

APPLICATION FOR FOOTPATH TRADING PERMIT

Community Local Law No. 1 of 2015

Part 6, Section 61 – Using Footpaths for Commercial Activities

APPLICANT/BUSINESS DETAILS	
Applicant Name	
Business Name	
Business Address	
Phone	
Email	
Trading Hours	

Type of Permit: (please tick all relevant)

Permit Type	Quantity
<input type="checkbox"/> Advertising Sign	Number of Signs
<input type="checkbox"/> Display of Goods	Number of Displays
<input type="checkbox"/> Outdoor Eating	Number of Tables

Outdoor Eating Permit – Additional Requirements					
<input type="checkbox"/>	Portable Screens	<input type="checkbox"/>	Umbrellas	<input type="checkbox"/>	Gas Heaters
YES/NO	Will alcohol be served?				
If YES	Liquor Licence Number: _____ or Reason for Exemption Under the Liquor Licence Act:				

Application Checklist (have you attached?)

1. Copy of current Public Liability Insurance (listing SGSC as an interested party)?
2. Permit fee (as per current fee structure)? – *Fee waived for 2020/2021*
3. Site plan (see example template and definitions on p4 of this form)?
4. Pictures, diagrams or details of items to be placed on footpath?

Applicant Declaration

I declare that the information provided by me in this application is true and correct. I agree to abide by all terms and conditions specified in the permit.

Signature: _____

Date: _____

Completed application form (Page 1 and 2) and attachments can be returned to:

In Person: 111 Brown Street HAMILTON

By Email: locallaws@sthgrampians.vic.gov.au

By Post: Locked Bag 685 HAMILTON VIC 3300



Business Centre:
Brown Street, Hamilton 3300
Telephone: (03) 5573 0444
Facsimile: (03) 5572 2910
TTY: (03) 5573 0458

Address all correspondence to:
Locked Bag 685, Hamilton, Vic, 3300
council@sthgrampians.vic.gov.au
www.sthgrampians.vic.gov.au

Site Plan can be drawn or copied here

INFORMATION CONCERNING APPLICATIONS

Using Footpaths for Commercial Activities

Advertising Signs | Outdoor Eating | Display of Goods

A Certificate of Currency from your insurance company is to be provided.

- (i) A permit shall be valid only while the public liability insurance policy is current.
- (ii) Failure to comply with the conditions of this application may result in the Permit being revoked.
- (iii) At the time of an application for a permit or renewal of a permit, evidence must be produced of the currency of a public liability insurance policy held by the applicant *which is suitably endorsed to indemnify the Southern Grampians Shire Council* to a minimum value of \$10 million.
- (iv) A permit will only be valid while the public liability insurance policy is current and failure to maintain current public liability insurance to the level required by the Council may result in the permit being revoked.
- (v) Failure to comply with any conditions on a permit, with a Local Law of the Council or any relevant legislation may result in the permit being revoked.

Part 6, Section 61 - Using Footpaths for Commercial Activities

- (1) A person must not, without a permit, use a footpath for commercial activities for:
 - (a) outdoor eating;
 - (b) displaying goods for sale;
 - (c) movable advertising signs that are not of a size or type where a permit is required under the Planning Scheme; and
 - (d) Street furniture.
- (2) In addition to complying with any conditions of a permit, a person using a footpath for commercial activities must comply with any requirements in the Policies Manual.
- (3) In addition to complying with any conditions of a permit, a person using a footpath for commercial activities must comply with any Code of Practice, Standard or Policy relating to people with a disability.
- (4) No equipment (fixed or temporary) may be placed on the Walkway Section of the footpath. The Walkway Section extends 1.5m from the property line toward the curb.
- (5) No equipment (fixed or temporary) may be located on the Kerb Section of the footpath. The first 0.70 metres of the footpath from the face of the kerb (gutter) must be kept clear.
- (6) No equipment (fixed or temporary) may be placed on Access Points of the footpath.
- (7) A maximum of two advertising boards may be approved for each business.
- (8) Wind breaks and dividers (barrier screens) must be associated with the use of the footpath for an outdoor eating facility, may be no more than 900mm high, and may only be placed in the Article Section.
- (9) All equipment must be removed after trading hours. No permanent furniture will be considered.
- (10) All equipment must be appropriately restrained so that it cannot move easily in the wind.
- (11) Clear and regular access from the footpath to the road must be provided;
- (12) Clear access to all parking head clearance of 2.5 metres above the footpath must be maintained.
- (13) In considering whether to grant a permit for using a footpath for commercial activities, Council must take into account:
 - (a) Whether or not the equipment makes a positive contribution to the amenity of the street;
 - (b) Whether or not the equipment is stable and safe to pedestrians and diners;
 - (c) Whether or not the equipment has rubber/plastic stops on the legs to stop slippage and to prevent damage to the footpath;

