and Site restrictions
(kkkk) No vehicles are permitted access onto the paved or concreted pathway surrounding the reserve at any time. The permit holder is responsible for any damage caused to the surrounding pavers during the event, including bump in or bump out.

(III) Appropriate approvals must be obtained from the Civil Aviation Safety Authority.

(mm) This permit is conditional upon an approved Filming Permit issued by the City of Port Phillip Film Unit.

(nnnn) This permit is conditional upon an approved Liquor Licence and all conditions specified on this licence as issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

(oooo) No pass outs are permitted.

(pppp) This permit is conditional upon approvals by Parks Victoria for all activities in the water.

(qqqq) If animal nurseries/farms are part of the event you need to comply with the following conditions:
   
   (i) Have hand-washing facilities to protect the public from contracting transmittable diseases from the animals

   (ii) Your site plan should show the location of the animal nursery

   (iii) The set up needs to be on a surface that is suitable for animals and that doesn’t damage the site.

   (iv) Adequate shade, food and water must be provided to the animals at all times.

   (v) All animal waste must be appropriately disposed of.

   (vi) The management of the animal nursery should be included in your risk assessment

   (vii) The nursery must comply with The Department of Primary Industry’s Code of Practise for the Display of Animals.

   (viii) It is the event organisers’ responsibility to ensure the proprietor is setting up and controlling the animal nursery in a safe and compliant manner for the duration of the event, and that the operators are suitably licensed.

Acland Street Plaza conditions (as required)

(rrrr) Vehicles must drive slowly onto the forecourt area and a marshal must walk in front of the vehicle during bump in/out to ensure pedestrian safety.
(ssss) The vehicle must enter and exit via Barkly Street and are not to drive through pedestrian crossings.

(tttt) All vehicles must comply with the above conditions (including bump in/out vehicles)

(uuuu) The activity must be clearly marked with flags/signage to show that it is an event.

(vvvv) Vehicles cannot be left in the Plaza during the event

(wwww) Vehicles must not exit the plaza in there is a large crowd

(xxxx) All waste to be removed on conclusion of the event

16. Street Party

This section is intentionally blank.

17. St Kilda Festival Activities

Under clause 17 of the Local Law No. 1 (Community Amenity), a permit is required to carry out certain activities in the St Kilda precinct during the St Kilda Festival. A permit of this kind is called a ‘St Kilda Festival Permit’. Application forms for events are available on the City of Port Phillip website. St Kilda Festival Permits include:

- St Kilda Festival itinerant food trader permit (17.1)
- St Kilda Festival itinerant market trader permit (17.2)
- St Kilda Festival permanent trader permit (17.3)
- St Kilda Festival busking permit (17.4)
- St Kilda Festival temporary fence permit (17.5)
- St Kilda Festival event permit (17.6)
- St Kilda Festival filming and photography permit (17.7)
- St Kilda Festival promotional sampling permit (17.8)

17.1 Standard conditions for St Kilda Festival itinerant food trader permit

TRADING SITE

(a) Permit and plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.
(b) The activity authorised as specified on the vendor’s permit can only be
conducted in the area specified on the accompanying plan.

(c) The level of use must not exceed that indicated in the application for a
permit and may only consist of the approved activity as advised in the
permit.

(d) At the completion of the Festival, the permit holder must clear the site that
has been occupied during the period of the Festival. If trading on a roadway,
all infrastructures must be cleared from the road at 10:00pm.

(e) The site surface must be left by the trader in a clean state at the conclusion
of the event as deemed by St Kilda Festival Management. (An additional
fee to cover cleaning will be incurred if the site is not deemed in an
appropriate state.)

(f) Trader placement on site is at the absolute discretion of St Kilda Festival
Management.

(g) All vendors serving food must have a copy of and comply with the Guide to
the Design and Inspection of Gas Installations in Mobile Catering Vehicles
Checklist on site. (Inspections will be conducted.)

PRODUCTS FOR SALE

(a) No business is allowed to sell or promote any product outside the business
activity advised in the product list, submitted with application and approved
by St Kilda Festival Management.

(b) Only St Kilda Festival sponsorship beverages may be sold and hence must
be purchased from the St Kilda Festival prior to the event.

(c) Alcohol must not be served or sold.

PRODUCT STORAGE

(a) The trader must not bring a cool room on site unless it has been approved
and permitted by St Kilda Festival Management.

(b) The trader must contain all storage and other equipment within the confines
of their site.

INFRASTRUCTURE

(a) Hired infrastructure must be left in a clean state at the conclusion of the
event as deemed by St Kilda Festival Management. (An additional fee to
cover cleaning will be incurred if the infrastructure is not deemed in an
appropriate state.)

(b) No item or infrastructure e.g. umbrellas, signage, tent lines or pegs, etc.
may protrude from or sit outside of the allocated site area.
HEALTH REGISTRATION

(a) All vendors serving food are required to have a current health Registration Certificate, issued by their Principal Council (Class 2 & 3) and Food Safety Program (Class 2). All vendors serving food must also have submitted a Statement of Trade to both their Principal Council and the St Kilda Festival (City of Port Phillip).

INSURANCE

(a) The permit holder must provide a Certificate of Currency from their insurance company providing a minimum cover of $10 million. (In addition, the Certificate must name the City of Port Phillip as an interested party in the policy for the period of the event.)

(b) The permit holder must indemnify the Council against all losses and claims resulting from the permit holder’s negligence.

VEHICLE ACCESS

(a) Only vehicles with accreditation from the St Kilda Festival may enter the site between 6:00am and 9:00am for the purposes of equipment delivery. Traders vehicles will not under any circumstances be granted access to their site after 9:00am.

(b) Under no circumstances can vehicles be brought back onto the site at the conclusion of the event prior to clearance being given by Victoria Police via your local Site Manager. (Vehicle access will be granted to festival accredited vehicles only after 10:00pm for equipment collection, provided Victoria Police in the Event Control Centre have given vehicle safety clearance to enter the site, via your Site Manager.)

(c) No vehicles other than permitted mobile food vehicles can be present on site during the event. (Accredited parking access for support vehicles must be obtained from St Kilda Festival Management prior to the event.)

(d) No vehicle access will be allowed under any circumstances between 9:00am and 10:00pm on Sunday (insert date). (Vehicles found illegally parked or moving on site between 9:00am and 10:00pm will be fined.)

SAFETY AND AMENITY

(a) No barbecues, hotplates, Bain Maries or other hot servery equipment may be used as shop counters.

(b) All electrical equipment and power leads must have a current electrical test tag. (Inspections will be conducted.)

(c) No amplified music is allowed to emanate from the vending site.
(d) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisations pertaining to the trading area must be followed and adhered to immediately.

WASTE MANAGEMENT AND SUSTAINABILITY

(a) All rubbish and waste produced in the area on the attached plan during the period of the festival must be disposed of in the bins provided by the Festival.

(b) Items must be disposed of in the manner required by the Festival’s waste management program. (Trade waste is the responsibility of the trader.)

(c) All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.

(d) Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)

ACCESSIBILITY

(a) The trader must not obstruct the pedestrian thoroughfare immediately in front of their trading site.

(b) The service counter/bench/display height of the trader must ideally be no greater than 900mm. In the instance that the height is greater than 900mm, special assistance must be provided to each customer that may require accessibility assistance.

(c) Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.

(d) The trader must ensure that entrance and exit points of their site are completely accessible to all customers and are not obstructed by signage or other items.

FEES AND CHARGES

(a) Once application to participate as a trader in the 2013 St Kilda Festival has been accepted and an invoice is issued to the trader, the trader is liable for payment. Failure to reconcile payment will result in action from City of Port Phillip. (This may affect the trader's credit history and ability to participate in the St Kilda Festival in future years. Under no circumstances can refunds be issued.)

(b) Total gross revenue/sales figures for trade on the day of the event must be submitted on the provided form within the St Kilda Festival Trader Application Kit to Festival Trader Liaison by close of business, (insert date), via fax on 03 9536 2717 or email to skftraders@portphillip.vic.gov.au.
(Failure to so may result in the issuing of an infringement notice or prosecution.)

(c) The total site fee (the balance of 25% of the gross revenue minus the paid Site Permit Deposit Fee) must be paid within 7 days of the invoice date. (Failure to do so will result in action from City of Port Phillip. This may affect the trader’s credit history and ability to participate in the St Kilda Festival in future years.)

HOURS OF OPERATION

(a) The permit holder acknowledges that the permit is for (insert date) only.

(b) The permit holder must not commence trading before the specified commencement of 10:00am and must not trade beyond the specified completion time of 9:30pm.

(c) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by this permit.

17.2 Standard conditions for a St Kilda Festival itinerant market trader permit

TRADING SITE

(a) Permit and plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.

(b) The activity authorised as specified on the vendor’s permit can only be conducted in the area specified on the accompanying plan.

(c) The level of use must not exceed that indicated in the application for a permit and may only consist of the approved activity as advised in the permit.

(d) At the completion of the Festival, the permit holder must clear the site that has been occupied during the period of the Festival. If trading on a roadway, all infrastructures must be cleared from the road at 10:00pm.

(e) The site surface must be left by the trader in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. An additional fee to cover cleaning will be incurred if the site is not deemed in an appropriate state.

(f) Early access to trading site on days prior to (insert date) is strictly by negotiation with and at the discretion of St Kilda Festival Management. Early access will not be available for any sites on footpaths or roadways.

(g) Trader placement on site is at the absolute discretion of St Kilda Festival Management.
(h) Sites requested are not guaranteed.

PRODUCTS FOR SALE

(a) No business is allowed to sell or promote any product outside the business activity advised in the product list, submitted with application and approved by St Kilda Festival Management.

(b) Alcohol must not be served or sold.

PRODUCT STORAGE

(a) The trader must contain all storage and other equipment within the confines of their site.

INFRASTRUCTURE

(a) Marquee packages and power are provided according to the trader’s approved application. Changes to orders and refunds may not be possible once invoice for payment has been issued by St Kilda Festival Management.

(b) Hired infrastructure must be left in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. An additional fee to cover cleaning will be incurred if the infrastructure is not deemed in an appropriate state.

(c) No item or infrastructure e.g. umbrellas, signage, tent lines or pegs, etc. may protrude from or sit outside of the allocated site area.

INSURANCE

(a) The permit holder must provide a Certificate of Currency from their insurance company providing a minimum cover of $10 million. In addition, the Certificate must name the City of Port Phillip as an interested party in the policy for the period of the event.

(b) The permit holder must indemnify the Council against all losses and claims resulting from the permit holder’s negligence.

VEHICLE ACCESS

(a) Only vehicles with accreditation from the St Kilda Festival may enter the site between 6:00am and 9:00am for the purposes of equipment delivery. Traders vehicles will not under any circumstances be granted access to their site after 9:00am.

(b) Vehicle access will be granted to festival accredited vehicles only after 10:00pm for equipment collection, provided Victoria Police have given vehicle safety clearance to renter the site. Under no circumstances can
vehicles be brought onto site prior to clearance being given by Victoria Police in the Event Control Centre via your Site Manager.

(c) No vehicles other than permitted mobile food vehicles can be present on site during the event. Accredited parking access for support vehicles must be obtained from St Kilda Festival Management prior to the event.

(d) No vehicle access will be allowed under any circumstances between 9:00am and 10:00pm on Sunday the (insert date).

SAFETY AND AMENITY

(a) All electrical equipment and power leads must have a current electrical test tag. Inspections will be conducted.

(b) No amplified music is allowed to emanate from the vending site. All normal noise regulation requirements will apply as per usual.

(c) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisations pertaining to the trading area must be followed and adhered to immediately.

WASTE MANAGEMENT AND SUSTAINABILITY

(a) All rubbish and waste produced in the area on the attached plan during the period of the festival must be disposed of in the bins provided by the Festival.

(b) Items must be disposed of in the manner required by the Festival’s waste management program. Trade waste is the responsibility of the trader.

(c) All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.

(d) Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)

ACCESSIBILITY

(a) The trader must not obstruct the pedestrian pathway opposite the trading site.

(b) The service counter/bench/display height of the trader must ideally be no greater than 900mm. In the instance that the height is greater than 900mm, special assistance must be provided to each customer that may require accessibility assistance.

(c) Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.
(d) The trader must ensure that entrance and exit points of their site are completely accessible to all customers and are not obstructed by signage or other items.

FEES AND CHARGES

(a) Once application to participate as a trader in the St Kilda Festival has been accepted and an invoice is issued to the trader, the trader is liable for payment. Failure to reconcile payment will result in action from City of Port Phillip. This may affect the trader’s credit history and ability to participate in the St Kilda Festival in future years.

(b) Under no circumstances can refunds be issued.

HOURS OF OPERATION

(a) The permit holder acknowledges that the permit is for Sunday (insert date) only.

(b) The permit holder must not commence trading before the specified commencement of 10:00am and must not trade beyond the specified completion time of 9:30pm.

(c) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by the permit.

17.3 Standard conditions for a St Kilda Festival permanent trader permit

(a) Trading without a valid Permit to Participate will hold the trader liable and will either incur an infringement notice or prosecution.

(b) All preparation and cooking of food must be done inside the premises as opposed to outside on the footpath or roadway.

(c) The activity authorised as advised by this permit can only be conducted in and must not exceed the area approved on the attached plan.

(d) All designated access roads, footpaths and access arms must not be used by the permit holder for any reason whatsoever and must be kept free from obstruction at all times.

(e) The permit and associated plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council, St Kilda Festival Management and/or Police.

(f) The permit holder must provide a Certificate of Currency providing a minimum cover of $10 million. The certificate must list the City of Port Phillip as an interested party in the policy for the period of the event.
(g) The permit holder acknowledges that the permit is for use between the hours of 10:00am and 9:30pm on Sunday (insert date) only.

(h) Sites requested are not guaranteed.

(i) No business is allowed to sub-let or sub-contract under council’s site allocation. For businesses wishing to operate in neighbouring premises, the said Operator must have written consent from the neighbouring owner and the festival must be supplied with a copy of this consent.

(j) The trader must not sell or promote any product outside their normal business activity.

(k) All product or branding signage erected within the site of the extended trading area and/or promotional activities undertaken must be approved by St Kilda Festival Management prior to the Festival. Any activities not approved prior to the Festival may face fines or further action.

(l) No alcohol branding signage or promotion shall be permitted within the site of the extended trading area. Branded fridges, umbrellas and hoardings may be permitted at the discretion of St Kilda Festival Management, in writing prior to the event.

(m) The permit holder must take all reasonable steps to ensure that any furniture used during the period of the festival is strong and safe and complies with any standards specified for use.

(n) All equipment hired by the trader, including but not limited to marquees, tables and chairs, must be removed from the road carriageway section of the extended trading area by no later than 10:00pm, so as roads can be safely reopened to traffic. All equipment hired must be completely removed from the site by 11:00pm.

(o) Unless the permit holder has obtained a Temporary Limited Licence from Liquor Licensing Victoria, alcohol must not be served or sold from the area identified in the attached plan.

(p) Where the permit holder has all necessary consents and licenses to serve alcohol in the area identified in the attached plan, the permit holder must comply with the conditions of the licence, including the provision of any signage required by the licence.

(q) The permit holder must not provide any beverages in glass containers in the area identified in the attached plan.

(r) All rubbish and waste produced in the area on the attached plan during the period of the Festival must be disposed of in the bins provided by the council and in the manner required by the Festival’s waste management program. Trade waste is the responsibility of the trader.
(s) Set up of any extended trading area may commence from 6:30am and must be completed by 9:30am in readiness for a festival start at 10:00am.

(t) If the trader has engaged a party hire company to supply and set up hired items for their extended trading space they must ensure the party hire company has applied for the appropriate vehicle accreditation from the St Kilda Festival. (Vehicles without Festival Accreditation will not be permitted on to the site for set up or pack down.) These vehicles will only be able to remain onsite between 7:00am and 9:30am for Bump In and will be allowed back on site from approximately 10:30pm.

(u) The permit holder must not commence trading before the specified commencement of the Festival and must not trade beyond the specified completion time of 9:30pm.

(v) Pack down is to commence at 9:30pm at the latest and all trader equipment, including hired equipment, is to be clear of the roadway within the extended trading area by 10:00pm sharp.

(w) Any Temporary Limited Licence granted by the Victorian Commission for Gambling and Liquor Regulation for an extended trading area permitted by St Kilda Festival Management shall only be granted for the period of 10:00am to 9:00pm.

(x) Only vehicles with prior approval and accreditation from the St Kilda Festival may enter the site between 7:00am and 9:30am for the purposes of equipment delivery and again after 10:00pm for equipment collection. No vehicle access will be allowed between 9:30am and 10:00pm on Sunday the (insert date). Fines or penalties will apply.

(y) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by this permit or not.

(z) Should a Temporary Limited Licence be granted by Victorian Commission for Gambling and Liquor Regulation for the extended trading area, the licensee shall ensure that they offer a substantial meal within their Temporary Limited Licence (Red Line) area and sufficient menu signage is visible.

(aa) Where an extended trading permit has been issued, the area identified by the map must include 1 table setting per every 3m$^2$ from festival commencement to completion. One table setting is defined as one table and four chairs. The trader shall provide tables and chairs at this ratio within their permit area to ensure that patrons are served responsibly. Patrons must be seated and encouraged to remain seated at all times whilst within the approved extended trading area.

(bb) No amplified music is permitted outside the premises, in either existing kerbside trading areas, or in the approved extended trading area. No music, band, performers or amplification may be placed within the trader's
premises and faced out toward the extended trading area. All normal noise regulation requirements or Liquor Licence requirements will still apply as per normal.

(cc) No barbecues, hotplates, Bain Maries or other hot servery equipment may be used in extended trading areas.

(dd) All extended trading areas must be defined with a barrier or fence so as to clearly define the area and allow for best patron control practices.

(ee) Appropriate public amenities must be allowed for any patrons in any extended trading area. This may include the use of amenities within the trader’s premises.

(ff) Any reasonable requests made or direction given by St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisation pertaining to the extended trading area must be followed and adhered to immediately.

(gg) Council reserves the right to direct the permit holder to display signage regarding local laws, Council communications or conditions of extended trade as required.

(hh) St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.

(ii) Your permit is deemed effective only if payment is made prior to the commencement of the St Kilda Festival. If payment has not been received prior to the commencement of the Festival, the trader will be deemed as operating without a Permit to Participate and either incur an infringement notice or may be prosecuted.

(jj) Your permitted extended trading area is as per the attached map and following size calculation:

| ?m x ?m = ?m2 |
| ?m2 ÷ 3 m2 = ? settings |
| ? settings X 4 = ? seated people permitted in extended trading area. |

(kk) The maximum number of patrons permitted within your extended area as per the above calculation is ?.

(ll) You are required to supply ? settings for patrons as per the above calculation.

(mm) One setting = One table and four chairs.

(nn) Official trading time: 10:00AM – 9:30PM

(oo) Expiry date of the permit if issued will be: (insert date)
17.4 Standard conditions for a St Kilda Festival Busking Permit

(a) This permit must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.

(b) The level of use may only consist of the approved activity as advised in the permit.

(c) St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.

(d) Busking is defined as playing a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, street theatre, recitation and other appropriate theatrical and visual forms.

(e) Permits are not transferrable.

Permitted Activity

(f) An individual busking permit is required for each person engaged in any busking activity.

(g) The locations in which busking is permitted on St Kilda Festival Sunday is limited to three (3) busking pitches as depicted by the St Kilda Festival Fitzroy Street Site Manager.

(h) Busking permit holders will not receive any fees from the St Kilda Festival or City of Port Phillip for their busking performance.

(i) Permits shall not be held by persons performing on behalf of any political or religious organisation.

(j) The permit holder can only perform between the hours of 10.00AM and 9.30PM and should only perform for a continuous maximum period of twenty (20) minutes followed by no less than a forty (40) minute break.

(k) The Permit holder shall not advertise or associate themself with advertising and/or commercial branding of any nature.

(l) The Permit holder shall be courteous to other buskers and rotate performance areas in an equitable fashion to ensure all buskers wishing to use a busker’s pitch get equal time through the available period in the day.

Safety and Amenity

(m) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service personnel pertaining to the busking area must be followed and adhered to immediately.

(n) Buskers must respect City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service personnel pertaining to the busking area.
personnel and must not make them a part of the Buskers act in any way or make light of any requests issued.

(o) The permit holder must not obstruct pedestrian flow or other traffic movement whilst performing.

(p) The permit holder (including the permit holder’s audience) must not interfere with any St Kilda Festival programmed performance, activity, event or vendor.

(q) Persons under 16 years of age require written permission from a parent or legal guardian to participate in busking activity.

(r) A single small self-powered amplification system may be used in conjunction with the performance.

(s) No fire may be used at any time.

(t) A suitable safety distance must be in place between all Buskers performance areas and the audience and must be maintained at all times.

(u) All Buskers must not interfere with any tram infrastructure, including overhead power wires. No juggling should be conducted immediately under the tram overhead power lines and no high unicycle acts are permitted within 4m of any tram overhead power cables.

Official Duration of available busking time on St Kilda Festival, Festival Sunday: 10:00AM – 9:30PM

Expiry date of this permit: 10:00PM on the date of issue

17.5 Standard conditions for a St Kilda Festival temporary fence permit

(a) Fencing product that does not create a “cage” type effect, i.e. a pool style fence or CCB will be permitted.

(b) A clear corridor must be maintained from the existing exit doors from the premises, at the full width of the exit doors, through the outdoor trading area and out through the installed fence line.

(c) The exit widths in the fence line shall be the same as the exit widths in the building and shall be in line with the exit doors and exit egress pathways of the building.

(d) No gates shall be used in the fence line, but rather the exit openings in the fence line are managed by security guards.

(e) Any installed fence line must sit within your existing approved outdoor trading area or property boundary.

(f) No alcohol advertising or signage is permitted on any temporary installed fencing.
(g) Signage advertising (e.g. for bands and venue publicity) is permitted, providing the fence is adequately designed to support the weight and wind loading on any signage applied. Additional documentation supporting this may be requested.

(h) Existing permitted patron numbers shall be maintained at all times.

(i) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations required by this permit.

SAFETY AND AMENITY

(j) All approved fencing shall comply with the relevant Australian Standards for the product selected and shall be appropriate for the task at hand.

(k) All approved fencing shall be installed as per the manufacturer’s recommendations and by suitably competent persons trained in the installation of the selected product.

