

CITY OF PORT PHILLIP

PROCEDURES AND PROTOCOLS MANUAL

01 September 2013

*Note: This Manual should be read in conjunction with the City of Port Phillip
Local Law No. 1 (Community Amenity).*

CITY OF PORT PHILLIP
PROCEDURES AND PROTOCOLS MANUAL
LOCAL LAW NO.1 (COMMUNITY AMENITY)

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PORT PHILLIP CITY COUNCIL

PROCEDURES AND PROTOCOLS MANUAL

PART 1 – DELEGATIONS UNDER THE LOCAL LAW NO 1 (COMMUNITY AMENITY)

**CLAUSE 73
L.L.C.A.**

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:

Clause	Power delegated	Delegate	Conditions and limitations
10(2)-Footpath Activities Permit	Power to grant permit	- Coordinator City Permits - Footpath Trading Administrator	Subject to the requirements of Clause 9 (3)
10(3)- Footpath Activities	Requirement to provide registration sticker	- Coordinator City Permits - Footpath Trading Administrator	Subject to the requirements of Clause 9 (3)
11(1)b – Advertising Sign Permit	Power to grant permit	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
11(3)- Community Advertising	Power to grant approval for advertising signage	- Coordinator Recreation	Subject to the requirements of Clause 9 (3)
11(6) Advertising & Community Advertising Signage	Power to designate exemptions for certain advertising signs or areas where advertising signs are permitted or limited	- Coordinator Recreation; - Coordinator City Permits	Subject to the requirements of Clause 9 (3) Designated areas to be advertised in government gazette.
12(2) Itinerant Trading	Power to designate trading sites	- General Manager Place Strategy and Development	Subject to the requirements of Clause 9 (3) Designated areas must be signed and changes to areas advertised in government gazette.
13(1) – Itinerant trading from house to house	Power to grant a permit	- General Manager Place Strategy and Development	Subject to the requirements of Clause 9 (3)
14(1) – Occupation of roads	Power to grant a permit	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
15(1) – Special events	Power to grant a permit	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
15(3)(a)&(b) – Special Events	Power to require additional	- Coordinator Recreation	Subject to the requirements of

	applications for permits for extended street trading and liquor licenses		Clause 9 (3)
15(5) – Special Events	Power to apply revised parking restrictions for period of special event	- Coordinator Transport Safety Engineering	Subject to the requirements of Clause 9 (3)
16(1)- Street Parties	Power to provide written consent required to hold a street party	- Coordinator Transport Safety Engineering	Subject to the requirements of Clause 9 (3)
16(2) –Street Parties	Power to impose conditions for street party	- Coordinator Transport Safety Engineering	Subject to the requirements of Clause 9 (3)
17(1) – St Kilda Festival Activities	Power to grant permit for activities in the St Kilda precinct during the St Kilda Festival	- Coordinator of Festivals	Subject to the requirements of Clause 9 (3)
18(1) – Filming on Council controlled land	Power to issue a permit	- Coordinator of Arts - Arts Team Leader - Arts Administrator	Subject to the requirements of Clause 9 (3)
19(3) – Busking, Fundraising and Promotional Activities	Power to designate area for busking, fund raising activity or promotional activity	- Coordinator Recreation	Subject to the requirements of Clause 9 (3) Designated areas must be signed and changes to areas advertised in government gazette.
20(2)- Bulk Rubbish Containers	Power to grant permit for bulk rubbish containers skip bins	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
21(2)-Market Sites	Power to allocate market sites	- Manager Arts & Culture - St Kilda Esplanade Market Manager - Manager Public Space - Coordinator Festivals - Coordinator Recreation	Subject to the requirements of Clause 9 (3)
24(2)- Asset Protection	Power to issue permit for Asset Protection	- Asset Protection Officer	Subject to the requirements of Clause 9 (3)
24(3)-Asset Protection	Power to set security bond	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
24(4)(a)-Asset Protection	Power to retain security bond to carry out repairs to	- Asset Protection Officer	Subject to the requirements of Clause 9 (3)

	public assets		
24(4)(b)- Asset Protection	Power to determine damage caused or repaired to council satisfaction	- Asset Protection Officer	Subject to the requirements of Clause 9 (3) Only after consultation with Asset Management
24(5)- Asset Protection	Power to accept alternative form of security bond	- Asset Protection Officer	Subject to the requirements of Clause 9 (3)
25(3)- Clothing Recycle Bins	Power to issue permit for Clothing Recycling Bins	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
26(1) – Outdoor commercial recreational activities	Power to grant a permit	- Events Advisor	Subject to the requirements of Clause 9 (3)
27(1) – Hot air balloons and skydiving	Power to grant a permit	- Sport & Recreation Liaison Officer	Subject to the requirements of Clause 9 (3)
28(1) – Inflatable displays on foreshore or beaches	Power to grant a permit	- Events Advisor	Subject to the requirements of Clause 9 (3)
29(1) - Fireworks	Power to grant a permit	- Events Advisor	Subject to the requirements of Clause 9 (3)
31(6) –Building Sites	Power to issue a permit	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
31(12)-Building Sites	Power to inspect a building site at any reasonable time	- Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
31(15)(a)- Building Sites	Power to approve the provision of a refuse facility	- Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
31(19)-Building Sites	Power to inspect for damage	- Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
33(2)- Council Assets	Power to inspect council assets	- Asset Protection Officer - Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
33(3)- Council Assets	Power to determine satisfactory standard of repair	- Asset Protection Officer	Subject to the requirements of Clause 9 (3)
33(4)-Council Assets	Power to repair damage to council assets and deduct from security bond	- Asset Protection Officer	Subject to the requirements of Clause 9 (3)
34(2)- Industrial Trade and Commercial	Power to designate areas to restrict commercial waste	- Manager Safety & Amenity - Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)

Waste	collection		Designated areas must be signed and changes to areas advertised in government gazette.
34(4)(a)- Industrial Trade and Commercial Waste	Power to approve placement of a commercial bin on Council land in accordance with the Procedures Manual	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3) Approval must be in writing
35(2)- Commercial Premises Requirements	Power to determine whether amenity of neighbourhood affected	- Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
35(5)- Commercial Premises Requirements	Power to require waste management plan	- Local Laws Authorised Officer	Subject to the requirements of Clause 9 (3)
36(1)(a)- Domestic Waste	Power to determine collection days of domestic waste	- Coordinator Waste Management Services	Subject to the requirements of Clause 9 (3)
36(1)(c)- Domestic Waste	Power to authorise alternative location for collection of bins	- Coordinator Waste Management Services	Subject to the requirements of Clause 9 (3) Approval must be in writing
36(1)(e)- Domestic Waste	Power to determine method of collection of green waste or hard garbage	- Coordinator Waste Management Services	Subject to the requirements of Clause 9 (3)
40(2)- Vehicle Crossings	Power to require construction or repair of vehicle crossing	- Local Laws Authorised Officer - Asset Protection Officer	Subject to the requirements of Clause 9 (3)
40(4)- Vehicle Crossings	Power to direct removal, reinstatement or repair of vehicle crossing	- Local Laws Authorised Officer - Asset Protection Officer	Subject to the requirements of Clause 9 (3)
40(6)- Vehicle Crossings	Power to inspect work related to vehicle crossing	- Local Laws Authorised Officer - Asset Protection Officer	Subject to the requirements of Clause 9 (3)
42(8)- Grand Prix Parking	Power to exempt persons	- Manager Sustainability - Coordinator Transport Safety Engineering	Subject to the requirements of Clause 9 (3)

