

# PROCEDURES AND PROTOCOLS MANUAL

Date: 21 June 2023

*Note: This manual should be read in conjunction  
with the City of Port Phillip Community Amenity  
Local Law 2023.*



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Procedures applying to the exercise of functions by Council under the *Local Government Act 2020*, Local Law.

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# Part 1 - Preliminary

## 1. Title

This document is referred to as the "Procedures and Protocols Manual".

## 2. Purpose

The following document includes the procedures and conditions that are applicable under the City of Port Phillip Local Law (the Local Law).

When conducting any investigations under the Local Law, authorised officers will have regard to their obligations under the Charter for Human Rights and Responsibilities.

The City of Port Phillip recognises that there are many people within the community that are homeless or may have complex needs, such as mental illness, addiction or domestic violence.

Authorised officers will continue to perform their duties with consideration and compassion, and provide referrals to other work areas in Council to assist in these circumstances.

In order to improve accessibility and understanding between the Local Law and this document, the sections are now numbered to reflect the relevant Local Law clause. For example Clause 75 of the Local Law refers to Delegations and sub-section 75 of this document includes the list of delegations with respect to powers under the Local Law.

Not all Clauses of the Local Law have specific procedures included in this manual and for those sections, which are intentionally left blank, reference should be made to Section 2 (general guidelines) and Section 753 (delegations).

The purpose of this Local Law is to provide for the peace, order, and good governance of the City of Port Phillip in a way that is complementary to Council's Council Plan by:

### 2.1 General Guidelines

Officers have discretion in enforcing the Local Law. Officers have internal procedures to ensure that the Local Law is enforced consistently by the team in a variety of circumstances.

The key method used when considering taking any enforcement action is a risk management approach. Local laws investigations cover a wide range of issues and the outcomes can vary considerably.

### 2.2 Investigation Examples

No offence – the officer attends and find there is no issue. The officer will communicate their findings to the complainant

Minor issue – can be remedied quickly. The officer may issue a letter or Notice to Comply advising the person how the issue may be rectified. For example,

overhanging branches that may be impeding pedestrian access. The time frame provided to rectify the issue will reflect how urgent the issue is.

Permit issue example 1 - If a trader is found to not have a permit for placement of goods on the footpath, such as an A board, they will be asked to remove it and obtain a permit prior to placing the board out again.

Permit issue, example 2 – This may include not having obtained a permit for a specific activity. If the permit is required for a high risk activity, such as placement of a crane on Council land, then the likely outcome would be the issuing of an infringement notice.

Matters referred directly to Court – some serious issues may be referred straight to Court, such as aggravated littering, when a large volume of waste is dumped somewhere or put down a storm water drain.

### **3. Sections 3 to 8 not included**

This Local Law is made under Section 71 of the Local Government Act 2020 and Section 42 of the Domestic Animals Act 1994.

## Part 2 - Protection of Council Land



## Division 1: Drains, Sewers, and Watercourses

### 9. Connecting into Council drains

Please refer to subsection 72 for delegations in relation to this clause.

### 10. Maintenance of stormwater pipes

This section is intentionally blank.

### 11. Ground water management for storm water system

This section is intentionally blank.

## Division 2: Vehicle Crossings

### 12. Vehicle crossings

This section is intentionally blank.

## Division 3: Protection of Council Land

### 13. The location of trees, plants, and signs

This section is intentionally blank.

### 14. Interfering with Council Assets

This section is intentionally blank.

### 15. Asset Protection Permit

Please refer to subsection 72 for delegations in relation to this clause.

Conditions on Asset Protection Permit

Without limiting Council's powers under Error! Reference source not found. of this Local Law, an Asset Protection Permit may be subject to such conditions as Council determines including:

- (a) requiring protection works to be done;
- (b) requiring the payment of a security bond;
- (c) requiring the erection of temporary fencing to the satisfaction of Council;
- (d) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or

- (e) requiring a temporary vehicle crossing to be installed to Council's specification before commencement of any building works or delivery of any equipment or materials to the land.

#### Amount of security bonds

- (a) The amount of any security bond required under any Asset Protection Permit is to be proportionate to the likely costs of repairing any potential damage to any existing road (including carriageway), channel, drain, vehicle crossing or other public asset arising from the building works. Nothing in this clause prevents Council from setting a lower amount if it considers it is appropriate to do so.

#### Retention and return of security bond

- (a) For the purpose of this clause the completion of building works includes abandonment of a building site.
- (b) A security bond may be refunded by Council upon:
  - (i) an application for a refund of the security bond by the person who lodged it, made within 6 months of the date of completion of the building works; and
  - (ii) Council being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's satisfaction.
- (c) The security bond may be retained by Council, to offset the costs incurred, or anticipated to be incurred by Council, in carrying out any repairs to public assets which are required as a result of, or associated with, the building works.
- (d) If an application for a refund of a security bond is not made within 6 months of completion of the building works, then Council may retain and use the security bond to offset the costs incurred by or anticipated to be incurred by Council, in carrying out any repairs to public assets which are required as a result of, or associated with, the building works.
- (e) If a security bond is or any surplus funds are not required to be retained by Council for repairs but are not claimed within 12 months of completion of the building works, the security bond or surplus funds will be forwarded by Council to the Registrar of Unclaimed Money, in accordance with the requirements of the Unclaimed Money Act 2008.

#### Council may accept alternative security

- (a) Where Council so determines, it may agree to accept an alternative form of security to a security bond.

#### Power to enter land

- (a) An authorised officer may enter any land at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closet) systems, urinals, pans, receptacles, vehicles, plant and any other things and placed on them and for the purpose of carrying out the provisions of this Local Law.

### **16. Damage from Adjoining Properties**

This section is intentionally blank.

## **Division 4: Use of Council Reserves and Council Land**

### **17. Behaviour on Council Land**

This section is intentionally blank.

### **18. Use of Council Reserves**

This section is intentionally blank.

### **19. Outdoor Commercial Recreational Activities**

Please refer to subsection 72 for delegations in relation to this clause.

### **20. Commercial dog walkers**

Conditions on permit

- (a) Dogs must be under effective control by means of a chain cord or leash attached to the dog and held by the person at all times.
- (b) Dogs must not be allowed to cause a nuisance to any other person.
- (c) The permit holder must have a copy of their permit with them at all times.
- (d) The business name of the 'dog walker' is clearly visible on any vehicle and clothing of the dog walker.
- (e) The 'dog walker' must comply with the requirements of the Domestic Animals Act 1994, any lawful instruction of Councils Animal Management officers and the Local Law.

### **21. Horse Riding on Council Land**

This section is intentionally blank.

## 22. Hot Air Balloons and Skydiving

Please refer to subsection 72 for delegations in relation to this clause.

# Division 5: Roads, Public Places and Council Land – Obstructions, Behaviour & Amenity

## 23. Shopping Trolleys

### Shopping trolley procedure

The occupier of a premises that makes shopping trolleys available for their customers to use within the premises must install a device that constrains the shopping trolley to the perimeter of the premises.

The requirement to fit a device that constrains the shopping trolley to the perimeter of the premises applies to premises which has 30 or more shopping trolleys for use by customers.

Process to be followed where shopping trolley left on road or Council land:

- (a) All premises which provide shopping trolleys are required to have a coin deposit mechanism or a perimeter constraint system installed on any shopping trolleys provided at their premises by 1 July 2018.
- (b) Any premises which provides shopping trolleys for customer use must ensure that the name of the store is clearly marked on the trolley and is accompanied by a message to customers about their responsibility to return the trolley to a proper collection point.
- (c) Where a shopping trolley has been left on a road or Council land, the proprietor of the premises identified on the shopping trolley shall be notified and given a reasonable opportunity to recover the trolley, unless the shopping trolley or its location poses a danger to the users of the road or the Council land.
- (d) If, following notification, the proprietor does not recover the shopping trolley in question within a reasonable period of time, an authorised officer may impound that shopping trolley.
- (e) Council may enter into agreements for handling shopping trolleys
- (f) The Council and the proprietor of any premises which provides shopping trolleys, or a body that represents such proprietors, may agree on a process for the handling and collection of shopping trolleys left on roads or Council land which may be contained in a Code or guidelines adopted by both of them or in a written agreement between them.

- (g) Where Council enters into an agreement under sub-clause (e), an authorised officer must comply with the terms of that agreement in exercising any powers under this clause.
- (h) Where a shopping trolley that has been left on a road or Council land contains the personal belongings of a person who is homeless, an authorised officer must take all reasonable steps to ensure that those belongings are removed for safe keeping and returned to the owner.

## 24. Activities on a Footpath

A person must not, without a permit, place items on a footpath.

In addition, procedures relating to footpath activities can be found in the Footpath Trading Guidelines, which are published by Council from time to time.

A person must comply with the requirements of the Footpath Trading Guidelines.

In deciding whether to grant a permit for the placement of a footpath object, Council may have regard to:

- a) the effect on pedestrian traffic flows and safety;
- b) the impact on the appearance of the street and its surroundings;
- c) the impact on residential amenity;
- d) the duration of the use;
- e) the effect on vehicular traffic flows and safety;
- f) compatibility with other uses in the street;
- g) whether it is complementary to the primary adjoining use;
- h) whether it is less intensive than the primary adjoining use;
- i) the applicant's previous record of compliance;
- j) any relevant policies of Council; and
- k) any other matter relevant to the application.