(l) If signage, or any other wind loading materials (like shade cloth), are applied to the fence line then the fence line shall be adequately designed to handle both the additional weight and the wind loading weight and appropriate documentation detailing this must be supplied by the fencing contractor to the permit holder. This documentation may be requested by the City of Port Phillip or St Kilda Festival.

(m) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency services organisations pertaining to the trading area must be followed and adhered to immediately.

ACCESSIBILITY

(n) The trader must not obstruct the pedestrian pathway opposite the trading site.

17.6 Standard conditions for a St Kilda Festival event permit

GENERAL CONDITIONS

This permit operates in conjunction with the Activity Agreement previously signed. All conditions on both the agreement and this permit must be abided by at all times.

Permitted Activity

PROGRAMMING DESCRIPTION

Site Management
(a) A copy of this permit must be kept on site at all times during the permitted activity, including bump in and bump out, and must be produced on request by Festival Management or any authorised Council Officer or member of the Victoria Police during the conduct of the event. Please keep this permit with you at all times while on site, including bump in and bump out.

(b) Your organisation nominates EVENT MANAGER as your official event manager and can be contacted on NUMBER.

(c) You must work in accordance with directions given by Festival Management at all times.

Sponsorship

(d) The following sponsor activity has been approved as part of ACTIVITY:

SPONSOR ACTIVITY

Infrastructure

(e) The following infrastructure has been approved as part of ACTIVITY:

INFRASTRUCTURE LIST

Schedules

(f) The following set up and pack down schedule has been approved as part of ACTIVITY:

SCHEDULE

Related Permits

(g) Any other permits required, including filming, health or otherwise, have not been issued with this permit and must be supplied separately on request.

Non-Compliance

(h) A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each interested party, cancellation of the permit or with the matter being referred to the Magistrates’ Court.

(i) Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with the St Kilda Festival or the Port Phillip City Council.

17.7 Standard conditions for a St Kilda Festival filming and photography permit

Conditions:
(a) You are prohibited from photographing or filming any emergency service agencies or organisations performing their roles or any security or emergency agency response to any matter arising in any area within the St Kilda Festival precinct.

(b) Before any activity associated with photography commences, all activities must comply with any applicable Local Laws of the City of Port Phillip and St Kilda Festival requirements.

(c) All litter and other waste produced in the area where the photography is occurring must be disposed of by the permit holder.

(d) Activities must not cause any damage to Council property including roads, open spaces, irrigation lines and St Kilda Festival infrastructure. The permit holder will bear the cost of any repairs.

(e) The permit must be carried by the permit holder at all times and must be produced to an authorised officer of Council when requested to do so. Council/St Kilda Festival are entitled to have a representative present at all times.

(f) Crew are to adhere to Festival vehicle parking regulations & instructions. No vehicles are allowed on to the Festival site.

(g) Accreditation must be worn at all times within the St Kilda Festival precinct.

(h) The St Kilda Festival/City of Port Phillip take no responsibility for the safety of equipment whilst in the Festival precinct.

(i) No major equipment allowed (no dollys/tracks/lighting rigs etc). This permit is for simple photography setups only (1 person).

(j) The images are to be supplied to the Port Phillip City Council on CD in full colour, high res jpeg format (minimum of 300 DPI) according to the following schedule:

(k) Festival Sunday photos schedule to be advised.

(l) The St Kilda Festival and Council reserve the non-exclusive right, in relation to the St Kilda Festival (including beyond the current year), to use the photographs for purposes such as the media, in public documents, promotional material, sponsorship proposals, reports and online galleries, and other similar uses at its discretion and without fees or expenses. This usage is permitted to continue for an unlimited period of time.

17.8 **Standard conditions for a St Kilda Festival promotional sampling permit**

**GENERAL CONDITIONS:**

**Site Management**
(a) That a copy of this permit be kept on site at all times during the event and be produced on request by any authorised Council Officer or Festival staff member during the conduct of the event.

(b) That your organisation nominates (insert name of person) as the onsite contact who can be contacted on the day of the event on mobile number: tba.

Waste Management

(c) It is your responsibility to ensure that all waste is removed from the event site and is correctly disposed of at the conclusion of the event.

Non-Compliance

(d) A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each interested party, cancellation of the permit or with the matter being referred to the Magistrates’ Court.

(e) Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.

(f) Random inspections will take place on the day.

(g) The Permit holder is responsible for the safeguarding of the public against injury from their activity on site and for maintaining the site during the conduct of the promotion in a safe condition at all times.

18. **Filming**

18.1 **Standard conditions for a filming permit**

(a) Before any activity associated with filming commences, all activities must comply with any applicable Local Laws of the Council. All other necessary consents and approvals must be obtained and all other legislative requirements must be complied with.

(b) All litter and other waste produced in the area where the filming is occurring must be disposed of by the permit holder to the satisfaction of the Council.

(c) *If litter and other waste is not cleared to the satisfaction of the Council may clear the litter and waste and charge the permit holder for the costs incurred.*

(d) Activities must not cause any damage to Council property including roads, open spaces and irrigation lines. The permit holder will bear the cost of any repairs.
(e) The permit must be kept on the site by the permit holder and must be produced to an authorised officer of Council when requested to do so. Council is entitled to have a representative present at all times.

(f) The applicant must notify the Victoria Police Film and Television Office of their activities including any intended road closures, stunt activity, and use of firearms/weapons.

(g) Before any tents or marquees are installed in Council parks or open spaces the applicant must advise and consult with Council to avoid damage being caused to Council infrastructure and assets.

(h) At least 48 hours (and preferably up to 7 days in advance for retail areas) before filming commences the permit holder must notify local traders and residents in the immediate vicinity in writing of the proposal to film and a copy of the notification must be provided to the Council.

(i) 7 days’ notice must be given for reserved parking requests. Maps indicating the location and number of parking spaces required must be supplied. Assistance cannot be provided by Council staff for reserved parking in busy areas unless neighbouring traders/residents are provided with adequate notice.

18.2 Sponsorship in the form of waiver of fees is available in certain instances:

Emerging film makers, students and projects of demonstrable community benefit are eligible for a fee waiver. This support is treated as a sponsorship by the City of Port Phillip. The film maker is required to acknowledge the City of Port Phillip in the end credits of the film.

The acknowledgment will read “Filmed in the City of Port Phillip” or “Thanks to the City of Port Phillip”.

Sponsorship requests must be in writing and addressed to the Coordinator Arts.

Emerging film makers are defined as:

(a) film makers recently graduated from a recognised film school, or

(b) film makers who have not gone through traditional educational institutions, and who have made no more than two films.

Fee waivers will generally only be available once and the film maker will be considered to be the producer/production company taking responsibility for the shoot.

Film makers creating unfunded films may be entitled to apply for sponsorship. Film makers in this category will need to demonstrate that the film would be of a benefit to the City of Port Phillip and its community.
18.3 **Guidelines for assessing requests for film sponsorship**

Among the issues considered by Council when assessing film sponsorship will include:

(a) The applicant is a student film maker.

(b) The applicant is an emerging film maker.

(c) The applicant is a local film maker, living or working regularly in the City of Port Phillip.

(d) The applicant is a local production company, or creating work of a community or cultural benefit.

(e) The project will have a low impact on residents and businesses, in particular having with no major equipment impacts or road closure impacts.

(f) The project promotes the City of Port Phillip and it businesses, communities or heritage.

(g) The applicant can demonstrate a community or cultural benefit to the City of Port Phillip.

(h) The request for sponsorship is being made at least five working days prior to any project start date, (permit commencement date), to allow for the proper consideration and review of the sponsorship request.

19. **Busking, fundraising, promotional activities and street stalls**

19.1 **Standard Conditions for a Busking Permit**

**Location restrictions:**

(a) The locations in which busking may be permitted is limited to local shopping strips, the Upper Esplanade and any other areas fixed by resolution of the Port Phillip Council.

(b) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.

(c) No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.

(d) Buskers must keep clear of entrances to shops and buildings at all times

(e) Buskers are not permitted to busk in front of or beside Bank Automated Telling Machines (ATM's).

(f) Busking during the St Kilda Festival requires a separate permit.
Limitations/Restrictions

(a) Buskers can only perform between the hours of 9.00am and 9.00pm and must only perform for a continuous maximum period of 30 minutes followed by a 10 minute break (maximum of 2 hours stationed in any one location).

(b) Busking activity which causes annoyance to shopkeepers, local residents or the general public may be terminated at the direction and/or discretion of a member of the Victoria Police or an authorised Council Officer.

(c) No nuisance may be committed. Buskers must not upset any member of public by their performance/behaviour.

(d) No obstruction to pedestrian or other traffic movement will be caused by buskers.

(e) Busking permit holders are not permitted to ask for or expect payment of any kind based on their busking performance.

(f) Buskers or their audience must not interfere in any way with an entertainment or activity approved by Council. This includes, but is not limited to, encroaching on or around any authorised street stall, market, event or promotion.

(g) Persons under 16 years of age will require written permission from a parent/guardian and will have to be accompanied by a parent/guardian when performing.

(h) The following activities are not permitted:

(i) Activities involving tobacco, gambling or alcohol promotion or advertising

(ii) Activities which are deemed illegal, or could promote violence

(iii) Activities that do not meet goals of objectives of the Council Plan

(iv) Activities that are part of an advertising campaign or advertising a product.

(v) Activities that are selling, offer or expose for sale any article or commodity.

(vi) The use of mains or battery powered electrical amplifiers are strictly prohibited.

(vii) The use of fire, knives, swords, chainsaws or any other dangerous instrument is prohibited under any circumstances. This includes instruments that have been modified for safety but can still be perceived as dangerous.

(viii) Permanent pavement art of any form.
General Conditions

(a) A copy of the permit must be retained at the busking site and produced for inspection upon request by Victoria Police or an authorised Council Officer

(b) All busking must comply with all local laws, conditions and requirements. Directions of members of the Victoria Police Force or authorised Officers of the Port Phillip Council must be complied with at all times.

(c) A passport-sized or similar photograph must be attached to the permit to identify the permit holder.

(d) Permits are not transferable

Notes:

(a) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.

(i) Contact via phone: 9209 6295 or email smm@portphilip.vic.gov.au

(b) No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.

(i) Contact the Manager St Kilda Esplanade Market via email: esplanademarket@portphilip.vic.gov.au

(c) Busking during the St Kilda Festival requires a separate permit.

(i) Please contact the festivals team by phone on 9209 6306 for information

19.2 Standard conditions for a fundraising and street stalls permit

When is a Permit Required?

(a) A permit is required in order to fundraise or have any form of street stall in Council managed open space.

(b) Property occupier’s consent is required if a stall, raffle or collection is to be set up in front of a business or residence.

(c) A permit is not required if the fundraising is occurring on private property, in this case the permission of the property owner would be required.

(d) All fundraising must comply with all legislation and local laws.

Limitations/Restrictions:

Fundraising will only be permitted for the following groups:

(a) Registered charity or not for profit organisations.
(b) Local education providers.
(c) Local community groups.

Fundraising applications must be accompanied with proof of not-for-profit or DGR status. Or a letter from the not-for-profit organisation showing a partnership.

Fundraising permits will only be issued once every three (3) months for each organisation.

A maximum of two (2) locations can be permitted for the same organisation on the same day.

The following activities are not permitted:

(a) Activities that do not meet the goals or objectives of the Council Plan or Events Strategy.

(b) Fundraising or collections which request bank details as part of an ongoing donation.

Conditions:

All fundraising permits:

(a) A copy of the permit must be retained at the fundraising site and produced for inspection upon request by Victoria Police or an authorised Council Officer.

(b) All litter and rubbish emanating from or generated by the activity shall be cleared regularly and the site shall be vacated in a clean and tidy condition.

(c) No member of staff or volunteer shall harass members of the public.

(d) A 1.5m passage must be made available for pedestrians at all times.

(e) Every member of staff and/or volunteer directly participating in the activity shall wear clothing apparel or a name tag which identifies the organisation conducting the fundraising.

(f) No sign shall be placed on a building without the prior consent of the occupier.

(g) Furniture is restricted to one table no larger than 1000mm in length and 900mm in width and two (2) chairs.

(h) Serving or selling of any food product must comply with regulations.

Raffles:

Your organisation must be registered with and/or have gained approval from the VCGLR to conduct raffles if the total retail value of prizes exceeds $5,000.
Street Stalls:

Prior consent if required from any business/resident if setting up in front of an occupied property.

19.3 Designated areas for busking and fundraising activities/street stalls

(a) Designated areas for busking, fundraising activities and street stalls.

(i) Local shopping strips

(ii) In front of community centres or clubs

(iii) Reserves and gardens

(iv) Plazas

(v) Other areas as approved

20. Bulk Rubbish Containers (skip bins)

20.1 Standard conditions for a bulk rubbish container permit

(a) The location of the skip bin must comply with the requirements of VicRoads Code of Practice for the Placement of Waste Bins on Roadsides.

(b) A minimum 3 metre width must be maintained to the opposite kerb, including laneways to maintain vehicle access.

(c) The skip bin must not obstruct the passage of any pedestrian, cyclist or vehicle and must not obscure motorists’ view.

(d) The skip bin must not be placed where standing or parking is prohibited.

(e) The skip bin must be placed within the street frontage of the site that it is to service.

(f) The skip bin must be placed in the parking lane, within parking bays (if marked), of the road pavement, and must be clear of footpaths, nature strips, landscaped areas, vehicle crossings, disabled parking bays, through-traffic lanes, loading zones and clear-ways.

(g) Reflective marking must be placed on each top corner and opposite ends of the skip bin in accordance with Appendix 1, VicRoads Code of Practice for the Placement of Waste Bins on Roadsides.

(h) From sunset to sunrise, flashing yellow lights must be fitted and operating on the corners of the skip bin if placed on a main arterial road, a road where the road has reduced visibility, in low-lit or unlit areas and in narrow streets.
The skip bin must identify the name and contact details of the skip bin company.

Material stored in the skip bin must not rot or cause offensive odours.

Upon request the permit-holder must evidence public liability insurance to a minimum value of $10M.

The placement or removal of the skip bin must not cause damage to Council infrastructure or community assets.

Any costs for damage to Council assets resulting from the placement, occupation or removal of the skip bin will be borne by the permit-holder.

21. Occupying Market Sites

21.1 Provisions applicable to markets other than the South Melbourne Market

Where the Council operates a market (other than the South Melbourne market), it must give public notice of the hours and days of operation of each market and of any variation to the hours and the days that markets are open.

21.2 Provisions applicable to the South Melbourne Market

(a) The South Melbourne Market will be open for public use on:

(i) each Wednesday which is not a public holiday, between the hours of 8.00am and 4.00pm;

(ii) each Friday which is not a public holiday, between the hours of 8.00am and 5.00pm;

(iii) each Saturday which is not a public holiday, between the hours of 8.00am and 4.00pm;

(iv) each Sunday which is not a public holiday, between the hours of 8.00am and 4.00pm; and

(v) any other days or times that the Council or South Melbourne Market Management Committee may fix by resolution, including days or times fixed by resolution for particular groups of stalls.

(vi) any other days or times as stipulated in License arrangements for that particular location.

(b) Where the days and the times that the South Melbourne Market is open for public use are varied as above, public notice must be given of those varied times and days.

(c) The following provisions relate to the boundaries of stands in the South Melbourne Market.
(i) The licensee of any stand in the market fronting directly to the footpath on Coventry and Cecil Streets must contain all activities and uses including any display, within a line marked on the footpath which must not be more than one metre from the building line.

(ii) Where it is proposed to display goods beyond the limit specified in paragraph (a), a person must apply for a permit under the local Law No 1 (Community Amenity).

(iii) The licensee of any stand in the market fronting directly to the footpath on Coventry and Cecil Streets must ensure that a 2.3 metre clear walkway is maintained on the footpath at all times.

(iv) Any stall within the market must confine the activity or use to the boundary of the stand that is defined in any license or lease or within the confines of any other area designated by the Council.

(v) The area of a stand of a licensee not included in paragraphs (a) or (d) extends from the rear of the stand to the yellow painted line at the front of that stand.

21.3 Provisions applicable to the Esplanade Market

1. The St Kilda Esplanade Market will be open for public use on:

   a. each Sunday, between the hours of 10.00am and 5.00pm (daylight savings hours) and,

   b. 10:00am to 4:00pm (non-day light savings hours)

   c. except for the second Sunday in February due to St Kilda Festival

   d. each Sunday Between 7.00 am and 7.00 pm on Sundays during the trading period which includes the set up and take down of stalls.

   e. or such hours as the Market Manager may determine from time to time in its sole discretion.

Market Management

2. From time to time Port Phillip City Council may prescribe reasonable rules, which are not inconsistent with the Permit, for the safety and proper management of the Market (Market Rules). The Permit Holder must observe any Market Rules of which the permit holder has received notice. A breach of the Market Rules is a breach of the Permit.

3. From time to time Port Phillip City Council may appoint a person or company to act as Manager of the Market or to assist in the management of the Market. On behalf of Port Phillip City Council, the Market Manager or any appointee, may carry out any obligations and exercise any rights of the Port Phillip City Council pursuant to the Permit.
4. A Permit may be terminated by notice if the Permit Holder breaches any permit condition and does not remedy the breach within 7 days after receiving written notice from the Market Manager.

5. The permit may be terminated immediately and at any time by Port Phillip City Council due to any breaches of the permit conditions.

6. No compensation is payable by Port Phillip City Council in respect of the cancellation of the permit under these condition.

(3) The Permit Holder acknowledges and agrees that:

a. the permit is only valid when payment has been received;

b. the permit is not transferable to other parties;

c. the permit cannot be sold or offered for sale;

d. the Permit Holder only sell goods approved by the application and selection process approval;

e. the Permit holder must abide by the permit terms and conditions at all times;

f. the Permit Holder must make the permit available for inspection by the Market Manager or Port Phillip City Council representative upon demand at all times when the Permit Holder is open for trade;

g. stalls at the Market are marked with white lines defining the stallholders' spaces. A stallholder must not obstruct or otherwise interfere with access to neighbouring sites;

h. the Market is operational during the market trading hours each Sunday of the year, except for the second Sunday in February (St Kilda Festival Day) no credit or refund offered for this non trading day;

i. the Permit Holder must not cause a disturbance at the Market;

j. the Permit Holder may not shout or cry their wares (spruik);

k. the Permit Holder must not obstruct any designated vehicle, pedestrian or bicycle pathways at the Market;

l. any dog of the Permit Holder must be on a lead and under control at all times;

m. allocated parking is not provided to or reserved for stallholders, and the Permit Holder must observe all parking signs; and

n. the Permit Holder must not park on the footpath. A breach of any parking sign; parking legislation or Local Law can result in permit termination. No
compensation is payable by Port Phillip City Council in respect of the cancellation of this permit under this condition;

o. The Permit Holder must adhere to all Occupational Health and Safety requirements, standards and legislation at all times;

p. The Permit Holder must adhere to the Market’s Emergency Procedures at all times;

q. Food traders will be required to lodge a Statement of Trade at least 5 days prior to trading dates via Streatrader streatrader.health.vic.gov.au;

r. Food traders must adhere to extra requirements attached to their permits

s. The permit may be revised at anytime by Port Phillip City Council and may include changes to accord with Council policy and strategies as amended from time to time.

t. Bookings are considered confirmed upon email request for dates and are not transferable;

u. once invoiced there is no change/refund/ cancellation or credit offered to requested dates

v. Permit fees may incur an annual increase as per Port Phillip City Council Budget approval process mid calendar year.

22. Connecting into Council Drains

Please refer to subsection 73 for delegations in relation to this clause.

23. Keeping Excess Animals

23.1 Excess animals

The following animals are allowed to be housed without a permit. Housing of more animals than stated would require a multiple animal permit, available for download from the City of Port Phillip web site.

Permitted Animals and Birds on Properties

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Houses Maximum Allowed</th>
<th>Units/Townhouses/Flats Maximum Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birds</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Dogs (over six (6) months old)</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>
Dogs (under six (6) months old) 4 1
Cats (over three (3) months old) 2 1
Cats (under three (3) months old) 4 1
Poultry 5 0

23.2 Standard conditions for a multiple animal permit

(a) Poultry or animal housing or a similar structure must be located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing.

(b) An owner or occupier must not construct or use any poultry or animal housing on any property unless it has adequate roofing, drainage, is rat proof and has a floor paved with impervious material.

(c) All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

24. Asset Protection Permit

Please refer to sub-section 73 for delegations with respect to this clause.

25. Clothing Recycling Bins

Please refer to sub-section 73 for delegations with respect to this clause.

26. Outdoor Commercial Recreational Activities

Please refer to sub-section 73 for delegations with respect to this clause.

27. Hot Air Balloons and Sky Diving

Please refer to sub-section 73 for delegations with respect to this clause.

28. Inflatable Displays on Foreshore or Beaches

Please refer to sub-section 73 for delegations with respect to this clause.

29. Fireworks

Please refer to sub-section 73 for delegations with respect to this clause.
PART 3 – CONDITIONAL ACTIVITIES AND USES

This section includes the procedures involved in managing potential nuisance, uses and activities.

30. Offences.

Please refer to sub-section 73 for delegations with respect to this clause.

31. Managing Amenity on Building Sites.

31.1 Management measures to be complied with

The builder must comply with the following measures in managing a building site:

(a) Stormwater Management

(i) retention of stormwater on the site (wherever possible) for connection to the stormwater system; and

(ii) prevention of sediment from polluting stormwater discharges and entering the sewerage system.

(b) Protection of the environment and vegetation

(i) preservation of grass and vegetation, especially on the perimeters of the building site;

(ii) minimisation of work of slopes, along streams and environmentally sensitive areas;

(iii) minimisation soil exposure and revegetating as soon as practicable; and

(iv) removal of excess soil from the building site as soon as practicable.

(c) Site access and access roads

(i) minimisation of dust or mud from road surfaces; and

(ii) cleaning from falling onto the roads.

(d) Excavations

(i) reinstatement of trenches as soon as pipes or cables are laid;

(ii) cleaning of roads during excavation works; and

(iii) protection of stormwater entry pits close to roadworks.

(e) Stockpiles and batters

(i) positioning of stockpiles away from drainage flows; and
(f) Noise Control

(i) compliance with the operating hours prescribed in the Local Law No.1 (Community Amenity);

(ii) permitting deliveries to the site only during operating hours prescribed in the Local Law No.1 (Community Amenity);

(iii) use of equipment with the lowest possible noise rating and best practice silencing technology wherever possible;

(iv) use of noiseless pile drivers wherever possible or boring of holes before insetting piles; and

(v) regular servicing of vehicles and generators, and no idling of trucks in area close to residences.