44(4)- Significant Trees	Power to issue a permit	- Coordinator City Permits	Subject to the requirements of Clause 9 (3)
54(1)(2) – Consumption of Alcohol	Power to designate 'alcohol designated areas'	- Chief Executive Officer - General Manager Infrastructure and Amenity	Subject to the requirements of Clause 9 (3) Designated areas must be signed and changes to areas advertised in government gazette.
55(4)- Smoke Free Areas	Power to designate smoke free area	- Only Council	Subject to the requirements of Clause 9 (3) Designated areas must be signed and changes to areas advertised in government gazette.
55(6)- Smoke Free Areas	Power to erect no smoking signage in designated smoke free area	- Manager Safety & Amenity - Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)
56(3)- Boats & Other Watercraft	Power to designate areas for launch or transfer of personal watercraft	- Manager Public Space	Subject to the requirements of Clause 9 (3) Designated areas must be signed and changes to areas advertised in government gazette.
60(5)- Shopping Trolleys	Power to agree on process for the handling and collection of shopping trolleys	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)
63(3) –General Permits	Power to require a person making an application for a permit to give public notice	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
64(3)- General Permits	Power to waive, reduce or alter a fee or charge with or without conditions	- General Manager Place Strategy and Development - Manager City Development - General Manager Infrastructure and Amenity	Subject to the requirements of Clause 9 (3)

65(1)- General Permits	Power to issue a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
65(2)- General Permits	Power to refuse to issue a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
67(2)- General Permits	Power to issue a permit with standard conditions	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
67(4)(5)(6)- General Permits	Power to alter the conditions of a permit during the currency of a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
69(1)- General Permits	Power to correct a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
69(2)- General Permits	Power to receive and determine submissions	- City Permits Authorised Officer	Subject to the requirements of Clause 9 (3)
70(1)(2)(3)- Local Law Permit Register	Duty to maintain record of permits, register of determinations made and registers to be made available for public inspection	- Manager Arts & Culture - St Kilda Esplanade Market Manager - Manager Safety & Amenity - Manager Sustainability - Manager Public Space - Manager City Development	Subject to the requirements of Clause 9 (3)
71(1)- Exemptions	Power to exempt any person or class of persons from the requirement to have a permit	- General Manager Place Strategy and Development - Manager City Development	Subject to the requirements of Clause 9 (3)
79(2)- Impounded Goods	Power to refuse to release impounded goods until appropriate fee paid	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)
79(4)c- Impounded Goods	Power to dispose of goods impounded when owner does not intend to retrieve	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)
79(6)- Impounded Goods	Power to pay proceeds of sale of impounded goods to owner	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)
79(7)- Impounded Goods	Duty to comply with requirements of Unclaimed Monies Act 2008 if unable to identify owner of goods.	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 9 (3)

PART 2 – SPECIAL EVENTS

CLAUSE 15 L.L.C.A.

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:

- **Major events** means an event which involves an estimated participation or attendance of more than 1000 people;
- **Minor events** means an event with an estimated participation or attendance of less than 1000 people
- **Community event** means any event that is not a *Street Party* as defined in the Local Law No. 1 (Community Amenity) (i.e. has a participation or attendance of over 150 people), but is not a Minor Event.

Standard Conditions for a Major Event Permit:

Site Management

1. That a copy of this permit be kept on site on the day of the event and produced on request to any authorised Council Officer during the conduct of the event.
2. That your organisation nominates **a person** including their mobile telephone numbers who can be contacted on the day of the event.

Park Management

3. All temporary structures must be weighted and not pegged when on grassland
4. It is the responsibility of the event organiser to:
 - Leave the event area in a clean and tidy condition.
 - Ensure that there is no damage to property or the environment resulting from the conduct of the event and/or its associated activities.
5. Event organisers 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.
6. All infrastructures must be placed beyond tree canopies.
7. 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.

Noise Management

8. 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.

9. Any amplified PA system used at any time must have speakers facing seaward, away from residential areas.

Health & Amenity Management

10. Advertising of tobacco, gambling or alcohol is not permitted
11. The selling of food or drink by wandering vendors is not permitted.
12. The permit holder comply with any relevant legislation, regulations or local laws and shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents.

Waste Management

13. 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.
14. No waste associated with the event (such as advertising material) is to go into Council waste containers. This does not include general waste such as food and drink containers.

Communications Management

15. All signage approved by this permit must not be varied from the approved plan.

Risk Management

16. The event organiser is required to hold public liability insurance to the value of \$20 million indemnifying Council against any liability arising from the event. A cover note to be faxed to Council 10 days prior to the event.
17. The event organiser is to provide a detailed map of the area lay-out proposed & a copy of the event day timetable 10 days prior to event.

Occupational Health & Safety and Security

18. The event organiser 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.
19. That the Event Organiser must notify CoPP representative immediately after an accident or any incident involving injury or property damage.
20. 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.
21. A minimum walking space of 1.5 metres must be left on the footpath for pedestrians
22. To enable emergency access, the event area must provide a clear 2.5 metre walkway for other pedestrian traffic at all times.

23. The event organiser must provide adequate mobile toilets appropriate to the number of patrons expected.
24. Water based events can only take place when water pollution falls below recommended EPA safe levels.

Traffic Management

25. The event organiser must liaise with Council's Traffic Engineer at least 4 weeks prior to the event to develop and implement a viable traffic management and parking plan.
26. Four weeks prior to the event, the event organiser is to letter drop surrounding residents advising them of the road closure and the time of the event.
27. The event organiser is accountable for the removal of all signage associated with the event within 4 hours of the last runner that goes through the City of Port Phillip
28. This permit is subject to approvals secured from VicRoads and Victoria Police

Parking:

29. No parking is permitted on the foreshore, reserves or the promenade
30. All parking and vehicle usage is subject to Council parking restrictions, local laws and state road rules.

Non-Compliance

31. 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.
32. Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.

Fees & Charges

33. As per invoice issued

Cancellations

34. Cancellations are only accepted in writing.
35. If the Event cannot be held on the day nominated, you must contact the City of Port Phillip on that day to advise. A new permit will need to be applied for if the Event is rescheduled.

Random inspections will take place on the day.

PART 3 – ST KILDA FESTIVAL PERMITS

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 (3.1)
- St Kilda Festival itinerant market trader permit (3.2)
- St Kilda Festival permanent trader permit (3.3)
- St Kilda Festival busking permit (3.4)
- St Kilda Festival temporary fence permit (3.5)
- St Kilda Festival event permit (3.6)
- St Kilda Festival filming and photography permit (3.7)
- St Kilda Festival promotional sampling permit (3.8)

3.1 Standard Conditions for St Kilda Festival itinerant food trader permit

TRADING SITE

1. 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.
2. The activity authorised as specified on the vendor's permit can only be conducted in the area specified on the accompanying plan.
3. 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.
4. 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.
5. 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.)
6. Trader placement on site is at the absolute discretion of St Kilda Festival Management.
7. 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

8. 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.
9. Only St Kilda Festival sponsorship beverages may be sold and hence must be purchased from the St Kilda Festival prior to the event.

10. Alcohol must not be served or sold.

PRODUCT STORAGE

11. The trader must not bring a cool room on site unless it has been approved and permitted by St Kilda Festival Management.
12. The trader must contain all storage and other equipment within the confines of their site.

INFRASTRUCTURE

13. 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.)
14. 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

15. 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

16. 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.)
17. The permit holder must indemnify the Council against all losses and claims resulting from the permit holder's negligence.

VEHICLE ACCESS

18. 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.
19. 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 reenter the site, via your Site Manager.)
20. 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.)

