Information Sheet

General Local Law 2014 - Advertising Signs, Display of Goods and Outdoor Eating Facilities 2023/24

All permits are issued for a twelve-month period, with renewal and payment due on 1 August each year. The fee structure is as listed below:

Advertising Sign.....**$68.50**

Display of Goods for Sale.....**$68.50**

Outdoor Eating Facilities (includes tables, chairs, barriers, umbrellas etc).....**$68.50**

PLEASE NOTE: A fee of $68.50 applies to each activity, not to each business.

If you wish to have umbrellas included in your Outdoor Eating Facilities, please contact Local Laws on 03 5662 9200 to ascertain what is required.

A Permit Application form follows this page and it is strongly recommended that you read Council's Footpath Trading Code.

PLEASE NOTE: You will need to provide a copy of your organisation's current Certificate of Public Liability Insurance with the South Gippsland Shire Council noted on the policy as an interested party in relation to the activities you are applying for eg: advertising sign, display of goods, outdoor eating, barriers, tables, chairs, umbrellas etc.

The South Gippsland Shire Council will be indemnified from any loss, damage or personal and public injury for this activity – current Public Liability Insurance to a minimum value of $20,000,000 is required.

A permit will not be issued without this certificate being supplied.

Please return completed application form and payment to:

South Gippsland Shire Council
Local Laws Department
9 Smith Street (Private Bag 4), Leongatha Vic 3953
DX 94026 Leongatha
Tel: 03 5662 9200
Fax: 03 5662 3754
Email: council@southgippsland.vic.gov.au
Web: www.southgippsland.vic.gov.au

Application for Permit

General Local Law 2014 - Advertising Signs, Display of Goods and Outdoor Eating Facilities 2023/24

APPLICANT DETAILS:

Full Name: .....

Postal Address: .....

Business Name .....

Business Address: .....

Daytime Contact Number: .....

Location for Permit *(please complete below)*:

TYPE OF PERMIT REQUIRED (Please tick box):

Advertising Sign (max. 1 sign) ☐ (maximum size of 1m x 0.6m)

Display of Goods for Sale ☐

Outdoor Eating Facility ☐

Applicant's signature: ..... Date: .....

OFFICE USE ONLY:

Receipt No: .....

Amount Paid: $.....

Date: .....

Footpath Trading Code

This Code directs the use of footpaths (including trading) and the placement of permanent and temporary items on and directly above the public footpath.

WHY HAVE A CODE?

The use of footpaths for activities including commercial use by businesses is permitted by Council but must be managed.

Goods and outdoor dining on the footpath can add to the ambience of a business/entertainment area as part of the economic and social vibrancy of a town. Council will generally support (and provide a permit for) items on the footpath if they do not pose a pedestrian/traffic safety hazard, do not have a negative impact on the amenity of the street, and do not significantly impair pedestrian movement and access.

WHEN IS A PERMIT REQUIRED?

A permit may be required to place items on or above the footpath, either on a permanent or temporary basis. This generally includes:

- Goods for sale
- Advertising
- Furniture (i.e. tables and chairs)
- Planter boxes
- Screens
- Umbrellas, heaters etc

A permit is required and may be granted to block the footpath for building works or festivals. This permit is known as the **Road Reserve Activity Permit**.

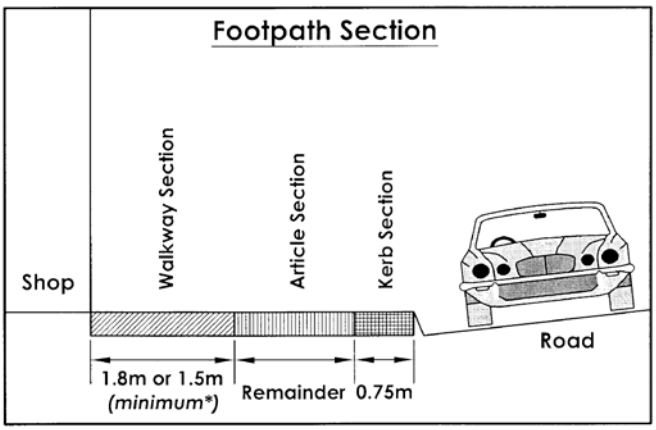
Most applications will require a Local Law permit only. Some applications (i.e. for permanent building fixtures) may require a permit under different regulations (i.e. Building and Planning).

Permits must be renewed each year for applicants to continue to use the footpath. All permits expire on 31 July each year, regardless of when the permit was issued. Permits may also be restricted to a specific date for special events.

FOOTPATH SECTIONS

The Code divides the footpath into three sections, as follows:

- Walkway Section
- Article Section
- Kerb Section



WHAT SECTIONS OF THE FOOTPATH CAN BE USED?

The **Article** Section is the only area where items/goods may be placed.

Only the footpath directly in front of a business may be used by that business.