## 25. Activities on a Road

This section is intentionally blank.

## 26. Repairing Vehicles

This section is intentionally blank.

## 27. Consumption of liquor

Unsealed containers of alcohol in public are prohibited in the following areas:

- a) Throughout the whole of the municipal district in any year, at all times, on all roads (including footpaths).
- b) Throughout the municipal district, in any year, on council land, between the hours of 8 pm and 12 noon on the following day.
- c) At St Kilda Skate Park, Marine Parade, St Kilda, between 12 noon and 8 pm.
- d) The St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March each year.

Note: The St Kilda foreshore precinct is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves, parkland and carpark from Langridge Street, Middle Park to Thackeray Street, Elwood.

- e) Public places (other than licensed premises within the meaning of the Liquor Control Reform Act 1998) within the whole of the municipal district for the period from 8 pm on 30 December until 12 noon on 2 January each year (New Year's Period).
- f) Public places (other than licensed premises within the meaning of the Liquor Control Reform Act 1998) within the whole of the municipal district on 26 January between the hours of 12.01 am and 11.59 pm each year (Australia Day).
- g) Public places (other than licensed premises within the meaning of the Liquor Control Reform Act 1998) within the whole of the municipal district on 25 January 2020 between the hours of 12.01 am and 11.59 pm..
- h) . The St Kilda Festival precinct between 9 am and 12 midnight on each day(s) of the festival.

Note: The St Kilda precinct is that area being from the foreshore along Thackeray Street to Barkly Street, along Barkly Street to Fitzroy Street, along Fitzroy Street to Canterbury Road, along Canterbury Road to Cowderoy Street then down Cowderoy Street to the foreshore, including the beach.

- i) Australian Formula 1 Grand Prix local access area for the period of the Grand Prix as defined in the Australian Grand Prix Act – being from midnight on the Monday preceding the Grand Prix to midnight on the Monday after the Grand Prix.

Sealed containers of alcohol in public are prohibited in the following areas:

- a) The St Kilda Foreshore Precinct from 12:01 am on 1 November to 11:59pm on 31 March each year.

Note: The St Kilda Foreshore precinct is defined as waters and Crown land within the municipal boundary up to the adjoining road and includes all beaches, reserves, park land and car park from Langridge Street Middle Park to Thackeray Street Elwood.

- b) New Year's Eve for the period from 9am on 30 December until 9am on 1 January in any year, no sealed containers of alcohol can be carried or possessed in the following areas along the foreshore:
- i. North of Head Street, Elwood and South of Ormond Esplanade between St Kilda Street, Elwood and Glen Huntly Road, Elwood;
  - ii. West of Marine Parade between Glen Huntly Road, Elwood and Shakespeare Grove, St Kilda;
  - iii. West of Jacka Boulevard, St Kilda between Shakespeare Grove and Fitzroy Street;
  - iv. West of Beaconsfield Parade between Fitzroy Street, St Kilda and Esplanade East, Port Melbourne;
  - v. West of Beach Street between Esplanade East, Port Melbourne and Princes Street, Port Melbourne;
  - vi. South of Waterfront Place, Port Melbourne, between the Port of Melbourne Authority and Princes Street, Port Melbourne;
  - vii. South of Beach Street, Port Melbourne, between Princes Street and Beacon Cove; and
  - viii. South of the Boulevard, Port Melbourne, between Beacon Cove and Todd Road

## 28. Occupation of Roads

Criteria for the grant of a permit

- (a) In considering whether to grant a permit to occupy a road in addition to the matters specified in clause 65 Council must have regard to:
- (i) the nature and duration of the works;
  - (ii) the likely hazard that the works may constitute to users of the road;
  - (iii) the impact of the works on the amenity of the adjoining area;
  - (iv) whether an indemnity/guarantee has been provided to Council; and
  - (v) any other matter relevant to the circumstances of the application.

Standard conditions for a street occupation / hoarding

- (a) This permit is subject to compliance with the Construction Management Measures contained in the Local Law.
- (b) A minimum 1.5m width must be maintained unless otherwise approved, for safe pedestrian access. Pedestrian safety must be maintained at all times by the appropriate use of bollards and tape. On each approach to the occupied area, one or more of the following signs must be displayed and in place;
  - (i) Arrows, or
  - (ii) Pedestrians Watch Your Step or,
  - (iii) Use Other Footpath
- (c) Accredited Traffic Controllers must operate in accordance with any approved Traffic Management Plan associated with the works. Traffic Controllers must assist pedestrians and cyclists as required.
- (d) If traffic flow is affected by the works, emergency services, including Fire Brigade, Ambulance and Police must be notified by the permit-holder a minimum of 24 hours prior to commencement of works.
- (e) The Council does not accept any responsibility for accidents, damage or injury to property, participants or third parties that may arise out of this event. There must be public liability insurance for the type of work proposed with an indemnity of not less than \$20M, (to be determined by Council), including full indemnity for the City of Port Phillip Council against any claim laid against it either by members of the public or persons engaged in any activities associated with the works who, as a result of the works, suffer personal injury, property damage or financial loss.
- (f) To the satisfaction of, and at no cost to Council, the permit-holder must reinstate all assets and infrastructure.
- (g) To amend the dates of this license requires a written request to be received by the Development Permits unit by 9am, whilst the permit is valid. Once this permit has expired it cannot be re-used, amended or fees refunded. A maximum of 2 amendments to the dates of the permit can occur prior to incurring additional costs.
- (h) A copy of this permit must be kept on-site and presented to any authorised officer upon request.
- (i) All other standard conditions and Council permits and licenses apply.
- (j) The Council reserves the right to amend or revoke the above at any time.

## 29. Bulk Rubbish Containers (Skip bins)

Criteria for the grant of a permit:



- (a) In considering whether to grant a permit for a bulk rubbish container under this clause, in addition to the criteria specified in clause 65 Council must have regard to:
- (b) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
- (c) whether the placement will contravene any traffic control signs;
- (d) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a carriageway, so as an approaching motorist can identify the extent and form of the container;
- (e) the need to protect Council assets;
- (f) whether the activity is covered by appropriate insurance and the applicant has provided an indemnity/guarantee to Council; and
- (g) any other matter relevant to the circumstances of the application.

Standard conditions for a bulk rubbish container permit:

- (a) The location of the skip bin must comply with the requirements of VicRoads Code of Practice for the Placement of Waste Bins on Roadsides.
- (b) A minimum 3 metre width must be maintained to the opposite kerb, including laneways to maintain vehicle access.
- (c) The skip bin must not obstruct the passage of any pedestrian, cyclist or vehicle and must not obscure motorists' view.
- (d) The skip bin must not be placed where standing or parking is prohibited.
- (e) The skip bin must be placed within the street frontage of the site that it is to service.
- (f) The skip bin must be placed in the parking lane, within parking bays (if marked), of the road pavement, and must be clear of footpaths, nature strips, landscaped areas, vehicle crossings, disabled parking bays, through-traffic lanes, loading zones and clear-ways.
- (g) Reflective marking must be placed on each top corner and opposite ends of the skip bin in accordance with Appendix 1, VicRoads Code of Practice for the Placement of Waste Bins on Roadsides.
- (h) From sunset to sunrise, flashing yellow lights must be fitted and operating on the corners of the skip bin if placed on a main arterial road, a road where the road has reduced visibility, in low-lit or unlit areas and in narrow streets.

- (i) The skip bin must identify the name and contact details of the skip bin company.
- (j) Material stored in the skip bin must not rot or cause offensive odours.
- (k) Upon request the permit-holder must evidence public liability insurance in an amount to be determined by Council however in an amount of no less than \$20M.
- (l) The placement or removal of the skip bin must not cause damage to Council infrastructure or community assets.
- (m) Any costs for damage to Council assets resulting from the placement, occupation or removal of the skip bin will be borne by the permit-holder

### 30. Clothing Recycling Bins

Please refer to sub-section 72 for delegations with respect to this clause.

Application requirements:

- a) In applying for a permit, or the renewal of a permit, the applicant must:
  - i. have public liability insurance in an amount to be determined by Council however in an amount of not less than \$20 million and must provide Council with a current insurance certificate of currency;
  - ii. specify the type, design, construction, colour and finish of any bin used for the collection of clothing;
  - iii. specify the time, nature, location and frequency of the proposed collection, including reference to preserving the amenity of the location during weekends, holidays (including Christmas, New Year, Easter and school holidays) and the 48 hours immediately after such holidays;
  - iv. ensure that bins will be serviced to maintain cleanliness and to ensure a four hour response to untidy locations;
- b) demonstrate that the site:
  - i. is in an appropriate location;
  - ii. has parking availability in close proximity;
  - iii. that the installation, or continued placement, of the clothing recycling bin will not result in any loss of parking; and
  - iv. is visible and well lit;
  - v. show that the installation, or continued placement, of the clothing recycling bin is not likely to cause an obstruction or amenity concerns; and

- vi. submit information that evidences that it is a charity within the meaning of the Charities Act 2013 (Cth).

#### Additional criteria for the grant of a permit

In addition to the criteria specified in clause 9, Council, in determining whether to grant a permit under this clause, may have regard to any other matter relevant to the circumstances associated with the application.