21. 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

22. No barbecues, hotplates, Bain Maries or other hot servery equipment may be used as shop counters.
23. All electrical equipment and power leads must have a current electrical test tag. (Inspections will be conducted.)
24. No amplified music is allowed to emanate from the vending site.
25. 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

26. 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.
27. Items must be disposed of in the manner required by the Festival's waste management program. (Trade waste is the responsibility of the trader.)
28. All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.
29. Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)

ACCESSIBILITY

30. The trader must not obstruct the pedestrian thoroughfare immediately in front of their trading site.
31. 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.
32. Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.
33. 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

34. 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.)

35. 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 do so may result in the issuing of an infringement notice or prosecution.)
36. 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

37. The permit holder acknowledges that the permit is for (insert date) only.
38. 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.
39. 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.

3.2 Standard Conditions for a St Kilda Festival itinerant market trader permit

TRADING SITE

1. 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.
2. The activity authorised as specified on the vendor's permit can only be conducted in the area specified on the accompanying plan.
3. 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.
4. 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.
5. 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.

6. 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.
7. Trader placement on site is at the absolute discretion of St Kilda Festival Management.
8. Sites requested are not guaranteed.

PRODUCTS FOR SALE

9. 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.
10. Alcohol must not be served or sold.

PRODUCT STORAGE

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

INFRASTRUCTURE

12. 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.
13. 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.
14. 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

15. 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.
16. The permit holder must indemnify the Council against all losses and claims resulting from the permit holder's negligence.

VEHICLE ACCESS

17. 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.
18. 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 reenter 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.

19. 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.
20. No vehicle access will be allowed under any circumstances between 9:00am and 10:00pm on Sunday the (insert date).

SAFETY AND AMENITY

21. All electrical equipment and power leads must have a current electrical test tag. Inspections will be conducted.
22. No amplified music is allowed to emanate from the vending site. All normal noise regulation requirements will apply as per usual.
23. 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

24. 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.
25. Items must be disposed of in the manner required by the Festival's waste management program. Trade waste is the responsibility of the trader.
26. All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.
27. Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)

ACCESSIBILITY

28. The trader must not obstruct the pedestrian pathway opposite the trading site.
29. 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.
30. Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.
31. 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

32. 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.
33. Under no circumstances can refunds be issued.

HOURS OF OPERATION

34. The permit holder acknowledges that the permit is for Sunday (insert date) only.
35. 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.
36. 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.

3.3 Standard Conditions for a St Kilda Festival permanent trader permit

1. Trading without a valid Permit to Participate will hold the trader liable and will either incur an infringement notice or prosecution.
2. All preparation and cooking of food must be done inside the premises as opposed to outside on the footpath or roadway.
3. The activity authorised as advised by this permit can only be conducted in and must not exceed the area approved on the attached plan.
4. 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.
5. 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.
6. 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.
7. The permit holder acknowledges that the permit is for use between the hours of 10:00am and 9:30pm on Sunday (insert date) only.
8. Sites requested are not guaranteed.
9. 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.

10. The trader must not sell or promote any product outside their normal business activity.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. The permit holder must not provide any beverages in glass containers in the area identified in the attached plan.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. Where an extended trading permit has been issued, the area identified by the map must include 1 table setting per every 3m² 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.
28. 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.
29. No barbecues, hotplates, Bain Maries or other hot servery equipment may be used in extended trading areas.
30. 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.
31. 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.
32. 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.

33. Council reserves the right to direct the permit holder to display signage regarding local laws, Council communications or conditions of extended trade as required.
34. St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.
35. 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.
36. Your permitted extended trading area is as per the attached map and following size calculation:

$$?m \times ?m = ?m^2$$

$$?m^2 \div 3 m^2 = ? \text{ settings}$$

$$? \text{ settings} \times 4 = ? \text{ seated people permitted in extended trading area.}$$

37. The maximum number of patrons permitted within your extended area as per the above calculation is ?.
38. You are required to supply ? settings for patrons as per the above calculation.
39. One setting = One table and four chairs.
40. Official trading time: 10:00AM – 9:30PM
41. Expiry date of the permit if issued will be: (insert date)

3.4 Standard Conditions for a St Kilda Festival Busking Permit

1. 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.
2. The level of use may only consist of the approved activity as advised in the permit.
3. St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.
4. 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.
5. Permits are not transferrable.

Permitted Activity

6. An individual busking permit is required for each person engaged in any busking activity.

7. 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.
8. Busking permit holders will not receive any fees from the St Kilda Festival or City of Port Phillip for their busking performance.
9. Permits shall not be held by persons performing on behalf of any political or religious organisation.
10. 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.
11. The Permit holder shall not advertise or associate themselves with advertising and/or commercial branding of any nature.
12. 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

13. 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.
14. Buskers must respect City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service personnel and must not make them a part of the Buskers act in any way or make light of any requests issued.
15. The permit holder must not obstruct pedestrian flow or other traffic movement whilst performing.
16. The permit holder (including the permit holder's audience) must not interfere with any St Kilda Festival programmed performance, activity, event or vendor.
17. Persons under 16 years of age require written permission from a parent or legal guardian to participate in busking activity.
18. A single small self-powered amplification system may be used in conjunction with the performance.
19. No fire may be used at any time.
20. A suitable safety distance must be in place between all Buskers performance areas and the audience and must be maintained at all times.
21. 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

3.5 Standard Conditions for a St Kilda Festival Temporary Fence Permit

1. Fencing product that does not create a “cage” type effect, i.e. a pool style fence or CCB will be permitted.
2. 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.
3. 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.
4. No gates shall be used in the fence line, but rather the exit openings in the fence line are managed by security guards.
5. Any installed fence line must sit within your existing approved outdoor trading area or property boundary.
6. No alcohol advertising or signage is permitted on any temporary installed fencing.
7. 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.
8. Existing permitted patron numbers shall be maintained at all times.
9. 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

10. All approved fencing shall comply with the relevant Australian Standards for the product selected and shall be appropriate for the task at hand.
11. 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.
12. 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.

13. 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

14. The trader must not obstruct the pedestrian pathway opposite the trading site.

3.6 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

1. 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.
2. Your organisation nominates **EVENT MANAGER** as your official event manager and can be contacted on **NUMBER**.
3. You must work in accordance with directions given by Festival Management at all times.

Sponsorship

4. The following sponsor activity has been approved as part of ACTIVITY:

SPONSOR ACTIVITY

Infrastructure

5. The following infrastructure has been approved as part of ACTIVITY:

INFRASTRUCTURE LIST

Schedules

6. The following set up and pack down schedule has been approved as part of ACTIVITY:

SCHEDULE

Related Permits

7. 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

8. 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.
9. 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.

3.7 Standard Conditions for a St Kilda Festival Filming and Photography Permit

Conditions:

1. 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.
2. 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.
3. All litter and other waste produced in the area where the photography is occurring must be disposed of by the permit holder.
4. 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.
5. 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.
6. Crew are to adhere to Festival vehicle parking regulations & instructions. No vehicles are allowed on to the Festival site.
7. Accreditation must be worn at all times within the St Kilda Festival precinct.
8. The St Kilda Festival/City of Port Phillip take no responsibility for the safety of equipment whilst in the Festival precinct.
9. No major equipment allowed (no dollies/tracks/lighting rigs etc). This permit is for simple photography setups only (1 person).

10. 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:
11. Festival Sunday photos schedule to be advised.
12. 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.

3.8 Standard Conditions for a St Kilda Festival Promotional Sampling Permit

GENERAL CONDITIONS:

Site Management

1. 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.
2. 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

3. 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

4. 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.
5. Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.
6. Random inspections will take place on the day.
7. 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.