(g) Waste Management

(i) containment of litter from the building site is a container kept on the building site;

(ii) immediate cleaning of spills and prevention of paint residues or other liquid wastes from entering the stormwater system or soaking into the ground;

(iii) provision of a dedicated chemical storage area;

(iv) containment or filtration of run off pressure cleaning and brick, tile or pavement cutting;

(v) recycling wherever possible and sending waste which is not recyclable to landfills; and

(vi) containment of waste from concrete deliveries on the site or on the truck.

(h) Contaminated Soil

(i) testing of soil for contamination and evidence of old fill material or previous industrial use prior to any works commencing; and

(ii) compliance with EPA Guidelines on the management and containment of soils.

(i) Outside the Site

(i) no hosing of litter into drains;
(ii) daily inspection and cleaning of roads and gutters around the site;

(iii) minimisation of dust from the site; and

(iv) keeping of all equipment and material used in association with the building work on the building site unless a permit under the Local Law No.1 (Community Amenity) has been obtained.

31.2 Standard conditions for permit to conduct out of hours building works

(a) The permit-holder must provide a minimum of 2 business days written notification to the occupants of all adjacent and affected premises within a 25m radius of the location of works. If a notification list has been provided all addresses must also be included. The notification must include the following information and a copy forwarded to the Coordinator City Permits:

(i) The date and hours of works occurring under this permit

(ii) The nature of works to be performed

(iii) The licence reference

(iv) Contact name and phone number for the permit-holder and/or site manager

(b) This permit does not authorise any other construction works to occur other than those described above.

(c) This permit does not override the requirements of the Environment Protection Act Regulations.

31.3 Building site management record

<table>
<thead>
<tr>
<th>Issue</th>
<th>Requirements</th>
<th>Audit Frequency</th>
<th>Date</th>
<th>Result</th>
<th>Details of problems detected</th>
<th>Remedial Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Management</td>
<td>stormwater not ponding or causing a nuisance</td>
<td></td>
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<tr>
<td></td>
<td>sediment not polluting stormwater or entering the sewer</td>
<td></td>
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<tr>
<td></td>
<td>daily during heavy rainfall</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Requirements</td>
<td>Audit Frequency</td>
<td>Date after excavations</td>
<td>Result</td>
<td>Details of problems detected</td>
<td>Remedial Action Taken</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------</td>
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<td>-----------------------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
| Protection of the environment and vegetation | grass, vegetation and trees especially on the perimeters of the building site not being damaged  
excess soil is removed from the building site as soon as practicable                                                                                           | weekly          |                         |        |                             |                      |
| Site access and access roads        | dust or mud from road surfaces is minimised  
the tyres of vehicle exiting the site are cleaned to prevent litter from falling onto the roads                                                                                   | Daily           | Daily                   |        |                             |                      |
| Excavations                        | trenches are reinstated as soon as pipes or cables are laid  
roads are kept clean during excavation works  
stormwater entry pits close to roadworks are not polluted                                                                                                              | as required     | as required             |        |                             |                      |
<p>| Stockpiles and batters             | stockpiles are not placed on roads (unless a permit under the Local Law No.1 (Community Amenity) has been obtained)                                                                                     | weekly          |                         |        |                             |                      |</p>
<table>
<thead>
<tr>
<th>Issue</th>
<th>Requirements</th>
<th>Audit Frequency</th>
<th>Date</th>
<th>Result</th>
<th>Details of problems detected</th>
<th>Remedial Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise Control</td>
<td>operating hours prescribed in the Local Law No.1 (Community Amenity) are complied with deliveries to the site are limited to normal working hours equipment with the lowest possible noise rating and best practice silencing technology is used wherever possible</td>
<td>daily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Control</td>
<td></td>
<td>daily at beginning of project and during pile driving</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Management</td>
<td>litter from building sites is properly stored in container(s) on the building site proper sanitary facilities are provided and maintained on site a dedicated chemical storage area is provided and chemicals properly stored recycling containers are provided recyclable materials are not sent to landfill</td>
<td>daily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Management</td>
<td></td>
<td>daily daily daily daily daily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Requirements</td>
<td>Audit Frequency</td>
<td>Date</td>
<td>Result</td>
<td>Details of problems detected</td>
<td>Remedial Action Taken</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Contaminated soil</td>
<td>the site is tested for contaminated soil and evidence of old fill material or previous industrial use is obtained prior to the works commencing EPA Guidelines on the management of contaminated soils are followed</td>
<td>prior to works commencing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside the Site</td>
<td>litter is not hosed into drains dust from the site is minimised roads and gutters around the site are inspected daily and cleaned all equipment and materials used in association with the building work is being stored on the building site (unless a permit under the Local Law No.1 (Community Amenity) has been obtained)</td>
<td>daily daily daily daily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

31A. **Requirement for Fencing.**

This section is intentionally blank.

32. **Building Works on a Dwelling.**

This section is intentionally blank.
33. Protection of Council Assets

This section is intentionally blank.

34. General Requirements Applying to Industrial, Trade and Commercial Waste.

34.1 Guidelines for assessment of detrimental amenity impacts

In considering whether a commercial premises is causing a nuisance or detrimentally affecting the amenity of an area, an authorized officer must consider the following guidelines:

(a) Recyclable materials such as bottles, cardboard and cooking oils must be adequately stored so that:

   (i) they cannot be interfered with by unauthorised persons;

   (ii) cannot escape beyond the premises on which they are stored;

   (iii) Cardboard or boxes must be placed for collection secured or tied in a bundle so that they cannot escape from the collection site.

(b) Crates and other returnable delivery containers must be kept on the premises and stored until they are returned to the owner.

(c) Waste must not be:

   (i) discharged, emptied or disposed of in any way onto any road or into a drain;

   (ii) burned or incinerated; and

   (iii) left for collection on the roadside where it comprises hazardous waste as defined in the Environment Protection Act.

(d) Noise and emissions

The owner or occupier of commercial premises must ensure that:

   (i) any motors used in equipment in the commercial premises are properly baffled, insulated or located so as to control noise; and

   (ii) mechanical ventilation systems are regularly inspected and maintained and that a record of inspection can be provided to an authorised officer on request; and

   (iii) deliveries and pickups of goods and equipment does not affect the amenity of the area because of the time and manner in which the activities occur.

(e) The owner or occupier of commercial premises should ensure that any equipment used in the commercial premises from which gas emissions may
occur is regularly serviced and maintained in accordance with the relevant Australian Standard and that a record of inspection can be provided to an authorised officer on request.

(f) Any stormwater drainage connection from the commercial premises must be regularly maintained and kept free from blockages.

34.2 Commercial waste collection designated areas

Collection of waste materials is prohibited under clause 35 of the Local Law No.1 (Community Amenity), between the hours of 8pm and 7am Monday to Friday and 8pm to 9am on Saturday and Sunday:

(a) Alfred Street, Balaclava
(b) Queens Lane, Melbourne
(c) Fawkner Street, St Kilda

34.3 Delegations

Please refer to sub-section 73 for list of delegations with respect to this clause.

35. Additional Requirements Applying to Commercial Premises.

Please refer to sub-section 34 above.


This section is intentionally blank.

37. Audible Intruder Alarms.

37.1 Any form of audible intruder alarm which emits a noise audible beyond the boundary of the Property on which it is installed is in breach of this local law unless the alarm is so constructed or regulated to ensure that:

(a) Whenever a detection device is activated the Audible Intruder Alarm is automatically rendered inaudible beyond the boundary of the Urban Premises within five (5) minutes of being activated; and

(b) The Audible Intruder Alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset.

37.2 Despite Guideline (37.1) above, an Audible Intruder Alarm may operate for a further period of five (5) minutes following the cessation of the Alarm in accordance with Guideline (1)(a), provided the alarm is activated by a different detection device.
38. **The Location of Trees, Plants and Signs.**  
This section is intentionally blank.

39. **Display of Property Numbers**  
This section is intentionally blank.

40. **Vehicle Crossings**  
This section is intentionally blank.

41. **Residential Parking**  
This section is intentionally blank.

42. **Grand Prix Parking**  
This section is intentionally blank.

43. **Parking Offences**  
This section is intentionally blank.

44. **Significant Trees**  
This section is intentionally blank.

45. **Use of Council Reserves**  
This section is intentionally blank.

46. **Maintenance of Storm Water Pipes**  
This section is intentionally blank.

46A. **Ground Table Water Management**  
This section is intentionally blank.
PART 4 – PROCEDURE FOR MANAGING ACTIVITIES AND USES NOT PERMITTED.

47. Designated Trading Sites

47.1 Trading sites

(a) Dandenong Road adjacent to Alma Park - Florist

(b) Elwood Foreshore - Food Van

(c) Point Ormond Foreshore - Food Van

48. Repair of Vehicles

This section is intentionally blank.

49. Interfering with Council assets

This section is intentionally blank.

50. Damage from Adjoining Properties

This section is intentionally blank.

51. Repair Any Damage

This section is intentionally blank.

52. Behaviour on Council Land

This section is intentionally blank.

53. Camping on Council Land

This section is intentionally blank.

54. Alcohol Free Designated Areas

54.1 Unsealed containers of alcohol in public are prohibited in the following areas

(a) For the period of the St Kilda Festival conducted in the St Kilda precinct - between the hours of 9 am till 12 midnight on the day/days of the event.

Note: The St Kilda precinct is that area being from the foreshore along Thackeray Street to Barkly Street, along Barkly Street to Fitzroy Street, along Fitzroy Street to Canterbury Road, along Canterbury Road to Cowderoy Street then down Cowderoy Street to the foreshore, including the beach.

(b) Australian Formula 1 Grand Prix local access area for the period of the Grand Prix as defined in the Australian Grand Prix Act - being from midnight
on the Monday preceding the Grand Prix to midnight on the Monday after the Grand Prix.

(c) New Year’s Eve for the period from 8pm on 30 December until 9am on 2 January in any year.

(d) Throughout the municipal district, in any year, on roads and council land, between the hours of 8.00pm and 9.00am on the following day.

(e) Australia Day 26 January in any year within the whole of the St Kilda Botanical Gardens between the hours of 5:00pm and 8:00pm.

(f) Australia Day 26 January in any year within the whole of the municipality between the hours of 5:00pm and 8:00pm.

(g) At St Kilda Skate Park, Marine Parade, St Kilda, between 9.00am and 8.00pm.

**54.2 Sealed containers of alcohol in public are prohibited in the following areas:**

(a) New Year’s Eve for the period from 9am on 30 December until 9am on 1 January in any year, no sealed containers of alcohol can be carried or possessed in the following areas along the foreshore:

(i) North of Head Street, Elwood and South of Ormond Esplanade between St Kilda Street, Elwood and Glen Huntly Road, Elwood;

(ii) West of Marine Parade between Glen Huntly Road, Elwood and Shakespeare Grove, St Kilda;

(iii) West of Jacka Boulevard, St Kilda between Shakespeare Grove and Fitzroy Street;

(iv) West of Beaconsfield Parade between Fitzroy Street, St Kilda and Esplanade East, Port Melbourne;

(v) West of Beach Street between Esplanade East, Port Melbourne and Princes Street, Port Melbourne;

(vi) South of Waterfront Place, Port Melbourne, between the Port of Melbourne Authority and Princes Street, Port Melbourne;

(vii) South of Beach Street, Port Melbourne, between Princes Street and Beacon Cove; and

(viii) South of the Boulevard, Port Melbourne, between Beacon Cove and Todd Road

**55. No smoking in smoke free areas.**

Please refer to sub clause 73 with respect to delegations in this sub clause.
56. **Use of boats and other water crafts.**

56.1 **Delegations**

Please refer to section 73 with respect to delegations.

56.2 **Areas designated for launching water craft.**

(a) Personal Watercraft:

St. Kilda Marina launching ramp or any other area that is signposted for the purpose.

(b) Sailboards or Kite Surfing:

any area signposted for the purpose

57. **Dangerous or Unsightly Land**

This section is intentionally blank.

58. **Incinerators, Fires and Open Air Burning**

This section is intentionally blank.

59. **Animal Litter**

This section is intentionally blank.

60. **Shopping Trolleys**

60.1 **Shopping trolley procedure**

Process to be followed where shopping trolley left on road or Council land:

(a) All premises which provide shopping trolleys are required to have a coin deposit mechanism or a perimeter constraint system installed on any shopping trolleys provided at their premises by 1 July 2018.

(b) Any premises which provides shopping trolleys for customer use must ensure that the name of the store is clearly marked on the trolley and is accompanied by a message to customers about their responsibility to return the trolley to a proper collection point.

(c) Where a shopping trolley has been left on a road or Council land, the proprietor of the premises identified on the shopping trolley shall be notified and given a reasonable opportunity to recover the trolley, unless the shopping trolley or its location poses a danger to the users of the road or the Council land.
(d) If, following notification, the proprietor does not recover the shopping trolley in question within a reasonable period of time, an authorised officer may impound that shopping trolley.

(e) Council may enter into agreements for handling shopping trolleys

(f) The Council and the proprietor of any premises which provides shopping trolleys, or a body that represents such proprietors, may agree on a process for the handling and collection of shopping trolleys left on roads or Council land which may be contained in a Code or guidelines adopted by both of them or in a written agreement between them.

(g) Where Council enters into an agreement under sub-clause (e), an authorised officer must comply with the terms of that agreement in exercising any powers under this clause.

(h) Where a shopping trolley that has been left on a road or Council land contains the personal belongings of a person who is homeless, an authorised officer must take all reasonable steps to ensure that those belongings are removed for safe keeping and returned to the owner.

61. Horse riding on Council Land

This section is intentionally blank.

62. Glass and Sharp Objects on Beach

This section is intentionally blank.

62A Glass Free Areas

62A.1 Delegations

Please refer to sub clause 73 for delegations.

62A.2 Designated glass free areas

In accordance with Clause 62A(1)(b) the following areas are designated glass free areas:

(a) This section is intentionally blank.
PART 5 – ADMINISTRATION AND ENFORCEMENT

63. Applying for a Permit

Please refer to Section 73 for delegations with respect to this clause.

63.1 Application for a permit

CLAUSE 63

An application for a permit under the Local Law No.1 (Community Amenity) must contain the following information:

(a) Name of applicant
(b) Address of applicant
(c) Contact phone number for applicant during business hours
(d) Type of permit sought
(e) Description of use or activity
(f) Where required, evidence of owner’s consent, if applicant is not the owner
(g) Where required, evidence of other necessary permits or consents required by the Local Law No.1 (Community Amenity)
(h) Where required evidence of current liability insurance cover
(i) Any other information required by the Local Law No.1 (Community Amenity)
(j) Any other information required by the Council.

In addition, an application for a permit must be accompanied by the relevant fee.

64. Fees and Charges

Please refer to sub-section 73 with respect to delegations for this clause.

65. Issue of Permits

65.1 Sample permit content

PORT PHILLIP CITY COUNCIL LOCAL LAW NO.1 (COMMUNITY AMENITY)

PERMIT (number) CLAUSE 65

Name of person granted permit

Address
Use of activity authorised by Permit:

Address where activity or use will be carried out:

In addition to complying with any relevant requirements in the Local Law No.1, Community Amenity the following conditions apply to the activity or use:

Expiry date of permit:

Name of authorised officer:

Signature:

Date:

66. **Duration of Permits**

This section is intentionally blank.

67. **Conditional Permits**

Please refer to sub-section 73 with respect to delegations for this clause.

68. **Cancellation of Permits**

Please refer to sub-section 73 with respect to delegations for this clause.

69. **Correction of permits**

Please refer to sub-section 73 with respect to delegations for this clause.

70. **Registers**

Please refer to sub-section 73 with respect to delegations for this clause.

71. **Exemption**

Please refer to sub-section 73 with respect to delegations for this clause.

72. **Offences**

This section is intentionally blank.

73. **Delegations**

73.1 **Delegations**

In accordance with Clause 73 of the City of Port Phillip Local Law No.1 (Community Amenity) the following delegations apply to the following members of Council staff who hold (or are acting) in the following positions:
<table>
<thead>
<tr>
<th>Clause</th>
<th>Power delegated</th>
<th>Delegate</th>
<th>Conditions and limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>10(2)-Footpath Activities Permit</td>
<td>Power to grant permit</td>
<td>- Coordinator City Permits - Footpath Trading Administrator - City Permits Authorised Officer - Operations Coordinator South Melbourne Market</td>
<td>Subject to the requirements of Clause 9 (3) Operations Coordinator South Melbourne Market for the footpaths of York Street, Cecil Street and Coventry Street to the extent that they adjoin the South Melbourne Market</td>
</tr>
<tr>
<td>10(3)- Footpath Activities</td>
<td>Requirement to provide registration sticker</td>
<td>- Coordinator City Permits - Footpath Trading Administrator - City Permits Authorised Officer - Operations Coordinator South Melbourne Market</td>
<td>Subject to the requirements of Clause 9 (3) Operations Coordinator South Melbourne Market for the footpaths of York Street, Cecil Street and Coventry Street to the extent that they adjoin the South Melbourne Market</td>
</tr>
<tr>
<td>11(1) – Advertising Sign Permit</td>
<td>Power to grant a permit</td>
<td>Real Estate Pointer Boards: - Coordinator City Permits - Team Leader City Permits - City Permits Authorised Officer</td>
<td>Subject to the requirements of Clause 9 (3)</td>
</tr>
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<td></td>
<td></td>
<td>Other:</td>
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<tr>
<td></td>
<td></td>
<td>- Coordinator Events</td>
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<tr>
<td></td>
<td></td>
<td>- Event Adviser</td>
<td></td>
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<td></td>
<td></td>
<td>- Event Support Officer</td>
<td></td>
</tr>
<tr>
<td>11(3) Community Advertising</td>
<td>Power to grant approval for advertising signage</td>
<td>- Coordinator Events</td>
<td>Subject to the requirements of Clause 9 (3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Event Adviser</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Event Support Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Was Coordinator Recreation</td>
<td></td>
</tr>
<tr>
<td>11(6) Advertising &amp; Community Advertising Signage</td>
<td>Power to designate exemptions for certain advertising signs or areas where advertising signs are permitted or limited</td>
<td>- Coordinator Events</td>
<td>Subject to the requirements of Clause 9 (3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Event Adviser</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Event Support Officer</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Was Coordinator City Permits and Coordinator Recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Designated areas to be advertised in government gazette.</td>
<td></td>
</tr>
<tr>
<td>12(1) Itinerant Trading</td>
<td>Power to grant permit</td>
<td>Annual Mobile Food Vehicle Permits</td>
<td>Subject to the requirements of Clause 9 (3)</td>
</tr>
<tr>
<td></td>
<td>Annual Mobile Food Vehicle Permits</td>
<td>Coordinator City Permits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Footpath Trading Administrator</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td></td>
<td>Other:</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td></td>
<td>- Coordinator Recreation</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td>12(2) Itinerant Trading</td>
<td>Power to designate trading sites</td>
<td>- Economic Development officers</td>
<td>Subject to the requirements of Clause 9 (3)</td>
</tr>
<tr>
<td></td>
<td>- Economic Development officers</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td></td>
<td>Was General Manager Place, Strategy and Development</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td></td>
<td>Designated areas must be signed and changes to areas</td>
<td>Coordinator City Permits</td>
<td>Coordinator City Permits</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Power to</td>
<td>Permit Authority</td>
</tr>
<tr>
<td>---------</td>
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<td>-----------------</td>
</tr>
<tr>
<td>13(1)</td>
<td>Itinerant trading from house to house</td>
<td>grant a permit</td>
<td>Economic Development officers &lt;br&gt; Was General Manager Place, Strategy and Development</td>
</tr>
<tr>
<td>14(1)</td>
<td>Occupation of roads</td>
<td>grant a permit</td>
<td>Coordinator City Permits &lt;br&gt; Team Leader City Permits &lt;br&gt; City Permits Authorised Officer</td>
</tr>
<tr>
<td>15(1)</td>
<td>Special events</td>
<td>grant a permit</td>
<td>Coordinator Events &lt;br&gt; Event Adviser &lt;br&gt; Event Support Officer &lt;br&gt; Coordinator Meetings and Events</td>
</tr>
<tr>
<td>15(3)(a)&amp;(b)</td>
<td>Special Events</td>
<td>require additional applications for permits for extended street trading and liquor licenses</td>
<td>Coordinator Events &lt;br&gt; Event Adviser &lt;br&gt; Event Support Officer &lt;br&gt; Was Coordinator Recreation</td>
</tr>
<tr>
<td>15(5)</td>
<td>Special Events</td>
<td>apply revised parking restrictions for period of special event</td>
<td>Coordinator Transport Safety Engineering (where TMP is required) &lt;br&gt; Events Coordinator (where no TMP is required)</td>
</tr>
<tr>
<td>16(1)</td>
<td>Street Parties</td>
<td>provide written consent required to hold a street party</td>
<td>Coordinator Community Development &lt;br&gt; Was Coordinator Transport, Safety and Engineering</td>
</tr>
<tr>
<td>Clause</td>
<td>Description</td>
<td>Action</td>
<td>Responsible Officer</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>16(2)</td>
<td>Street Parties</td>
<td>Power to impose conditions for street party</td>
<td>Coordinator Community Development Was Coordinator Transport, Safety and Engineering</td>
</tr>
<tr>
<td>17(1)</td>
<td>St Kilda Festival Activities</td>
<td>Power to grant permit for activities in the St Kilda precinct during the St Kilda Festival</td>
<td>Coordinator of Festivals</td>
</tr>
<tr>
<td>18(1)</td>
<td>Filming on Council controlled land</td>
<td>Power to grant a permit</td>
<td>Coordinator of Arts - Arts Team Leader - Arts Administrator - Art Development Officer</td>
</tr>
<tr>
<td>19(1)</td>
<td>Busking, Fundraising and Promotional Activities</td>
<td>Power to grant a permit</td>
<td>Coordinator Events - Event Adviser - Event Support Officer</td>
</tr>
<tr>
<td>19(3)</td>
<td>Busking, Fundraising and Promotional Activities</td>
<td>Power to designate area for busking, fund raising activity or promotional activity</td>
<td>Coordinator Events - Event Adviser - Event Support Officer</td>
</tr>
<tr>
<td>20(2)</td>
<td>Bulk Rubbish Containers</td>
<td>Power to grant permit for bulk rubbish containers skip bins</td>
<td>City Permits Authorised Officer</td>
</tr>
<tr>
<td>Clause</td>
<td>Description</td>
<td>Power to</td>
<td>Responsible Officer</td>
</tr>
<tr>
<td>--------</td>
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<td>----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>21(2)</td>
<td>Market Sites</td>
<td>allocate market sites</td>
<td>Manager Arts &amp; Culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>St Kilda Esplanade Market Manager</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Manager Public Space</td>
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<td>- Manager Public Space</td>
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<td>60(5) - Shopping Trolleys</td>
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<td>62A (1) – further designated glass free areas</td>
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Was General Manager, Place, Strategy and Development;
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74. Compliance with Directions
This section is intentionally blank.