A permit to place a clothing recycling bin on a footpath will only be granted if the adjacent property owner/s approve and where the placement will not adversely affect visual amenity or impede pedestrian access.

#### Maximum of four bins permitted on any one site

Council must not authorise more than four clothing recycling bins on any one site.

### **31. Residential parking**

This section is intentionally blank.

### **32. Parking offences**

This section is intentionally blank.

## Part 3 - Street Selling, Collections, and Distributions

### 33. Itinerant Trading

Please refer to sub-section 72 for delegations in relation to this clause.

The requirement to obtain a *permit* for *itinerant trading* does not apply where:

- (a) *Council* has *designated* trading sites and has accepted the tender of a person to occupy a *designated* trading site; or
- (b) a person (including a benevolent or charitable organisation) has written permission from *Council* for the provision of free services at a *designated* location.

### 34. Itinerant trading from house to house

Please refer to sub-section 72 for delegations in relation to this clause.

### 35. Special events

#### General

Under Clause 35 of the Local Law, a permit is required to hold a special event. Application forms for a special event are available on the City of Port Phillip website. A special event includes the following events:

- a. Events with 20+ attendees.
- b. Markets produced by external providers.
- c. Promotional activities.

#### Application requirements

An application for a special event must provide:

Details of the event in the format required by the Council

- a. Detailed event operations and management plans
- b. Evidence of support from emergency service providers
- c. Proof of gaining approval for all other regulatory requirements, including (but not limited to) liquor licences, APRA licences and building permits.
- d. A certificate of currency indicating that the applicant has public liability insurance in an amount to be determined by Council and no less than \$20m.

#### Conditions on permit for special events

Without limiting Council's powers under this Local Law, in granting a permit for a special event, council may require:

- a. additional applications for permits for extended street trading; and
- b. additional applications for liquor licenses from licensed premises for consideration by Council.

If Council grants a permit for a special event and having regard to the type of special event that is to occur, the applicant must:

- a. provide specific details to affected residents and businesses in writing on the extent of traffic closures and other measures to be taken relating to the event; and
- b. undertake any other notification that Council considers relevant to the circumstances or that is required by this Local Law or the Procedures and Protocols Manual.

Standard conditions for events, markets and promotions General conditions:

- a. A copy of this approval letter must be produced on request by any authorised Council Officer during the conduct of the activity.
- b. Your organisation/the permit holder nominates [insert name] including their mobile telephone number [insert number] who can be contacted on the day of the activity.
- c. This permit is not transferable.

Site Management:

- a) It is the responsibility of the permit holder to:
  - (i) leave the event area in a clean and tidy condition.
  - (ii) ensure that there is no damage to property, council assets or the environment resulting from the conduct of the event and/or its associated activities.
- (b) Permit holders will be required to reimburse council for the cost of any restoration or repairs which are required as a result of the event and/or its associated activities.
- (c) The site set up must be as per an approved layout plan for the event.
- (d) The permit holder must not use the permitted site for any other purpose other than what is specified in the approved location.
- (e) All infrastructure is to be weighted, not pegged.
- (f) All infrastructure must be placed at least 2 metres away from the base of and meet all specific tree protection restrictions required of the site.

- (g) Nothing is permitted to be attached to trees or existing council assets.
- (h) The permit holder is responsible for any damage caused to the garden, reserve, foreshore or surrounding area by event contractors or sub contractors.
- (i) The permit holder must not make any alterations to any fixtures or fittings or interfere with any services without the consent in writing of the City of Port Phillip.
- (j) The permit holder must not:
  - (i) do anything that is or may be dangerous or offensive or that may interfere with other persons;
  - (ii) do anything which might affect any insurance policy relating to the permitted event by causing it to become void or voidable or having claim on it being rejected or by causing any premium payable by City of Port Phillip to be increased;
  - (iii) remove any of Council property from the permitted site without permission.
- (k) Council site gates at the reserve are to remain locked once bump in has been completed, other than during waste collection periods.
- (l) The permit holder is responsible for any damage caused to the garden, reserve, foreshore or surrounding area by event contractors or sub contractors.
- (m) The permit holder must permit authorised council officers access into any area of the permitted event site at any time for the purpose of compliance inspections.
- (n) Should your event be conducted on or adjacent to Council's bike path, you are required to provide a suitable number of crowd controllers to ensure public safety.
- (o) A minimum walking space of 1.5 metres must be left on the footpath for pedestrians
- (p) To enable emergency access, the event area must provide a clear 2.5 metre walkway for other pedestrian traffic at all times.
- (q) The permit holder must provide adequate mobile toilets appropriate to the number of patrons expected.
- (r) Cable covers must be used for any cables or trip hazards running across pathways or pedestrian areas.

### Noise Management & Music Approvals

- (a) Noise and music must be kept at acceptable levels at all times creating as little disturbance as possible to surrounding residences. Acceptable levels include those specified by EPA, any authorised Council Officer or the Victorian Police during the conduct of the event.
- (b) Noise management must comply with EPA Noise Guidelines.
- (c) Noise from the event must be managed as per an approved Noise Management Plan.
- (d) All amplified noise must be monitored and levels must be recorded at sites designated by council officers. This information must be supplied to council 24 hours after the event conclusion.
- (e) A complaints handling procedure must be in place to promptly action any noise complaints.
- (f) Any amplified PA system used at any time must have speakers facing seaward or away from residential areas where possible.
- (g) Events which involve live or recorded music must obtain the appropriate licences or tariffs from the Australasian Performance Company of Australia (APRA) and/or the Phonographic Performance Company of Australia (PPCA).
- (h) The permit holder indemnifies City of Port Phillip for any liability to the copyright owner, APRA and/or PPCA arising from the performance of any musical work or music video without the appropriate licences or authority.

### Health & Amenity Management

- (a) Advertising of tobacco and gambling is not permitted.
- (b) The selling of food or drink by wandering vendors is not permitted.
- (c) No balloons (including helium filled) may be used at the event.
- (d) This permit is subject to appropriate approvals from the Council's Health Services in regards to the serving and selling of food and drink. All food/drink vendors must apply for a temporary food premises permit via Streatrader [https://streatrader.health.vic.gov.au/public\\_site](https://streatrader.health.vic.gov.au/public_site)

### Waste Management

- (a) It is the event organiser's responsibility to ensure that all waste is removed from the event site and is correctly disposed of at the conclusion of the event.



- (b) No waste associated with the event (such as advertising material) is to go into Council waste containers. This does not include general public waste such as food and drink containers.
- (c) The permit holder will be required to reimburse council for the cost of any additional cleaning or waste removal required post event.

#### Communications Management

- (a) All signage approved by this permit must not be varied from an approved Signage Plan.

#### Risk Management

- (a) The permit holder is required to hold current public liability insurance to the value of \$20 million indemnifying Council against any liability arising from the event.
- (b) Event organisers have a duty of care under the Victorian Occupational Health and Safety Act 2004 (the OHS Act) to provide a safe operational environment. Under this legislation, event organisers must ensure so far as reasonably practicable that people are not exposed to risks arising from the event or associated activities.
- (c) The permit holder is responsible for managing the event safety risks through integrated event safety planning and associated approved documentation.
- (d) The permit holder acknowledges that occupational health and safety in relation to the permitted event is the responsibility of the permit holder (other than to the extent City of Port Phillip cannot at law contract out of its obligations with respect to the Occupational Health and Safety Act).
- (e) The permit holder must comply with all OH&S laws and applicable Australian Standards.
- (f) The permit holder is responsible for the security of event equipment and property.
- (g) The permit holder is responsible for the safeguarding of the public against injury and for maintaining the site during the conduct of the event in a safe condition at all times.
- (h) The permit holder must notify a Council representative immediately after an accident or any incident involving injury or property damage.
- (i) As a general precaution, EPA advises against swimming near stormwater drains, rivers, streams and other outlets into Port Phillip Bay during rainfall and for at least 24 hours afterwards. It is the responsibility of event organisers to decide whether to cancel, postpone, or alter an event due to the possibility of stormwater pollution. Refer to EPA's Beach Report website

(<http://yarraandbay.vic.gov.au/beach-report>) for information on assessing beach water quality.

- (j) A pedestrian/traffic management plan must be supplied to ensure the safety of public users (including cyclists), event staff and volunteers onsite during the bump in, bump out and during the event in regards to the use of machinery/plant equipment & vehicles.

#### Traffic management

- (a) The permit holder must finalise the Traffic Management Plan at least 8 weeks prior to the event with Council's Traffic Engineer to develop and implement a viable traffic management plan.
- (b) Traffic must be managed and implemented according to the approved Traffic Management Plan.
- (c) Ten days prior to the event, the permit holder is to letter drop surrounding residents advising them of the road closure and the time of the event. Major road closures may require additional letter drops.
- (d) The permit holder is accountable for the removal of all traffic signage associated with the event within 4 hours of the event's conclusion.
- (e) Barricades must be secured so as not to be moved around easily by weather or unauthorised persons.