Part 4 – Busking

Standard Conditions for a Busking Permit

Location restrictions:

- This permit only authorizes busking in designated areas for busking.
- Buskers must keep clear of entrances to shops and buildings at all times
- Buskers are not permitted to busk in front of or beside Bank Automated Telling Machines (ATM's).

Limitations/Restrictions

- 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).
- 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.
- No nuisance may be committed. Buskers must not upset any member of public by their performance/behaviour.
- No obstruction to pedestrian or other traffic movement will be caused by buskers.
- Busking permit holders are not permitted to ask for or expect payment of any kind based on their busking performance.
- 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.
- 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.
- The following activities are not permitted:
 - Activities involving tobacco, gambling or alcohol promotion or advertising
 - Activities which are deemed illegal, or could promote violence
 - Activities that do not meet goals of objectives of the Council Plan
 - Activities that are part of an advertising campaign or advertising a product.
 - Activities that are selling, offer or expose for sale any article or commodity.

- The use of mains or battery powered electrical amplifiers are strictly prohibited.
- 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.
- Permanent pavement art of any form.

General Conditions

- 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
- 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.
- A passport-sized or similar photograph must be attached to the permit to identify the permit holder.
- Permits are not transferable

Notes:

- Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.
 - Contact via phone: 9209 6295 or email smm@portphillip.vic.gov.au
- No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.
 - Contact the Manager St Kilda Esplanade Market on 9209 6764 email: esplanademarket@portphillip.vic.gov.au
- Busking during the St Kilda Festival requires a separate permit.
 - Please contact the festivals team by phone on 9209 6306 for information

Part 5 – Fund Raising

5.1 Standard Conditions for a Fundraising Permit

General Conditions

- A copy of the permit must be retained at the fundraising site and produced for inspection upon request by Victoria Police or authorised Council Officer
- All litter and rubbish emanating from or generated by the street stall shall be cleared regularly and the site shall be vacated in a clean and tidy condition.
- No member of staff or volunteer shall harass members of the public.
- The passage of pedestrians shall not be unduly obstructed.
- 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
- No sign shall be placed on a building without the prior consent of the occupier.
- Furniture is restricted to one table no larger than 1000mm in length and 900mm in width and two (2) chairs.
- No street stall shall be set up in front of a building/premises without the prior consent of the occupier.
- Serving or selling of any food product must comply with regulations
- That strictly one (1) vendor only is to occupy and vend from the permit site at any one time.

5.2 Special conditions for particular fundraising activities:

Raffles:

- That, if necessary, your organisation is registered with or has gained approval from the Victorian Commission for Gambling and Liquor Regulation the conduct this raffle.

Collections:

- Approval is not granted for highway or intersection collections.

PART 6 - OPERATION OF MARKETS

**CLAUSE 21
L.L.C.A.**

6.1 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.

6.2 Provisions applicable to the South Melbourne Market

- (1) The South Melbourne Market will be open for public use on:
 - (a) each Wednesday which is not a public holiday, between the hours of 8.00am and 4.00pm;
 - (b) each Friday which is not a public holiday, between the hours of 8.00am and 5.00pm;
 - (c) each Saturday which is not a public holiday, between the hours of 8.00am and 4.00pm;
 - (d) each Sunday which is not a public holiday, between the hours of 8.00am and 4.00pm; and
 - (e) 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.
 - (f) any other days or times as stipulated in License arrangements for that particular location.
- (2) 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.
- (3) The following provisions relate to the boundaries of stands in the South Melbourne Market.
 - (a) 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.
 - (b) 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)*.
 - (c) 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.
 - (d) 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.

- (e) *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.*

6.3 Provisions applicable to the Esplanade Market

- (1) A person is eligible to hold a stall at the Esplanade Market if the goods to be sold are of a high quality and originality in keeping with the authenticity and uniqueness of the Market and the person has been substantially involved in the production of the goods.
- (2) If a licence is granted for a stall at the Market, the licence only authorises the sale of goods as described in the licence by the persons named in the licence at the stall listed in the licence and in accordance with any conditions noted in the licence. The licence is a no exclusive contractual right to sell goods at the Market in accordance with the term or the licence and does not confer any proprietary interest in a stall or the Market.
- (3) Applications for stalls at the market may be lodged at any time with the Council or with the St. Kilda Esplanade Market Manager.
- (4) Any application for renewal of a licence must be lodged for a 3, 6 or 12 month period subject to the following:
 - (a) applications for renewal of a licence for a 3 month period must be made before July, October, January and April each year and be accompanied by payment of the appropriate fee; and
 - (b) applications for renewal of a licence for a 6 month period must be lodged in or before July or January each year and payment for the licence is due from the commencement of the month from which the renewal is sought; and
 - (c) applications for the renewal of a license for a 12 month period must be lodged on or before July each year and be accompanied by the appropriate fee.
- (5) A person seeking licence renewal may retain his or her current stall allocation provided that clause 2 is complied with and subject to the renewal of the licence being granted.
- (6) Renewal of a licence may be refused if there has been:
 - (a) a failure to meet any or all licence fees;
 - (b) adverse decisions about product authenticity complaints;
 - (c) a failure to comply with any condition of a licence;
 - (d) failure to comply with the requirements of any of the Council's Local Laws.

- (7) A Selection Committee consisting of 3 stallholders who are committee members and the Council Coordinator will inspect all new applicants' products.
- (a) The Committee must take into account:
 - (i) the number of vacant locations;
 - (ii) the existing mix of crafts at the Market;
 - (iii) the capacity of the mix of crafts at the Market to sustain the Market as a tourist attraction;
 - (iv) whether the product is consistent with the quality and originality of other products at the Market; and
 - (v) the sustainability of the applicant's product having regard to the factors outlined in paragraphs (a) to (d).
 - (b) In determining the allocation of stalls, the Selection Committee may develop a shortlist of suitable applicants in order of quality and originality and then proceed to allocate stalls although it is under no obligation to allocate all stalls.
 - (c) The Selection Committee must carry out an inspection of products and conduct interviews for applicants for stalls in May and November of each year.
- (8) A licensee may be relocated from his or her stall if:
- (a) he or she does not operate the stall for a minimum of 30 weeks in each financial year;
 - (b) notice of any long term absence (more than 22 weeks) is given in writing to the coordinator regardless of the reason for the proposed absence;
 - (c) he or she fails to attend the stall for 4 or more Sundays in succession without prior notice in writing to the coordinator;
 - (d) he or she allows a substitute person to operate the stall for more than 4 Sundays in a financial year;
 - (e) he or she allows a substitute person to operate the stall by selling any products which are not products of the licensee's craft.
- (9) A licensee may be relocated to any available site at the Market.
- (10) Any licensee may apply to the Council in writing for a relocation each 6 months stating his or her current stall number and the Council will consider relocation applications by a series of ballots, based on how often, in consecutive terms, the stall holder has applied to move.
- (11) A licensee may apply at the time for renewal of any licence to add a new person who must also make an application to the licence:
- (a) The new person must not add a new craft and must be substantially involved in the production of the craft of the licensee.

- (b) The new person will have a right to trade only as a co-licensee and that right will cease if the original licensee ceases to trade within 12 months of the application referred to in sub-clause (1).
 - (c) If existing licensees wish to share a single stall, an application must be made and may only be made on inspection day and must be approved by the Committee.
 - (d) Where an application under sub-clause (4) is successful, it will be treated as a new stall application and an applicant will be allocated a stall on the Albert Park side of the Market.
 - (e) Existing licensees must not share three or more stalls in the Market.
- (12) A new craft cannot be added other than on inspection day and then only if it continues the same theme of the existing product line and is approved by the Committee.

