

Application for a Permit to place Goods, including Umbrellas and/or Barriers on a Footpath

Applicant name:

Postal address:

Business name:

Business address:

Telephone number:

Description of item: _____

Please attach a diagram showing the property line, footpath, nature strip, road and dimensions of the tables and chairs you wish to place on the footpath. Please indicate the intended position of them, showing the distance from the front of your premises.

Please note that permits will not be approved unless a certificate of currency is provided showing current public liability insurance of \$10 million or greater.

Signature of applicant: _____

Date: _____

Name of property owner: _____

Signature of property owner: _____ **Date:** _____

Address of property owner: _____

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Please note: In ground umbrella holders require a Works and Road Opening permit from Council's Infrastructure development Unit. A permit to erect umbrellas within in ground umbrella holders will be subject to an approved inspection from Council's Infrastructure Development Unit.

Fee \$204

Date paid: _____

Receipt: _____

The personal information request on this form is being collected by Council for the purpose of evaluating a Local Law Permit application. This information will be used solely by Council for that primary or directly related purposes. The applicant understands that the personal information provided is for the purpose of evaluating a Local Law Permit application and that they may apply to Council for access and/or amendment of the information.

Revised 1 July 2020

**COMMUNITY
SAFETY**



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The Green Wedge Shire

Indemnity Document

I/We the applicant:

“The applicant agrees to take out and keep current during the permit period public liability insurance for a minimum of ten million dollars and further agrees to indemnify and to keep indemnified Council against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made against Council arising out of in relation to the permit.”

Signature: _____ **Date:** _____

Print name:

On behalf of:

In the presence of:

Name and address of witness:

Permit Application Diagram

This diagram forms part of your Permit Application and **must** be completed. On this form provide a detailed plan of the shop front area indicating the exact placement of the item/s including distances from the property line and kerb. The dimensions of the item/s must also be shown.

Kerbside Area (0.5m) This area must be kept clear
<h1>Draw Diagram Here</h1>
Walkway Area (1.8m) This area must be kept clear
Property Line

19. Trading activities

- a) Without a permit a person must not in a public place:
- i) display or sell any goods or services; or
 - ii) place out any furniture and/or equipment for the purposes of outdoor eating by customers.
- b) The Council may exempt persons from the requirement to obtain a permit where specified criteria are met.

Trading activities

Local Law Clause No 19

Purposes of the Clause

To regulate the use of public places for displaying goods for sale and outdoor eating by requiring that a permit be obtained.

Applies to

Persons wishing to display goods for sale and to provide outdoor eating.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All public places.

Who requires a permit?

Any person wishing to place goods for sale or outdoor eating facilities in a public place.

Exemptions

Council exemptions. See criteria on the follow page.

Applying for a permit

A completed permit application form should be submitted 28 days prior to the period applied for. A Planning Permit application may also be required.

Exemption criteria

No exemptions

Permits are available for placing goods for sale or eating facilities in a public place. When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the effect on the quiet enjoyment of other users of the public place
- whether AS1428.2 – 1992 „Design for access and mobility“ or other disability standards can be complied with
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Display of goods:

- Displays on footpaths must be placed on the outer edge of the footpath and be set back 500 mm from the face of the kerb
- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- The total space occupied by any display must not exceed four (4) square metres
- No display is to have any moving, rotating, illuminated or reflective components
- Times allowed will generally be restricted to daylight hours

- Only one (1) display per business premises will usually be permitted, and
- All displays must be kept to the front of the business that they promote.

Street trading:

The location of a stand or fixture is to have due regard for vehicle and pedestrian safety

- The nature and type of goods to be sold will be designated
- The capacity of roads, footpaths and parking areas may limit the extent of trading and
- The duration of the activity and the time of day may be limited.

Placement of eating facilities:

- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- Compliance with the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*
- Tables, chairs, umbrellas or moveable barriers must not unduly impair motorist or pedestrian vision
- Tables, chairs, umbrellas or barriers (whether moveable or not), or the like must not display any word, image, device or logo which advertises goods, products or services, except where a valid planning permit exists for such
- Umbrellas or awnings must allow a minimum height clearance of two metres above the footpath
- All furniture and equipment must be properly used and maintained for public safety
- All facilities must be kept in a clean and tidy condition at all times, and
- Waste and litter minimisation by the use of non-disposable food containers and eating utensils.

Insurance:

- Public liability insurance which also indemnifies the Council must be held at all times. A minimum cover of \$10 million is required.

Fees:

- Permit fees will be based on cost recovery plus a reasonable rental for the public land occupied.

Period:

- Permits are issued for a period of one year.

'TABLE & CHAIRS' PERMIT CONDITIONS

A permit to display any of the above may be granted subject to the following conditions

1. The tables and chairs shall be placed adjacent to the front of the shop, in accordance with the current Town Planning permit endorsed plans and shall not obstruct access to the shop or impede or hinder pedestrian flow;
2. The permit is issued subject to Council being indemnified and being kept indemnified against any loss or claim which may result from the tables and chairs and the permit holder shall for the life of the permit hold Public Liability insurance to the sum of \$10,000,000.00; **Please note that this permit becomes inactive if the current insurance policy expires.**
3. Only the tables and chairs nominated in the permit shall be placed on Council Land unless written authority is given by Council or an Authorised Officer of Council;
4. The tables and chairs shall immediately be removed upon the direction or request of an Authorised Officer of Council a member of the Victorian Police, Emergency Service or any Authority engaged in repair or maintenance to roads or services;
5. The permit may be suspended or amended at any time by Council or an Authorised Officer of Council, if the circumstances or conditions under which the permit was issued change;
6. The permit holder will be responsible for all losses incurred as a result of the tables and chairs being removed as a result of action under condition 5 or where a permit is amended or suspended under condition 5;
7. No item nominated in this permit shall be fixed to the pavement;
8. All facilities shall be kept in a clean and tidy condition at all times;
9. Waste and litter will be minimised by the use of non-disposable food containers and eating utensils; and
10. Any breach of the above conditions will result in the tables and chairs being impounded and a penalty of up to \$1,000 being issued.

OTHER CONDITIONS

This permit is issued in respect of «Licencee_Name» for the property situated at «Primary_Prop_Address» and is not transferable to any other Company or person without the expressed written consent by Council. This permit or a copy must be kept on site and produced upon demand by an Authorised Council Officer or Member of the Victorian Police Force.