Placing items on or above the Article Section (between the Walkway and Kerb Sections) shall be consistent with the placement of street furniture/infrastructure.

The **Walkway** Section abuts the shop front (property line) and allows for a footpath that is straight and clear for all pedestrians, including people with disabilities. Pedestrians with visual impairments can use the shop front as a point of reference when it is clear of goods/items.

The minimum width of the Walkway Section must be 1.8m for a footpath with a total width of 3.5m and over.
For footpaths with a total width of less than 3.5m the minimum width of the Walkway Section must be 1.5m.
Please consult Council's Local Laws Unit for the footpath width in your area.
Permanent (overnight) items on the footpath must allow a minimum width of 1.8m.

The Walkway section must be clear of all items/goods at all times. Only the area above a 2.3m height over the Walkway Section of the footpath may be used.

The Kerb Section must be clear of all items/goods at all times. No items are allowed to protrude/project above the Kerb Section.

WHAT MAY RESTRICT THE AREA THAT CAN BE USED?

Sometimes the area of the footpath that would normally be used will be restricted, or completely unavailable.

This is because access must be maintained for:

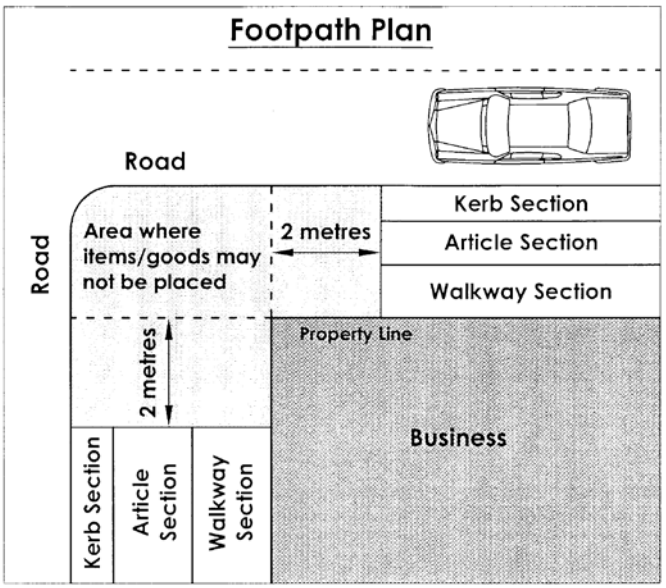
- Loading Zones
- Disabled Parking Bays
- Pedestrian Crossing points
- Service pits
- Bus stops
- Taxi ranks
- Rubbish bins, telephone booths, seats etc.
- Ensure clear line of vision

Council is under no obligation to remove items such as rubbish bins and permanent seating to allow business use of the footpath. In rare circumstances, where an alternative location can be found and all parties agree, the item may be moved providing that the business that makes the request bears all costs.

In order to allow access from the road to the footpath, Access Points will be required. Generally these will be located approximately every ten metres. When two adjoining businesses apply for a Local Laws permit, or when the business frontage is wider than 10m, the application will be referred to Council's Planning Department for consideration. Generally, Access Points should be 1.8m in width and clear of all items/goods.
Council will assess applications on a case-by-case basis.

LINE OF VISION

To assist pedestrian and vehicle safety, set backs are required at intersections/corners. Items/goods will not generally be allowed within 2m of a corner when pedestrians cross in both directions.



WHAT WILL NOT BE PERMITTED ON THE FOOTPATH?

All items on or above the footpath must not pose a hazard to users of the footpath or roadway. Items that will generally not be permitted on the footpath include the following items:

- Sharp/protruding items
- Objects with oscillating/moving parts (ie. fans, flags, banners, buntings etc.)
- Reflective items that pose a risk to traffic
- Items (including furniture) that are unstable
- Items that do not meet Council's specific requirements.

Please contact the Local Laws Department on 03 5662 9255 to determine specific requirements and/or conditions that may impact on your application. These requirements include design/manufacturing specifications that must be approved by Council.

Café screens up to 1000mm in height will be permitted.

Footpath advertising must be kept to a minimum, generally only the business name may be advertised. Exceptions include advertising A-frame boards, provided the placement of these complies with this Code.

WHY COMPLY WITH THE CODE?

Council manages public footpaths and, when appropriate, permits businesses to use the footpath. Businesses do not have a guaranteed right to use the footpath for trading purposes.

Council may conduct enforcement action against people/businesses that use the footpath in a way that is not consistent with its laws, codes and statutes.

If an accident occurs due to the inappropriate use of footpaths, subsequent legal/enforcement proceedings may occur.

All residents and visitors to South Gippsland Shire are entitled to access public areas such as footpaths, unhindered by obstructions. Under the Disability Discrimination Act (DDA) 1992 it is illegal to directly or indirectly discriminate against a person with a disability or a person who is an associate of a person with a disability. This could relate to restricted access to a footpath.