

Outdoor Dining

Please be advised that footpath trading is **not permissible** until the application has been processed and approved and full payment of relevant fees have been received. Fines apply for trading without a permit. Retain the attached "Permit Conditions" for your records as these contain important information regarding footpath trading.

If you have any queries relating to the footpath trading application process, or if you wish to renew an existing permit, please do not hesitate to contact Council's Community Safety team on 1300 BCOAST (226 278).

Permit Application

Applicant Name:		
Name of Business:		
Postal Address:		
Business Address:		
Contact Details	Home: Mobile:	Business: Other:.
Email Address:		
Bass Coast Business and/or Tourism Association Member	Yes / No Name of Association:	

This Personal Information is held in accordance with the Information Privacy Act 2000 Principles

Required Information

- Does your shop front face directly onto a Loading Zone? Yes No
- Does your shop front face directly onto a Disabled Parking Bay? Yes No
- Does your shop front face directly onto a Pedestrian Crossing? Yes No

If you answered Yes to either of these questions please refer to attached Conditions for relevant information and ensure you have clearly marked these on your Site Plan

Shop frontage (measurement in metres)

Square metres required

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Footpath Trading – Outdoor Dining



Fees for Footpath Trading – Please note all permit fees are non-refundable (Ledger No. 92894)

Permit Application Fee	\$100.00
Outdoor Dining includes tables, chairs, screens, umbrellas and heaters	\$105.00 per square metre

Bass Coast Business and/or Tourism Association Members receive a 25% discount capped at \$500

Document Check List

Prior to lodging application, please ensure the following information is attached

- Signed Indemnity Form
- Site Plan
- Certificate of currency for public liability insurance
- Permit application fee (\$100)
- Permit Fee

In signing this application I acknowledge having received a copy of the Outdoor Dining permit conditions and agree to abide by all conditions contained therein

Signature: _____

Date ____/____/____



Indemnity Form

Applicant Name:
Name of Business:
Business Address:

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Schedule 13 – Form of Indemnity

THIS INDEMNITY is given on the day of 20..... by the above named business (hereinafter called “the indemnifier”) to the BASS COAST SHIRE COUNCIL (hereinafter called “the Council”) WHEREAS the indemnifier has applied to the Council for authority to use portion of a road or other public area within the Municipal district under the Council’s General Local Law of 2005 – No 1 of 2005.

NOW THIS INDENTURE WITNESSES that in consideration of the Council granting such authority the indemnifier INDEMNIFIES and will KEEP the Council IDEMNIFIED against all actions, liabilities, proceedings, demands, losses, damages, fees, claims, costs and expenses which may be brought or made or claimed against them, or any of them or arising out of, or in conjunction with or in consequence of the use of the said area for the purpose associated with the use of the premises as described above,

SIGNED by the Indemnifier on DATE

OR

THE COMMON SEAL OF was hereunto affixed in accordance with its Articles Association in the presence of

General Permit Conditions

1. Permit holder must provide Council with a current copy of their Public Liability Insurance detailing cover of \$10m. Public Liability must remain valid for the life of the permit
2. Permits are valid per calendar year from 1 January to 31 December or any part thereof
3. Permits must be clearly displayed on premises at all times
4. All application and permit fees are non-refundable
5. Services such as gas, power, water, fire plugs, fire hydrants and telecommunications should not be covered or obstructed by any footpath trading item at any time
6. These conditions are to be read in conjunction with Council's Local Law No 1 – Neighbourhood Amenity 2012

Outdoor Dining General Conditions

1. Outdoor Dining permit allows placement of tables, chairs and screens for the provision of serving food and drinks. Provision of alcoholic beverages is not permitted unless a separate permit for the service of alcohol has been approved
2. Outdoor dining permits will only be issued to premises which are registered with Council's Health Department and meet the requirements under relevant Acts and Codes
3. Where a business premise exceeds 12m of frontage then a break of 1.0m will be provided at appropriate point to allow access to the Accessway. Access points shall be detailed on the site plan provided by Business owner at time of application
4. No sound amplification equipment or the like, may be erected or utilised in the outdoor dining area
5. No live entertainment is permitted without the prior written permission of Council
6. Dining equipment is to be confined within the area defined on permit application site plan

Conduct of Patrons & Service Staff

1. Business Owner is responsible for the conduct of patrons in the outdoor dining area and must ensure that they do not move tables and chairs from their position and obstruct the Accessway
2. Permit holder must ensure patrons do not allow prams, pets or other personal items to obstruct the Accessway
3. Serving staff should facilitate free access by pedestrians and give pedestrians priority right of way