6.4 Standard conditions for a permit to occupy a market site other than at the Esplanade Market

General conditions:

1. Only products listed on this permit are eligible to be sold at the Market.
2. Stalls must be adequately secured to prevent injury to members of the public and fellow stallholders in adverse weather conditions. Umbrellas must not be used in windy weather.
3. Blue tarpaulins cannot be used.
4. Stalls must stay within the confines of permitted stall allocation.
5. All due fees have been paid in advance to the City of Port Phillip.
6. This permit may be withdrawn at any time if it is found that the permit holder is breaching any of the City of Port Phillip Local Laws, Permit Conditions and Regulations

6.5 Standard conditions for a permit to occupy a market site at the Esplanade Market

***It is a condition of the Esplanade Market when accepting a stall that you abide by the following regulations:
(conditions may change from time to time)***

1. All work must be made by and sold by the applicant.
2. Only work approved by the Council may be sold on the St Kilda Esplanade Market.

3. Acceptance depends on quality and originality, mix of the market and the number of stalls which become available. The Council is under no obligation to allocate all stalls.
4. The Council must have due regard for the mix of the market when approving new work.
5. Stallholder applicants will receive notification of result within approximately 3 weeks.
6. All fees payable in advance to the City of Port Phillip.
7. The work must be designed, made & sold by the maker. The work must be sold only by the persons whose names are on the permit, although a limited number of assistants are permissible if their names are submitted to and approved by the Council Market Manager prior to their presence at the market.
8. From time to time stallholders may be required to demonstrate the making of the goods sold at the Market.
9. Copying of other people's work is not permitted.
10. All new products from existing stallholders must be approved by the Council prior to it appearing at a stall.
11. Stallholders cannot change stall sites without prior permission from the Council.
12. Permits are not transferable to other parties.
13. Permits cannot be sold or offered for sale to another person.
14. Permits must be available for inspection on market days.
15. Existing permits which infringe the rules may also be withdrawn.
16. Stalls are marked with white lines defining the stallholders' space. The majority of the stalls are approximately 2.4 x 2.4 metres. Space must be left for entrance to back of stall.
17. The Market is operational from 10:00am to 5:00pm each Sunday of the year, except for the second Sunday in February (St Kilda Festival Day).
18. A stallholder may move to a vacant stall site after 10:00am (does not apply to casual stallholders)
19. A stallholder may spread to an adjacent stall if it is vacant at 10:00am.
20. A person may not cause a disturbance at the market.
21. A person may not shout or cry their wares (spruik).
22. A person may not obstruct walkways.
23. Any dog on the market must be on a lead and under control at all times.

24. All rubbish must be removed at the end of the day.
25. Allocated parking is not provided to stallholders. Please adhere to parking signs.
26. Parking is not permitted on the footpath.
27. There is no reserved parking for stallholders. No stallholder has the authority to ask another stallholder to move their car to a different location if they are legally parked.

Attendance at the Market

Stallholders must be present 48 weeks of the year –stalls may be reallocated to the end of the market or the permit revoked if stallholders are absent for more than that time. Stallholders must inform the Market Manager in writing if they are to be absent more than 4 weeks in a row. Genuine reasons for absence will be favourably considered but consistent absence from the market will jeopardise the stallholders permit.

Probationary licence

Initial acceptance on the market is for a probationary permit of 3 months. If there are no infringements of the permit at the expiration of the 3 months, stallholders will be offered ongoing permits. If a permit is to be withdrawn the stallholder will receive a letter indicating that the permit will not be renewed.

Long Service Leave

Stallholders who have been consistently permitted for over eight years may apply to the Market Manager for long service leave of no more than three months. All applications for LSL must be made in writing to the Market Manager prior to long service leave commencing. During the LSL the site may be allocated to another stallholder. Stallholders may return to their existing site after their LSL has been completed.

Marquees/ Tables

Shelters and tables are not provided by the City of Port Phillip
The white marquee style shelters (pop-ups) used on the Esplanade are required to be very stable. Clear panels in backs and sides are very highly recommended. Market umbrellas are acceptable with adequate ties and weights on the corners of the umbrellas, ordinary beach-style umbrellas are not acceptable. Blue tarpaulins are not acceptable. Safety must be of paramount consideration. All umbrellas, tents or marquees must be weighted down to withstand wind gusts. Guidance on where to buy a marquee can be provided by the Market Manager. Marquees larger than 2.4 x 2.4metres may restrict your site placement on the market.

PART 7- Bulk Rubbish Containers (Skip Bins)

Standard Conditions for a Bulk Rubbish Container Permit

1. All fees are non-refundable.
2. All requirements under the VicRoads code of practice for the placement of waste bins on roadsides must be complied with.
3. The container must not obstruct the passage of any vehicle, cyclist or pedestrian and must not obscure motorists' view.
4. The container must be placed along the street frontage of the property to be serviced, unless written consent is obtained from adjacent property owners that they do not object to the bin being placed in front of their premises.
5. The container must be placed in the parking lane, within parking bays (if marked), of the road pavement, and be kept clear of footpath, nature strips, landscaped areas and through traffic lanes.
6. The container must not be placed in any areas where standing or parking is prohibited. An allowance of 3 metres is required to opposite kerb and laneways must not be obstructed.
7. Retro reflective tape must be placed on the container in accordance with Appendix 1 of the VicRoads code of practice for the placement of waste bins on roadsides.
8. Flashing yellow lights shall be fitted and operating on the corner of the container nearest to traffic, from sunset to sunrise, for any containers placed in heavily trafficked areas, where the road has reduced visibility, in low lit and unlit areas, and in narrow streets.
9. The material kept in the container must not rot or cause offensive odours.
10. The container must clearly identify the name and phone number of the bin company.
11. The placement or removal of the container must not cause any damage to Council or community assets or infrastructure.
12. All costs for any damage caused by the placing or removing of the container shall be borne by the permit holder and restoration must be to council's standards.
13. The permit holder must produce evidence that they have public liability insurance to a minimum value of \$10,000,000.
14. The container must not remain on a major arterial roadway or a residential street in excess of two (2) days (unless council has provided prior written consent).

8.1 Standard Conditions for a Filming Permit

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

8.2 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:

- film makers recently graduated from a recognised film school, or
- 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.

8.3 Guidelines for Assessing Requests for Film Sponsorship

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

- The applicant is a student film maker.
- The applicant is an emerging film maker.
- The applicant is a local film maker, living or working regularly in the City of Port Phillip.
- The applicant is a local production company, or creating work of a community or cultural benefit.
- The project will have a low impact on residents and businesses, in particular having with no major equipment impacts or road closure impacts.
- The project promotes the City of Port Phillip and its businesses, communities or heritage.
- The applicant can demonstrate a community or cultural benefit to the City of Port Phillip.
- 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.

9.1 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
 - (ii) no placement of stockpiles on roads (unless a permit under the *Local Law No. 1 (Community Amenity)* has been obtained).
- (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 piledrivers wherever possible or boring of holes before inseting 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.
- (j) *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.

9.2 Standard Conditions for Permit to Conduct Out of Hours Building Works

1. The Permit Holder must give no less than 2 business day's written notification to the occupants of all affected premises of the works. The notification must include the following information and a copy forwarded to the Coordinator City Permits:-
 - (a) The date and hours of works occurring under this permit;
 - (b) The nature of the works being performed;
 - (c) Council's permit reference;
 - (d) Contact name and phone number for the permit holder and/or site manager.