75. Power of authorised officers
Please refer to Section 73 for Delegations for this clause.

76. Notice to Comply

76.1 Notice to Comply Content

CLAUSE 70

To (Name and Address)

The following constituted a breach under clause [insert clause] of the Local Law No1 (Community Amenity) of 2013. To remedy this breach you must carry out the following work within [insert days] days from the date of this Notice.

Breach [specify breach]

Work to be carried out: [specify works to be carried out]

You should contact [insert name] (contact officer) at the Council offices between the hours of ............and ..........for further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for the payment of a penalty of $......for the offence. If you do not remedy the breach the authorised officer may carry out the work and you will be liable for the cost of the work in addition to the above penalty.

Date:.........................

Name of authorised officer:

Phone number of authorised officer

Note: If this Notice relates to a contravention of a permit or a condition of the permit and there is failure to comply with this Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with this Notice or write to the Council about why the permit should not be cancelled.

77. Failure to Comply with the Notice to Comply
Please refer to section 73 for Delegations for this clause.

78. Power of Authorised Officers to Act in Urgent Circumstances
Please refer to section 73 for Delegations for this clause.
79. **Power of Authorised Officers to Impound**

79.1 Notice of impoundment content example

**CLAUSE 75**

To: (name/address)

The following items have been impounded under clause 79 of the Local Law No.1. (Community Amenity): [description of impounded items]

You can make arrangements to collect the items from: [insert details]

between the hours of _______ by contacting [insert name of Authorised Officer]

and paying the following fees: [Details of fees and charges $]

If you do not collect the items and pay the fees and charges, the items may be disposed of in accordance with clause 79 of the Local Law.

Name and Signature of Authorised Officer, Date, Contact Details

80. **Infringement Notices**

Infringement notices are issued in accordance with the requirements of the Infringements Act 2006.

81. **Penalties for Continuing Offences**

This section is intentionally blank.
Footpath Trading Guidelines

(Placing of footpath objects on footpaths)

19 December 2013
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   3.4.2 Placement and storage

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Useful contacts

6 ATTACHMENTS
   Attachment 1A - Glass Screens Standard Specification
   Attachment 1B – In-ground socket diagram
   Attachment 2 – Footpath Trading Standard Conditions
OVERVIEW

1.1 Purpose of the Guidelines

The Guidelines have been developed by the Council in consultation with the local community to provide a framework for the sustainable use and management of our footpath trading areas.

They are in line with Council’s four strategic directions contained within the Council Plan Council Plan 2013-17: A Well-Governed City; A Healthy, Creative & Inclusive City; A Resilient City; and A Vibrant City.

The Footpath Trading Guidelines of the City of Port Phillip show commitment to supporting and enhancing the vibrancy of our local communities and the sustainable growth of local business. They demonstrate this by allowing private businesses to trade on the city’s footpaths, enabling those enterprises to profit from the use of public land.

These Guidelines explain when and how to trade on the footpath. However, there are times when it will not be possible for businesses to use the footpath in the way that they would like. On these occasions Council is fulfilling its obligations to the broader community by putting the public’s needs ahead of individual businesses. In summary, it is important to acknowledge that the commercial use of public space is a privilege, not a right.

1.2 What is footpath trading?

Footpath trading involves the use of public footpaths for commercial purposes. The footpath is the area between the property boundary and the kerbside of a road that is provided for use by pedestrians. Commercial purposes typically include the placement of advertising signs, display of goods, tables, chairs and ancillary equipment such as umbrellas, heaters, planter boxes and screens.

1.3 Why do we have footpath trading?

Footpath trading is a valuable use of public space. It can improve the look of our streets and adds life and vibrancy to shopping strips. It supports a prosperous local economy and traditional traders such as greengrocers. It provides valuable commercial opportunities for businesses by extending their floor space and advertising their presence. It provides opportunities to shop, dine and drink outside.

With the many benefits come potential problems. The needs of businesses can clash with those of the general public. As in other areas of public life the Council has a responsibility to regulate the use of public space for the good of all. Whilst seeking to maximise the benefits mentioned above, Council is concerned with ensuring that footpath trading is fair and consistent, that the public is welcome and safe, and that the footpath provides an accessible path of travel for all.
1.4 Footpath trading objectives

The Council’s footpath trading objectives are concurrent with the purpose of Local Law No. 1 (Community Amenity).

This Local Law provides for the peace, order and good government of the City of Port Phillip in a way that is complementary to Council’s Council Plan by:

- managing the uses and activities on roads and Council land so that Council is aware of uses or activities which may:
  
  (a) interfere with the safety and convenience of people travelling on or using roads or land; and
  
  (b) impede free and safe access for people, in particular those with sight and movement impairment or disabilities; and
  
  (c) cause damage to Council and community assets; and
  
  (d) create a danger or expose others to risk; and
  
  (e) be detrimental to the amenity of the area or the enjoyment of facilities on roads or land;

- managing regulating and controlling uses and activities which may;
  
  (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
  
  (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors;

- identifying uses and activities where a permit is not required but conditions are applicable to the use or activity so that the purposes identified above are achieved; and

- providing for the administration of Council’s powers and functions.

These Guidelines should be read in conjunction with the Council’s Local Law No. 1 (Community Amenity), which can be found at www.portphillip.vic.gov.au under Local Laws & Enforcement.

1.5 Who are the stakeholders?

These Guidelines are an attempt to balance the different interests and needs of businesses, residents and visitors. Each has an important role to play:

Council – regulate the use of footpaths for the public good by administering, enforcing and communicating the local law and these Guidelines.

Businesses – manage the use of their designated footpath trading zones in accordance with relevant legislation, particularly Local Law No. 1 (Community Amenity).

Patrons, residents, ratepayers and visitors – assist businesses’ efforts to comply with legislative responsibilities and these Guidelines.
1.6 Council’s footpath trading priorities

The diagram below shows the order of Council’s priorities for footpath trading. It is a principle-based rule-of-thumb for all decisions relating to footpath trading. For example, Council’s highest priority at all times is public safety, although this is not the only concern. Public safety can be addressed while also creating a vibrant street life, ensuring accessibility for all and balancing a prosperous local economy with residential amenity. Indeed, achieving all these priorities is Council’s goal.

However, there are times when this is not possible and so Council must favour one over another. For example, footpath trading gives streets a vibrancy and liveliness but it must be limited (in amount and location) to ensure that the footpath can be used safely by all members of our community. Council has used this order of priority to determine these Guidelines and will use it when making decisions on permit applications.

Diagram 1 - Council’s footpath trading priorities

<table>
<thead>
<tr>
<th>The objective for each priority is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public safety</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

City of Port Phillip
Footpath Trading Guidelines December 2013
### Accessibility for all

| Streets are easily navigated by all pedestrians, allow appropriate pedestrian traffic flow and support public transport use. |

### Balancing a prosperous local economy with residential amenity

| Supporting a prosperous local economy is balanced with ensuring that footpath trading (and any associated off-site impacts) do not cause any significant impacts on the amenity of surrounding residential areas in relation to nuisance, noise, parking and other amenity considerations. |

### Vibrant street life

| Streets are vibrant and lively and contribute positively to an area’s sense of place and character. |

### Attractive streetscape

| Streets are attractive, clean and pleasant and any heritage significance is not diminished. |

### Leisure opportunities

| Footpath trading supports social interaction, alfresco dining and drinking as enjoyable leisure activities. |

### 1.7 Decision-making

Where applications meet all the Guidelines, the Council will normally grant a permit. In cases where an application does not clearly meet the Guidelines or where there are special circumstances, the application will be referred to the Council’s Footpath Trading Panel for further consideration. The panel will provide its recommendation to the authorised officer who will approve or refuse the permit application. The panel will assess all applications using the Council’s Footpath Trading Priorities (section 1.6), the Footpath Management Standards (Section 1.8) and Clause 10 of Local Law No. 1 (Community Amenity). In some cases a variation to these Guidelines may be granted if the priority objectives can be met and there are extenuating circumstances. Each case will be decided on its merits. Further information on the process is available in section 2.14.

### 1.8 Footpath management standards

A number of footpath management principles have been developed to ensure that safety, accessibility, community amenity, quality design, hygiene and cleanliness are maintained on the footpath at all times.

#### 1.8.1 Safety and accessibility

To ensure that safe and unobstructed access to the footpath area is available, the following standards apply:

- A continuous accessible path of travel must be provided along the building line,
- The pedestrian zone should have a width of 1.8m or greater wherever possible and be not less than 1.5 m in width. Footpaths of 2.49m or less in width are not suitable for footpath trading.
• Footpath activity located in close proximity to intersections should not obscure driver’s line of vision or traffic signs and will be subject to approval by the Council’s traffic engineer.

• Required clearances and setbacks from kerbs, public assets and other street infrastructure must be maintained at all times.

• The footpath area should be an inviting, clean and safe place.

• It is the permit holder’s responsibility to ensure that their patrons or clients do not unreasonably impede the flow of pedestrian traffic in the pedestrian zone.

• There should be full compliance with the Disability Discriminating Act 1993 (DDA) requirements at all times. Council does have some flexibility to allow a departure from the DDA requirements in the Guidelines on a site by site basis.

• Scooters, motor cycles and bicycles are able to park on the footpath provided they do not inconvenience, obstruct, hinder or prevent the free passage of any pedestrian or other vehicle pursuant to Section 197 of the Road Safety Rules 2009.

1.8.2 Community amenity

To ensure the amenity of the footpath and adjacent areas are protected and enhanced, the following standards apply:

• All footpath trading furniture, signage and displays of goods, with the exception of fixed glass screens and approved planter boxes, must be removed from the footpath as per permit conditions.

• In instances where business hours as stated on the permit conflict with business hours stipulated in a relevant planning permit and the Liquor Licensing permit, the earlier close of business time applies.

• Compliance with Environment Protection Authority requirements in respect to noise is required. No externally amplified speakers are allowed. Further details can be found at www.epa.vic.gov.au

• All businesses must control and prevent any adverse impact on the amenity of the neighbourhood arising from the emission of noise, smell or appearance of the premises in accordance with Local Law No. 1 (Community Amenity).

• Obstructive footpath trading furniture and excessive signage or displays of goods which create a hazard for all users, including people with physical or vision impairments, should be avoided.

• Footpath trading activity should not increase pressure on the available
parking capacity within the area.

- Footpath trading in shopping centres should cease at 11pm for hotels and bars, and 1am for restaurants and cafes unless otherwise approved by Council. A variation for restaurants and cafes in entertainment precincts to trade until 3am may be permitted in the Bay St Port Melbourne, Clarendon St South Melbourne, Fitzroy St St Kilda and Acland St St Kilda Precincts. In areas outside of shopping centres, the Council will determine footpath trading hours on a case-by-case basis as appropriate to the locale.

1.8.3 Design considerations

To ensure the appearance of any structures associated with footpath activity are appropriate and in keeping with the Council’s Urban Design and Heritage controls for an area, the following standards apply:

- Structures within heritage overlay areas should not impede views to significant heritage frontages and the colour of any structures should be consistent with the heritage objectives of the location. Any proposed structures within a heritage overlay will be assessed against the heritage considerations.

- Structures should comply with Council’s existing streetscape master plans and designs. Any proposed structures will be assessed as to whether they are appropriate to the streetscape pursuant to Clause 22-04 of the Port Phillip Planning Scheme (Heritage Policy).

- Structures associated with footpath trading should not privatise, fully enclose public spaces or adversely affect the openness of our public footpaths. Council will generally not approve screens exceeding 1.5m, display of goods exceeding 1.2m, or drop-down blinds attached to buildings or verandahs that enclose a space by roofing over an area. Council will allow drop-down blinds attached to greengrocer displays and transparent drop-down blinds in Fitzroy St, St Kilda and Brighton Rd, Elwood.

- The only types of permanent structures that may be considered are retractable awnings, glass screens, fixed heaters and approved planter boxes. Any other items located on the footpath for the purpose of footpath trading are temporary items and must be removed every evening in accordance with the footpath trading permit.


1.8.4 Hygiene and cleanliness

To ensure the hygiene and cleanliness of a footpath area is maintained, the following standards apply:

- Litter must be cleared from the trading area by the permit holder at all times.

- Food scraps, cigarette butts and any other rubbish within the immediate area
must be immediately removed and deposited within the permit holder’s own bins kept within the premises.

- Windproof ashtrays must be provided at all times for patrons wishing to smoke within the footpath trading area.
- Litter generated by footpath trading must not be swept into the street gutter or adjacent footpath areas. It must be picked up and deposited within the permit holder’s own bins kept within the premises.
- All footpath furniture must be removed at the end of footpath trading as stated on the permit, to ensure the footpath can be easily cleaned by the Council. In some cases, the Council will allow outdoor furniture to be securely stacked in the trading zone until the close of business.
- Trade waste must not be placed in public street bins.
- The preparation, handling and serving of food and drinks to patrons located on the footpath must be conducted in accordance with the Food Safety Regulations, [http://www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)

For information on food safety education and training programs contact the Council’s Health Services Unit.

The Council’s street cleaning services operate in early morning to ensure minimum disruption to local business. However, the permit holder has a responsibility to keep the street and footpath clean and must work with the Council to ensure this is achieved. Failure to adequately keep the footpath clean may result in the cancelling of a permit.
THE FOOTPATH

2.1 Footpath trading zones

To easily explain these Guidelines and to ensure footpath management standards are met, the City of Port Phillip describes the footpath of being made up of three zones. These are:

- Pedestrian zone
- Trading zone
- Kerb zone

Existing trees, artwork, street furniture, public infrastructure and the width of the footpath may prohibit or limit footpath trading activity.

Diagram 2 - Footpath zones

2.2 Pedestrian zone

The pedestrian zone is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians.

The pedestrian zone must be a continuous and accessible path of travel along the property boundary and must provide for the safety of all of the community, including meeting the access needs of people with mobility aids, prams and shopping trolleys.
The minimum clearance required between a proposed footpath trading area and the building will vary from street to street depending on the overall width of the footpath, pedestrian activity, safety and circulation requirements.

The City of Port Phillip reserves the right to vary pedestrian zones depending on pedestrian needs, vehicular traffic and existing footpath widths. Refer to Table 1: Minimum pedestrian clearance for footpath trading.

Table 1 - Minimum pedestrian clearance for footpath trading

<table>
<thead>
<tr>
<th>Footpath width</th>
<th>Minimum pedestrian zone requirements</th>
<th>Variations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.49m or less</td>
<td>Prohibited</td>
<td>Acland St – 2.0m</td>
</tr>
<tr>
<td>2.5m - 3.0m</td>
<td>1.5m</td>
<td>Acland St – 2.0m</td>
</tr>
<tr>
<td>3.1m – 4.0m</td>
<td>1.8m</td>
<td>Acland St – 2.0m</td>
</tr>
<tr>
<td>4.1m – 5.0m</td>
<td>2.3m</td>
<td></td>
</tr>
<tr>
<td>5.1m – 6.9m</td>
<td>2.5m</td>
<td></td>
</tr>
<tr>
<td>7.0 or greater</td>
<td>3.5m</td>
<td></td>
</tr>
</tbody>
</table>

2.3 Trading zone

The trading zone is the area that the City of Port Phillip allows for commercial activity. It is the area left between the pedestrian zone and the kerb zone after these clearances are taken out. The trading zone will vary in area from street to street depending on the overall width of the footpath, the pedestrian zone, the kerb zone and any clearances from infrastructure that is located within the trading zone.

Approved items must remain within the trading zone at all times and must not intrude on the pedestrian zone.

A gap of 1m must be left between adjoining trading zones with each zone set back 0.5m from their property boundary. Refer to Diagram 3 - Gap between adjoining trading zones. This is to ensure that adequate access is provided between adjoining trading zones for pedestrians crossing the road and passengers alighting from vehicles.

A trading zone extending greater than 10m in length must provide an opening or gap in the centre of the trading zone. This gap must not be less than 1.5m in width to provide for pedestrian safety when crossing the road and to allow passengers alighting from vehicles to gain immediate access to the pedestrian zone. Refer to Diagram 4 - Gap within trading zones greater than 10m.

If there is no adjacent trading zone, the subject trading zone may trade up to the property line. If an adjacent trading zone is established at a later date, the gap requirement will apply to both properties and the gap requirement will be reinstated.
Diagram 3 - Gap between adjoining trading zones

Diagram 4 - Gap within trading zones greater than 10m
2.4 Kerb zone

The kerb zone is the area between the face of the kerb and the trading zone. This zone is important for the safety of pedestrians crossing the road and allowing passengers to gain access to parked vehicles. This zone must remain clear of any footpath items approved within a trading zone.

Parking spaces adjacent to a kerb help to protect footpath trading activity from moving traffic. Where there are no parking spaces next to a kerb the footpath trading application will be referred to the Council’s Traffic and Transport Planning Unit for consideration. In some instances, due to the footpath width and parking restrictions, footpath trading may not be permitted.

The City of Port Phillip reserves the right to vary the setback of a kerb zone, dependent on pedestrian activity and parking restrictions adjacent to the area. Refer to Table 2 - The minimum distance between the face of the kerb and the trading zone, and Section 2.5 - Examples of different footpath widths.

Table 2 - The minimum distance between the face of the kerb and the trading zone

<table>
<thead>
<tr>
<th>Parking restrictions</th>
<th>Minimum setback from kerb</th>
<th>Variations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel parking</td>
<td>500mm</td>
<td></td>
</tr>
<tr>
<td>Loading zones</td>
<td>1000mm</td>
<td></td>
</tr>
<tr>
<td>No standing anytime</td>
<td>1000mm</td>
<td>Trading zones within 10m of a signalised or unsignalised intersection is at the approval of the Council’s Traffic Engineer – refer to Section 2.6: Clearances within trading zones</td>
</tr>
<tr>
<td>Angle parking</td>
<td>1200mm</td>
<td>Ormond Road – 700mm</td>
</tr>
<tr>
<td>Taxi zones</td>
<td>1500mm</td>
<td>Blessington Street -700mm</td>
</tr>
<tr>
<td>Disabled parking:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parallel parking</td>
<td>1300mm</td>
<td></td>
</tr>
<tr>
<td>Angle parking</td>
<td>1700mm</td>
<td></td>
</tr>
</tbody>
</table>
2.5 Examples of different footpath widths

Diagram 5 - Footpath width 2800mm

Diagram 6 - Footpath width 6100mm
2.6 Clearances within trading zones

2.6.1 Intersections – line of sight

To ensure adequate sight lines for vehicles, motor cyclists and cyclists, trading within 10m of an unsignalised or signalised intersection will be permitted subject to the following:

Unsignalised intersections:

- No obscuring of the driver’s or other road users’ line of vision by the placement of structures within the trading zone. In this case low structures (that do not obstruct the driver’s line of vision) may be acceptable.
- An on-site assessment by the Council’s traffic engineer that the proposed placement of structures does not cause a traffic hazard.

Signalised intersections:

- No obscuring of the traffic signals by any structure within the trading zone.
- An on-site assessment by the Council’s traffic engineer that the proposed placement of structures does not cause a traffic hazard.

Diagram 7 - Intersections – line of sight
2.6.2 Clearance from existing public infrastructure

Public infrastructure includes items on the footpath which are required for the community and for the benefit of the community. Minimum clearances are:

Table 3 – Clearances from existing street infrastructure

<table>
<thead>
<tr>
<th>Public Infrastructure</th>
<th>Minimum Clearances from object</th>
</tr>
</thead>
<tbody>
<tr>
<td>Litter bins</td>
<td>1000mm</td>
</tr>
<tr>
<td>Public seating</td>
<td></td>
</tr>
<tr>
<td>Bicycle stands (from outer edges of stand)</td>
<td></td>
</tr>
<tr>
<td>Fire hydrants</td>
<td></td>
</tr>
<tr>
<td>Payphones</td>
<td></td>
</tr>
<tr>
<td>Parking meters</td>
<td></td>
</tr>
<tr>
<td>Traffic lights</td>
<td></td>
</tr>
<tr>
<td>Pedestrian-operated lights</td>
<td></td>
</tr>
<tr>
<td>Way-finding signs</td>
<td></td>
</tr>
<tr>
<td>Trees and tree pit edge</td>
<td>500mm</td>
</tr>
<tr>
<td>Electricity boxes</td>
<td></td>
</tr>
<tr>
<td>Electricity poles</td>
<td>0mm</td>
</tr>
<tr>
<td>Street light poles</td>
<td></td>
</tr>
</tbody>
</table>

Well maintained public places improve the perception of how safe a place is and support the public’s desire to occupy and use those places, in particular:

Public seating

Public seating gives people the opportunity to rest and take time out whilst walking to and from their destination. Public seating also provides a place for people to pause along busy walking routes, and creates informal meeting places.

Footpath trading should not compromise the ability of the general public or service contractors to access street furniture.

Street trees and tree pits

Clearance from existing street trees and tree pits must be maintained at all times to prevent damage to the root system. Tree pits that are uncluttered by furniture improve the attractiveness of the streetscape.

Bicycle stands and litter bins

Clearance from bicycle stands and litter bins must be maintained at all times to ensure direct access from the pedestrian zone and the kerb zone is provided to the community and council contractors.
Way-finding signs

Way-finding signs have been installed throughout the City of Port Phillip to assist pedestrians visiting the area to navigate their way through an activity centre. It is important that clearance from these signs is maintained at all times to ensure access and visibility.

Electricity boxes, traffic lights, parking meters

Clearance from essential public infrastructure is required at all times for access purposes.