#### Parking and vehicles

- (a) No parking is permitted on the foreshore or the promenade.
- (b) All parking and vehicle usage is subject to Council parking restrictions, local laws and state road rules.
- (c) Vehicles can only access the site to off-load equipment and for pack-up. Outside these times, all vehicles associated with the event must park in the designated roadside or car parking spots.
- (d) Vehicular access on the promenade must be in line with the "St Kilda Foreshore Promenade – Vehicular Access and Load Limitations' Document. This can be found at Event Maps & Resources - City of Port Phillip Website
- (e) The permit holder must ensure all vehicles accessing the site comply with the Conditions of the Vehicles in Reserves & Parks guidelines.
- (f) The permit holder may be charged a fee per unauthorised vehicles parked onsite during the event.

#### Non-Compliance

- (a) A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each interested party, cancellation of the permit or with the matter being referred to the Magistrates' Court.
- (b) Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.

#### Special Conditions – applied as required

- (a) Any pegging of temporary structures must occur a minimum of ½ metre away from irrigation lines and 2 metres from any power cables.
- (b) The organiser needs to contact 'Dial Before you Dig' prior to any pegging or structures.
- (c) All temporary structures must be weighted and not pegged when on grassland.
- (d) Cable covers must be used on low lying cables.
- (e) Site set up must be as per the approved layout plan.
- (f) A structural design is to be provided from a qualified and registered structural engineer taking into account the wind loads along the foreshore.
- (g) The permit holder must supply a Certificate of Compliance (Design) issued by the structural engineer pursuant to the Building Regulations 2018.
- (h) The permit holder must supply a Certificate of Compliance (Inspection) issued by the structural engineer pursuant to the Building Regulations 2018.
- (i) All infrastructure must be supported by compliance certificates and have sign off from a structural engineer.
- (j) Inflatable rides must comply with Australian Standards for Amusements Rides and Devices.
- (k) Inflatable structures must comply with council guidelines Use of Inflatable or Mechanical Rides.
- (l) The nursery must comply with The Department of Primary Industry's Code of Practice for the Display of Animals.
- (m) Animal nurseries or farms must comply with council guidelines for Use of Animal Nurseries/Farms.
- (n) This permit is conditional upon Siting Approval for a Prescribed Temporary Structure and/or approval for an Occupancy Permit for a Place of Public Entertainment.

- (o) All infrastructure is to be weighted, not pegged.
- (p) Any vehicles onsite must use existing pathways to enter/exit. Vehicles during bump in/out must be kept to a minimum.
- (q) Any damage or disturbance to grass, gardens or soil must be immediately reported to Council.
- (r) Vehicles must drive slowly onto the forecourt area and a marshal must walk in front of the vehicle during bump in/out to ensure pedestrian safety.
- (s) The vehicle must enter and exit via Cavell Street and are not to drive over or through pedestrian crossings.
- (t) All vehicles must comply with the above conditions (including bump in/out vehicles)
- (u) The activity must be clearly marked with flags/signage to show that it is an event.
- (v) Trees must be protected as per the Catani Gardens Tree Protection Map.
- (w) Heritage features within the garden must be protected as per the Catani Gardens Heritage Conditions guidelines.
- (x) Vehicles must only enter and exit via Pier Rd gates.
- (y) Vehicles need to stay on paths as much as possible.
- (z) The permit holder must ensure all vehicles accessing the site comply with the Conditions of the Catani Gardens Vehicle and Site restrictions.
- (aa) Access to the event site is only permitted via the reserve.
- (bb) The permit holder must ensure all vehicles accessing the site comply with the Conditions of the South Beach Reserve Vehicle and Site restrictions
- (cc) No vehicles are permitted access onto the paved or concreted pathway surrounding the reserve at any time. The permit holder is responsible for any damage caused to the surrounding pavers during the event, including bump in or bump out.
- (dd) Appropriate approvals must be obtained from the Civil Aviation Safety Authority.
- (ee) This permit is conditional upon an approved Filming Permit issued by the City of Port Phillip Film Unit.

- (ff) This permit is conditional upon an approved Liquor Licence and all conditions specified on this licence as issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).
- (gg) No pass outs are permitted.
- (hh) This permit is conditional upon approvals by Parks Victoria for all activities in the water.
- (ii) If animal nurseries/farms are part of the event you need to comply with the following conditions:
  - (i) Have hand-washing facilities to protect the public from contracting transmittable diseases from the animals
  - (ii) Your site plan should show the location of the animal nursery
  - (iii) The set up needs to be on a surface that is suitable for animals and that doesn't damage the site.
  - (iv) Adequate shade, food and water must be provided to the animals at all times.
  - (v) All animal waste must be appropriately disposed of.
  - (vi) The management of the animal nursery should be included in your risk assessment
  - (vii) The nursery must comply with The Department of Primary Industry's Code of Practice for the Display of Animals.
  - (viii) It is the event organisers' responsibility to ensure the proprietor is setting up and controlling the animal nursery in a safe and compliant manner for the duration of the event, and that the operators are suitably licensed.

#### Acland Street Plaza conditions (as required)

- (a) Vehicles must drive slowly onto the forecourt area and a marshal must walk in front of the vehicle during bump in/out to ensure pedestrian safety.
- (b) The vehicle must enter and exit via Barkly Street and are not to drive through pedestrian crossings.
- (c) All vehicles must comply with the above conditions (including bump in/out vehicles)
- (d) The activity must be clearly marked with flags/signage to show that it is an event.

- (e) Vehicles cannot be left in the Plaza during the event.
- (f) Vehicles must not exit the plaza in there is a large crowd.
- (g) All waste to be removed on conclusion of the event.

### 36. St Kilda Festival activities

Under clause 36 of the Local Law, a permit is required to carry out certain activities in the St Kilda precinct during the St Kilda Festival. A permit of this kind is called a 'St Kilda Festival Permit'. Application forms for events are available on the City of Port Phillip website. St Kilda Festival Permits include:

- St Kilda Festival itinerant food trader permit;
- St Kilda Festival itinerant market trader permit;
- St Kilda Festival permanent trader permit;
- St Kilda Festival busking permit;
- St Kilda Festival temporary fence permit;
- St Kilda Festival event permit;
- St Kilda Festival filming and photography permit;
- St Kilda Festival promotional sampling permit.

#### Standard conditions for St Kilda Festival itinerant food trader permit TRADING SITE

- (a) Permit and plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.
- (b) The activity authorised as specified on the vendor's permit can only be conducted in the area specified on the accompanying plan.
- (c) The level of use must not exceed that indicated in the application for a permit and may only consist of the approved activity as advised in the permit.
- (d) At the completion of the Festival, the permit holder must clear the site that has been occupied during the period of the Festival. If trading on a roadway, all infrastructures must be cleared from the road at 10:00pm.
- (e) The site surface must be left by the trader in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. (An additional fee to cover cleaning will be incurred if the site is not deemed in an appropriate state.)
- (f) Trader placement on site is at the absolute discretion of St Kilda Festival Management.

- (g) All vendors serving food must have a copy of and comply with the Guide to the Design and Inspection of Gas Installations in Mobile Catering Vehicles Checklist on site. (Inspections will be conducted).

#### PRODUCTS FOR SALE

- (a) No business is allowed to sell or promote any product outside the business activity advised in the product list, submitted with application and approved by St Kilda Festival Management.
- (b) Only St Kilda Festival sponsorship beverages may be sold and hence must be purchased from the St Kilda Festival prior to the event.
- (c) Alcohol must not be served or sold.

#### PRODUCT STORAGE

- (a) The trader must not bring a cool room on site unless it has been approved and permitted by St Kilda Festival Management.
- (b) The trader must contain all storage and other equipment within the confines of their site.

#### INFRASTRUCTURE

- (a) Hired infrastructure must be left in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. (An additional fee to cover cleaning will be incurred if the infrastructure is not deemed in an appropriate state.)
- (b) No item or infrastructure e.g. umbrellas, signage, tent lines or pegs, etc. may protrude from or sit outside of the allocated site area.

#### HEALTH REGISTRATION

- (a) All vendors serving food are required to have a current health Registration Certificate, issued by their Principal Council (Class 2 & 3) and Food Safety Program (Class 2). All vendors serving food must also have submitted a Statement of Trade to both their Principal Council and the St Kilda Festival (City of Port Phillip).

#### INSURANCE

- (a) The permit holder must provide a Certificate of Currency from their insurance company providing an amount to be determined by Council however, not less than \$20 million. (In addition, the Certificate must name the City of Port Phillip as an interested party in the policy for the period of the event.)
- (b) The permit holder must indemnify the Council against all losses and claims resulting from the permit holder's negligence.

## VEHICLE ACCESS

- (a) Only vehicles with accreditation from the St Kilda Festival may enter the site between 6:00am and 9:00am for the purposes of equipment delivery. Traders vehicles will not under any circumstances be granted access to their site after 9:00am.
- (b) Under no circumstances can vehicles be brought back onto the site at the conclusion of the event prior to clearance being given by Victoria Police via your local Site Manager. (Vehicle access will be granted to festival accredited vehicles only after 10:00pm for equipment collection, provided Victoria Police in the Event Control Centre have given vehicle safety clearance to reenter the site, via your Site Manager.)
- (c) No vehicles other than permitted mobile food vehicles can be present on site during the event. (Accredited parking access for support vehicles must be obtained from St Kilda Festival Management prior to the event.)
- (d) No vehicle access will be allowed under any circumstances between 9:00am and 10:00pm on Sunday (insert date). (Vehicles found illegally parked or moving on site between 9:00am and 10:00pm will be fined.)