2. This permit does not override the requirements of the Environment Protection Act Regulations.
3. To amend the dates of this permit requires a written request to be received by the Development Permits unit by 5pm, whilst the permit is valid. Once this permit has expired it cannot be re-used, amended or fees refunded.
4. A maximum of 2 amendments to re-schedule the dates of this permit can be considered prior to incurring additional fees.

10.1 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:

1. **Recyclable materials** such as bottles, cardboard and cooking oils must be adequately stored so that:
 - (a) they cannot be interfered with by unauthorised persons;
 - (b) cannot escape beyond the premises on which they are stored;
 - (c) Cardboard or boxes must be placed for collection secured or tied in a bundle so that they cannot escape from the collection site.
2. **Crates and other returnable delivery containers** must be kept on the premises and stored until they are returned to the owner.
3. **Waste** must not be:
 - (a) discharged, emptied or disposed of in any way onto any road or into a drain;
 - (b) burned or incinerated; and
 - (c) left for collection on the roadside where it comprises hazardous waste as defined in the Environment Protection Act.
4. **Noise and emissions**

The owner or occupier of commercial premises must ensure that:

 - (a) any motors used in equipment in the commercial premises are properly baffled, insulated or located so as to control noise; and
 - (b) mechanical ventilation systems are regularly inspected and maintained and that a record of inspection can be provided to an authorised officer on request; and
 - (c) 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.
5. 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.
6. Any stormwater drainage connection from the commercial premises must be regularly maintained and kept free from blockages.

PART 11– POULTRY AND ANIMAL HOUSING and EXCESS ANIMALS

**CLAUSE 23
L.L.C.A.**

11.1 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

Type of <i>Animal</i>	Houses Maximum Allowed	Units/Townhouses/ Flats Maximum Allowed
Birds	5	2
Dogs (over six (6) months old)	2	1
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

Standard conditions for a Multiple Animal Permit

1. 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.
2. 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.
3. All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

PART 12– ADVERTISING SIGNS

**CLAUSE 11
L.L.C.A.**

12.1 *Standard Conditions for Community Advertising Signs*

1. Display Duration

- (a) the display period for a temporary sign will be a maximum of fourteen (14) days, except for A-boards, which must be erected and removed within a 24 hour period on the day of an event in the Council park or reserve.
- (b) the display period for signs other than A-boards will begin on a Monday and finish on a Sunday.
- (c) on day event, or directional-signage will be permitted for organisations that have been approved to use a Council park or reserve for community functions. This signage must comply with requirements specified in the policy and must be removed within a 24 hour period.
- (d) permanent signage will not be permitted in Council managed parks or reserves unless it is part of Council's corporate signage or is regulative signage of a public authority.

2. Limits on Size of Signs

- (a) A Boards (sandwich boards) are permitted to have a display surface area of one (1) square metre or less (0.5m on each side).
- (b) banners are to have a display surface area of 5 square metres or less. Banners are not permitted to be attached to any vegetation.
- (c) temporary community advertising signs must not exceed 5 square metres and would preferably be 3 square metres or less.

3. Sponsorship

- (a) sponsorship identification on community signs is not to exceed 20% of the sign display area or .6 square metres, whichever is the lesser.
- (b) Signs which display sponsorship or advertising relating to tobacco or gambling associated activities, events or organisations, will not be granted approval to erect temporary advertising signage in parks and reserves.

4. Placement and Removal of Signs

- (a) it is the responsibility of the applicant to erect and 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) dismantled, all brackets, pegs and fasteners are to be removed. Signs must be taken down within 24 hours of the expiry date.

- (b) 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.
 - (c) signs are only to be placed at the designated site for the particular park or reserve.
5. Public Liability Insurance and Indemnity/Guarantee
- (a) the applicant must have public liability insurance of \$10,000,000 and must provide the Council with a certificate of currency and an indemnity/guarantee of the Council.

12.2 Standard Conditions for a Real Estate Advertising Sign

- 1. Advertising signs promoting auctions, sales or an open house viewing may only be placed on roads or Council land on the day of the event.
- 2. The size of any advertising sign must not be greater than 1 metre in height or 70 cm wide.
- 3. The advertising sign must be removed within two hours of the conclusion of the auction/sale or open house viewing.
- 4. The advertising sign must not be located on median strips, roundabouts or similar structures or works forming part of the road.

12.3 Standard Conditions for Mobile Billboards

- 1. 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
- 2. there must be at least a minimum separation of 200 metres between mobile billboards at any one time.

PART 13 – OCCUPATION OF ROADS

13.1 Standard Conditions for a permit for Street Occupation / Mobile Crane

**CLAUSE 14
L.L.C.A.**

GENERAL CONDITIONS:

1. All works must be carried out in accordance with the above conditions.
2. The Permit Holder is responsible for all protective measures to ensure the safety of the works and the public.
3. Any/All damage to Council's assets as a result of these works will be reinstated to Council's satisfaction at the full cost of the this permit holder.
4. All fees are non-refundable.
5. This permit must be kept onsite and presented to Councils Authorised Officer or any other such authorised officer at their request.
6. If for some reason the works cannot be undertaken on the day of approval or you wish to delay the works, you must contact the City of Port Phillip Councils' Development Permits Department on that day to advise, otherwise a new permit must be applied for if the work is rescheduled.
7. Random inspections may take place throughout the period of the permitted dates.

13.2 Road Opening (A permit issued under the *Road Management Act 2004*)

GENERAL CONDITIONS:

1. All works must be carried out in accordance with the above conditions.
2. The Permit Holder is responsible for all protective measures to ensure the safety of the works and the public.
3. Any/All damage to Council's assets as a result of these works will be reinstated to Council's satisfaction at the full cost of the this permit holder.
4. All fees are non-refundable.
5. This permit must be kept onsite and presented to Councils Authorised Officer or any other such authorised officer at their request.
6. Construction hours of work: Monday – Fridays 7:00am – 6:00pm, Saturdays 9:00am – 3:00pm. No works on Sundays or Public Holidays, unless otherwise specified or an Out of Hours Permit has been approved.
7. Machinery or equipment associated with the works must not be stored on Council land, including footpath, nature strip, and road or parking bay outside the hours specified.
8. Port Phillip City Council does not accept any responsibility for accidents, damage or injury to property, participants or third parties that may arise out of this event.

9. Port Phillip City Council reserves the right to amend or revoke the above at any time.
10. Legal point of discharge – Must be in accordance with the agreed drainage plan.
11. There must be public liability insurance for the type of work proposed with an indemnity of not less than Ten Million Dollars, (\$10,000,000.00), including full indemnity for Port Phillip City 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.
12. All fees are non-refundable.
13. If for some reason the works cannot be undertaken on the day of approval or you wish to delay the works, you must contact the City of Port Phillip Councils' Development Permits Department on that day to advise, otherwise a new permit must be applied for if the work is rescheduled.

STANDARD ROAD OPENING ENGINEERING CONDITIONS

PRIOR TO COMMENCEMENT

A Traffic Management Plan shall be prepared in accordance with the Road Management Act 2004 – Work Site Safety – Traffic Management – Code of Practice, and submitted to Council for approval at least two weeks prior to work commencing. When reinstatement works are within Vic Roads controlled Main road reserves, The Applicant shall also apply for approval for the Traffic Management Plan from Vic Roads. A copy of the Traffic Management Plan approved by VicRoads must be provided to the City Permits unit of Council.

Please ensure at least one weeks' notice is provided to properties adjacent to the works. Any concern from traders or residents arising out of the reinstatement works shall be resolved by the Applicant. A copy of the Notification letter to residents and owners must be provided to the City Permits unit of Council.

