

Footpath Trading Standard Conditions (2017)



The permit holder must operate in accordance with the City of Port Phillip Local Law No. 1 (Community Amenity) September 2013 (amended November 2017) 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 the City of Port Phillip Local Law No. 1 (Community Amenity) September 2013 (amended November 2017) 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. Where smoking is permitted under the Tobacco Act 1987, windproof ashtrays must be provided for patrons wishing to smoke within the footpath trading zone.
16. Tables must be cleared of all bottles, glass and tableware and be kept 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 within the trading zone.
- 36.** The approved advertising board must not be fixed to any footpath, building, street furniture, pole or other structure.

Display of goods

- 37.** Display of goods must be no higher than 1.2 metres.
- 38.** 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.
- 39.** Display of goods must not be fixed to any footpath, building, street furniture, pole or other structure.

Major events

- 40.** Major events include St Kilda Festival Sunday and New Year's Eve.
- 41.** During these events the following conditions apply:
 - 41.1** St Kilda Festival conditions apply for the duration of the festival within the St Kilda Festival designed precinct.
 - 41.2** New Year's Eve conditions apply across the Municipality.
- 42.** No glass bottles or glassware are permitted within the footpath trading zone during major events, unless expressly permitted.

The following Precinct Specific Guidelines also apply:

- 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 & Glenhuntly Road, Elwood
- Victoria Avenue, Albert Park

For information on Footpath Trading Guidelines and permit conditions contact the Footpath Trading unit:-

W: www.portphillip.vic.gov.au/footpath-trading.htm

P: (03) 9209 6844 (Mon to Fri 8.30am to 5pm)

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