Use & Maintenance of Outdoor Dining Areas

1. Permit holders are responsible for maintaining the outdoor dining area. A permit may be cancelled or suspended if instances of littering, untidiness or failure to maintain the Accessway are noted
2. If smoking is permitted in the outdoor dining area, the permit holder must provide a windproof ashtray for each table
3. Business owners are responsible for cigarette butts, ash and other litter generated by their patrons in the Trading Activity zone and must ensure these are cleared away at regular intervals
4. Adequate provision of trade waste disposal must be available for disposal of waste – trade waste must not be placed in public street bins
5. Litter generated by footpath trading must not be swept into the street gutter or adjacent footpath areas. It must be picked up and deposited within the permit holder's bin. Permit holders and or serving staff found sweeping cigarette butts into the gutter may have their permit revoked and may also incur littering fines
6. The number of tables and chairs permitted within the Trading Activity zone will be dependant upon the size of Trading activity zone determined in the permit. As a guide A 2-person tables requires a minimum of 2sqm, 3 person tables requires 3sqm 4-person tables requires 4sqm
7. Items which are placed on the footpath must be stable and of a design approved by Council. Maintenance of these items is the responsibility of the permit holder
8. Tables and chairs must be solid enough to withstand wind gusts
9. Tables, chairs and screens must not damage the footpath. Permit holders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpath and/or street fixtures or furniture

Heaters, Screens and Umbrellas

1. Outdoor heaters must be licensed as part of a permit and are to be covered by the permit holders public liability insurance. Conditions recommended by the Australian Office of Gas Safety will apply to any approval to place heaters on the footpath. It is the permit holders responsibility to obtain a copy of these recommendations
2. Umbrellas must be 2.2m high at the lowest point other than the centre pole and must not protrude over the kerb
3. Umbrellas must not obstruct traffic signals and/or traffic signs
4. When it is raining, water from large umbrellas should be discharged outside the Accessway
5. Umbrellas must be secured in a manner approved by Council. Applications for approval for other than a lock in device should be clearly nominated on the permit application
6. Advertising signage on temporary windbreaks or umbrellas must comply with the Planning Scheme

7. For safety reasons, screens or screening devices may be placed where there are tables and chairs
8. Screens may vary in design but must compliment local streetscape
9. Screens must be secured in a way to prevent any risk of injury or damage to patrons, pedestrians and the footpath
10. Permanent screens must be approved by Planning and comply with the Planning Scheme
11. No advertising shall be permissible on permanent screens other than the name of the premises

Breach of Conditions

Council reserves the right to revoke footpath trading permits should there be any breach of the above conditions and/or any relevant Local Laws.

1. Upon detection of a breach an authorised Council Officer will discuss the situation with the permit holder and/or manager with a view to solving the issue
2. If appropriate action is not undertaken by the permit holder a Notice to Comply will be issued detailing the breach and outlining remedial action and timeframes to comply
3. If the breach continues, an infringement will be issued and the permit holder will be required to immediately rectify the breach by removing the advertising sign
4. If the sign is not removed then an authorised Officer may impound the sign which will only be returned to the owner upon payment of appropriate impoundment fees. At this stage the footpath trading permit will be revoked

Traders will be required to sign a form acknowledging that they understand the enforcement process and its implications prior to a permit being issued

Footpath Zones

Council aims to provide a safe environment by ensuring streets are safe and have unobstructed passage for pedestrians, in particular those who may be physically or vision impaired. By reducing the amount of goods on footpaths pedestrian congestion will be minimised and overall presentation of the area will be improved. Footpath activity must make a positive contribution to the character and amenity of the area and surrounding residential areas.

As a general rule access to other business and/or services must not be blocked and a 50cm clearance area must be maintained on either side of business premises to allow clear access for pedestrians from crossings and parked vehicles.

In order to provide a clear accessway for pedestrians, the footpath is divided into three zones. Consideration has been given to the requirements of the *Disability Discrimination Act 1992 (DDA)* and the Pedestrian Council of Australia's recommendations when determining minimum widths of zones.

Accessway:

The Accessway (or pedestrian zone) is the area of footpath that extends from the building line or shopfront of business premises and is for the exclusive use of pedestrians.

Accessways allow a clear, safe and consistent pathway which meet the needs of a range of users including parents with prams, pet owners and people of all ages and abilities.

This zone is to remain clear of any obstructions at all times and in all weather conditions. No items are permitted to be placed along the building line or shopfront of the business premises **for a minimum of 1.8m-2.0m**

No items may extend into this zone at any time including items overhead below a height of 2.2m.

Trading Activity Zone:

The Trading Activity zone is the only area where footpath trading is permissible. This area may be utilised for placing an advertising sign, display of goods for sale or for use as an outdoor dining area.

It is the area left between the Accessway and Kerbside zone and may vary from street to street, town to town depending on the width of the footpath.

Where business premises are adjacent to an intersection, the Trading Activity zone must not extend past the building line.

Kerbside Zone:

The Kerbside zone is a buffer from the kerb of **a minimum of 70cm** to ensure access to and from parked vehicles.

Where there is a Disabled Parking bay or a loading zone the setback from the kerb will be **at least 1.5m** to ensure access for disabled persons, and for delivery and/or loading of goods.

Exclusion areas: in addition to the above three zones a 50cm exclusion zone applies around items such as litter bins, bike racks, phone boxes and public seating. For outdoor dining permits this exclusion zone is 1.0m.