2.6.3 Clearance from public transport infrastructure

Tram stops

Clearances from tram stops must be maintained at all times to ensure that direct access from the pedestrian zone is provided to passengers boarding and alighting from a tram. A minimum of 1500mm clearance must be kept from the departure side of a tram stop sign and 10m from the approach side. Refer to Diagram 9 - Clearance from tram stops.
Diagram 9 - Clearance from tram stops

Bus zones

Clearances from bus zones must be maintained at all times to ensure that direct access from the pedestrian zone is provided to assist public transport users to enter and exit a bus. A minimum of 1500mm clearance must be kept from the departure side of a bus stop sign to ensure adequate access for bus users.

For the access and safety of bus users, outdoor seating is prohibited where a bus zone is 20 metres or less. Outdoor seating will be considered near bus zones over 20 metres. Refer to Diagrams 10 - Clearance from bus zones.

Diagram 10 - Clearance from bus zone
Taxi zones

Clearances from a taxi zone must be maintained at all times to ensure that direct access from the pedestrian zone is provided to all users of this service. A minimum of 1500mm clearance must be kept to either side of taxi zone signage to ensure adequate access for users and to maintain visibility for taxi drivers. Refer to Diagram 11 - Clearance from taxi zone.

Diagram 11 - Clearance from taxi zone

2.7 Smokers’ area

Under the changes to the Tobacco Act 1987 all venues are required to provide an outdoor area for smokers. This has resulted in patrons smoking on the footpath where there is no suitable outdoor area within a business premises. Where the only location available to smokers is the footpath, the Council may permit a “smokers’ area” within the trading zone.

The following arrangements apply:

- Smokers are able to stand within the designated smoking area.
- Smokers’ areas must be clearly delineated from any queuing areas.
- Umbrellas are permitted in the smokers’ areas to shield patrons in the event of rain.
- Patron numbers are to be calculated at 1 person per 0.75 m².
• No liquor, beverage or food is permitted to be consumed within the smoking area.

• Suitable removable ashtrays must be located within the designated area.

• The area must be fenced with suitable barriers. Existing screens or a rope and bollard system will be acceptable.

• The permit holder is responsible for managing the smoking area and must ensure that the pedestrian zone is kept clear.

• The smokers’ area may commence operation between 10pm and 11pm until the close of business depending on the footpath trading permit.

Diagram 12 – Smokers’ area within the trading zone

2.8 Queuing

2.8.1 Queuing – for general purposes

It is the permit holder’s responsibility to ensure that their patrons or clients do not impede the flow of pedestrian traffic in the pedestrian zone. Businesses that attract a large number of patrons who queue outside the premises must accommodate these patrons in an orderly fashion within the trading zone.
2.8.2 Queuing - for licensed venues

It is the permit holder’s responsibility to ensure the safe management of patrons queuing at venues. The guidelines below are based on the Design Guidelines for Licensed Venues, Victorian Commission for Gambling and Liquor Control.

The following applies:

- Queues of patrons are to be contained within the venue where practical.
- If the premises are located within a precinct or streetscape which has Council approval for the containment of queuing lines along the building line, the following arrangements apply:
  - An appropriate level of staffing be provided to manage the queue.
  - Queuing arrangements must not impede the continuous accessible path of travel for all persons past the premises.
  - Queuing areas are to be clearly delineated from smoker’s areas.
  - Bollards/queue barriers/lowers do not extend past the property line unless the applicant has obtained and submitted to the Council the written consent by the owner, body corporate and/or occupier of the adjacent premise(s).
  - A queue management plan is provided which includes:
    - A diagram of the footpath which shows the queuing arrangement, and
    - Venue management plan describing how to manage patrons on the footpath including matters such as advising queuing patrons of wait time, the placement of bollards/queue barriers/lowers, ensuring there is room for foot traffic to pass and any other relevant matter.

2.9 Relocation of public infrastructure and/or improvement to abutting footpaths

In special circumstances applicants may request the City of Port Phillip to consider relocating public seats, litter bins or bicycle stands. This will be considered only if the new location is a better outcome for the general community.

If the proposal is to relocate furniture to the front of another premise, the applicant requesting the relocation should obtain written consent from the owner of the other building and the owner of the other business with their request.

All costs associated with the relocation of any public infrastructure, including the reinstatement of the pavement, will be borne by the person applying for the permit.

Council will consider a request to improve the conditions of the abutting footpath within its normal work schedule. An applicant may elect to contribute to the cost of these works to obtain an improved finish and stronger pavement surface.
These requests will be considered on a case-by-case basis and any outcome must be to the benefit of the community and complement the streetscape. The City of Port Phillip reserves the right to refuse any application if the Council’s objectives are not met. Traders should take this into account when selecting a site.

2.10 Occupying an adjacent premises

If seeking to occupy the trading zone of an adjacent premise, the City of Port Phillip requires the applicant to obtain and submit to the Council the written consent by the owner, body corporate and/or occupier of the adjacent premise. The letters of consent should be provided on the third party’s official letterhead. If the neighbouring business is sold, a new letter must be submitted to the Council by the new occupier.

The submission must include plans to scale including both premises, signing of the indemnity form for both properties and a copy of certificate of currency noting both premises. These applications will be referred to the Council’s Traffic and Transport Planning Unit for approval.

The footpath is public space and as such is not owned by any one business. This means a business owner cannot charge “rent” for the use of the footpath in front of their premises.

In the instance where the use of the footpath is not adjacent to a business, Council may use its discretion to approve a permit if the outcome is to the benefit of the streetscape and the general community.

The City of Port Phillip will assess such applications on a case-by-case basis and reserves the right to approve or refuse any application with reference to streetscape and community outcomes.

Consent from the adjacent owner, body corporate and/or occupier may be withdrawn at any time. Depending on the circumstances, if consent is withdrawn during the permit period, the permit holder may be permitted to trade in front of the adjacent premises until the permit expiry date (30 June).

The City of Port Phillip will decide on a case-by-case basis if the permit should be withdrawn prior to the expiry of the permit.

In the event of withdrawal of consent, no refund will be made in respect of fees paid in advance for the use of the area in front of the neighbouring premises.

2.11 Toilet and sanitary conveniences

The addition of an outdoor area to an existing restaurant / café may lead to an increase in overall seating capacity. As such, these premises should have adequate toilet facilities available for customers and staff. The Council will assess the appropriate provision of toilet facilities on a case-by-case basis.
Where the introduction of an outdoor area increases the total seating capacity beyond 20 seats it may be necessary to upgrade existing toilet facilities or retain the overall number of seats to 20 seats.

2.12 Delineation markers

To assist owners and managers to set up the outdoor trading area, delineation markers must be installed in the footpath according to Council specifications and at the applicant’s cost. This will assist owners, managers and the general community to define the permitted outdoor trading area. Delineation markers may not be required where screens and sockets are installed and clearly indicate the trading zone.

The permit holder must ensure all furniture associated with outdoor trading is located within the defined trading zone.

2.13 Precinct-specific guidelines

Precinct-specific guidelines have been developed for the 11 major shopping centre precincts within the City of Port Phillip and are included as separate sheets for each precinct.

- Bay Street, Port Melbourne
- Clarendon Street, South Melbourne
- Bridport Street, Albert Park
- Victoria Avenue, Albert Park
- Armstrong Street, Middle Park
- Fitzroy Street, St Kilda
- Acland Street, St Kilda
- Carlisle Street, Balaclava
- Ormond Road/Glenhuntly Road, Elwood
- Glen Eira Road, Ripponlea
- South Melbourne Market

2.14 Decision – making on applications

Where applications meet all the Guidelines, the Council will normally grant a permit. In cases where an application does not clearly meet the Guidelines or where there are special circumstances, the application will be referred to the Council’s Footpath Trading Panel for further consideration. The panel will provide its recommendation to the authorised officer who will approve or refuse the permit application. The panel is comprised of senior officers from across the Council.

In some cases a variation to these Guidelines may be granted if the priority objectives can be met and there are extenuating circumstances. Each case will be decided on its merits.

Extenuating or special circumstances could include factors such as the following:

- Demonstrated hardship in conforming to new standards.
- Established precedent.
- Existence of mitigating factors such as street barriers, kerb extensions.
- Previous Council approval and prohibitive expense in replacing existing infrastructure, including evidence of contributions to street furniture, glass screens, etc.
- Supports the achievement of the footpath trading priorities.

The Footpath Trading Panel will provide advice on all applications using the Council’s footpath trading priorities (section 1.6), the footpath management standards (section 1.8) and Local Law No. 1 (Community Amenity):

- The effect on pedestrian traffic flows and safety;
- The impact on the appearance of the street and its surroundings;
- The impact on residential amenity;
- The duration of use;
- The effect on vehicular traffic flows and safety;
- Compatibility with other uses in the street;
- Whether it is complementary to the primary adjoining use;
- Whether it is less intensive than the primary adjoining use;
- The applicant’s previous record of compliance;
- Any relevant policies of the Council; and
- Any other matter relevant to the application.
Once the panel has made a recommendation the authorised officer will either approve or refuse the permit application.

An applicant may request an amendment to permit conditions which should be made in writing and will be referred to the Footpath Trading Panel. They will make a recommendation to a different authorised officer who will make a decision on that request.

An applicant may also reapply for a permit which will be referred to the Footpath Trading Panel. They will make a recommendation to a different authorised officer who will make a decision on that application.

In addition to the above, the Footpath Trading Panel will also provide advice on any issues in relation to serious or ongoing breaches of permit conditions.

**DDA Compliance:**

The intent of DDA should be achieved at all times. Council does have some flexibility to allow departure from the intent of the DDA on a site by site basis. Such circumstances would include the following:

- Where temporary objects or structures located on the footpath effectively create a new building line which fits into the prevailing street pattern, or is sufficiently long enough to create its own prevailing building line, or

- Where there are isolated sites, or

- Where there is an obligation to consider broader community safety, for example, instances of queuing for licensed venues.

Applications that fall into any of the above categories are to be decided upon by the Council following a recommendation from the Footpath Trading Panel.

**Diagram 13 - Footpath trading permit or permit amendment process**
2.15 Events

The City of Port Phillip holds various events within the Municipality. During these events businesses are given the opportunity to participate by extending their outdoor trading areas. Some of the events are managed and permitted through the Council’s Culture and Leisure Unit.

Further information regarding St Kilda Festival can be found on [http://www.stkildafestival.com.au/](http://www.stkildafestival.com.au/) or contact the Festival Office on: (03) 9209 6490.

2.16 Temporary permits

Temporary permits are offered to existing businesses wishing to occupy the footpath for short periods of time.

This can include a business owner wanting to:

- Promote their business during Christmas, Easter or a grand opening promotion.
- Extend an outdoor area during special events (i.e. Grand Prix, Christmas, Easter, activity centre festivals).

The sale of items on the footpath is not permitted.

These applications will be assessed on a case-by-case basis and approval is subject to Council’s discretion.
FOOTPATH DINING

3.1 Tables and Chairs

3.1.1 Design

Tables and chairs must, at all times, be confined within the trading zone approved by Council.

- Tables and chairs in an outdoor area must be of an outdoor design style. Indoor-style furniture is inappropriate for use in an outdoor area.
- Tables and chairs should be hardy, sturdy and portable.
- Tables and chairs must be solid enough to resist wind gusts.
- Tables and chairs must be constructed of materials that do not deteriorate quickly.
- Tables and chairs must be easy to clean.
- All chairs and tables must have a minimum 30mm diameter rubber pad on their legs to protect the pavement surface. It is the business owner’s responsibility to maintain the base of all items and to ensure items placed on the footpath do not cause damage to the existing footpath or other public infrastructure. The cost of repairing any damage caused will be borne by the applicant.
- Tables and chairs must be stackable for ease of storage and readily removed and stored within the indoor (private) part of the café as stipulated on the permit.
- Bar-style furniture will not be approved. A table must be between 700mm to 800mm in height and a chair or seat must be between 400mm to 500mm in height.
- No form of advertising is permitted on tables and chairs.
- The City of Port Phillip must approve all furniture before it is purchased and located on the footpath. All furniture designs will be considered on a case-by-case basis.

3.1.2 Placement and storage

The number of tables and chairs permitted on the footpath is determined by the size of the available footpath trading area directly in front of the applicant’s premises and whether or not additional seating is likely to have a significant adverse impact on parking in the vicinity.

The following guidelines will determine the placement and storage of the furniture:
• No more than the maximum number of tables and chairs specified on the permit can be used in the footpath trading area.

• Tables and chairs must be set back from existing infrastructure, including street trees, lights and public furniture as previously defined in Table 3 in section 2.6.2.

• No furniture is permitted on grassed areas or nature strips.

• Tables and chairs may not be permitted next to serving windows.

• Tables and chairs must be removed and stored inside the premises outside of hours of operation.

• The applicant must ensure that adequate storage is provided on the premises for all approved footpath trading furniture. If the business operates initially beyond the hours approved on the permit, the applicant must indicate on plans and show the Council where the items will be stored. If there is insufficient internal storage area, the Council may allow outdoor furniture to be securely stacked within the trading zone until the close of business. Approval will only be given if the applicant can demonstrate that the furniture will remain securely stacked and the relocation of the outdoor furniture into the premises can be carried out without causing unreasonable noise and disturbance to any nearby residents.

• No fixed tables or chairs may be used in the footpath trading area.

• The number of tables and chairs placed within a footpath trading area must allow unobstructed access and circulation for patrons and staff.

• A minimum space of four (4) square metres is considered as the guideline for a table and four chairs (2m x 2m) and a distance of 500mm should be allowed between adjoining settings.
  
  o 2-person table requires a minimum of 2m2 (unless a narrow footpath)
  
  o 3-person table requires a minimum of 3m2
  
  o 4-person table requires a minimum of 4m2

• Bench-style furniture is permitted for use in outdoor areas. However, it must be constructed of lightweight material to ensure it can easily be removed and stored within the premises in accordance with the hours of operation on the permit.

• Bench-style furniture must have a gap of 500mm between each table setting to allow unobstructed access and circulation for patrons and staff.
Table 4 - The following table outlines the maximum number of people approved per bench.

<table>
<thead>
<tr>
<th>Length of bench seats</th>
<th>Number of People*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 899mm</td>
<td>1-2</td>
</tr>
<tr>
<td>900mm – 1399mm</td>
<td>2-3</td>
</tr>
<tr>
<td>1400mm – 1899mm</td>
<td>3-4</td>
</tr>
<tr>
<td>1900mm – 2399mm</td>
<td>4-5</td>
</tr>
<tr>
<td>2400mm – 2900mm</td>
<td>5-6</td>
</tr>
</tbody>
</table>

* The maximum permitted number of people will be determined at the time of application assessment.

Diagram 14 - Furniture layout opportunities 1
Diagram 15 - Furniture layout opportunities 2
3.2 Removable Screens

3.2.1 Design

• Screens can be used to assist businesses in containing their furniture within their approved trading zone. To preserve the general appearance and openness of the streetscape, the maximum height for removable screens is 900mm.

• Removable screens may vary in design but must complement the streetscape. All proposals will be assessed by Council to ensure that they do not detract from the surrounding area.

• All types of removable screens must be lightweight to ensure that they can be removed from the footpath in accordance with the footpath trading permit issued.

• No other structures (including, plastic blinds, awnings, menu boards) can be attached to the screens at any time, except in Fitzroy Street, St Kilda and Brighton Road, Elwood where transparent drop-down blinds may be attached subject to Council approval.

The City of Port Phillip will consider the approval of screens on a case-by-case basis and applications will be assessed according to available space, streetscape, pedestrian activity, amenity and traffic conditions.

3.2.2 Placement and storage

• All removable screens must be secure, with a number of screens secured in an in-ground socket to ensure that they are not moved or knocked over. Refer to section 3.6, In-ground socket.

• The applicant must ensure that adequate storage is provided on the premises for all approved footpath trading furniture. If the business operates past the hours approved on the permit, the applicant must show the council where and how the items will be stored and moved between the end of footpath trading and the close of business.

• In narrow streets screens will only be permitted between the kerb zone and the trading zone parallel to the road. Screens running perpendicular to the road are not permitted.

3.3 Glass Screens

Glass screens may be permitted subject to available space, urban character, existing street infrastructure and traffic conditions.

Applications will only be considered if the premises are within a nominated activity centre, commercial or industrial zoning and where the footpath is 6.0m or greater in width.
Glass screens should not adversely affect the openness and streetscape and heritage character of the precinct. The City of Port Phillip is unlikely to permit glass screens where they create a cluster of continuous glass screens along the footpath.

### 3.3.1 Design

Glass screens should be developed in accordance with the design specification in attachment 1A and in accordance with the guidelines below. Specifically:

- The pedestrian zone must be 2800mm wide or greater depending on the overall width of the footpath.
- Glass screens must be no higher that 1500mm above the level of the footpath.
- Poles that support glass screens must be fixed into the ground with galvanized sockets.
- A gap of 100mm is required between the base of the glass panels and the ground.
- No other structures (i.e., blinds, awnings, menu boards) can be attached to the glass screens at any time.
- Glass panels must be transparent and kept clean at all times.
- Advertising on glass screens is not permitted. Only the business/company logo can be displayed on every second panel and on the two end returns closest to the pedestrian zone.
- All logos cannot be greater than 0.075m² (i.e., 15cm (h) x 50cm (w)).
- Glass screens must be maintained to a safe standard for the public and any damage must be repaired immediately.

Details of screens must be provided on the plans submitted with an application.

### 3.3.2 Placement and storage

- A 1500mm break must be provided in the centre of an outdoor area that is 10m or greater in length.
- Glass screens must not enclose trees and tree pits, refer to table 3 for minimum clearances.
- Glass screens must not extend past the property boundary.

A footpath trading permit for glass screens and a road opening permit must be obtained prior to any construction and works. More information on road opening permits can be found on [http://portphillip.vic.gov.au/road_opening_permit.htm](http://portphillip.vic.gov.au/road_opening_permit.htm)
3.4 **Transparent drop-down blinds.**

Transparent drop-down blinds may be permitted subject to available space, prevailing urban character and existing street infrastructure and traffic conditions. In certain situations drop-down blinds can extend the outdoor dining area and improve the dining experience in streets where there is poor protection from the elements.

Applications will only be considered where the footpath is 6.0m or greater in width.

Transparent drop down blinds should not adversely affect the streetscape and heritage character of the precinct. The City of Port Phillip is unlikely to permit transparent drop-down blinds where they create a row of continuous blinds along the footpath.

### 3.4.1 Design
- Anything attached to a building or verandah requires a building permit.
- No advertising is permitted on a blind.
- Blinds must be UV resistant to avoid break down of the material and loss of transparency.
- Plastic selected for blinds must be of maximum transparency.
- Blinds may be attached to glass screens or to the footpath surface.
- All fixings must be fully concealed within the pavement and not create a trip hazard when not in use.
- All fixings must be marine grade stainless steel.
- All blinds should be retractable and ideally concealed within a pelmet.
- Blinds must be kept clean at all times and maintained to a safe standard and any damage must be repaired immediately.
- Blinds in a heritage overlay will be referred to the Council’s heritage advisor.
- Council has the right to refuse a blind attached to a significant heritage building or within a heritage overlay.

### 3.4.2 Placement and Storage
- Blinds should only be used in areas that are susceptible to windy conditions
- Blinds must not intrude into the pedestrian or kerb zone;
- A 1500mm break must be provided in the centre of an outdoor area that is 10m or greater in length.
- Blinds should not obscure sight lines within 10 metres of an intersection and all applications will be referred to the Council’s Traffic Engineer for approval.

### 3.4.3 Usage
Blinds are permitted during periods of adverse weather conditions. Where permitted drop-down blinds may be used between the months of May to October and where otherwise conditioned by the Footpath Trading Panel. This may include allowances related to weather conditions.
• The use of blinds must not extend beyond the approved hours of the permit;
• Details of blinds must be provided on the plans submitted with an application.

A footpath trading permit and building permit must be obtained prior to any construction and works.

A road opening permit for any fixings must also be obtained prior to any construction and works. More information on road opening permits can be found on http://portphillip.vic.gov.au/road_opening_permit.htm

3.5 Retractable awnings
If the primary use of an awning attached to a building or verandah is required for outdoor seating, a permit must be obtained from the Council’s footpath trading unit under Local Law No. 1 (Community Amenity).

If, however, an awning or sunblind is required and the use is not related to outdoor seating, a permit may be required from the Council’s planning department.

3.5.1 Design
Retractable awnings must comply with the requirements of the building regulations with regard to projections beyond a street alignment. Alternatively, the report and consent of Council’s municipal building surveyor must be obtained for awnings that do not comply with the following regulations: Verandahs (Building Regulations 507)

A verandah must not project beyond the street alignment:

• Unless it is set back not less than 750mm from the kerb; and
• At a height less than 3m above the level of the footpath.

Diagram 16 - Retractable awning attached to a verandah
Sun blinds and awnings (Building Regulations 508)

A sunblind or awning must not project beyond the street alignment:

- More than 2.4m; and
- At any height less than 2.4m above the level of the footpath.

Diagram 17 - Retractable awning attached to a building

- Anything attached to a building or verandah requires a building permit.
- Awnings must not be attached to any item on the footpath.
- Awnings must not be attached to any types of screens.
- Awnings in a heritage overlay will be referred to the Council’s heritage advisor.
- Council has the right to refuse an awning attached to a significant heritage building or within a heritage overlay.
- No advertising is permitted on an awning.

3.5.2 Placement and storage

Awnings must be retracted when the outdoor area is not operating.

3.6 Umbrellas

Umbrellas should only be used where existing shelter such as verandahs, canopies or trees do not provide sufficient sun protection. The use of umbrellas where existing awnings are present gives a cluttered appearance and detracts from the building façade and appearance of the street.

3.6.1 Design
The following design standards apply for umbrellas:

- Colour of umbrellas must be sympathetic to heritage values and the streetscape.
- The width of the umbrella must not protrude into the kerb zone causing a hazard to passing people or vehicles.
- The umbrella may overhang into the pedestrian zone provided there is a minimum clearance of 2.2 metres.
- Umbrellas must be securely fastened into the footpath with an in-ground socket to ensure public safety. Refer to section 3.6, In-ground sockets.
- Umbrellas must be padlocked to the sockets to ensure they are not lifted by strong winds.
- Umbrellas must not obstruct traffic signals.
- Permit applications will be assessed on a case-by-case basis.

### 3.6.2 Placement and locations

- Umbrellas take up space within a trading zone. This must be taken into account when considering the furniture layout.
- Umbrellas are only permitted where approval for tables and chairs has been permitted or within a smokers’ area.
- Umbrellas must be removed from the footpath in accordance with the footpath trading permit issued.