- (d) Whether chairs are individual seats only or bench seats (individual seats are preferred) and the number of legs a chair has;
- (e) Whether or not the equipment has legs that form a central column (legs that form a central column are preferred);
- (f) Whether or not the equipment has oscillating or moving parts;
- (g) Whether or not a-frames have other notices, signs or objects attached.

Penalty: 10 Penalty Units

DEFINITIONS

For the purposes of the Community Local Law and the relevant Policy, a footpath is divided into three zones:

Pedestrian Zone

The purpose of the Pedestrian Zone is to ensure that there is safe and clear access on the footpath and to premises abutting the footpath for all users of the footpath.

There is to be a pedestrian clearway along the building line having a minimum width of 1.6 metres and 2 metres high to allow for a “continuous accessible path of travel”. No items of furniture including signs, planters, raised door mats and umbrellas are permitted in this zone.

Trading Zone

The purpose of the Trading Zone is to provide a designated area on the footpath where traders can use the space as an outdoor eating facility, display goods for sale or place advertising signs.

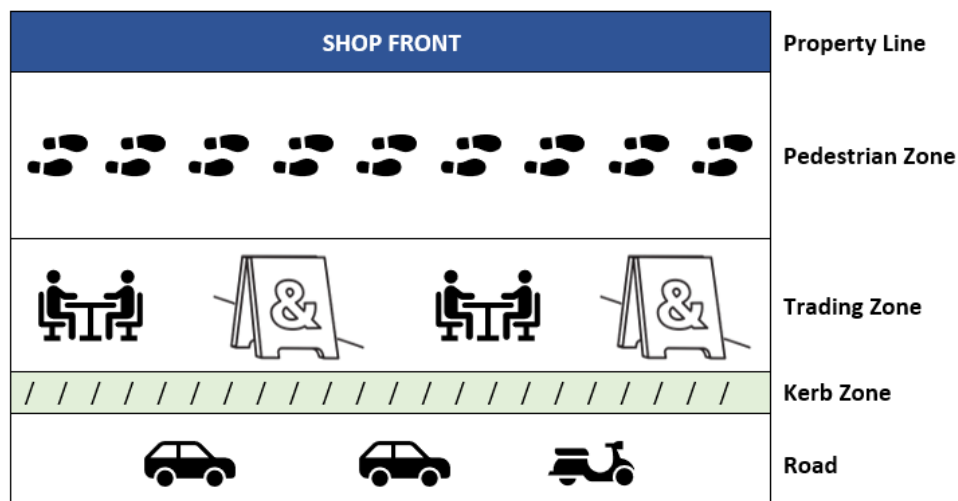
The Trading Zone is the available space between the Pedestrian Zone and the Kerb Zone. The width remaining for the purposes of the Trading Zone after the Pedestrian Zone and Kerb Zone have been taken into consideration will vary depending on width of footpath. All permitted street furniture must be retained in this zone. Street furniture is not to occupy a length of more than 50% of shop frontage to allow access from the Kerb Zone to the Pedestrian Zone.

Kerb Zone

The Kerb Zone is intended as a space the area between the gutter and the Trading Zone to allow safe and reasonable access for pedestrians from their vehicles and the road.