In accordance with s11 clause 1,2, of the Road Management Act Code of Practice (Management of Road and Utility Infrastructure in Road Reserves), The Applicant shall carry out a joint inspection with Council's Road Maintenance Contractor, Fulton Hogan. This will enable the extent of reinstatement work to be determined and agreed. This meeting can be arranged by contacting the Technical Liaison Officer.

If the removal of any bluestone is necessary to perform the works the Applicant must contact Council's Technical Liaison Officer who will arrange for an officer, to provide advice on the removal, storage and reinstatement of the bluestone.

The Applicant must apply to Council for a Street Occupation permit to utilise parking areas for construction:

- The Applicant shall provide Council, for its approval, a copy of their Contractor and Subcontractors':
- Quality and Safety Certification to Australian National Standards.
- Project Management Plan

- Job Safety and Environmental Assessments (JSEA's)
- Risk Management and Site Safety Plan.
- And, in accordance with the Road Management Act, Codes of Practice and Regulations, The Occupational Health and Safety Act 2004 and Council's Road Management Plan, The Applicant shall provide a statement or evidence indicating:
 - who will be working on site, (sub-contractors and their contact details),
 - Sub-contractors' relevant training and evidence or copies of their JSEA's and their Red – Card OHS, Traffic Management Certificates and Spotters Certification.
 - The Council reserves the right to reject any subcontractor who has a record of not complying with the requirements of legislation, and or has a record of poor quality and performance.

DURING CONSTRUCTION

Traffic

Works affecting through traffic will be carried out between 9.30am and 4.00pm weekdays. Compliance with existing clearway, No Standing and other Road Safety Regulations are required.

A minimum of 6 metres of trafficable width must be available to traffic at all times unless approved by the Council Traffic & Parking Design unit. Approval for all traffic control measures must be obtained from the Traffic Engineer prior to commencing any works on an arterial road.

Construction vehicles must be parked where they do not obstruct traffic on the through carriageway.

The Applicant will be responsible for erecting and maintaining sufficient warning signs, lights and barriers in accordance with the Road Management Act 2004 – Work Site Safety Traffic Management.

Trenches that may be hazardous to either pedestrian or vehicular traffic will be adequately backfilled or covered in accordance with relevant legislation and codes of practice.

Works Execution

The execution of all works within the road reserve with respect to this consent is to be in accordance with the Road Management Act. Should Council officers audit the works and find that works are being conducted in contravention of the conditions of consent or the Road Management Act or respective Codes of Practice, Council will immediately suspend the consent. Operations will cease and the dispute resolution clause implemented as per Part 6 s62 Code of Practice. If a dispute relates to an opening that has not been permanently sealed within 28 days of the temporary reinstatement being completed, and/or poses a safety risk to the public, Council reserves the right to repair the area at the expense of the Applicant.

Flexible Pavements

Specification for reinstatement of flexible pavements:

The Bituminous surface at the edges of the trench is to be cut with a circular saw.

The trench must be back-filled to within 500mm of the surface, with 20mm nominal size class 3 crushed Rock (Vic Roads Standard Specification for Roadwork's Section 812), placed in 150mm(loose) layers and properly compacted by mechanical tamping equipment to 100% Standard Compaction (test E1.1, AS1289-1977). Compaction Lot Testing shall be in accordance with Vic Roads Specification 703, which includes 3 tests per lot. Each Lot being tested following the compaction of the 150mm (loose) layer.

The trench between 0.5 metres of the surface with 20mm nominal size Class 2 crushed rock (Vic Roads Standard Specification for Roadwork's Section 812), placed and compacted as (ii) above.

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

The full width of the footpath must be reinstated, for footpath surfaces, which are less than three years old. When a footpath is 2 metres or less in width, the full width of the footpath must be reinstated to preserve the integrity of the footpath. Where only part of a concrete footpath/crossover panel has been damaged, reinstatement must include the removal and reinstatement of the whole panel. It is preferred that the works be carried out by underground boring to minimise the disruption to Council assets.

Where the permit holder or utility service authority/contractors 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.

The Permanent Asphalt layer on Roads and Footpaths will consist of the following:

- Road Light Duty Local Road – 75mm depth 10N Mix Design – Standard Vic Road Specification – compaction in 2 layers.
- Road – Deep Lift – depth to match existing wearing surface depth - 10N Mix design laid in 50mm incremental layers
- Footpath standard – 30mm depth 7L Mix Design
- Footpath Commercial – 40mm depth Latte Mix – (Latte Mix shall be used on all areas within shopping precincts)
- Specification for Latte Mix is available at Council's offices.
- Where the existing wearing surface is less than 75mm depth, a minimum depth of 75mm compacted asphalt reinstatement shall be achieved.
- Timber plinthing shall be installed around tree squares and at Nature strip edges and Property Boundary lines.

Rigid Pavements

Specification for Rigid Pavement:

All rigid pavement surfaces will to be cut with a circular saw.

Concrete Crossovers

Reinstatement of concrete crossovers shall be constructed in accordance with Council's Standard Drawing.

A concrete vehicle crossover area affected by works will be reinstated in full sections within the surrounding joints or otherwise directed by council's technical liaison officer.

Concrete crossovers to be reinstated to match existing thickness or reinstated to a minimum 150mm. Y16 dowel bars 400mm lengths to be inserted 200mm into existing concrete surface and spaced 300mm apart.

F72 mesh to be used and sat on approved bar chairs.

Concrete Footpaths

Concrete footpath areas affected by works will be reinstated in full sections within the surrounding joints or otherwise directed by council's technical liaison officer.

F72 mesh to be used and sat on approved bar chairs.

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

Bluestone Pitcher/Kerb

Bluestone pitcher and kerb must be reinstated on a bedding of 75mm 15mpa concrete and grouted with coloured mortar. The level of the pitcher/kerb must match the existing.

Street Furniture

The Technical Liaison Officer will determine the temporary position for relocation of street furniture. Street furniture will require securing into place whilst in the temporary location. The Technical Liaison Officer will direct the reinstatement of street furniture.

Temporary Reinstatements

Council's preferred contractor is Fulton Hogan to complete permanent reinstatement of the bituminous surface. Instructions for temporary reinstatement of works within bluestone, concrete or brick paved roads, are to be obtained from Council's Technical Liaison Officer.

All temporary road and footpath reinstatements will be finished with cold-mix (premix asphalt), unless permanent hot-mix asphalt reinstatement is being completed immediately following the compaction of the pavement surface.

Backfilling under Footpaths

Backfilling under asphalt footpaths must be in accordance with clause 7(ii) and 7(iii) to 30mm below the surface level. The surface must be left smooth, free of loose material and without sudden changes of grade. A temporary bituminous surface is required consisting of 30mm minimum depth fine grade pre-mix (cold-mix).

Nature Strips

All nature strips must be reinstated. Backfilling of nature strips or other paved areas 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 grass seeded. Nature strip reinstatements must ensure that the surface is even and a minimum of 85% weed free. The area must be top dressed to level and re-seeded with a seed mix. The area must be kept moist until germination has established.

Other Utilities/Departments

If the proposed road opening or any other work interferes with any services, overhead cables or other assets, the relevant departments or services authorities must be consulted. Approval from these departments or services authorities must be obtained if these services or assets are to be relocated or removed.

Excavated Material

Surplus excavated material must be removed from the road reserve daily and the area left in a clean and tidy condition.

Irrigation

If agricultural drains or irrigation pipes are encountered during excavation the Applicant must carefully replace the pipes to their original position before backfilling.

