

MARIBYRNONG CITY COUNCIL

2023/2024

Footscray Mall Application for Commercial Street Furniture Permit



Prepared by the Parking and Local Laws Department

Supplementing General Purposes Local Law 2015

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Contact Details

Maribyrnong City Council

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(61 Napier Street)
Footscray 3011

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What do I get for my money?

When a permit is granted for street furniture, licensees gain the use of public land for a commercial activity. In most cases they receive added exposure for their businesses in the retail area.

A permit sticker indicating what activities the permit permits will be issued, to be adhered to the front window of the premises, or in another visible place. The permit will indicate the number of items allowed under the permit.

How will my application be assessed?

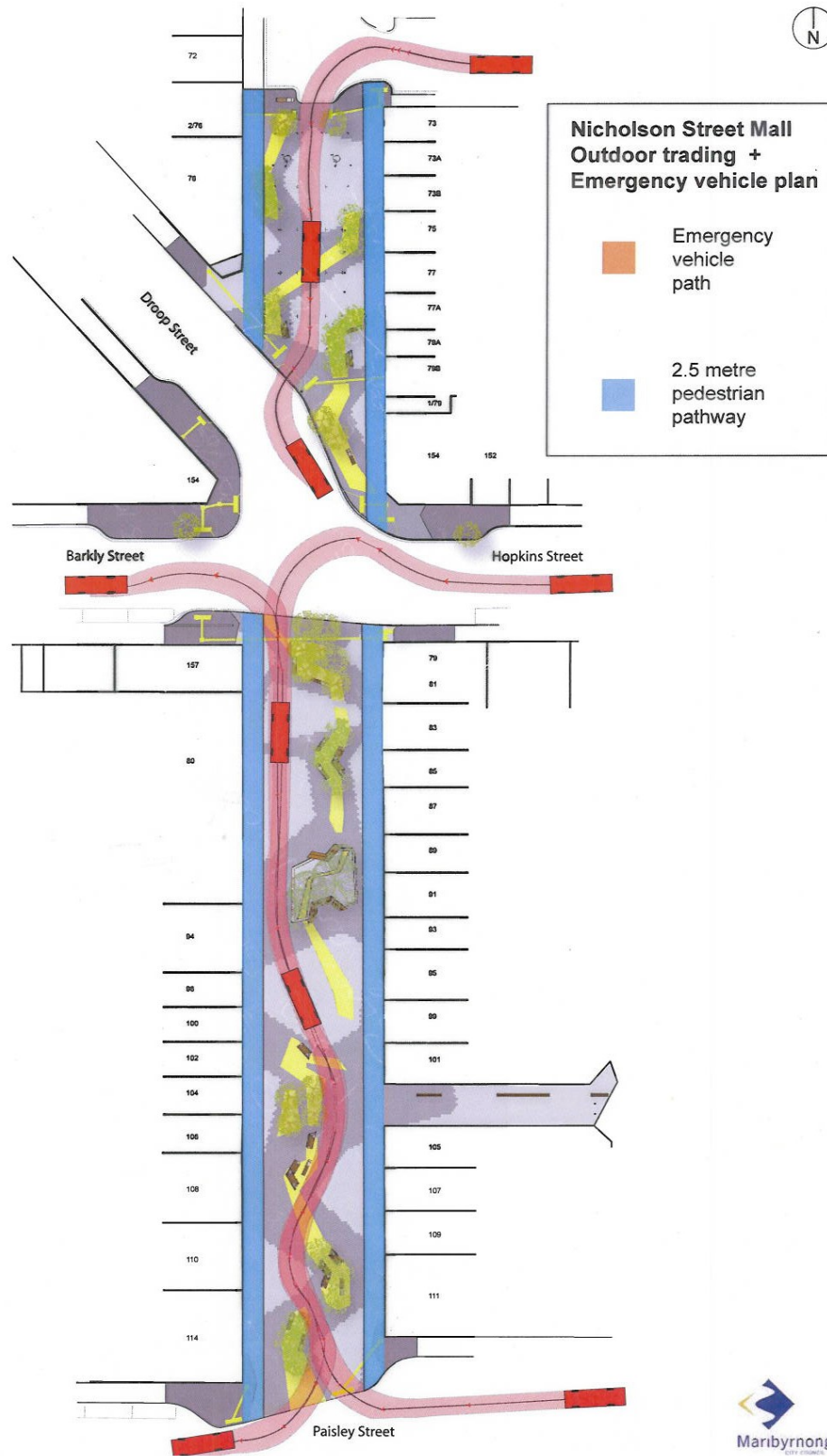
The Council will assess each application on its own merit. **Under no circumstances will a permit be granted for an application that does not meet the guidelines.**

When assessing applications, Council will give particular consideration to the following criteria:

The application must meet the policy conditions and:

- must not negatively impact on the streetscape and appearance of the area;
- must not negatively impact on vehicular traffic flows and safety;
- must not negatively impact on pedestrian movement and safety;
- Tables, chairs or any related items must not damage Council footpath or any Council assets.
- must take into account any relevant urban design guidelines and/or health and safety issues.

Footscray Mall Map



Guidelines for Outdoor Seating

A permit to establish and operate outdoor seating can only be granted in association with a registered food premises so that the food can be prepared and served in accordance with the relevant health regulations.