### 3.7 In-ground sockets

Sockets are compulsory for all umbrellas and for some removable screens. The following design standards apply for in-ground sockets:

- Sockets must be made of stainless steel and have an auto shut lid to prevent the lid staying open and creating a hazard on the footpath.
- Sockets must be installed in a concrete slab to ensure that if any footpath rehabilitation is required sockets are not removed. For concrete footpaths the concrete slab is to be a saw-cut joint.
- Sockets must be installed flush to the level of the footpath, and no parts should project above footpath level when not in use.
- Sockets must be installed in accordance with manufacturer’s specifications.
- The integrity of the footpath is the installer’s responsibility and any damage must be reported to council. Rectification is at the installer/permit holder’s expense.
• It is the installer’s responsibility to ensure underground services are not damaged during installation.
• The permit holder is responsible for the ongoing maintenance and condition of the sockets.
• Evidence must be submitted when renewing permits that demonstrates the sockets and lids are maintained in a good condition.
• When the permit or use lapses the top plate must be replaced with a non-opening version.
• Each application will be approved on a case-by-case basis.

Applications for footpath trading which necessitate the use of in-ground sockets must provide full details of the sockets in accordance with the indicative drawing, refer to Attachment 1B. A plan must accompany the application indicating the number of sockets and the location.

A footpath trading permit and a road opening permit must be obtained prior to the commencement of any construction and works. More information on road opening permits can be found on http://portphillip.vic.gov.au/road_opening_permit.htm

3.8 Outdoor gas heater

Whilst outdoor heating does provide a more pleasant environment for patrons, the heaters do waste energy and contribute to greenhouse gas emissions. Traders should monitor the usage of heaters within the outdoor area and aim to minimise wasteful practices.

A footpath trading permit is required to fix and use outdoor heaters within an approved footpath trading area.

There are two types of outdoor heaters that can be used:

1) Freestanding heaters – gas freestanding heaters (mushroom or patio heaters are common). Freestanding gas heaters must be stable, self-supporting, properly managed and maintained. Freestanding electric radiant heaters are not permitted for heating footpath trading areas.

2) Fixed heaters – tubular, mushroom and rectangular radiant panel heaters can all be mounted to existing structures above seated outdoor areas. Fixed gas heaters with time control are preferred, however, permission may be granted for electric radiant heaters in certain circumstances.

3.8.1 Freestanding patio heaters

Gas heaters are commonly used to heat outdoor dining areas. Due to the potential fire and explosion risks associated with gas heaters it is important that they are properly managed and maintained.
3.8.1.1. **Design**

- An outdoor gas heater must be installed and operated in accordance with the manufacturer’s instructions, such as required clearances from combustibles, maintenance and replacement requirements, performance of safety checks.

- Radiant electric heaters will only be considered for approval where there is no mains gas to the property, and the heaters are fixed to existing structures. Electric heaters must be fitted with a push-button timer control or similar to reduce unnecessary running time.

- Regular safety checks should be conducted on the gas heater to check for leaks.

- Gas heaters should comply with relevant Australian standards and regulations (AS/NZS 1596:2008 Storage and Handling of LP Gas) and be certified by the Australian Gas Association or equivalent body (e.g., SAI Global)

- Gas heaters are only permitted where approval for tables and chairs has been permitted, and must be placed primarily for the benefit of seated patrons.

- Permit holders should ensure that the manufacturer’s instructions are followed for installing and operating a heater.

3.8.1.2. **Placement and location**

- Gas heaters must be located within the approved footpath trading area in accordance with the approved footpath trading permit.

- Gas heaters take up space within a trading zone. This must be taken into account when considering the furniture layout.

- Gas heaters must be removed from the footpath trading area in accordance with the footpath trading permit issued.

3.8.1.3. **Management**

- A member of staff should be assigned the role of gas supervisor to monitor the safe use and storage of gas heaters and cylinders. All staff should be trained in operating the gas heater, in hazards of using gas and in relevant safety procedures. The gas supervisor should be fully conversant with the manufacturer’s instructions, clearances requirements, safety checks for holes and leaks and how to safely store and handle gas cylinders.

- Preventative maintenance should be scheduled and conducted on all outdoor gas heaters on a regular basis. All maintenance performed should be documented and updated as necessary.
• Gas safety rules should be implemented and followed by all staff (for example, do not use portable heaters indoors).

• The applicant must ensure that they are covered under their insurance policy for the use of gas heaters.

• The outdoor dining area should be supervised closely to prevent unauthorised relocation and operation of gas heaters by patrons.

• All outdoor gas heaters should be checked by a licensed gasfitter every 12 months or sooner if required. Council can require documentation.

• Gas cylinders must be stored in an external and secure location. Gas cylinders are not permitted to be stored inside premises.

• Outdoor heaters should only be switched on at a patron’s request. Staff should monitor the usage of heaters within the outdoor area, and switch heaters off when the area is not being patronised, as this contributes to the waste of energy and greenhouse gas emissions.

• All gas cylinders must be located in a secure and well-ventilated external location.

• The transfer of gas from one cylinder to another must not be conducted at a business premises.

3.8.2 Fixed heaters

3.8.2.1 Design

Fixed heaters must comply with the requirements of the building regulations. Alternatively, the report and consent of Council’s municipal building surveyor must be obtained for heaters that do not comply with the following regulations:

Verandahs (Building Regulations 507)

A verandah must not project beyond the street alignment:

• Unless it is set back not less than 750mm from the kerb; and

• At a height less than 3m above the level of the footpath.
• Fixed gas heaters attached to a verandah require a building permit.

• Fixed gas heaters must be installed in accordance with the manufacturer’s instructions for installing and operating.

• Council has the right to refuse a fixed heater attached to a significant heritage building. Any applications for fixed gas heaters in a heritage overlay will be referred to the heritage advisor.

3.8.2.2. Applications

Applications for footpath trading involving outdoor heating must be accompanied with a plan detailing compliance with the above guidelines.

3.9 Windproof ashtrays

Windproof ashtrays must be provided for patrons at all times. The permit holder is required to regularly remove all cigarette butts and dispose of them in bins kept inside the premises.

Failure to provide suitable windproof ashtrays may result in enforcement action and possible cancellation of the permit.

Permit holders found sweeping cigarette butts into the gutter immediately forfeit all rights to trade on the footpath.
3.10 Advertising

Details of all proposed advertising must be included in a footpath trading application and is subject to approval by the Council.

Applicants may feature the name of their business or relevant product name on umbrellas and screens only.

Advertising on glass screens is not permitted. Only the business/company logo can be displayed on every second panel and on the two end returns closest to the pedestrian zone.

3.11 Liquor licenses

Liquor is not to be sold, consumed or served within the trading zone unless approved by the Council and the Liquor Licensing Commission. Applicants must comply with the liquor licence conditions and footpath trading permit conditions at all times.

In some instances, where there will be a future liquor licence application, the application will be referred to the Council’s Footpath Trading Panel for advice prior to the determination.

Significant breaches include breaches of the liquor licence and will result in immediate forfeiture of the footpath trading permit. Permit holders will be held responsible for the management of their patrons and any history of anti-social behaviour by patrons consuming alcohol may affect future renewals. Refer to section 5.4, Monitor compliance with approved permit.

To include the trading zone in a liquor licence, contact Victorian Commission for Gambling and Liquor Regulation 1300 182 457, or visit http://www.vcglr.vic.gov.au/home/liquor/

3.12 Portable advertising signs / advertising boards

Advertising signs/A-boards give businesses the opportunity to advertise their goods and services. The following standards apply to the approved use of the footpath for Advertising signs/A-boards:

- Any approved advertising signs must be displayed within the trading zone adjacent to the kerb zone. An advertising board must not be located against the building or in the centre of the footpath.
- Approved advertising boards must not exceed 1m in height and 0.7m in width.
- Approved advertising boards must be displayed outside the premises to which they relate, during business hours as indicated on the footpath trading permit.
- They must not be affixed to any footpath, building, street furniture, pole or
other structure. Advertising boards can be weighted so they do not move.

- Approved advertising boards must not be located too close to an intersection. Refer to Diagram 7 - Intersection line of sight.

- Only one approved advertising board is permitted per business premise.

- Only one approved advertising board will be permitted for premises that have more than one occupant. An application must be made by the body corporate or centre management and include an agreement between all interested parties on how that advertising board is used.

- The City of Port Phillip will consider the approval of advertising signs on a case-by-case basis and applications will be assessed according to available space, streetscape, pedestrian activity, amenity and traffic conditions.

3.13 Display of goods

Display of goods gives businesses the opportunity to display items that are sold within the premises. The sale of items on the footpath is prohibited.

The following standards apply to the approved use of the footpath for the display of goods:

- Goods must be secured, protected and displayed in an approved barrier so they are not displaced by wind or other elements or create an unsightly display on the public thoroughfare.

- No loose items or boxes containing items are permitted on the footpath. All display of goods must be located within a stand or table.

- Display stands on wheels must ensure that the wheels are lockable.

- Goods must be located within the trading zone adjacent to the kerb zone. They must not be located against the building or in the centre of the footpath.

- The display must not take up the entire width of the trading zone. Sufficient space should be provided for customers within the trading zone to stop and browse at any displays without intruding into the pedestrian zone.

- In some instances approval for display of goods may not be permitted in narrower streets.

- Displays must be placed outside the premises to which they relate, during business hours as indicated on the footpath trading permit.

- Displays must not be affixed to any footpath, building, street furniture, pole or other structure.

- Displays must not exceed a height of 1200mm.
• Food displays are not permitted on the footpath except for greengrocers.

Diagram 19 - Layout for display of goods and advertising boards

3.14 Planter boxes

Planter boxes can be used to improve the look and feel of an outdoor trading area. A footpath trading permit must be obtained for the use of planter boxes or planters. The following standards apply to an approved planter box on the footpath:

• Planter boxes must be placed outside the premises to which they relate, during business hours as indicated on the footpath trading permit.

• They must not be affixed to any footpath, building, street furniture, pole or other structure.

• Planters must be located within the trading zone. They must not be located against the building.

• Planter boxes must be no higher than 900mm and no longer than 1800mm.

• Planters can be used as screens to divide and define the trading zone from neighbouring trading zones.

• They must not be placed in the centre of the footpath or extend outside the designated trading zone.

• To provide access to the street, there must be a 1m space between kerbside planter boxes and neighbouring trading zones. Refer to Diagram 3 - Gap between adjoining trading zones.
• Planter boxes must be lightweight to ensure removal from the footpath in accordance with the approved footpath trading permit.

• The City of Port Phillip will consider the approval of planter boxes on a case-by-case basis and will be assessed according to available space, streetscape, pedestrian activity, amenity and traffic conditions.

In certain cases, the Council will permit planter boxes to remain on the footpath permanently subject to the following:

• There is a 100mm gap between the underside of the planter box and the ground.

• Planter boxes are designed to enhance the streetscape and are constructed from durable materials.

• Plants are in a good healthy condition and look neat and tidy all year round.
APPLICATION PROCESS

4.1 Applying for a footpath trading permit

Applicants are advised to read and familiarise themselves with these Guidelines prior to making an application to Council. Understanding the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs involved and other relevant matters detailed is important.

All footpath trading permits expire on 30 June of every year. (See Renewal of an existing permit, below).

Required information with application:

Prior to any formal consideration, the following information is required from the applicant when submitting a completed application form:

- A copy of your planning permit for the business or written advice from Council’s Statutory Planning Unit indicating that a planning permit is not required for the proposed/existing business to which the outdoor area relates.
- Where relevant, a copy of the approved Liquor Licence for the premises to which the footpath area relates.
- Proof of the company and business registration certificates; showing the company name, ACN, ABN and business name.
- A site plan of existing conditions to scale 1:100 accurately showing the following:
  - width of the building frontage.
  - the abutting properties – (business names).
  - existing infrastructure, including existing trees, light poles, rubbish bins, street furniture, fire hydrants and pits. Car parking and parking restrictions and other relevant features.
  - all dimensions associated with the footpath area must be shown.
- A site plan of the proposed footpath activity must be shown on a fully dimensioned plan at scale 1:100 accurately showing the area and layout of the proposed footpath activity clearly showing compliance with the requirements of these Guidelines. This includes the proposed location of chairs, tables, screens, heaters, umbrellas, advertising signs, in-ground sockets and the required zone dimensions.
• Photographs of the site clearly showing the proposed footpath activity zone relative to buildings and existing features in the footpath area.

• Details of furniture including colour photographs or detailed design drawings scaled at 1:100 of the proposed furniture, including any screens, planter boxes, heaters and umbrellas.

• Details of any advertising including a colour photograph or detailed design drawings to scale of any proposed advertising logo, and clear indication of its size and location on screens and umbrellas. If total advertising area exceeds 8.0m² a planning permit is required first.

• Public liability insurance. The Council requires the insurance policy to note Council’s interest and be for the amount of no less than $10,000,000 in respect of any single occurrence. Public liability insurance must remain current and valid for the life of the permit.

• Form of indemnity to indemnify the Council against all claims of any kind arising from any negligent act either by the permit-holder or the permit-holder’s agents and users.

• Application fee payable to City of Port Phillip (non-refundable), being the fee for on-site meeting, review and assessment of the application.

Failure to submit all the above details may result in delays in processing the application or rejection of the application.

4.2 Applying for glass screens, retractable awnings, fixed heaters, transparent drop-down blinds or planter boxes

Required information from the applicant

Prior to any formal consideration, the following information is required from the applicant when submitting an application form:

Information required to assess your application will include:

Completed application form

• Site plan of existing conditions at 1:100 scale, accurately showing the following:
  o Width of the building frontage.
  o Footpath area from the building line to the kerb.
  o Existing verandah and/or awnings.
  o Existing location of chairs and tables, umbrellas and other furniture.
  o Existing location of public infrastructure (including street trees,
telephone poles and parking restrictions).

  - All underground services.

- Site plan of proposed conditions at 1:100 scale, accurately showing the footpath area and the layout of the proposed glass screens, retractable awnings, heaters, transparent drop-down blinds and planter boxes.

- Elevation plans scaled at 1:100 showing the following:

  - Front and side elevations.
  
  - Total height of glass screens, retractable awnings, heaters, transparent drop-down blinds and planter boxes, including any clearances from the ground to the bottom of any glass screen or planter box.
  
  - Total height from the ground to the lowest point of the fixed heater or awning.

  - Any slope of the footpath.

  - The distance between the top of the glass screens and anything directly above including canopy, awning and fixed heaters.

- **Details of all advertising on screens.**

  - Size and positioning of advertising/company logos (preferably placed only on the two end returns and only two of the glass panels facing the building).

- Application fee payable to City of Port Phillip (non-refundable), being the fee for on-site meeting, review and assessment of the application.

### 4.3 Council assessment and consideration

On receiving an application the Council’s footpath trading officer will:

- Check that all relevant information has been received.

- Check that the footpath trading would be associated with a use legally established under the Planning and Environment Act 1987.

- Check the application to ensure it meets the intent and requirements of Local Law No. 1 (Community Amenity) and the Footpath Trading Guidelines.

- Refer the application to other departments within Council for advice and comment as necessary.

- Inspect the site and check the accuracy of submitted application plans.

- Assess the application against other outstanding matters that may relate to
the premises.

- Advise the applicant of any changes that need to be made to the submitted plans and await re-submission.

- Assess the application including referral to the Council’s Footpath Trading Panel if appropriate.

- Approve or refuse the permit application.

The Council will invoice the applicant for the costs associated with locating furniture on the footpath. Once payment has been made and the permit has been approved the permit will be posted and operation within the approved footpath area can commence.

Fees paid are for the current financial year, 1 July to 30 June. Footpath trading permit fees are non-refundable.

### 4.4 Display of permit registration

Permit-holders must display the current permit registration sticker clearly and legibly on the shop-front window. Permit-holders must ensure that permit sticker is attached to the advertising board.

Failing to display the current permit registration sticker is a breach of the permit conditions.

### 4.5 Amendments to an existing permit

Permit-holders must submit an application form for any amendments to an existing permit. Amendments may include changing furniture design, adding furniture or increasing advertising.

The Council assessment and consideration process will be followed.

The City of Port Phillip reserves the right to amend permit conditions to ensure compliance.

An upfront amendment fee is required for officer assessment and liaison.

### 4.6 Transfer of ownership

A footpath trading permit applies only to the premises for which it is issued and is not transferable from one premises to another on the sale or transfer of ownership. There is no legal attachment to the sale or transfer of ownership of a business.

To ensure a footpath trading permit remains valid, the new proprietor must apply to transfer the ownership of the existing footpath trading permit and must ensure that the current footpath trading permit complies with current guidelines.

The City of Port Phillip reserves the right to reassess and amend permit conditions to ensure compliance with the Footpath Trading Guidelines.
It is the responsibility of the existing proprietor to include the balance of the remaining permit fee in the sale of the business.

An upfront transfer of ownership fee is required for officer assessment and liaison.

4.7 Renewal of an existing permit

Permits for footpath trading are renewed annually at the beginning of each financial year. A renewal notice is issued for all existing permit holders. It is the responsibility of the permit holder to ensure all permit renewal details including public liability, amendments and fees are forwarded to the Council by 30 June. Failure to provide all renewal documentation and fees will result in the cancellation of the permit.

The City of Port Phillip reserves the right to reassess and amend permit conditions to ensure compliance with the Guidelines.
MANAGEMENT AND RESPONSIBILITIES

5.1 Permit holder’s responsibilities

Daily management

The management of a footpath trading permit is the responsibility of the permit-holder. To ensure appropriate management, permit-holders are required to:

- Operate in accordance with the conditions of the permit, endorsed plans and the requirements and objectives as outlined within these Guidelines.

- Monitor the trading zone, for example, observing patrons at all times and responding to behaviour that may interfere with the use, enjoyment and personal comfort of others using the footpath area.

- Observe all local law provisions relating to footpath trading, including noise, responsible serving of liquor, health and amenity.

- Maintain access for all users in and around the footpath at all times, repositioning furniture when moved outside the trading zone by patrons.

- Uphold the cleanliness of the footpath area, ensuring tables and chairs are kept clean and litter is removed and deposited in bins kept inside the premises.

- Remove all approved furniture from the footpath area in accordance with the conditions stated on the footpath trading permit.

- Where permanent furniture has been approved, the footpath area and surrounds must be thoroughly cleaned by the permit-holder.

5.2 Council responsibilities

5.2.1 Maintenance of the footpath

The Council manages the maintenance of the footpath and reserves the right to reclaim access to the footpath and remove all footpath trading furniture at any time.

5.2.2 Compensation and loss of trade

There is no compensation for the removal of footpath trading furniture or any loss of trade when service authorities and others are required to carry out works within the road reserve. It is the responsibility of the permit holder to reinstate fittings or fixtures, not the person, service authority or contractor executing the works.

No compensation is provided for any problems, inconvenience or loss of trade resulting from activities or works carried out by the Council or its contractors at, or adjacent to, a permit holder’s footpath trading area.
5.3 Access to underground services

Services such as sewers, gas, water, telecommunications and electricity conduits should not be obstructed by any permanent structures, including fixed screens, umbrellas, planters and socket and sleeve systems.

Removable tables and chairs may be placed on top of underground service pits providing these are structurally sound. In an emergency, immediate access is required.

The Council and other service authorities reserve the right to access all underground services within the footpath trading area at all times, without notice to the permit holder.

5.4 Monitor compliance with approved permit

The Council’s local laws officers monitor the operation of footpath trading permits and ensure the conditions of the permit are met.

Following a complaint or observation of a breach of a footpath trading permit, a Council officer will contact the permit holder and take appropriate enforcement action. This may be in the form of verbal instructions, a written notice or an infringement.

In the case of a serious breach, an officer may act immediately to resolve the situation. A serious breach is one where the officer considers there is an immediate public safety risk. This may include instances where access is impeded to an extent that it would be difficult or impossible to walk freely through the pedestrian zone.

Each breach will receive a warning or an infringement depending on the gravity of the offence. Cases where there are three breaches within a 12-month period will be referred to the Footpath Trading Panel for advice with a view to cancelling or varying the permit.
USEFUL CONTACTS

ASSIST - General Enquiries including Parking 9209 6777
Health & Enforcement 9209 6293
Economic Development Unit 9209 6243
Foreshore Events 9209 6320
Health Services Unit 9209 6292
Municipal Building Surveyor 9209 6270
Traffic and Parking Design Unit 9209 6132
Arts and Festivals Unit 9209 6620
Statutory Planning Unit 9209 6881
Street Cleaning Services 9209 6648
Street Tree Maintenance 9209 6475
Footpath Trading Unit 9209 6844
Waste Management 9209 6486

State Government
Victorian Commission for Gambling and Liquor Control 1300 182 457
## ATTACHMENTS

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Footpath Trading Guidelines December 2013
Attachment 1A - Glass Screens Standard Specification
Attachment 1B - In-ground socket diagram
Attachment 2 – Footpath Trading Standard Conditions

The permit holder must operate in accordance with Council’s Local Law No. 1 (Community Amenity) and Council’s Footpath Trading Guidelines at all times.

1. The layout and use of the approved plan must not be altered without the written consent of the Council.
2. Council reserves the right to revoke the footpath trading permit should there be a breach of Council’s Local Law No. 1 or Council’s Footpath Trading Guidelines or the permit.
3. The occupation of the footpath for the purposes of footpath trading must have a limited impact on the residential amenity and the streetscape.
4. An adequate distance from all public seating, litter bins and any other infrastructure must be maintained in accordance with the Footpath Trading Guidelines.
5. All objects must be removed from Council’s footpath/land in accordance with the hours of operation on this permit. If the hours are not stipulated on this permit, all objects must be removed by 11pm every evening.
6. Furniture must be designed and maintained in a safe condition, be of sturdy construction and not damage the existing footpath area or other public infrastructure (refer to Footpath Trading Guidelines for types of public infrastructure).
7. Permit holders must display the current permit label clearly and legibly on the shop-front window.
8. Council reserves the right to reclaim access to the land at any time for maintenance purposes. Should any fittings fixed to the footpath need to be removed temporarily due to the nature of the maintenance, Council will reinstate them accordingly and to the best of its abilities. Costs associated with the removal and reinstatement will be at the expense of the permit holder.
9. Council and other service authorities reserve the right to access all underground services within the footpath trading area at any time, without notice to the permit holder.
10. No compensation will be payable for any removal of fittings or fixtures associated with the footpath trading permit or for the loss of trade experienced due to these works.