The following are the desirable minimum distances:

- 0.7m when adjacent to parallel parking
- 1.0m is required adjacent to loading zones
- 0.7m is required adjacent “No Standing Anytime” zones
- 1.0m adjacent to angle parking
- 1.0m adjacent to an accessible permit parking space.



PERMIT CONDITIONS - GENERAL

Where a permit is granted under the Community Local Law to use the footpath any of the following requirements may be included as conditions on the permit granted.

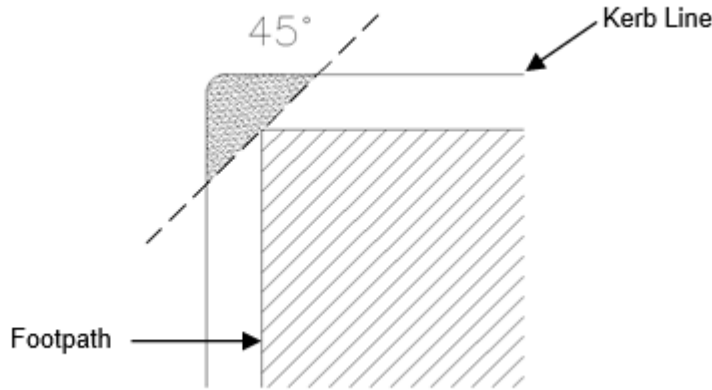
1. Street furniture other than that approved under this policy must be removed or they may be impounded.
2. The size of street furniture to be used, including the size of goods will be determined by Council.
3. The suitability of street furniture will be determined by Council.
4. Street furniture must be placed in the position designated in the Trading Zone in accordance with the permit.
5. Approval will be reviewed at regular intervals and any breach of conditions could result in the revocation of the permit.
6. Street furniture will only be permitted outside the commercial premises of the applicant unless otherwise determined by Council.
7. Evidence of the currency of a Permit must be displayed in a set location on the shop front window adjacent to entrance.
8. A Permit is not transferable on the sale of a business.
9. All street furniture must be removed at the close of each day's business.
10. Street furniture must not be located where it would obstruct the visibility of traffic at an intersection. (refer to Figure A)
11. Street furniture approved for display must not be placed in any position that would obstruct the emergency vehicle route.
12. At the time of an application for a permit or renewal of a permit, evidence must be produced of the currency of a public liability insurance policy, suitably endorsed to indemnify the Southern Grampians Shire Council held by the applicant to a minimum value of \$10M.
13. A permit will only be valid while the public liability insurance policy is current and failure to maintain current public liability insurance to the level required by the Council may result in the permit being revoked.
14. Failure to comply with any conditions on a permit, with a Local Law of the Council or any relevant legislation may result in the permit being revoked.

PERMIT CONDITIONS – OUTDOOR EATING FACILITIES

The following requirements may be included as conditions on any permit granted for outdoor eating facilities on the footpath:

1. All street furniture (including umbrellas and portable heaters) must have a minimum clearance height of 2 metres and must not obstruct traffic visibility. (refer to Figure A)
2. The facility must be conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food business
3. Food premises must be registered in accordance with the Food Act 1984
4. If alcohol is consumed at an outdoor eating facility it must have a current licence issued in accordance with the Liquor Control Reform Act 1998.

Figure A – Visibility at Corners



- No item of street furniture over 1m high is to be placed on a street corner as indicated by the shaded area
- Table and chairs of a type approved by Council may be placed in shaded area in accordance with Council Policy
- Street furniture for the display of goods, of a type approved by Council, must not be placed in the shaded area. These items may be placed, in accordance with Council Policy, in the trading zone of the remaining footpath abutting the business premises.

FEE STRUCTURE 2020/2021

Permit Type	Quantity	Application Fee
Advertising Sign	Single	\$100
Advertising Sign	Multiple Signs	\$150
Display of Goods	Single Display	\$84
Display of Goods	Multiple Displays	\$150
Outdoor Eating	First Table	\$84
Outdoor Eating	Each Additional Table	\$35