

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.

A Footpath Trading Service of Alcohol permit will also be issued with this permit where applicable.

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: _____ Business: _____ Mobile: _____ Other: _____
Email Address:	
Bass Coast Business and/or Tourism Association Member	Yes / No Name of Association: _____
Service of Alcohol Permit required?	Yes / No
Liquor Accord Membership (where applicable)	Name of Accord: _____

This Personal Information is held in accordance with the Privacy and Data Protection Act 2014 Principles

Footpath Trading Outdoor Dining Application



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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Fees for Footpath Trading – Please note all permit fees are non-refundable

- Application Fee \$102.30
- Outdoor Dining Permit Fee \$116.60 per square metre
includes tables, chairs, screens, umbrellas and heaters

Bass Coast Business and/or Tourism Association Members receive a 25% discount off the permit fee, capped at \$500 (excludes application fee)

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 (minimum \$10,000,000.00 cover)
- Permit application fee (\$102.30)
- Current Liquor Licence (if service of alcohol permit is required)
- Liquor Licence Red Line plan (if service of alcohol permit is required)

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 ____/____/____

Footpath Trading Outdoor Dining Application

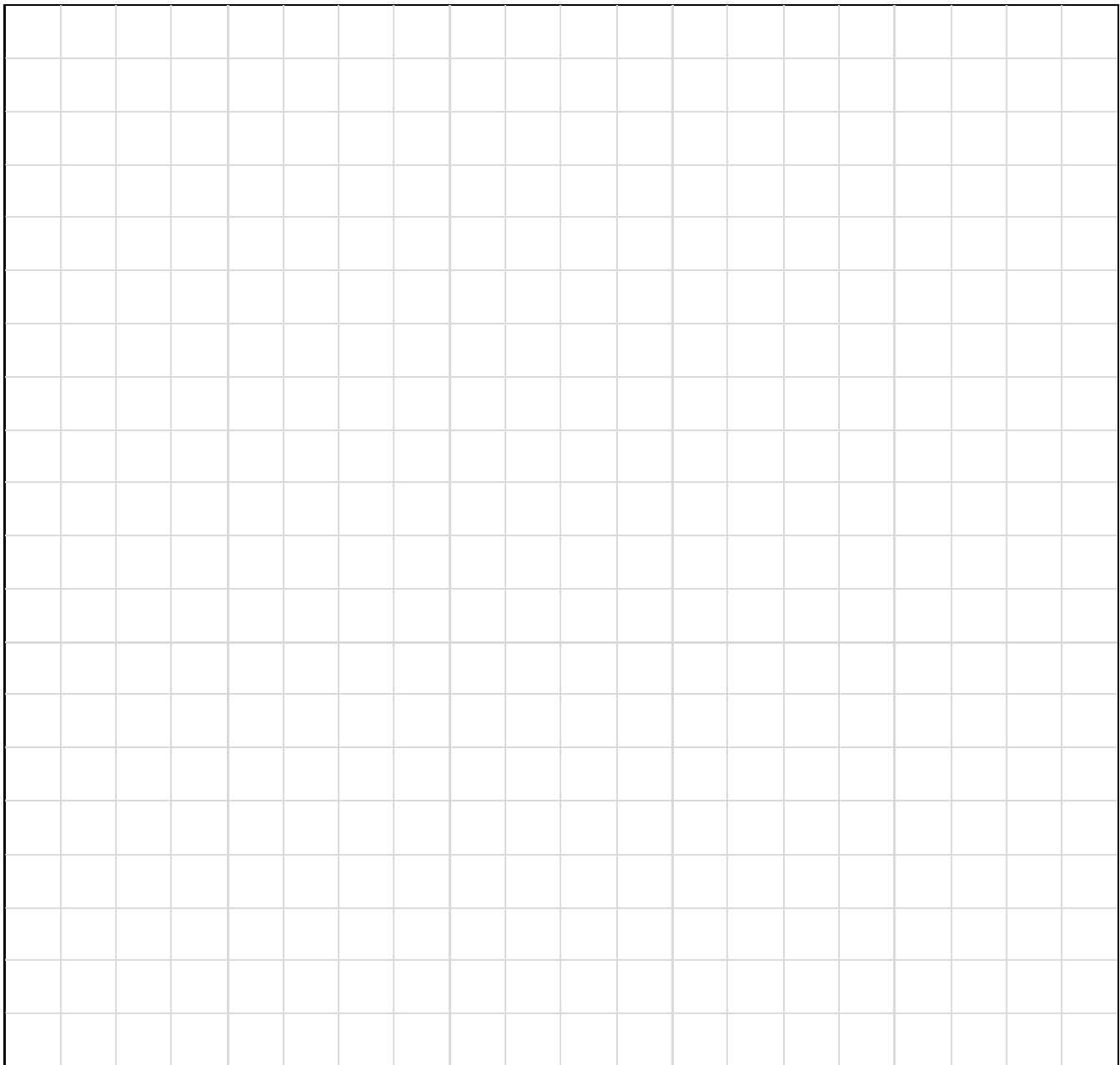


Site Plan

Applicant Name:
Name of Business:
Business Address:

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Please provide a plan of the location and layout of the proposed footpath items. Include position of A Frame, goods on display, and/or outdoor dining as well as highlighting accessway, trading activity zone and kerbside zone





Form of Indemnity

(Schedule 4 Local Law No. 1 Neighbourhood Amenity 2012)

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I(Name of person)
of(Address of person)
in the State of Victoria, holding position of (Role or Position in Business)
in the business named (Business Name)
with ABN or ACN (Australian Business or Company Number)
of (Business Address)
for which business I am duly authorised to sign this indemnity, in consideration of the Permit for
..... (nature of permit) on the Footpath or Road being granted to
..... (Name of Person or Incorporated Business Name on the Permit)
(hereinafter referred to as "the Permit Holder")

HEREBY COVENANTS with BASS COAST SHIRE COUNCIL (hereinafter referred to as "Council") that unless caused by a breach of employees or contractors, the Permit Holder agrees to indemnify Council and keep Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by any person as a result of the Permit Holder's failure to comply with any conditions of the Permit granted by Council, or any other failure to comply with any relevant law, lawful duty or obligation giving rise to any damage, loss, cost or liability incurred or suffered by any person as a result of or in any way associated with the exercise of this Permit.

SIGNED SEALED AND DELIVERED by

.....
(Print name)

.....
(Sign)

.....
(Print Position)

.....
(Date)

in Victoria in the presence of:

.....
(Print Witness Name)

.....
(Witness Sign & Date)

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
1. The outside placement of tables, chairs, screens and any other items must be in accordance with the approved site plan as submitted with the application form
2. Provision of alcoholic beverages is not permitted unless a separate permit for the service of alcohol has been approved
3. 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
4. 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
5. No live entertainment or amplification equipment is permitted within the outdoor dining area without the prior written permission of Council
6. These conditions are to be read in conjunction with Council's Local Law No 1 – Neighbourhood Amenity 2012

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. 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
3. Adequate provision of trade waste disposal must be available for disposal of waste – trade waste must not be placed in public street bins
4. Litter generated by footpath trading must be picked up and deposited within the permit holder's bin. Permit holders and or serving staff found sweeping litter into the gutter may have their permit revoked and may also incur littering fines
5. The number of tables and chairs permitted within the Trading Activity zone will be dependent 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
6. Items which are placed on the footpath must be stable enough to withstand wind gusts and of a design approved by Council.
7. 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. Umbrella awning must not exceed 2.2m high at the lowest or 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 and screens must be secured in a manner approved by Council and in a way to prevent risk of injury or damage to people and the footpath
6. Any lock in device should be clearly shown on the permit application
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

Breach of Conditions

Council reserves the right to do any of the following should there be any breach of the above conditions and/or any relevant Local Laws.

1. Send the permit holder a Notice to Comply
2. Issue an infringement
3. Request immediate removal of the outdoor furniture
4. Impound the items, with all associated costs to be paid prior to reclaiming the items
5. Revoke the footpath trading permit

Footpath Zones

Council manages footpath trading in to provide a safe environment by ensuring pedestrians have unobstructed passage, in particular those who may be physically or vision impaired, and to ensure the visual amenity of the area is not impacted.

In order to assess application for outdoor dining, 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.

General Conditions

1. Service of Alcohol permit **may only** be used in conjunction with a valid Outdoor Dining Footpath Trading permit
2. Permits are valid until 31 December each year
3. Permits must be clearly displayed on premises at all times
4. Service of Liquor Licence holder must be a member of the local Liquor Accord and maintain membership for the duration of the Service of Alcohol permit
5. Liquor Licence holder and/or a representative must attend 4 of 6 Liquor Accord meetings each year
6. Public health and safety must be taken into consideration at all times

Regulatory Control

1. Variation in the trader's Service of Liquor Licence must be approved by the Victorian Commission for Gambling and Liquor Regulation
2. All conditions, as detailed in trader's Liquor Licence, are to be complied with at all time
3. No alcohol is permitted to leave the permit area
4. For the period of the permit, the area in the submitted plans and no other areas are exempt from Local Law No. 1 Neighbourhood Amenity 2012 Clauses 62(1), 71, 72 and 73(3)

Service & Patron Behaviour

1. Behaviour of patrons in the permit area, as defined on submitted red line plan, is to be controlled by the management of the licensed premises

Screening & Equipment

1. Licensed area must be screened and/or fenced in accordance with Outdoor Dining permit conditions
2. All screening and/or fencing and equipment is to be removed immediately after closure of business