Venue Management

11. All patrons must be seated at all times within the footpath trading zone and must not exceed the maximum permitted numbers.
12. Liquor is not to be sold, consumed or served within the trading zone unless the area is covered by a current valid liquor license.
13. Venue management must ensure that the pedestrian zone is always kept clear of patrons and any footpath objects / items unless approved otherwise.
**Waste management**

14. Litter generated from footpath trading must not be swept into the street gutter or adjacent areas and must be deposited within the operator’s own bins kept within the premises.

15. Windproof ashtrays must be provided at all times for patrons wishing to smoke within the footpath trading area. These patrons must be seated at all times.

16. Tables must be cleared of all bottles, glass and tableware and be wiped clean to ensure safety and cleanliness for other patrons.

**Noise**

17. No form of external public address system or sound amplification equipment shall be used outside the premises.

18. The use of the footpath shall not cause nuisance and shall not have an impact on the residential amenity of the neighbourhood by the emission of noise.

**Risk management**

19. Public liability insurance must remain current and valid for the life of the permit. A copy must be forwarded to Council each year.

20. The permit holder indemnifies and releases the Council from all liability arising from the use of the footpath trading area, including any claims made by any person for injury, loss or damage arising in any matter.

21. Council must be notified immediately of any damage to Council’s assets, as well as any other condition that creates a hazard to the public.

22. The footpath area is occupied and used by the permit holder at the permit holder’s own risk.

**Non-compliance**

23. A breach of any of the conditions of this permit may result in enforcement action being taken against the permit holder and/or the organisation responsible for this permit. This action may include the issuing of a Notice to Comply, fines, cancellation of this permit and/or impounding of items on the footpath.

24. Any enforcement action that is required in relation to this permit may affect future applications for footpath trading.

**Heaters**

25. All stand-alone heaters must comply with Australian Standard AS 1596 and be certified by the Australian Gas Association.

26. All fixed heaters must have a valid building permit in accordance with the building regulations and must be noted on this permit.

**Removable screens**

27. All removable screens must be no higher than 900mm (0.9metres).

28. All removable screens must be removed from the footpath in accordance with the approved hours of operation as stated on this permit.

29. Approved removable screens must be securely fixed with an in-ground socket into the footpath in accordance with Council’s requirements.
**Umbrellas**

30. A minimum of 2.2 metres from the underside of the umbrella to the footpath must be maintained at all times.

31. Any permitted umbrellas must not protrude into the kerb zone.

32. Any permitted umbrellas must be securely fixed with an in-ground socket into the footpath in accordance with Council’s requirements.

33. Any permitted umbrellas must not be attached in any way to a removable or glass screen with the purpose of enclosing an outdoor area.

**Advertising boards**

34. The approved advertising board must be no larger than 1.0 metre in height and 0.7 metres in width.

35. The approved advertising board must be located immediately next to the kerb zone, within the trading zone. It must not be located next to the pedestrian zone.

36. The approved advertising board must not be fixed to any footpath, building, street furniture, pole or other structure.

37. Only one advertising board per premises is permitted.

**Display of goods**

38. Display of goods should be no higher than 1.2 metres.

39. Display of goods must be located immediately next to the kerb zone, within the trading zone. It must not be located next to the pedestrian zone.

40. Display of goods must not be fixed to any footpath, building, street furniture, pole or other structure.

**Major event**

41. Major events include: St Kilda Festival Sunday and New Year’s Eve.

42. During these events the following conditions apply:

   42.1. St Kilda Festival conditions apply for the duration of the festival within the St Kilda Festival-designated precinct.

   42.2. New Year’s Eve conditions apply across the Municipality.

43. No glass bottles or glassware are permitted within the footpath trading zone during major events, unless expressly permitted.
Precinct Specific Guidelines

Acland Street, St Kilda
Armstrong Street, Middle
Park Bay Street, Port
Melbourne Bridport Street,
Albert Park Carlisle Street,
East St Kilda
Clarendon Street, South Melbourne
Fitzroy Street, St Kilda
South Melbourne Market
Glen Eira Road,
Ripponlea
Ormond Road and Glenhuntly Road, Elwood
Victoria Avenue, Albert Park
FOOTPATH TRADING STANDARDS FOR
ACLAND STREET, ST KILDA

Each shopping strip is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Acland Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Acland Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Acland Street experiences heavy pedestrian traffic at all times of the year, making it one of the most popular shopping strips within Port Phillip. Whilst there are ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety is maintained at all times. Generally, the precinct can accommodate footpath trading. However, existing street furniture, public art, footpath extensions and bollards within the street can limit trading in some instances.

*Standard requirements for Acland Street - Typical Footpath Width varies from 2400mm to 5300mm*

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**Pedestrian zone**

The pedestrian zone must include an unobstructed, minimum 2000mm wide pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter boxes, advertising signs, chairs and tables, are permitted within this area.
The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1- Minimum pedestrian clearance for footpath trading.*

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be kept within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

Acland Street typically does not have a kerb zone due to the bollards within the street. In cases where a loading zone, no standing anytime or a disabled parking space exist, a kerb zone will be required to ensure adequate access in accordance with the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone.*

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day in accordance with the approved permit conditions to ensure access for Council cleaners.
- 1500mm glass screens are not appropriate due to limited space within Acland Street.
- 900mm removable screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day in accordance with the approved permit conditions.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.
**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council. Footpath trading hours may be permitted until 3am within Acland Street subject to approval by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR
ARMSTRONG STREET, MIDDLE PARK

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Armstrong Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Armstrong Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Armstrong Street affords a relatively wide footpath which experiences low flow of pedestrian traffic. Whilst there is generally ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Traffic conditions and existing public infrastructure limit the capacity of footpath trading in some instances.

*Standard requirements for Armstrong Street - Typical Footpath Width 6100 mm*

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**Pedestrian zone**

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous
accessible path of travel. No items of furniture including planter boxes, advertising signs, chairs and tables are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

When located adjacent to parallel parking a minimum 500mm is required for the kerb zone. Adjacent to angle parking the kerb zone must be a minimum of 1200mm wide. To ensure adequate access and safety are maintained the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone*.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1500mm glass screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- 900mm standard screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.
All details of proposed advertising must be submitted with the application.

**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR
BAY STREET, PORT MELBOURNE

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Bay Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Bay Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Bay Street experiences medium flow of pedestrian traffic at all times of the year, making it one of the most popular shopping strips within Port Phillip. Whilst there are ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Generally, the precinct can comfortably accommodate footpath trading. However, existing street furniture can limit trading in some instances.

Standard requirements for Bay Street - Typical Footpath Width varies from 3700mm to 7500mm.

Pedestrian zone

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter
boxes, advertising signs, chairs and tables are permitted within this zone. The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure access to vehicles on the street or to ensure public safety from passing traffic.

When located adjacent to parallel parking, a minimum 500mm is required for the kerb zone. To ensure adequate access and safety are maintained, the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- Where the footpath is 6000mm or greater 1500mm high glass screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- 900mm standard screens may be considered on a case‐by‐case basis subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.

**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council. Footpath trading hours may be
permitted until 3am within Bay Street subject to approval by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR BRIDPORT STREET, ALBERT PARK

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Bridport Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Bridport Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Bridport Street affords a relatively wide footpath which experiences medium flow of pedestrian traffic. Whilst there is generally ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Traffic conditions and existing public infrastructure limit the capacity of footpath trading in some instances.

*Standard requirements for Bridport Street - Typical Footpath Width 6100mm*
Pedestrian zone

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture including planter boxes, advertising signs, chairs and tables are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, Table 1 - Minimum pedestrian clearance for footpath trading. For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

Trading zone

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

Kerb zone

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

When located adjacent to parallel parking a minimum 500mm is required for the kerb zone. Adjacent to angled parking the kerb zone must be a minimum of 1200mm wide. To ensure adequate access and safety are maintained the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

Please refer to the Footpath Trading Guidelines, Table 2 - The minimum distance between the face of the kerb and the trading zone.

Furniture

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day in accordance with the approved permit conditions to ensure access for Council cleaners.
- 1500mm glass screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- 900mm removable screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day in accordance with the approved permit conditions.

Windproof ashtrays

All footpath dining arrangements are required to supply windproof ashtrays for
patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.

**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General Notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR
CARLISLE STREET, EAST ST KILDA

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Carlisle Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Carlisle Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Carlisle Street affords a relatively narrow footpath and medium flow of pedestrian traffic. The scope for footpath trading is therefore limited, although creative solutions can be achieved. Generally, the precinct will not have a large capacity for footpath dining, although it may accommodate some limited footpath dining within the trading zone and on footpath extension areas.

*Standard requirements for Carlisle Street - Typical Footpath Width varies from 2600mm to 5300mm*

**Pedestrian zone**

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter boxes, advertising signs, chairs and tables, are permitted within this zone.
The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 2.5m – 3.0m the minimum pedestrian zone is 1500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

When located adjacent to parallel parking a minimum 500mm is required for the kerb zone. To ensure adequate access and safety are maintained no footpath trading permit will be approved adjacent to a loading zone or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone*.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1500mm glass screens are not permitted within Carlisle Street due to limited space.
- 900mm removable screens may be considered on a case-by-case basis subject to available space, urban character, existing street activities and traffic conditions. Removable screens running perpendicular to the road are not permitted.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.

**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.
In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the footpath trading guidelines are applied in Clarendon Street, South Melbourne, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Clarendon Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Clarendon Street experiences medium flow of pedestrian traffic at all times of the year, making it one of the most popular shopping strips within Port Phillip. Whilst there are ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Generally, the precinct can comfortably accommodate footpath trading. However, existing street furniture can limit trading in some instances.

**Standard requirements for Clarendon Street – Typical Footpath Width 6100 mm**

**Pedestrian zone**

The pedestrian zone must include an unobstructed pedestrian corridor along
the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including waiter’s tables, planter boxes, advertising signs, chairs and tables, are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading.* For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure access to vehicles on the street or to ensure public safety from passing traffic.

When located adjacent to parallel parking a minimum 500mm is required for the kerb zone. To ensure that adequate access and safety is maintained the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1.5m glass screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- 0.9m standard screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business logo or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.
**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council. Footpath trading hours may be permitted until 3am within Clarendon Street, subject to approval by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Fitzroy Street, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Fitzroy Street are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Fitzroy Street experiences heavy pedestrian traffic at all times of the year, making it one of the most popular shopping strips within Port Phillip. Whilst there are ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Generally, the precinct can comfortably accommodate footpath trading. However, existing street furniture can limit activities in some instances.

*Standard requirements for Fitzroy Street - Typical Footpath Width 6800mm*
**Pedestrian zone**

The pedestrian zone must include an unobstructed along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including waiters’ tables, planter boxes, advertising signs, chairs and tables, are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

When located adjacent to parallel parking a minimum 500mm is required for the kerb zone. To ensure that adequate access and safety is maintained, the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone*.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1500mm glass screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- 900mm standard screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.
Advertising on footpath trading furniture

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.

Hours of operation

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council. Footpath trading hours may be permitted until 3am within Fitzroy Street subject to approval by Council.

In instances where conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

General notes

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at www.portphillip.vic.gov.au or contact Council’s Footpath Trading Unit on 9209 6844.
Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Glen Eira Road, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Glen Eira Road are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Glen Eira Road has a narrow footpath (typically 2.8m) and low flow of pedestrian traffic. The scope for footpath trading is therefore limited, although creative solutions can be achieved. Generally, the precinct will not have a large capacity for footpath trading, although it may accommodate some limited activities within the trading zone and on footpath extension areas.

**Standard requirements for Glen Eira Road - Typical Footpath Width 2800mm**

**Pedestrian zone**

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter boxes, advertising signs, chairs and tables are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance...
with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 2.5m – 3.0m the minimum pedestrian zone is 1500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles. When located adjacent to parallel parking, a minimum 500mm is required for the kerb zone. To ensure adequate access and safety is maintained, no footpath trading permit will be approved adjacent to a loading zone or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone*.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1500mm glass screens are not permitted within Glen Eira Road due to limited space.
- 900mm removable screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions. Removable screens running perpendicular to the road are not permitted.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.

**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.

In instances where hours-of-operation conditions are in conflict with existing
planning approval, the lesser of these requirements will apply.

General notes

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at www.portphillip.vic.gov.au or contact Council’s Footpath Trading Unit on 9209 6844.
Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the footpath trading guidelines are applied in Ormond and Glenhuntly Roads, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Ormond and Glenhuntly Roads are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Both Ormond and Glenhuntly Roads afford narrow footpaths which experience medium flow of pedestrian traffic. The scope for footpath trading is therefore limited, although creative solutions can be achieved. Generally, the precinct will not have a large capacity for footpath trading, although it may accommodate some limited activities within the trading zone and on footpath extension areas.

*Standard requirements for Ormond and Glenhuntly Roads - Typical Footpath Width 2800mm*

**Pedestrian zone**

The pedestrian zone must include an unobstructed, minimum 1500 mm wide pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter boxes, advertising signs, chairs and tables are permitted within...
Trading zone

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading, furniture and uses must be retained within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1 - Minimum pedestrian clearance for footpath trading*. For footpath widths of 2.5m – 3.0m the minimum pedestrian zone is 1500mm.

Kerb zone

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

In Ormond Road a variation has been approved for a minimum kerb zone of 700mm wide adjacent to angle parking. To ensure that adequate access and safety is maintained, no footpath trading will be permitted adjacent to a loading zone or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2 - The minimum distance between the face of the kerb and the trading zone*.

Furniture

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for council cleaners.
- 1500mm glass screens are not permitted due to limited space within Ormond and Glenhuntly Roads.
- 900mm standard screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

Windproof ashtrays

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

Advertising on footpath trading furniture

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.
**Hours of operation**

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

**General notes**

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au) or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR
SOUTH MELBOURNE MARKET

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the footpath trading guidelines are applied to the South Melbourne Market, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for South Melbourne Market are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

The South Melbourne Market experiences medium to high flows of pedestrian traffic at all times of the year, making it one of the most popular shopping destinations within Port Phillip.

The South Melbourne Market is Melbourne’s oldest continuing market. The South Melbourne Market precinct is taken as that area within the limit of the kerb line for Coventry Street, Cecil Street, York Street and the light rail. The Local Law No. 1 (Community Amenity) Procedures and Protocols Manual allows temporary displays during trading to extend to a “yellow line” running part of the length of the footpath on Coventry Street and Cecil Street. Any trading beyond the building line, or beyond the yellow line on Coventry Street and Cecil Street, is subject to the Footpath Trading Guidelines.

Standard requirements for South Melbourne Market, - Typical footpath width is approximately 6100 mm

![Diagram showing footpath trading standards for South Melbourne Market, Cecil Street. Typical footpath width is approximately 6100 mm.](image)
**Pedestrian zone**

Where there is no yellow line outside the building, there must be an unobstructed, pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including waiters’ tables, planter boxes, advertising signs, chairs and tables are permitted within this zone.

Where there is a yellow line outside the building (mainly Coventry Street), footpath trading will be confined to the width of this yellow line; the pedestrian zone is 3.0m wide (and in places over 4.0m wide).

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone. Along Cecil Street, this zone is the province of restaurants and cafes and is approximately 5300mm wide.

There is no trading zone beyond the yellow line in those sections of Coventry and Cecil Streets. The only exception is a brief period of Sunday trading for the purpose of making discounted produce available – something which Council supports on grounds of social equity.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure access to vehicles on the street or to ensure public safety from passing traffic.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed every day at the close of business to ensure access for Council cleaners.
- 1500mm glass screens may be considered along Cecil Street and may be approved on a case-by-case basis, subject to available space, existing street activities and traffic conditions.
- Along Coventry Street and York Street, 900mm standard screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.
- The Market may consider alternative umbrella arrangements in order to deliver a more unified appearance, especially along Cecil Street.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.
Advertising on footpath trading furniture

Applicants may feature the name of their business premises or relevant product name on umbrellas or screens associated with footpath trading, except where the Market determines a more unified approach is warranted.

All details of any proposed signage on furniture must be submitted with the application.

Hours of operation

Footpath trading at the South Melbourne Market is permitted during market days and hours, as per Council’s Local Law No. 1 (Community Amenity). Cecil Street operators are required to open five nights a week, according to the conditions on their license.

General notes

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at www.portphillip.vic.gov.au or contact Council’s Footpath Trading Unit on 9209 6844.
FOOTPATH TRADING STANDARDS FOR VICTORIA AVENUE, ALBERT PARK

Each neighbourhood shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The following describes how the Footpath Trading Guidelines are applied in Victoria Avenue, with information on zone dimensions and the allowable footpath activities.

The Footpath Trading Guidelines for Victoria Avenue are based on the following management standards: safety and accessibility, community amenity, design considerations and hygiene and cleanliness.

Victoria Avenue affords a relatively wide footpath which experiences low flow of pedestrian traffic. Whilst there is generally ample opportunities to trade on the footpath, creative solutions are required to ensure that access and safety are maintained at all times. Traffic conditions and existing public infrastructure limit the capacity of footpath trading in some instances.

*Standard requirements for Victoria Avenue - Typical Footpath Width 6100mm*

**Pedestrian zone**

The pedestrian zone must include an unobstructed pedestrian corridor along the footpath immediately adjacent to the front of the building line to ensure a continuous accessible path of travel. No items of furniture, including planter boxes,
advertising signs, chairs and tables are permitted within this zone.

The pedestrian zone will depend on the width of the overall footpath in accordance with the Footpath Trading Guidelines, *Table 1: Minimum pedestrian clearance for footpath trading*. For footpath widths of 5.1m – 6.9m the minimum pedestrian zone is 2500mm.

**Trading zone**

The trading zone is the available space between the pedestrian zone and the kerb zone. All permitted footpath trading furniture and uses must be retained within this zone.

**Kerb zone**

The kerb zone is the area between the face of the kerb and the trading zone. This area is largely designated to ensure that adequate access is provided for pedestrians crossing the road and passengers alighting from vehicles.

When located adjacent to parallel parking, a minimum 500mm is required for the kerb zone. Adjacent to angle parking the kerb zone must be a minimum of 1200mm wide. To ensure that adequate access and safety is maintained the kerb zone dimensions will need to be extended where footpath trading is adjacent to a loading zone, no standing anytime signs or a disabled parking space.

Please refer to the Footpath Trading Guidelines, *Table 2: The minimum distance between the face of the kerb and the trading zone*.

**Furniture**

Furniture design and construction are to be of a high standard in appearance and style, made of quality materials, with finishes that are attractive and durable. In all circumstances, furniture must be approved by Council before use.

- All permitted footpath furniture must be removed at the close of business every day to ensure access for Council cleaners.
- 1500mm glass screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- 900mm standard screens may be considered on a case-by-case basis, subject to available space, urban character, existing street activities and traffic conditions.
- Some screens and all umbrellas are required to be securely fixed into the footpath during use and removed every day at the close of business.

**Windproof ashtrays**

All footpath dining arrangements are required to supply windproof ashtrays for patrons at all times to avoid littering the surrounding area.

**Advertising on footpath trading furniture**

Applicants may feature the name of their business (logo) or relevant product name on umbrellas or screens associated with footpath trading.

All details of proposed advertising must be submitted with the application.


Hours of operation

Footpath trading will cease at 11pm for hotels and bars and 1am for restaurants and cafes, unless otherwise approved by Council.

In instances where hours-of-operation conditions are in conflict with existing planning approval, the lesser of these requirements will apply.

General notes

Applicants should familiarise themselves with Council’s Local Law No. 1 (Community Amenity) and Footpath Trading Guidelines.

Variations to the Footpath Trading Guidelines may be considered, provided the main objectives of the Local Law No. 1 can be achieved. The Footpath Trading Panel will consider any variation.

For further information about footpath trading please visit Council’s website at www.portphillip.vic.gov.au or contact Council’s Footpath Trading Unit on 9209 6844.
Parking Permit Policy

1.0 Preamble

The policy provides for:

(i) eligible residents to park their private vehicles in designated residential parking areas within the proximity of their residence;

(ii) eligible residents to be issued with 'Visitor Permits' and 'Party Permits' allowing resident visitors to park their private vehicles in designated residential parking areas within the proximity of the subject residence;

(iii) employees and members of community service organisations, who provide a specific community endorsed service/medical service to residents in their private residence, to park their private vehicles in designated residential parking areas within the City of Port Phillip;

(iv) residents and members of eligible foreshore clubs/ associations to be exempt from paying the appropriate fee at designated foreshore paid parking locations as specified in Clause 16.0 of this policy;

(v) Disabled residents to park their private vehicles as per Council's guidelines;

(vi) Trade persons to park their vehicles in designated residential parking areas within the proximity of a residential property being serviced;

(vii) During the period of the Australian Formula 1 Grand Prix, provide specific parking regulation and make provision for the issuing of parking and access permits to the immediate area surrounding Albert Park for residents and eligible businesses.

2.0 Definitions

2.1 'Resident' - means a person who lives and sleeps at a residence as described and is so named on the Council Role, or who provides documentary proof of such, e.g. copy of Lease, Contract, Tenancy Agreement or Rent Book, etc.

NOTE: As of 1 October 2002, all new residential developments where the number of households increased on a property, irrespective of the level of off street parking provided are not eligible for resident or visitor parking permits.

2.2 'Residence' - means the principal or sole dwelling house of a resident which is occupied as such and the word 'resides' means to be a resident in the principal or sole dwelling house.

2.3 'Private Vehicle' - means a sedan/station wagon or hatch and includes a small van or utility, which is currently registered to a City of Port Phillip address (resident, visitor and foreshore (resident) parking permit applications only), or if not registered to a City of Port Phillip address, documentary proof can be provided that the applicant is afforded sole use of the vehicle (company vehicle), but does
not include any van over 4.5 tonne in weight, any truck, caravan, boat or trailer and does not include any vehicle over 7.5 metres in length.

2.4 'Visitor Permit' & 'Party Permit' - means a permit held by a resident and allocated for use to any genuine visitor to the residence.

2.5 'Community Service Organisation' - means organisations (outlined under separate cover and modified from time to time by the Authorised Officer) which provide a specific community endorsed service to residents (e.g. Red Cross, Royal District Nursing association, Salvation Army, Sacred Heart Mission, Police, Child Care Centres, Meals on Wheels, Home Help, Consulates and Boarding/Rooming Houses).

