

# Footpath Trading Panel Fact Sheet



## What is the purpose of the Footpath Trading Panel?

The Panel is to consider:

- applications that either:-
  - a) do not meet the Footpath Trading Guidelines, or the Mobile Food Vehicle Guidelines, but the officer recommends support, or
  - b) the permit applicant seeks a review of the council officer's decision.
- appropriate responses to any issues in relation to serious or ongoing breaches of permit conditions, and
- matters as appropriate to assist the objectives and implementation of the Guidelines within the City.

## How do I request a review of my decision?

An email or written request must be received within 28 days of the date of the decision letter. You are then provided with an invitation to attend a Panel meeting.

## Timeframes for Attending Panel Hearings

- Invitations are sent out 4 weeks before the Panel date.
- Any new information you wish to present to the Panel must be received 2 weeks before the Panel date.

## What happens to my application status whilst I await my request for review?

- New Permit Requests: You must not use Council land until a permit has been granted.
- Existing Permit: You must only trade with your approved permit. Any variations requested by the Panel must not be implemented until the Panel has provided its formal recommendation and the permit amended if required.

If you are in any doubt about the status of your permit please contact the Footpath Trading unit.

## Things to consider before requesting a review of your decision

- The Footpath Trading Guidelines (2017) were carefully considered prior to their adoption by Council to ensure that public safety and accessibility for all are Council's highest priorities.
- Make sure you have read how the Guidelines relate to your situation and understand how the officer has come to their decision.
- Make sure you have thoroughly considered all alternative options available to you. For instance, if the location of public infrastructure such as a bicycle hoop or bench is a key issue, make sure you have investigated any alternative locations which Council could support before seeking a review of the decision.

- Avoid referencing other footpath trading zones or mobile food vehicle sites as examples, as each site will have different circumstances.
- Be prepared to put together information that is clear, concise and accurate. If you choose to submit your own plans, make sure these accurately reflect the dimensions of the footpath area, including the building length, footpath width, location of infrastructure such as bicycle hoops, litter bins, tree pits etc. Plans must also be fully dimensioned and scaled at either 1:100, or 1:200.
- Be flexible. There may be alternatives to your original proposal and the officers decision that you would like to put forward. Remember that any new information you wish to present to the Panel must be received 2 weeks before the Panel date.
- Council considers each application on its own merits and aims to be consistent in its implementation of the Guidelines with traders.

### Who is on the Footpath Trading Panel?

The Panel is made up of three available senior Council officers:



**George Borg**  
Manager City Development



**Scott Parkinson**  
Coordinator Statutory Planning



**Richard Schuster**  
Coordinator Statutory Planning



**Doug Martin**  
Coordinator Health Services



**Donna D'Alessandro**  
Manager Safety & Amenity

Officers may attend to provide technical advice:



**Marc Jay**  
Coordinator City Permits



**Shona Sekene**  
Footpath Trading Administrator



### **What should I do to prepare myself for the Panel?**

If you wish to present to the Panel any documents, photographs or plans, these must be submitted before the meeting. You will be formally advised of the date to provide these documents by, so all Panel members have a chance to review and prepare for the Panel meeting as they may have questions to ask of you.

Think about what you want to say in support of your proposal. Try to keep your presentation to a maximum of 10 minutes.

### **Can I bring anyone else to the Panel with me?**

The Panel meeting will be informal; however you may wish to bring someone to represent you or just for moral support.

### **What if I cannot make the Panel meeting?**

The Panel meets regularly, so alternative dates can be offered to you if you cannot attend the first date offered. If you are unable to attend any of the dates offered, or if you prefer just to provide the Panel with a submission in supporting your proposal, the Panel can still undertake your requested review without you present.

### **When will I know what the Panel has decided?**

The Panel does not make a decision straight away. A recommendation will be provided to the officer who will advise you of the outcome. Notification may take up to 2 weeks.

### **Is the appeal to the Panel final?**

The recommendation of the Panel is the final step in Councils process in considering the occupation of Council land. There is no appeal available to VCAT against a decision made pursuant to a Local Law. A dissatisfied person may seek a Judicial Review in the Supreme Court.

---

If you would like to discuss the operation of the Footpath Trading Panel further, please contact Footpath Trading:-

E-mail: [footpathtrading@portphillip.vic.gov.au](mailto:footpathtrading@portphillip.vic.gov.au)

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

Web: [www.portphillip.vic.gov.au/footpath-trading.htm](http://www.portphillip.vic.gov.au/footpath-trading.htm)

Mail: City of Port Phillip, City Permits, Private Bag No. 3 ST KILDA VIC 3182

Updated: 20 December 2019