## SAFETY AND AMENITY

- (a) No barbecues, hotplates, Bain Maries or other hot servery equipment may be used as shop counters.
- (b) All electrical equipment and power leads must have a current electrical test tag. (Inspections will be conducted.)
- (c) No amplified music is allowed to emanate from the vending site.
- (d) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisations pertaining to the trading area must be followed and adhered to immediately.

## WASTE MANAGEMENT AND SUSTAINABILITY

- (a) All rubbish and waste produced in the area on the attached plan during the period of the festival must be disposed of in the bins provided by the Festival.
- (b) Items must be disposed of in the manner required by the Festival's waste management program. (Trade waste is the responsibility of the trader.)
- (c) All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.
- (d) Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)



## ACCESSIBILITY

- (a) The trader must not obstruct the pedestrian thoroughfare immediately in front of their trading site.
- (b) The service counter/bench/display height of the trader must ideally be no greater than 900mm. In the instance that the height is greater than 900mm, special assistance must be provided to each customer that may require accessibility assistance.
- (c) Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.
- (d) The trader must ensure that entrance and exit points of their site are completely accessible to all customers and are not obstructed by signage or other items.

## FEES AND CHARGES

- (a) Once application to participate as a trader in the St Kilda Festival has been accepted and an invoice is issued to the trader, the trader is liable for payment. Failure to reconcile payment will result in action from City of Port Phillip. (This may affect the trader's credit history and ability to participate in the St Kilda Festival in future years. Under no circumstances can refunds be issued.)
- (b) Total gross revenue/sales figures for trade on the day of the event must be submitted on the provided form within the St Kilda Festival Trader Application Kit to Festival Trader Liaison by close of business, (insert date), via fax on 03 9536 2717 or email to [sktraders@portphillip.vic.gov.au](mailto:sktraders@portphillip.vic.gov.au). (Failure to so may result in the issuing of an infringement notice or prosecution.)
- (c) The total site fee (the balance of 25% of the gross revenue minus the paid Site Permit Deposit Fee) must be paid within 7 days of the invoice date. (Failure to do so will result in action from City of Port Phillip. This may affect the trader's credit history and ability to participate in the St Kilda Festival in future years.)

## HOURS OF OPERATION

- (a) The permit holder acknowledges that the permit is for (insert date) only.
- (b) The permit holder must not commence trading before the specified commencement of 10:00am and must not trade beyond the specified completion time of 9:30pm.
- (c) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by this permit.

Standard conditions for a St Kilda Festival itinerant market trader permit

## TRADING SITE

- (a) Permit and plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.
- (b) The activity authorised as specified on the vendor's permit can only be conducted in the area specified on the accompanying plan.
- (c) The level of use must not exceed that indicated in the application for a permit and may only consist of the approved activity as advised in the permit.
- (d) At the completion of the Festival, the permit holder must clear the site that has been occupied during the period of the Festival. If trading on a roadway, all infrastructures must be cleared from the road at 10:00pm.
- (e) The site surface must be left by the trader in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. An additional fee to cover cleaning will be incurred if the site is not deemed in an appropriate state.
- (f) Early access to trading site on days prior to (insert date) is strictly by negotiation with and at the discretion of St Kilda Festival Management. Early access will not be available for any sites on footpaths or roadways.
- (g) Trader placement on site is at the absolute discretion of St Kilda Festival Management.
- (h) Sites requested are not guaranteed.

## PRODUCTS FOR SALE

- (a) No business is allowed to sell or promote any product outside the business activity advised in the product list, submitted with application and approved by St Kilda Festival Management.
- (b) Alcohol must not be served or sold.

## PRODUCT STORAGE

- (a) The trader must contain all storage and other equipment within the confines of their site.

## INFRASTRUCTURE

- (a) Marquee packages and power are provided according to the trader's approved application. Changes to orders and refunds may not be possible once invoice for payment has been issued by St Kilda Festival Management.
- (b) Hired infrastructure must be left in a clean state at the conclusion of the event as deemed by St Kilda Festival Management. An additional fee to cover

cleaning will be incurred if the infrastructure is not deemed in an appropriate state.

- (c) No item or infrastructure e.g. umbrellas, signage, tent lines or pegs, etc. may protrude from or sit outside of the allocated site area.

## INSURANCE

- (a) The permit holder must provide a Certificate of Currency from their insurance company providing a minimum cover to be determined by Council however in an amount of not less than \$20 million. In addition, the Certificate must name the City of Port Phillip as an interested party in the policy for the period of the event.
- (b) The permit holder must indemnify the Council against all losses and claims resulting from the permit holder's negligence.

## VEHICLE ACCESS

- (a) Only vehicles with accreditation from the St Kilda Festival may enter the site between 6:00am and 9:00am for the purposes of equipment delivery. Traders vehicles will not under any circumstances be granted access to their site after 9:00am.
- (b) Vehicle access will be granted to festival accredited vehicles only after 10:00pm for equipment collection, provided Victoria Police have given vehicle safety clearance to reenter the site. Under no circumstances can vehicles be brought onto site prior to clearance being given by Victoria Police in the Event Control Centre via your Site Manager.
- (c) No vehicles other than permitted mobile food vehicles can be present on site during the event. Accredited parking access for support vehicles must be obtained from St Kilda Festival Management prior to the event.
- (d) No vehicle access will be allowed under any circumstances between 9:00am and 10:00pm on Sunday the (insert date).

## SAFETY AND AMENITY

- (a) All electrical equipment and power leads must have a current electrical test tag. Inspections will be conducted.
- (b) No amplified music is allowed to emanate from the vending site. All normal noise regulation requirements will apply as per usual.
- (c) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisations pertaining to the trading area must be followed and adhered to immediately.

## WASTE MANAGEMENT AND SUSTAINABILITY

- (a) All rubbish and waste produced in the area on the attached plan during the period of the festival must be disposed of in the bins provided by the Festival.
- (b) Items must be disposed of in the manner required by the Festival's waste management program. Trade waste is the responsibility of the trader.
- (c) All Itinerant Vendors are responsible for their own liquid waste and must dispose of this waste appropriately outside the Festival precinct.
- (d) Traders must use recyclable packaging. (This will be inspected during trade on Festival Sunday and fines may apply for non-compliance.)

## ACCESSIBILITY

- (a) The trader must not obstruct the pedestrian pathway opposite the trading site.
- (b) The service counter/bench/display height of the trader must ideally be no greater than 900mm. In the instance that the height is greater than 900mm, special assistance must be provided to each customer that may require accessibility assistance.
- (c) Electronic funds transfer machines must have an extension cord or operate wirelessly so as people with accessibility requirements are not disadvantaged.
- (d) The trader must ensure that entrance and exit points of their site are completely accessible to all customers and are not obstructed by signage or other items.

## FEES AND CHARGES

- (a) Once application to participate as a trader in the St Kilda Festival has been accepted and an invoice is issued to the trader, the trader is liable for payment. Failure to reconcile payment will result in action from City of Port Phillip. This may affect the trader's credit history and ability to participate in the St Kilda Festival in future years.
- (b) Under no circumstances can refunds be issued.

## HOURS OF OPERATION

- (a) The permit holder acknowledges that the permit is for Sunday (insert date) only.
- (b) The permit holder must not commence trading before the specified commencement of 10:00am and must not trade beyond the specified completion time of 9:30pm.

- (c) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by the permit.

Standard conditions for a St Kilda Festival permanent trader permit:

- (a) Trading without a valid Permit to Participate will hold the trader liable and will either incur an infringement notice or prosecution.
- (b) All preparation and cooking of food must be done inside the premises as opposed to outside on the footpath or roadway.
- (c) The activity authorised as advised by this permit can only be conducted in and must not exceed the area approved on the attached plan.
- (d) All designated access roads, footpaths and access arms must not be used by the permit holder for any reason whatsoever and must be kept free from obstruction at all times.
- (e) The permit and associated plan must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council, St Kilda Festival Management and/or Police.
- (f) The permit holder must provide a Certificate of Currency providing a minimum cover to be determined by Council however in an amount of not less than \$20 million. The certificate must list the City of Port Phillip as an interested party in the policy for the period of the event.
- (g) The permit holder acknowledges that the permit is for use between the hours of 10:00am and 9:30pm on Sunday (insert date) only.
- (h) Sites requested are not guaranteed.
- (i) No business is allowed to sub-let or sub-contract under council's site allocation. For businesses wishing to operate in neighbouring premises, the said Operator must have written consent from the neighbouring owner and the festival must be supplied with a copy of this consent.
- (j) The trader must not sell or promote any product outside their normal business activity.
- (k) All product or branding signage erected within the site of the extended trading area and/or promotional activities undertaken must be approved by St Kilda Festival Management prior to the Festival. Any activities not approved prior to the Festival may face fines or further action.
- (l) No alcohol branding signage or promotion shall be permitted within the site of the extended trading area. Branded fridges, umbrellas and hoardings may be permitted at the discretion of St Kilda Festival Management, in writing prior to the event.