A permit for the establishment of outdoor seating in the Footscray Mall may be granted subject to Council's Local Laws and the following conditions:-

1. Tables and chairs should be arranged so as to ensure safe pedestrian and emergency vehicular access as such outdoor seating:-
 - a. must be minimum of 2.5m from the property line of the business making the application
 - b. must be away from any permanent structure in the mall.
 - c. must not be in the designated emergency vehicle access lane (see attached plan, page 4).
 - d. Tables or chairs or any related outdoor item must not damage any council assets
 - e. Fixed, immovable furniture is prohibited
2. The area occupied by tables and chairs is to be confined to the frontage of the premises.
3. The tables and chairs shall be displayed only during normal business hours of the related premises and shall be removed from the mall overnight.
4. Screens/barriers around cafés are required to ensure distances are maintained from the kerb for safety.
5. No food or refreshments shall be prepared, heated or cooked at the outdoor seating.
6. The area of the outdoor seating is to be maintained in a clean condition to the satisfaction of Authorised Officers at all times.
7. Appropriate advertising is permitted on the furniture and equipment used in the kerbside café. No cigarette advertising is permitted.
8. Pedestrians using the mall shall not be obstructed by the operation of the outdoor seating, this includes anything associated with the outdoor seating.
9. A maximum of four chairs per table will be considered in the application.
10. The design and placement of the tables, chairs, advertising, and additional furniture such as umbrellas, shall be to the satisfaction of the Authorised Officer and shall be maintained in accordance with endorsed plan.
11. Benches will not be permitted without written permission from the Authorised Officer

A permit will not be issued until:

1. An Authorised officer has inspected the location
2. The applicant has produced a copy of the Public Liability Policy Indemnity to Council, this policy must remain valid for the length of the permit.
3. The applicant has produced or an Authorised Officer has sighted a copy of Food Act registration from Council's Environmental Health Services, this policy must remain valid for the length of the permit.
4. The appropriate fee has been paid

Non-compliance with any the above conditions may result in seizure of materials, revocation of the permit and/or fines being issued.

Renewals

Permit renewal fees must be paid annually by 1 July.

Renewal notices will be sent to permit holders.

Renewals are not automatic.

Where Council considers a renewal is not appropriate, permit holders will be notified in writing of the reasons why their permit is not being renewed.

Enforcement

Council's enforcement philosophy is that a cooperative approach will achieve compliance with the guidelines.

Insurance - Public Liability

A copy of the business's Public Liability Insurance Policy or a Certificate must accompany each application. A minimum amount of 10 million dollars must apply. This policy must remain valid for the length of the permit.

Please contact your insurance company and arrange for the following words under the Public Liability clause

- ***“Interested Party: Maribyrnong City Council”,***
or
- ***“Maribyrnong City Council are noted for their respective rights and interests”.***

The above Public Risk Policy indemnifying the Maribyrnong City Council is to be kept current and may be subject to scrutiny from time to time. Failure to comply automatically invalidates the permit

Indemnity

The applicant, by agreeing to the terms and conditions of the application HEREBY RELEASES, DISCHARGES, INDEMNIFIES AND HOLDS HARMLESS the City of Maribyrnong:

From any legal liability whatsoever arising from the participation or use by the applicant and/or any other persons associated with the applicant and in the activity of conducting the business operations at, and/or occupying the demised premises and in all activities in connection therewith;

From any and all loss, damage, expenses, claims, demands, actions and causes whatsoever which might be made or instituted or suffered or incurred or sustained by any person or body for injury, loss or damage arising in any manner from the said participation or use; and

For all loss or damage to any property buildings, equipment or materials of the applicant and/or other persons on or outside the location caused by the applicant and/or any persons associated with the applicant arising in any manner from the said participation or use; and

From any and all loss, damage, injury or illness, including death, sustained or incurred by the applicant and/or any persons associated with the applicant due to the said participation or use.

Applicants's Name:

Signature of applicant:

Date:/...../.....

VIETNAMESE

Trước khi được cấp giấy phép quý vị phải sắp xếp để đoạn văn trên được trích dẫn trong ‘ PUBLIC LIABILITY INSURANCE POLICY của quý vị và nộp một bản cho Hội Đồng Thành Phố.

Footscray Mall
Commercial Street Furniture Application Form
 From 1 July 2023 to 30 June 2024



Given Name :		Surname:	
Company Name:			
Applicant's Mailing Address:			
Telephone :		Mobile:	
Facsimile:		Email :	
Business Details :			
Business Name:			
Business Address:			
Contact Person: Manager/Owner			

Please specify number of tables you require on the footway/Council Land	
For each table set (Max 4 Chairs)	\$195.50
No of tables _____	Total Amount: \$ _____

<i>Declaration :</i> <i>I agree to abide that the fee paid up front is subject to the approval and by conditions that may be imposed on the issue of this permit by the Council.</i>	
Signature of Applicant :	Date: / /20__
<i>OFFICE USE ONLY:</i>	Receipt Type: 644
Date the Application Received: / /20__	Receipt No: _____
	Amount received: \$ _____
Public Liability Policy Completed: Yes / No	Officer's Name: Officer's signature:

Check List

Is your application form completed with:

- ☐ Applicant name, Position held (Manager/Owner) Home or company address
- ☐ Business name, address
- ☐ Number of Tables and Chairs
- ☐ Signature of the applicant
- ☐ A copy of the business's Public Liability Insurance, which must be current, and that the Council is noted on the policy? Must be included with the application (see Page 7)