Clearances Drainage/ trees

A minimum lateral clearance of 500mm and vertical clearance of 300mm must be maintained from the existing stormwater assets. The minimum lateral clearance from a tree is 2 metres. If the minimum lateral clearance from a tree cannot be achieved, the consent of the Council's Technical Liaison Officer must be obtained.

Existing Crossovers

Any piping or cabling work under the existing vehicle crossover must be carried out by boring, unless a specific written approval from Council has been issued. All road

pavement, footpaths and kerb and channel should be saw-cut prior to opening. Existing surface levels are to be maintained and tops of all service pits are to be placed at surface level.

Kerb and Channel

If required, the existing kerb and channel should be removed and reset to satisfy the existing conditions.

Damage to Council Assets

Reinstatement works that damage council assets shall be replaced by the Applicant in accordance with s48 cl 2 in the Road Management Act Code of Practice – Management of Road and Utility Infrastructure in Road Reserves. Fulton Hogan will be used by Council to repair any damages at reasonable costs. All Bluestone paved roads; right-of-way and laneway should be reinstated to their original condition.

AFTER CONSTRUCTION

Surplus excavated material must be removed from the road reserve and the areas left in a clean and tidy condition.

Within 7 days of completion of the works, Council's Technical Officer must be contacted to arrange for a joint final inspection.

At the end of the Defects Liability Period (12 months from the date of completion) a joint handover inspection is required with the Applicants representative. This must be arranged through the Council's Technical Liaison Officer. The Applicant will have seven days to rectify any defects found following the inspection. If the works are not completed within the required time and to the Council standards, the Council will arrange for repair of the reinstatement and forward all costs associated borne by the Applicant.

Part 14 – Audible Intruder Alarms – Operating Guidelines

- (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.
- (2) Despite Guideline (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.

PART 15 - DESIGNATED AREAS

The following areas are *designated* for the respective purposes of the *Local Law No.1 (Community Amenity)*. Details of designated areas will be made available on the City of Port Phillip website from time to time.

15.1 Busking Areas

Busking is permitted in the following areas:

- (1) Local shopping centres
- (2) ***O'Donnell Gardens***
- (3) Upper Esplanade

15.2 Fund Raising Activities and Street Stalls

- (1) Footpaths
 - ***Acland Street, St Kilda***
 - ***Bay Street, Port Melbourne***
 - ***Bridport Street, Albert Park***
 - ***Carlisle Street, Balaclava***
 - ***Clarendon Street, South Melbourne***
 - Liardet Street, Port Melbourne
- (2) Reserves
 - O'Donnell Gardens
- (3) Promotional Activities
 - No areas are currently designated

15.3 Alcohol Designated Areas

- (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.

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L.L.C.A.**

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 2016 within the whole of the St Kilda Botanical Gardens between the hours of 5:00pm and 8:00pm. **AMENDED 28 OCTOBER 2015**
 - (f) Australia Day 26 January 2016 within the whole of the municipality between the hours of 5:00pm and 8:00pm. **AMENDED 8 JANUARY 2016**
- (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

15.4 Watercraft

- (a) Personal Watercraft:

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

- (b) Sailboards or Kite Surfing:

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L.L.C.A.**

any area signposted for the purpose.

15.5 Trading Sites

- (a) Dandenong Road adjacent to Alma Park - Florist
- (b) Elwood Foreshore - Food Van
- (c) Point Ormond Foreshore - Food Van

**CLAUSE 47
L.L.C.A.**

15.6 Commercial Waste Collection Designated Areas

Collection of waste materials is prohibited under clause 33 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

15.7 Advertising Signs

(1) Community Advertising Signs

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

- (a) St Kilda Junction;
- (b) Canterbury Road/Fitzroy Street/Grey Street;
- (c) Beaconsfield Parade/Fitzroy Street/ Jacka Boulevard;
- (d) Beaconsfield Parade/Kerferd Road;
- (e) Ferrars Street/Kerferd Road/Canterbury Road/Albert Road.

(2) Mobile Billboards

(a) 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.

- (b) 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.

PART 16 – ENFORCEMENT

16.1 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 investigation cover a wide range of issues and the outcomes can vary considerably.

16.2 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.

16.3 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

	Community Group	‘Small’ Commercial Operator	‘Major’ Corporate Operator
First offence	Issue Notice to Comply - for removal within 7 days	Issue Notice to Comply - for removal within 7 days	Issue Infringement Notice and Issue Notice to Comply - for removal within 7 days
Non compliance after first offence and Notice to Comply	Issue Infringement Notice	Issue Infringement Notice to those identified within the local law.	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).
Second or subsequent Offence	Issue Notice to Comply - for removal within 3 days.	Issue Infringement Notice to those identified within the local law and Notice to Comply	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).

		within 24 hours.	
Non compliance after second offence and Notice to Comply	Issue Infringement Notice	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).

Part 17 – APPROVED FORMS

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

**NOTICE OF IMPOUNDMENT
CLAUSE 79**

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:

between the hours of _____ by contacting (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.

_____ Phone No:
(name of authorised officer)

Date:
(signature)

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

**APPLICATION FOR PERMIT
CLAUSE 63**

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

1. Name of applicant
2. Address of applicant
3. Contact phone number for applicant during business hours
4. Type of permit sought
5. Description of use or activity
6. Where required, evidence of owner's consent, if applicant is not the owner
7. Where required, evidence of other necessary permits or consents required by the *Local Law No.1 (Community Amenity)*
8. Where required evidence of current liability insurance cover
9. Any other information required by the *Local Law No.1 (Community Amenity)*
10. Any other information required by the Council.

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

**PORT PHILLIP CITY COUNCIL
LOCAL LAW NO.1 (COMMUNITY AMENITY)
NOTICE TO COMPLY
CLAUSE 76**

To:.....
(name)

.....
(address)

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

Breach:.....

Work to be carried out:

.....
.....
.....
.....
.....
.....

You should contact.....(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.

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

**BUILDING SITE MANAGEMENT RECORD
CLAUSE 31**

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Stormwater Management	stormwater not ponding or causing a nuisance sediment not polluting stormwater or entering the sewer	daily during heavy rainfall				
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 after excavations				
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 weekly				

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Stockpiles and batters	stockpiles are not placed on roads (unless a permit under the Local Law No.1 (Community Amenity) has been obtained)	weekly				
Noise Control	<p>operating hours prescribed in the Local Law No.1 (Community Amenity) are complied with</p> <p>deliveries to the site are limited to normal working hours</p> <p>equipment with the lowest possible noise rating and best practice silencing technology is used wherever possible</p>	<p>daily</p> <p>daily</p> <p>at beginning of project and during pile driving</p>				
Waste Management	<p>litter from building sites is properly stored in container(s) on the building site</p> <p>proper sanitary facilities are provided and maintained on site</p> <p>a dedicated chemical storage area is provided and chemicals properly stored</p> <p>recycling containers are provided recyclable materials are not sent to landfill</p>	<p>daily</p> <p>daily</p> <p>daily</p> <p>daily</p>				

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Contaminated soil	<p>the site is tested for contaminated soil and evidence of old fill material or previous industrial use is obtained prior to the works commencing</p> <p>EPA Guidelines on the management of contaminated soils are followed</p>	prior to works commencing				
Outside the Site	<p>litter is not hosed into drains</p> <p>dust from the site is minimised</p> <p>roads and gutters around the site are inspected daily and cleaned</p> <p>all equipment and materials used in association with the building work is being stored on the building site (unless a permit under the <i>Local Law No.1 (Community Amenity)</i> has been obtained)</p>	<p>daily</p> <p>daily</p> <p>daily</p> <p>daily</p>				