- (m) The permit holder must take all reasonable steps to ensure that any furniture used during the period of the festival is strong and safe and complies with any standards specified for use.
- (n) All equipment hired by the trader, including but not limited to marquees, tables and chairs, must be removed from the road carriageway section of the extended trading area by no later than 10:00pm, so as roads can be safely reopened to traffic. All equipment hired must be completely removed from the site by 11:00pm.
- (o) Unless the permit holder has obtained a Temporary Limited Licence from Liquor Licensing Victoria, alcohol must not be served or sold from the area identified in the attached plan.
- (p) Where the permit holder has all necessary consents and licenses to serve alcohol in the area identified in the attached plan, the permit holder must comply with the conditions of the licence, including the provision of any signage required by the licence.
- (q) The permit holder must not provide any beverages in glass containers in the area identified in the attached plan.
- (r) All rubbish and waste produced in the area on the attached plan during the period of the Festival must be disposed of in the bins provided by the council and in the manner required by the Festival's waste management program. Trade waste is the responsibility of the trader.
- (s) Set up of any extended trading area may commence from 6:30am and must be completed by 9:30am in readiness for a festival start at 10:00am.
- (t) If the trader has engaged a party hire company to supply and set up hired items for their extended trading space they must ensure the party hire company has applied for the appropriate vehicle accreditation from the St Kilda Festival. (Vehicles without Festival Accreditation will not be permitted on to the site for set up or pack down.) These vehicles will only be able to remain onsite between 7:00am and 9:30am for Bump In and will be allowed back on site from approximately 10:30pm.
- (u) The permit holder must not commence trading before the specified commencement of the Festival and must not trade beyond the specified completion time of 9:30pm.
- (v) Pack down is to commence at 9:30pm at the latest and all trader equipment, including hired equipment, is to be clear of the roadway within the extended trading area by 10:00pm sharp.
- (w) Any Temporary Limited Licence granted by the Victorian Commission for Gambling and Liquor Regulation for an extended trading area permitted by St

Kilda Festival Management shall only be granted for the period of 10:00am to 9:00pm.

- (x) Only vehicles with prior approval and accreditation from the St Kilda Festival may enter the site between 7:00am and 9:30am for the purposes of equipment delivery and again after 10:00pm for equipment collection. No vehicle access will be allowed between 9:30am and 10:00pm on Sunday the (insert date). Fines or penalties will apply.
- (y) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations are required by this permit or not.
- (z) Should a Temporary Limited Licence be granted by Victorian Commission for Gambling and Liquor Regulation for the extended trading area, the licensee shall ensure that they offer a substantial meal within their Temporary Limited Licence (Red Line) area and sufficient menu signage is visible.
- (aa) Where an extended trading permit has been issued, the area identified by the map must include 1 table setting per every 3m<sup>2</sup> from festival commencement to completion. One table setting is defined as one table and four chairs. The trader shall provide tables and chairs at this ratio within their permit area to ensure that patrons are served responsibly. Patrons must be seated and encouraged to remain seated at all times whilst within the approved extended trading area.
- (bb) No amplified music is permitted outside the premises, in either existing kerbside trading areas, or in the approved extended trading area. No music, band, performers or amplification may be placed within the trader's premises and faced out toward the extended trading area. All normal noise regulation requirements or Liquor Licence requirements will still apply as per normal.
- (cc) No barbecues, hotplates, Bain Maries or other hot servery equipment may be used in extended trading areas.
- (dd) All extended trading areas must be defined with a barrier or fence so as to clearly define the area and allow for best patron control practices.
- (ee) Appropriate public amenities must be allowed for any patrons in any extended trading area. This may include the use of amenities within the trader's premises.
- (ff) Any reasonable requests made or direction given by St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service organisation pertaining to the extended trading area must be followed and adhered to immediately.

- (gg) Council reserves the right to direct the permit holder to display signage regarding local laws, Council communications or conditions of extended trade as required.
- (hh) St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.
  - (ii) Your permit is deemed effective only if payment is made prior to the commencement of the St Kilda Festival. If payment has not been received prior to the commencement of the Festival, the trader will be deemed as operating without a Permit to Participate and either incur an infringement notice or may be prosecuted.
  - (jj) Your permitted extended trading area is as per the attached map and following size calculation:

$$?m \times ?m = ?m^2$$

$$?m^2 \div 3 m^2 = ? \text{ settings}$$

$$? \text{ settings} \times 4 = ? \text{ seated people permitted in extended trading area.}$$

- (kk) The maximum number of patrons permitted within your extended area as per the above calculation is ?.
- (ll) You are required to supply ? settings for patrons as per the above calculation.
- (mm) One setting = One table and four chairs.
- (nn) Official trading time: 10:00AM – 9:30PM
- (oo) Expiry date of the permit if issued will be: (insert date)

Standard conditions for a St Kilda Festival Busking Permit:

- (a) This permit must be kept on site by the permit holder and must be produced on request to an authorised officer of the Council or St Kilda Festival staff.
- (b) The level of use may only consist of the approved activity as advised in the permit.
- (c) St Kilda Festival Management reserves the right to amend or add conditions as it deems necessary.
- (d) Busking is defined as playing a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, street theatre, recitation and other appropriate theatrical and visual forms.



- (e) Permits are not transferrable.

#### Permitted Activity

- (a) An individual busking permit is required for each person engaged in any busking activity.
- (b) The locations in which busking is permitted on St Kilda Festival Sunday is limited to three (3) busking pitches as depicted by the St Kilda Festival Fitzroy Street Site Manager.
- (c) Busking permit holders will not receive any fees from the St Kilda Festival or City of Port Phillip for their busking performance.
- (d) Permits shall not be held by persons performing on behalf of any political or religious organisation.
- (e) The permit holder can only perform between the hours of 10.00AM and 9.30PM and should only perform for a continuous maximum period of twenty (20) minutes followed by no less than a forty (40) minute break.
- (f) The Permit holder shall not advertise or associate themselves with advertising and/or commercial branding of any nature.
- (g) The Permit holder shall be courteous to other buskers and rotate performance areas in an equitable fashion to ensure all buskers wishing to use a busker's pitch get equal time through the available period in the day.

#### Safety and Amenity

- (a) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service personnel pertaining to the busking area must be followed and adhered to immediately.
- (b) Buskers must respect City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency service personnel and must not make them a part of the Buskers act in any way or make light of any requests issued.
- (c) The permit holder must not obstruct pedestrian flow or other traffic movement whilst performing.
- (d) The permit holder (including the permit holder's audience) must not interfere with any St Kilda Festival programmed performance, activity, event or vendor.
- (e) Persons under 16 years of age require written permission from a parent or legal guardian to participate in busking activity.

- (f) A single small self-powered amplification system may be used in conjunction with the performance.
- (g) No fire may be used at any time.
- (h) A suitable safety distance must be in place between all Buskers performance areas and the audience and must be maintained at all times.
- (i) All Buskers must not interfere with any tram infrastructure, including overhead power wires. No juggling should be conducted immediately under the tram overhead power lines and no high unicycle acts are permitted within 4m of any tram overhead power cables.
- (j) Official Duration of available busking time on St Kilda Festival, Festival Sunday: 10:00AM – 9:30PM
- (k) Expiry date of this permit: 10:00PM on the date of issue

Standard conditions for a St Kilda Festival temporary fence permit:

- (a) Fencing product that does not create a “cage” type effect, i.e. a pool style fence or CCB will be permitted.
- (b) A clear corridor must be maintained from the existing exit doors from the premises, at the full width of the exit doors, through the outdoor trading area and out through the installed fence line.
- (c) The exit widths in the fence line shall be the same as the exit widths in the building and shall be in line with the exit doors and exit egress pathways of the building.
- (d) No gates shall be used in the fence line, but rather the exit openings in the fence line are managed by security guards.
- (e) Any installed fence line must sit within your existing approved outdoor trading area or property boundary.
- (f) No alcohol advertising or signage is permitted on any temporary installed fencing.
- (g) Signage advertising (e.g. for bands and venue publicity) is permitted, providing the fence is adequately designed to support the weight and wind loading on any signage applied. Additional documentation supporting this may be requested.
- (h) Existing permitted patron numbers shall be maintained at all times.
- (i) The permit holder must comply with all other statutory requirements and obligations that are applicable to the use or activity, irrespective of whether those requirements and obligations required by this permit.

## SAFETY AND AMENITY

- (a) All approved fencing shall comply with the relevant Australian Standards for the product selected and shall be appropriate for the task at hand.
- (b) All approved fencing shall be installed as per the manufacturer's recommendations and by suitably competent persons trained in the installation of the selected product.
- (c) If signage, or any other wind loading materials (like shade cloth), are applied to the fence line then the fence line shall be adequately designed to handle both the additional weight and the wind loading weight and appropriate documentation detailing this must be supplied by the fencing contractor to the permit holder. This documentation may be requested by the City of Port Phillip or St Kilda Festival.
- (d) Any reasonable requests made or direction given by City of Port Phillip staff, St Kilda Festival Management, St Kilda Festival appointed staff, or any emergency services organisations pertaining to the trading area must be followed and adhered to immediately.

## ACCESSIBILITY

- (a) The trader must not obstruct the pedestrian pathway opposite the trading site.

Standard conditions for a St Kilda Festival event permit

## GENERAL CONDITIONS

This permit operates in conjunction with the Activity Agreement previously signed. All conditions on both the agreement and this permit must be abided by at all times.

