

Temporary Outdoor Cooking Station Trial Permit Conditions



The permit holder must operate in accordance with the City of Port Phillip Local Law No 1 Community Amenity (2017), Itinerant Trading and is subject to the following conditions:

General

1. The layout and use of the endorsed plan must not be altered without the written consent of the Council.
2. Council reserves the right to revoke the itinerant trading permit should there be a breach of the City of Port Phillip Local Law No. 1 (Community Amenity) September 2013 (amended November 2017) or Council's Footpath Trading Guidelines or the permit.
3. The occupation of the footpath for the purposes of an outdoor cooking station must have a limited impact on the amenity and streetscape in accordance with Local Law No. 1.
4. Any clearances required from public seating, litter bins and any other infrastructure must be maintained in accordance with the endorsed plan.
5. The outdoor cooking station structure and any associated items must be removed daily from the footpath/land in accordance with the hours of operation on this permit.
6. The outdoor cooking stations must be maintained in a safe condition, be of sturdy construction to ensure public safety and not damage the footpath or other public infrastructure.
7. Council reserves the right to reclaim access to the land at any time for maintenance purposes. Should any fittings fixed to the footpath need to be removed temporarily due to the nature of the maintenance, Council will reinstate them accordingly and to the best of its abilities. Costs associated with the removal and reinstatement will be at the expense of the permit holder.
8. Council and other service authorities reserve the right to access all underground services within the footpath area at any time, without notice to the permit holder.
9. No compensation will be payable for the loss of trade experienced due to works undertaken in accordance with conditions 7 & 8.

Major events

10. During major events, the outdoor cooking station permit will not be valid within festival precinct zones.

Patron management

11. The Permit holder must ensure that the pedestrian zone is always kept clear of patrons and any footpath objects / items unless approved otherwise.
12. The operation of the outdoor cooking station must abide by any Patron Management Plan submitted.
13. Patrons queuing, ordering, and waiting must be contained within the area designated in the endorsed plan.

Waste management

14. The operation of the outdoor cooking station must abide by any Waste management plan submitted.
15. Litter generated from the outdoor cooking station must not be swept into the street gutter or adjacent areas and must be deposited within the operator's own bins.

Noise

16. External public address systems or sound amplification equipment must not be used outside the premises.

Risk management

17. \$20M public / products liability insurance must remain current and valid for the life of the permit. A copy must be forwarded to Council.
18. The permit holder indemnifies and releases the Council from all liability arising from the use of the outdoor cooking station, including any claims made by any person for injury, loss or damage arising in any matter including but not limited to negligence resulting from any gas cylinders belonging to the business and placed on council land.
19. The permit holder must inform Council immediately of any injury to any person, damage to Council's assets, as well as any other condition or situation that creates a hazard to the public in relation to the operation of the outdoor cooking station.
20. The temporary structure must be firmly secured in windy conditions and be removed to a safe location when the wind exceeds reasonable tolerance levels.
21. The permit-holder must ensure any power cables crossing the footpath eliminate tripping hazards with the use of cable covers.
22. The Permit Holder must install an appropriate and fully charged portable fire extinguisher / fire blanket and be able to demonstrate that they are capable of using either / both in the event of an emergency
23. The footpath area is occupied and used by the permit holder at their own risk.

Non-compliance

24. A breach of any of the conditions of this permit may result in enforcement action being taken against the permit holder and/or the organisation responsible for the permit. This action may include the issuing of a Notice to Comply, fines, cancellation of this permit and/or impounding of items on the footpath.
25. Any enforcement action that is required in relation to this permit may affect future applications for trading.

Gas Cylinders and appliances

26. All gas cylinders and appliances must be certified and display their approval badge as proof of certification.
27. All staff that use gas bottles must be trained in the safe use, handling and storage of gas appliances and cylinders in accordance with Energy Safe Victoria / Worksafe guidelines.
28. Gas cylinders must be stored in an external and secure location.

Health

29. The preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements of the Food Act 1984 and Councils Health Services Unit.