2.6 'Agency' - means particular community service organisations (outlined under separate cover and modified from time to time by the Authorised Officer) which provide a specific community endorsed service to residents requiring parking services in excess of those provided by the 'Community Service Organisation' parking permit.

2.7 'Foreshore Paid Parking' - means the areas designated in the Appendix and modified from time to time by the Authorised Officer.

2.8 'Eligible Foreshore Club/Association' - means clubs and organisations outlined under separate cover and modified from time to time by the Authorised Officer.

2.9 'Disabled' - means persons satisfying the eligibility criteria in the 'Code for the Disabled Persons Parking Scheme'.

2.10 'Tradesperson' - means a registered member or employee of an authority, company or organisation servicing a residential property.

2.11 'Adjoining Residential Properties' - means fronting, siding or backing onto a residential property.

3.0 Parking Permit Types

Nine parking permit types are available:

- Resident
- Visitor
- Community Service Organisation
- Agency
- Foreshore
- Disabled
- Tradesperson
- Party
- Combined (Resident / Foreshore)
4.0 Streets / Areas in which Policy Applies

4.1 The Policy applies in:
(i) Areas adjoining residential properties in the municipality where parking restrictions apply (Resident, Visitor, Combined, Party, Community Service Organisation, Agency and Tradesperson parking permits).
(ii) Foreshore paid parking locations (Foreshore parking permits only).
(iii) Disabled parking spaces (Disabled parking permits only).
(iv) Paid parking locations adjoining residential properties.

4.2 The Policy does not apply in:
(i) Clearways, No Stopping Areas, 5, 10 or 15 minute zones (unless permit holders exempted) and red parking signs other than 'Permit Zone'.
(ii) Shopping centres, off street car parks, outside non-residential properties, include commercial, industrial and community land uses.

5.0 Eligibility

5.1 Parking permits will not be issued to properties where Council has resolved not to provide these based on parking assessments during the statutory planning approval process for the subject property.

5.2 Parking Permits will not be issued to any property or person if the appropriate documentation and/or fees are not provided.

5.3 Clauses 5.4 to 5.11 are subject to the satisfaction of clauses 5.1 and 5.2.

5.4 Any eligible person who resides in the City of Port Phillip can display a 'resident' parking permit.

5.5 Any person who is a visitor to an eligible residential premise can be eligible to display a 'visitor' or 'party' parking permit for the street and area for which it is issued according the same privilege as if the person was a resident.

5.6 Any community service organisation which requires their employee or member to visit, by private vehicle, a residential property within the City of Port Phillip during the course of any day on official duties, is eligible to display a 'community service organisation' parking permit. Permits will not to be issued or valid for the purposes of employee all day parking in the vicinity of their place of employment.

5.7 Particular community service organisation which requires their employee or member to visit, by private vehicle, a residential property within the City of Port Phillip during the course of any day on official duties, is eligible to display an 'agency' parking permit. Permits will not to be issued or valid for the purposes of employee all day parking in the vicinity of their place of employment.

5.8 Any resident or member of an approved foreshore club/association shall be eligible to display a 'foreshore' parking permit, which exempts the holder from paying the appropriate fee at designated foreshore paid parking areas.

5.9 Any person satisfying the eligibility criteria in the 'Code for the Disabled Persons Parking Scheme' shall be eligible to display a 'disabled' persons parking permit.
5.10 Any tradesperson shall be eligible to display a 'tradesperson' permit for the street and area for which it is issued according the same privilege as if the vehicle displayed a valid Resident Parking Permit.

6.0 Designated Parking Permit Areas

6.1 Private vehicles displaying a valid 'Resident', 'Visitor', 'Party or 'Tradesperson' Parking Permit are exempt from 'time limited' (green signs), 'permit zone', paid parking and 'No Stopping Anytime – Permit Holders Excepted' parking restrictions adjoining residential properties in the street of permit issue, any intersecting streets and any immediately parallel streets.

6.2 Private vehicles displaying a valid 'Community Service Organisation' parking permit are exempt from 'time limited (green signs) and 'permit zone' parking restrictions adjoining residential properties in all streets within the City of Port Phillip.

6.3 Private vehicles displaying a valid 'Agency' parking permit are exempt from 'time limited (green signs), 'permit zone' parking restrictions adjoining residential properties and from paying the appropriate fee at paid parking locations in streets adjoining residential properties within the City of Port Phillip.

6.4 Private vehicles displaying a valid 'Foreshore' parking permit are exempt from paying the appropriate fee at designated foreshore paid parking areas. Parking time limits must be obeyed.

6.5 Vehicles displaying a 'Category 1 Disabled' (blue) parking permit will allow the holder to park in any designated disabled parking space as per State legislation. Vehicles displaying a 'Category 2 Disabled' (green) parking permit will allow the holder to park for twice the signed time limit as per State legislation.

7.0 Scope and Allocation of Permits

7.1 There is a maximum of three (3) Resident/Visitor/Combined Parking Permits per household which can include a maximum of two (2) Visitor parking permits.

7.2 There is a maximum of two (2) Visitor Parking Permits per household.

7.3 'Exceptions' to the three (3) Resident Parking Permit Limit will be based on the number of adults with vehicles in a household, minus one (1) parking permit for each off street car park available at/to the household. A site visit may be required by a City of Port Phillip officer to verify the off street parking allocation. The residents must submit a signed letter stating how many permanent residents with vehicles reside at the address and how many off-street car spaces exist at the address. If approved for more than three (3) permits, only one (1) can be a Visitor Permit.

7.4 There is maximum of three (3) Foreshore Parking Permits per household.

7.5 There is no maximum number of Community Service Organisation Parking Permits.

7.6 There is no maximum number of Agency Parking Permits.
7.7 A maximum of three (3) Tradesperson Parking Permits per household will be issued at any one time. There is no limit on the number of applications per year.

7.8 A maximum of ten (10) Party Parking Permits per household will be issued at any one time. A maximum of five (5) applications for Party Permits can be made each year.

7.9 A permit may not be transferred to any person, vehicle or area except for Visitor or Party Parking Permits.

7.10 Parking Permits will only be in effect while the applicant permanently resides at the address stated at the time of the application, or as agreed with the Authorised Officer.

7.11 If a person holding a permit permanently moves from the residence listed in the application, such permit will be deemed to be cancelled and have no effect. If the permit holder moves to another CoPP address, a new application must be submitted (subject to 5.1 & 5.2) with the required identification and the permit from their previous address. The permit fee and expiry date will then be transferred from their previous permit to the permit at their new address. Permits may only be held by the applicant at one (1) residence within CoPP.

7.12 A separate application is normally required for each parking permit application.

7.13 A parking permit does not guarantee the availability of a parking space.

8.0 Method of Application for a Parking Permit and Fee

8.1 Applications for permits are required to be in writing on the prescribed forms. Documentation and payment is required to accompany the application.

8.2 If a private vehicle is registered to a company or organisation then a letter, on company letterhead, is to be provided stating that the subject private vehicle is driven primarily by the applicant and parked overnight at a specific City of Port Phillip residential address.

8.3 Eligible residents who change their private vehicle frequently (i.e. greater than four times per year) or use different vehicles on any one day, may apply for a Visitor Parking Permit at the applicable fee.

8.4 New tenants/owners of a household may be required to complete a Statutory Declaration in instances where previous tenants/owners possessed Parking Permits who have now vacated the household. These previously issued permits will need to be cancelled in order for the current application to be processed within the three (3) parking permit limit.

8.5 Applications for Foreshore Parking Permits must be made on the prescribed form, and for non-resident members of authorised foreshore clubs/associations, include the signature of an office bearer of the club and include the club seal.

8.6 Applications for Community Service Organisation Parking Permits must be made in the form of a letter (on official letterhead of the organisation in question) and include the names and registrations of all applicable vehicles. A clear statement explaining the nature of the request is also required. The request is to be signed off by the CEO, General Manager or equivalent.
8.7 The applicant will be required to acknowledge acceptance of the Rules of this Policy by signing the application form and subsequent renewal notices.

8.8 The fee structure shall be determined from time to time by Council.

8.9 A fee may apply to replace an existing Resident, Combined or Foreshore Parking Permit (same name, address and registration) due to it being destroyed, lost or stolen.

8.10 A fee may apply to Resident, Combined, Community Service Organisation, Agency and Foreshore Parking Permit holders who change their vehicle over during the course of a current valid 12 month parking permit period. The initial expiry date will however continue to apply.

8.11 Where in excess of 50% of a Visitor Parking Permit cannot be provided due to it being destroyed, lost, or misplaced, a replacement fee of $250 will be incurred for a Visitor Parking Permit respectively. Vehicle registration based parking permits will not incur any replacement fee.

8.12 Where in excess of 50% of a Party or Tradesperson Parking Permit cannot be provided due to it being destroyed, lost, stolen or misplaced, a new application will need to be lodged and full application fees paid.

8.13 The replacement fees outlined in Clauses 8.11 and 8.12 will not apply if a parking permit is stolen and adequate proof is provided (police report). A replacement parking permit will be provided free of charge in these instances.

8.14 Residents who are members of a Council endorsed car share scheme can apply for one Visitor Permit at the cost of a Resident Permit. This discount is only available to residents who do not hold a Resident Permit. To be eligible, the resident must provide one piece of Residential identification PLUS documentation to verify they are current members of the car share scheme.

9.0 Period of Permit

9.1 Resident, Combined, Foreshore, Community Service Organisation, Agency Parking Permits normally expire twelve (12) months from the date of lodgement.

9.2 Visitor Parking Permits normally expire twelve (12) months from the date of issue.

9.3 Disabled Parking Permits expire three (3) years from the date of issue for permanent disabilities and from six months for a temporary disability in accordance with State legislation.

9.4 Tradesperson Parking Permits expire one (1) week from the date of issue.

9.5 Party Parking Permits are valid for two (2) days and one (1) night.
10.0 Renewal of Permits

10.1 Resident, Visitor, Combined and Foreshore Parking Permits are renewable each year (subject to confirmation of personal details and payment of the prescribed fee).

10.2 Permit renewal notices will be forwarded to holders of Resident, Visitor, Combined and Foreshore parking permits before expiry.

10.3 Resident, Visitor, Combined or Foreshore Parking Permit will only be renewed before expiring. Renewals will only be processed when the renewal notice, required identification and applicable fee is received by Council prior to the expiry date.

10.4 If a Resident, Visitor, Combined or Foreshore Parking Permit expires and is not renewed before the expiration date a new application will be required including all required identification requirements and applicable fees.

10.5 All other parking permits are not renewable. A new application will be required.

11.0 Permit Sticker

11.1 Resident, Combined, Community Service Organisation, Agency and Foreshore Parking Permits shall be in the form of a decal which must be affixed to the bottom left passenger side of the windscreen. Visitor, Tradesperson and Party Parking Permits must be displayed on the dashboard on the left passenger side of the private vehicle.

11.2 Disabled Parking Permits must be clearly displayed on the vehicle dashboard. Failure to display a valid permit may result in a parking infringement notice being issued.

11.3 Council must be notified if the parking permit holder disposes of the private vehicle or moves residence.

12.0 Administration of the Policy

12.1 The Policy shall be managed by the Coordinator of Transport Safety Engineering, and administered by authorised officers.

12.2 Where a person is aggrieved by a decision to refuse to grant or renew a parking permit, that person may appeal in writing to the Manager – Sustainability and Transport.

12.3 All parking permits are issued on the condition that any area available for permit parking may be subject to change. Council reserves the right to withdraw a parking permit at any time.

13.0 Permit Misuse

13.1 Confirmed misuse of parking permits may result in the withdrawal of all parking permit privileges and prosecution.
13.2 Any person aggrieved by the withdrawal of their parking permit privileges for misuse may appeal in writing to the Manager – Sustainability and Transport. The appeal must be in writing and clearly state the reasons why the decision should be reviewed.

14.0 Discretion of Council

14.1 The Council may exercise discretion in issuing or renewing a parking permit in circumstances where there has been an appeal by the Applicant against a decision of the Manager – Sustainability and Transport.

15.0 Application Form

Applications for parking permits must be submitted in the format as determined from time to time.

Resident / Combined / Foreshore Parking Permit

Each application requires ONE piece of Vehicle Identification and ONE piece of Residential identification as specified in the Document Schedule

Documentation Schedule

<table>
<thead>
<tr>
<th>Vehicle Identification</th>
<th>Residential identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification must specify:</td>
<td>Identification must specify:</td>
</tr>
<tr>
<td>1. APPLICANT’S NAME</td>
<td>1. APPLICANT’S NAME</td>
</tr>
<tr>
<td>2. CURRENT CITY OF PORT PHILLIP RESIDENTIAL ADDRESS</td>
<td>2. CURRENT CITY OF PORT PHILLIP RESIDENTIAL ADDRESS</td>
</tr>
<tr>
<td>3. VEHICLE REGISTRATION NUMBER</td>
<td></td>
</tr>
</tbody>
</table>

1) VicRoads:
   • Current registration certificate
   • Change of Address notice
   • Transfer of registration

2) Current Vehicle Insurance Policy / Notice

3) Traffic Infringement Letter / Notice

4) Letter from Company if fleet vehicle or Lease company if leased privately.

5) Citylink Letter/Account Notice

6) Licensed Motor Car Trader sale contract for new or used vehicle

7) Correspondence from an official government department e.g.:
   • Pension Card
   • Seniors Heath Care Card
   • Australian Tax Office
   • Electoral Role Verification

1) Applicant on Council’s rates database and notice sent to the residential property address.

2) Current residential lease or bond receipt

3) Bank Statement

4) Driver License

5) Utility Bill e.g.:
   • Water
   • Gas
   • Electricity
   • Phone

6) Licensed Motor Car Trader sale contract for new or used vehicle

7) Correspondence from an official government department e.g.:
   • Pension Card
   • Seniors Heath Care Card
   • Australian Tax Office
   • Electoral Role Verification
16.0 Foreshore Paid Parking Fee Exemptions

Foreshore Paid Parking Locations

Private vehicles displaying a valid Foreshore Parking Permit (not Resident or Visitor Parking Permits) are exempt from paying the appropriate fee at the following all day foreshore paid parking locations:-

Port Melbourne
- Beach Street
- Beach Street Carpark
- Station Pier
- Waterfront Place

St. Kilda
- Jacka Boulevard
- Beaconsfield Parade
- Marine Parade
- Marine Parade Carpark
- Pier Road
- Triangle car park
- Palais car park

Elwood
- Point Ormond Carpark
- Elwood Carpark
- Point Ormond Road

17.0 PARKING –AUSTRALIAN FORMULA 1 GRAND PRIX

During the period of the Australian Formula 1 Grand Prix, the Council may regulate the parking within specified times and in specified areas surrounding Albert Park; and make provision to facilitate the issuing of special parking permits to residents and people having business within the area surrounding Albert Park.

Definitions

In this Part, the following definitions apply:

“Access Pass” means one of the following passes issued by the Corporation:

(a) Unrestricted Service Vehicle;
(b) Paddock Car Park;
(c) Support Paddock;
(d) Village Green Car Park;
(e) Event Management;
(f) Restricted Service Vehicle;
(g) Track Vehicle;
(h) Disabled Parking;
(i) Tunnel; and
(j) Competitor Car Park.


“Albert Park” means the land described in the Grand Prix Act 1996.

“Applicant” means a person making an application for a permit or additional permit.

“Chief Executive Officer” means the Chief Executive Officer of Council.

“Church” means a church, synagogue or other place used primarily for religious worship and which occupies premises in the Local Access Only Zone.

“Commercial Premises” means premises where goods or services are sold or which are used for the purposes of any business.

“Community Group” means a body or association of any kind established for and pursuing community purposes and which occupies premises within a Local Access Only Zone.

“Corporation” means the Australian Grand Prix Corporation.

“Council” means Port Phillip City Council.

“Grand Prix” means the Australian Formula 1 Grand Prix and includes any race, event or activity promoted by the Corporation in association with that race.

“Local Access Only Zone” means the area designated by the Council as the Local Access Only Zone.

“Middle Park Area” means the part of the Local Access Only Zone designated by the Council as the Middle Park Area.

“Municipal District” means the municipal district of Council.

“Parking Area” has the same meaning as in the Road Rules - Victoria 1999.

“Permit” means a parking permit issued under clause 42 of the Community Amenity Local Law No. 1.

“Permit Holder” means a person issued with a Permit or who is the holder of a Visitor Permit.

“Resident” means a person whose principal place of residence is within the Local Access Only Zone.

“Vehicle” has the same meaning as motor vehicle in the Road Safety Act 1986 but does not include a bicycle, motorised scooter or a tram.
“Visitor Permit” means a permit issued to a resident for use by a visitor to the resident’s premises.

1. During the period of the Australian Formula 1 Grand Prix, the Council may regulate:
   (a) parking within specified times and in specified areas surrounding Albert Park; and
   (b) make provision to facilitate the issuing of special parking permits to residents and people having business within the area surrounding Albert Park.

2. Where the Council designates an area as the Local Access Only Zone and an area as the Middle Park Area during which parking is restricted it may publish a notice in:
   (a) a metropolitan daily newspaper; and
   (b) another newspaper circulating generally in the municipal district.

3. The notice published under clause 2 must contain:
   (a) a description of the area which constitutes the Local Access Only Zone and the Middle Park Area;
   (b) details of days and the times during the days which constitute prohibited periods for parking;
   (c) information about the persons who are eligible to apply for a permit;
   (d) information about the procedure to be followed in applying for a permit; and
   (e) any other information that the Council considers necessary.

4. Unless a person has obtained a permit under the Community Amenity Local Law a person must not leave a vehicle standing during the prohibited periods that apply in a parking area within the:
   (a) Local Access Only Zone (other than the Middle Park Area); or
   (b) Middle Park Area.

5. The Corporation is not eligible to make any applications for a permit for itself or its employees or agents.

6. An application by a resident entitles the resident to one permit for each vehicle that he or she owns and one visitor permit.

7. An application by the owner or occupier of commercial premises entitles that person to one permit in respect of each off-street parking space referable to the
commercial premises and, if there is no off-street parking referable to the premises, the owner or occupier is entitled to two permits.

8. A member of a community group or a church may apply and is entitled to one permit.

9. A person who meets the criteria in Schedule 1 of this Part is entitled to one permit.

10. A resident, an owner or occupier of commercial premises or a person under clause 11 may make an application for additional permits and the Corporation will:

   (a) consider each application on its merits and in accordance with the criteria in Schedule 1 of this Part; and
   
   (b) may issue or refuse to issue additional permits.

11. The Corporation may in consultation with the Council and in accordance with the criteria in Schedule 3 of this Part:

   (a) grant an application and issue a permit;
   
   (b) grant an application subject to conditions; or
   
   (c) refuse to grant an application.

12. An applicant who is dissatisfied with a decision of the Corporation may apply to the Council for a review of that decision and the Council may:

   (a) grant the application and issue a permit;
   
   (b) grant an application subject to conditions; or
   
   (c) refuse to grant an application.

13. A permit issued by the Corporation must be issued:

   (a) free of charge; and
   
   (b) in a form approved by the Council.

14. The Council may cancel the permit for the reasons identified in clause 42(6)(a) of the Community Amenity Local Law No. 1.

15. A permit will continue in force for the period specified in the permit unless the Council revokes it before the expiry date.

16. A permit holder:

   (a) must not assign, transfer or encumber his or her permit; and
   
   (b) must ensure that:
(i) the permit is fixed to the lower interior of the passenger side corner of the front windscreen of the relevant vehicle or in any other manner specified in the permit; and

(ii) all printed information on the permit is capable of being read by any person standing beside the vehicle.

17. The following vehicles are exempt from the requirements under clause 42(7) of the Community Amenity Local Law No. 1 and of this Part:

(a) bicycles;

(b) coaches and Public Transport Corporation buses when parked in clearly designated bus parking areas;

(c) taxis or stretch limousines providing taxi services when parked in a clearly designated taxi rank;

(d) vehicles owned by the Council, the Public Transport Corporation or the Roads Corporation;

(e) Police, Ambulance, Fire Brigade and State Emergency Service Vehicles;

(f) vehicles carrying a registered doctor or a nurse who is on duty and required to attend premises within the Local Access Only Zone; and

(g) clearly marked courier vehicles when parked for the purpose of collecting or delivering any object.

(h) motorcycles.

18. The Council or the Police may exempt any person from the operation of this Part or any of the requirements contained in it.
SCHEDULE 1 – CRITERIA FOR APPROVING APPLICANTS UNDER CLAUSE 17(9)

In determining whether any other person is entitled to a permit, the Council will consider the following:

1. Whether the person:
   (a) is a parent or guardian of a student attending a school within the Local Access Only Zone; and
   (b) needs to accompany the student to or from or otherwise attend the school.
2. Whether the person needs to attend the premises of a doctor or a dentist or other premises of any kind for medical treatment.
3. Whether the person reasonably needs to attend business or commercial premises during prohibited periods.
4. Whether the person reasonably needs to attend the premises of a resident during the prohibited period.
SCHEDULE 2 – CRITERIA FOR ISSUING ADDITIONAL PERMITS UNDER CLAUSE 17(10)

In determining whether to issue additional permits and any conditions that might apply, the Corporation will take into account the following criteria:

1. Whether the applicant only requires the permit for a specified period during the prohibited periods and will accept a permit valid for that period only.

2. Whether the application is made by a resident who wishes to organise a social activity or function at his or her residence during the prohibited periods. The Corporation may issue not more than 8 visitor permits to be used by any person attending that activity or function. Such visitor permits may be expressed to be valid only for the period that covers the time of the social activity or function.

3. Whether the applicant has minimised the number of permits applied for by organising any carpooling.
SCHEDULE 3 – GENERAL CRITERIA FOR ISSUING PERMITS BY THE CORPORATION UNDER CLAUSE 17(11)

In deciding whether to issue permits and any conditions that might be applied, the Corporation will take into account the following criteria:

1. Whether the applicant only requires the permit for a specified period during the prohibited periods and will accept a permit valid for that period only.
Guidelines - Clause 17:

- A permit issued to an owner or occupier of commercial premises should only be valid on the days during which the business usually operates.

- A permit issued to a member of a church should only be valid for the days on which the applicant intends to attend the church.

- A permit issued to a member of a community group should only be valid for the days on which the member intends to attend the premises of the community group.