## Permitted Activity PROGRAMMING DESCRIPTION

### Site Management

- (a) A copy of this permit must be kept on site at all times during the permitted activity, including bump in and bump out, and must be produced on request by Festival Management or any authorised Council Officer or member of the Victoria Police during the conduct of the event. Please keep this permit with you at all times while on site, including bump in and bump out.
- (b) Your organisation nominates **EVENT MANAGER** as your official event manager and can be contacted on **NUMBER**.
- (c) You must work in accordance with directions given by Festival Management at all times.

### Sponsorship

- (a) The following sponsor activity has been approved as part of ACTIVITY:  
SPONSOR ACTIVITY

#### Infrastructure

- (a) The following infrastructure has been approved as part of ACTIVITY:  
INFRASTRUCTURE LIST

#### Schedules

- (a) The following set up and pack down schedule has been approved as part of  
ACTIVITY SCHEDULE

#### Related Permits

- (a) Any other permits required, including filming, health or otherwise, have not been issued with this permit and must be supplied separately on request.

#### Non-Compliance

- (a) A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each interested party, cancellation of the permit or with the matter being referred to the Magistrates' Court.
- (b) Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with the St Kilda Festival or the Port Phillip City Council.

#### Standard conditions for a St Kilda Festival filming and photography permit Conditions:

- (a) You are prohibited from photographing or filming any emergency service agencies or organisations performing their roles or any security or emergency agency response to any matter arising in any area within the St Kilda Festival precinct.
- (b) Before any activity associated with photography commences, all activities must comply with any applicable Local Laws of the City of Port Phillip and St Kilda Festival requirements.
- (c) All litter and other waste produced in the area where the photography is occurring must be disposed of by the permit holder.
- (d) Activities must not cause any damage to Council property including roads, open spaces, irrigation lines and St Kilda Festival infrastructure. The permit holder will bear the cost of any repairs.
- (e) The permit must be carried by the permit holder at all times and must be produced to an authorised officer of Council when requested to do so.

Council/St Kilda Festival are entitled to have a representative present at all times.

- (f) Crew are to adhere to Festival vehicle parking regulations & instructions. No vehicles are allowed on to the Festival site.
- (g) Accreditation must be worn at all times within the St Kilda Festival precinct.
- (h) The St Kilda Festival/City of Port Phillip take no responsibility for the safety of equipment whilst in the Festival precinct.
- (i) No major equipment allowed (no dollies/tracks/lighting rigs etc). This permit is for simple photography setups only (1 person).
- (j) The images are to be supplied to the Port Phillip City Council on CD in full colour, high res jpeg format (minimum of 300 DPI) according to the following schedule:
- (k) Festival Sunday photos schedule to be advised.
- (l) The St Kilda Festival and Council reserve the non-exclusive right, in relation to the St Kilda Festival (including beyond the current year), to use the photographs for purposes such as the media, in public documents, promotional material, sponsorship proposals, reports and online galleries, and other similar uses at its discretion and without fees or expenses. This usage is permitted to continue for an unlimited period of time.

Standard conditions for a St Kilda Festival promotional sampling permit GENERAL CONDITIONS:

#### Site Management

- (a) That a copy of this permit be kept on site at all times during the event and be produced on request by any authorised Council Officer or Festival staff member during the conduct of the event.
- (b) That your organisation nominates (insert name of person) as the onsite contact who can be contacted on the day of the event on mobile number: tba.

#### Waste Management

- (a) It is your responsibility to ensure that all waste is removed from the event site and is correctly disposed of at the conclusion of the event.

#### Non-Compliance

- (a) A breach of any of the conditions of this permit may result with enforcement action being taken against the permit holder and/or the organisation responsible for the event. This action may include the issuing of fines to each

interested party, cancellation of the permit or with the matter being referred to the Magistrates' Court.

- (b) Any enforcement action that is required in relation to this permit may affect future applications lodged by the event organiser with this Council.
- (c) Random inspections will take place on the day.
- (d) The Permit holder is responsible for the safeguarding of the public against injury from their activity on site and for maintaining the site during the conduct of the promotion in a safe condition at all times.

### 37. Trading Sites

Designated trading sites:

- (a) Dandenong Road adjacent to Alma Park - Florist
- (b) Elwood Foreshore - Food Van
- (c) Point Ormond Foreshore - Food Van

### 38. Filming

General

- (a) The Filming Approval Act 2014 provides for the making of the Film Friendly Guidelines October 2014. The Local Law must not be inconsistent with the Act or the Guidelines.
- (b) The Act does not apply to non-commercial filming where there is no intention of commercializing the product. For example news, still photography, filming of private events.

Application for permit

- (a) An application for a permit must be consistent with the approved standard form issued by Film Victoria.

Standard conditions for a filming permit

- (a) Before any activity associated with filming commences, all activities must comply with any applicable Local Laws of the Council. All other necessary consents and approvals must be obtained and all other legislative requirements must be complied with.
- (b) All litter and other waste produced in the area where the filming is occurring must be disposed of by the permit holder to the satisfaction of the Council.
- (c) If litter and other waste is not cleared to the satisfaction of the Council may clear the litter and waste and charge the permit holder for the costs incurred.

- (d) Activities must not cause any damage to Council property including roads, open spaces and irrigation lines. The permit holder will bear the cost of any repairs.
- (e) The permit must be kept on the site by the permit holder and must be produced to an authorised officer of Council when requested to do so. Council is entitled to have a representative present at all times.
- (f) The applicant must notify the Victoria Police Film and Television Office of their activities including any intended road closures, stunt activity, and use of firearms/weapons.
- (g) Before any tents or marquees are installed in Council parks or open spaces the applicant must advise and consult with Council to avoid damage being caused to Council infrastructure and assets.
- (h) At least 48 hours (and preferably up to 7 days in advance for retail areas) before filming commences the permit holder must notify local traders and residents in the immediate vicinity in writing of the proposal to film and a copy of the notification must be provided to the Council.
- (i) 7 days' notice must be given for reserved parking requests. Maps indicating the location and number of parking spaces required must be supplied. Assistance cannot be provided by Council staff for reserved parking in busy areas unless neighbouring traders/residents are provided with adequate notice.

Sponsorship in the form of waiver of fees is available in certain instances:

Emerging film makers, students and projects of demonstrable community benefit are eligible for a fee waiver. This support is treated as a sponsorship by the City of Port Phillip. The film maker is required to acknowledge the City of Port Phillip in the end credits of the film.

The acknowledgment will read "Filmed in the City of Port Phillip" or "Thanks to the City of Port Phillip".

Sponsorship requests must be in writing and addressed to the Coordinator Arts.

Emerging film makers are defined as:

- (a) film makers recently graduated from a recognised film school, or
- (b) film makers who have not gone through traditional educational institutions, and who have made no more than two films.

Fee waivers will generally only be available once and the film maker will be considered to be the producer/production company taking responsibility for the shoot.

Film makers creating unfunded films may be entitled to apply for sponsorship. Film makers in this category will need to demonstrate that the film would be of a benefit to the City of Port Phillip and its community.

#### Guidelines for assessing requests for film sponsorship

Among the issues considered by Council when assessing film sponsorship will include:

- (a) The Film Friendly Guidelines where applicable.
- (b) The applicant is a student film maker.
- (c) The applicant is an emerging film maker.
- (d) The applicant is a local film maker, living or working regularly in the City of Port Phillip.
- (e) The applicant is a local production company, or creating work of a community or cultural benefit.
- (f) The project will have a low impact on residents and businesses, in particular having with no major equipment impacts or road closure impacts.
- (g) The project promotes the City of Port Phillip and its businesses, communities or heritage.
- (h) The applicant can demonstrate a community or cultural benefit to the City of Port Phillip.
- (i) The request for sponsorship is being made at least five working days prior to any project start date, (permit commencement date), to allow for the proper consideration and review of the sponsorship request.

### **39. Busking, Fundraising and Street Stalls**

Standard Conditions for a Busking Permit Location restrictions:

- (a) The locations in which busking may be permitted is limited to local shopping strips, the Upper Esplanade and any other areas fixed by resolution of the Port Phillip Council.
- (b) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.
- (c) No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.
- (d) Buskers must keep clear of entrances to shops and buildings at all times



- (e) Buskers are not permitted to busk in front of or beside Bank Automated Telling Machines (ATM's).
- (f) Busking during the St Kilda Festival requires a separate permit.

#### Limitations/Restrictions

- (a) Buskers can only perform between the hours of 9.00am and 9.00pm and must only perform for a continuous maximum period of 30 minutes followed by a 10 minute break (maximum of 2 hours stationed in any one location).
- (b) Busking activity which causes annoyance to shopkeepers, local residents or the general public may be terminated at the direction and/or discretion of a member of the Victoria Police or an authorised Council Officer.
- (c) No nuisance may be committed. Buskers must not upset any member of public by their performance/behaviour.
- (d) No obstruction to pedestrian or other traffic movement will be caused by buskers.
- (e) Busking permit holders are not permitted to ask for or expect payment of any kind based on their busking performance.
- (f) Buskers or their audience must not interfere in any way with an entertainment or activity approved by Council. This includes, but is not limited to, encroaching on or around any authorised street stall, market, event or promotion.
- (g) Persons under 16 years of age will require written permission from a parent/guardian and will have to be accompanied by a parent/guardian when performing.
- (h) The following activities are not permitted:
  - i. Activities involving tobacco, gambling or alcohol promotion or advertising
  - ii. Activities which are deemed illegal, or could promote violence
  - iii. Activities that do not meet goals of objectives of the Council Plan
  - iv. Activities that are part of an advertising campaign or advertising a product.
  - v. Activities that are selling, offer or expose for sale any article or commodity.
  - vi. The use of mains or battery powered electrical amplifiers are strictly prohibited.

- vii. The use of fire, knives, swords, chainsaws or any other dangerous instrument is prohibited under any circumstances. This includes instruments that have been modified for safety but can still be perceived as dangerous.
- viii. Permanent pavement art of any form.

#### General Conditions

- (a) A copy of the permit must be retained at the busking site and produced for inspection upon request by Victoria Police or an authorised Council Officer
- (b) All busking must comply with all local laws, conditions and requirements. Directions of members of the Victoria Police Force or authorised Officers of the Port Phillip Council must be complied with at all times.
- (c) A passport-sized or similar photograph must be attached to the permit to identify the permit holder.
- (d) Permits are not transferable

#### Notes:

- (a) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.
  - (i) Contact via phone: 9209 6295 or email [smm@portphillip.vic.gov.au](mailto:smm@portphillip.vic.gov.au)
- (b) No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.
  - (ii) Contact the Manager St Kilda Esplanade Market via email: [esplanademarket@portphillip.vic.gov.au](mailto:esplanademarket@portphillip.vic.gov.au)
- (c) Busking during the St Kilda Festival requires a separate permit.
  - (i) Please contact the festivals team by phone on 9209 6306 for information

#### Standard conditions for a fundraising and street stalls permit

##### When is a Permit Required?

- (a) A permit is required in order to fundraise or have any form of street stall in Council managed open space.
- (b) Property occupier's consent is required if a stall, raffle or collection is to be set up in front of a business or residence.

- (c) A permit is not required if the fundraising is occurring on private property, in this case the permission of the property owner would be required.
- (d) All fundraising must comply with all legislation and local laws.

Limitations/Restrictions:

Fundraising will only be permitted for the following groups:

- (a) Registered charity or not for profit organisations.
- (b) Local education providers.
- (c) Local community groups.

Fundraising applications must be accompanied with proof of not-for-profit or DGR status. Or a letter from the not-for-profit organisation showing a partnership.

Fundraising permits will only be issued once every three (3) months for each organisation.

A maximum of two (2) locations can be permitted for the same organisation on the same day.

The following activities are not permitted:

- (a) Activities that do not meet the goals or objectives of the Council Plan or Events Strategy.
- (b) Fundraising or collections which request bank details as part of an ongoing donation.

Conditions:

All fundraising permits:

- (a) A copy of the permit must be retained at the fundraising site and produced for inspection upon request by Victoria Police or an authorised Council Officer.
- (b) All litter and rubbish emanating from or generated by the activity shall be cleared regularly and the site shall be vacated in a clean and tidy condition.
- (c) No member of staff or volunteer shall harass members of the public.
- (d) A 1.5m passage must be made available for pedestrians at all times.
- (e) Every member of staff and/or volunteer directly participating in the activity shall wear clothing apparel or a name tag which identifies the organisation conducting the fundraising.
- (f) No sign shall be placed on a building without the prior consent of the occupier.

- (g) Furniture is restricted to one table no larger than 1000mm in length and 900mm in width and two (2) chairs.
- (h) Serving or selling of any food product must comply with regulations.

#### Raffles:

Your organisation must be registered with and/or have gained approval from the VCGLR to conduct raffles if the total retail value of prizes exceeds \$5,000.

#### Street Stalls:

Prior consent if required from any business/resident if setting up in front of an occupied property.

#### Designated areas for busking and fundraising activities/street stalls

- (a) Designated areas for busking, fundraising activities and street stalls.
  - (i) Local shopping strips
  - (ii) In front of community centres or clubs
  - (iii) Reserves and gardens
  - (iv) Plazas
  - (v) Other areas as approved

## 40. Occupying Market Sites

#### Standard Conditions for a Busking Permit Location restrictions:

- (a) The locations in which busking may be permitted is limited to local shopping strips, the Upper Esplanade and any other areas fixed by resolution of the Port Phillip Council.
- (b) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.
- (c) No space allocated to the St Kilda Esplanade Market may be used by buskers without prior approval.
- (d) Buskers must keep clear of entrances to shops and buildings at all times
- (e) Buskers are not permitted to busk in front of or beside Bank Automated Telling Machines (ATM's).
- (f) Busking during the St Kilda Festival requires a separate permit.

#### Limitations/Restrictions

- (a) Buskers can only perform between the hours of 9.00am and 9.00pm and must only perform for a continuous maximum period of 30 minutes followed by a 10 minute break (maximum of 2 hours stationed in any one location).
- (b) Busking activity which causes annoyance to shopkeepers, local residents or the general public may be terminated at the direction and/or discretion of a member of the Victoria Police or an authorised Council Officer.
- (c) No nuisance may be committed. Buskers must not upset any member of public by their performance/behaviour.
- (d) No obstruction to pedestrian or other traffic movement will be caused by buskers.
- (e) Busking permit holders are not permitted to ask for or expect payment of any kind based on their busking performance.
- (f) Buskers or their audience must not interfere in any way with an entertainment or activity approved by Council. This includes, but is not limited to, encroaching on or around any authorised street stall, market, event or promotion.
- (g) Persons under 16 years of age will require written permission from a parent/guardian and will have to be accompanied by a parent/guardian when performing.
- (h) The following activities are not permitted:
  - (i) Activities involving tobacco, gambling or alcohol promotion or advertising
  - (ii) Activities which are deemed illegal, or could promote violence
  - (iii) Activities that do not meet goals of objectives of the Council Plan
  - (iv) Activities that are part of an advertising campaign or advertising a product.
  - (v) Activities that are selling, offer or expose for sale any article or commodity.
  - (vi) The use of mains or battery powered electrical amplifiers are strictly prohibited.
  - (vii) The use of fire, knives, swords, chainsaws or any other dangerous instrument is prohibited under any circumstances. This includes instruments that have been modified for safety but can still be perceived as dangerous.
  - (viii) Permanent pavement art of any form.

### General Conditions

- (a) A copy of the permit must be retained at the busking site and produced for inspection upon request by Victoria Police or an authorised Council Officer
- (b) All busking must comply with all local laws, conditions and requirements. Directions of members of the Victoria Police Force or authorised Officers of the Port Phillip Council must be complied with at all times.
- (c) A passport-sized or similar photograph must be attached to the permit to identify the permit holder.
- (d) Permits are not transferable

### Notes:

- (a) Busking at or around the South Melbourne Market is conditional on gaining prior approval by market management.
  - (i) Contact via phone: 9209 6295 or email [smm@portphillip.vic.gov.au](mailto:smm@portphillip.vic.gov.au)
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  - (i) Contact the Manager St Kilda Esplanade Market via email: [esplanademarket@portphillip.vic.gov.au](mailto:esplanademarket@portphillip.vic.gov.au)
- (c) Busking during the St Kilda Festival requires a separate permit.
  - (i) Please contact the festivals team by phone on 9209 6306 for information

### Standard conditions for a fundraising and street stalls permit When is a Permit Required?

- (a) A permit is required in order to fundraise or have any form of street stall in Council managed open space.
- (b) Property occupier's consent is required if a stall, raffle or collection is to be set up in front of a business or residence.
- (c) A permit is not required if the fundraising is occurring on private property, in this case the permission of the property owner would be required.
- (d) All fundraising must comply with all legislation and local laws.

### Limitations/Restrictions:

Fundraising will only be permitted for the following groups:

- (a) Registered charity or not for profit organisations.

- (b) Local education providers.
- (c) Local community groups.

Fundraising applications must be accompanied with proof of not-for-profit or DGR status. Or a letter from the not-for-profit organisation showing a partnership.

Fundraising permits will only be issued once every three (3) months for each organisation.

A maximum of two (2) locations can be permitted for the same organisation on the same day.

The following activities are not permitted:

- (a) Activities that do not meet the goals or objectives of the Council Plan or Events Strategy.
- (b) Fundraising or collections which request bank details as part of an ongoing donation.

Conditions:

All fundraising permits:

- (a) A copy of the permit must be retained at the fundraising site and produced for inspection upon request by Victoria Police or an authorised Council Officer.
- (b) All litter and rubbish emanating from or generated by the activity shall be cleared regularly and the site shall be vacated in a clean and tidy condition.
- (c) No member of staff or volunteer shall harass members of the public.
- (d) A 1.5m passage must be made available for pedestrians at all times.
- (e) Every member of staff and/or volunteer directly participating in the activity shall wear clothing apparel or a name tag which identifies the organisation conducting the fundraising.
- (f) No sign shall be placed on a building without the prior consent of the occupier.
- (g) Furniture is restricted to one table no larger than 1000mm in length and 900mm in width and two (2) chairs.
- (h) Serving or selling of any food product must comply with regulations.

Raffles:

Your organisation must be registered with and/or have gained approval from the VCGLR to conduct raffles if the total retail value of prizes exceeds \$5,000.

**Street Stalls:**

Prior consent if required from any business/resident if setting up in front of an occupied property.

Designated areas for busking and fundraising activities/street stalls

- (a) Designated areas for busking, fundraising activities and street stalls.
  - (i) Local shopping strips
  - (ii) In front of community centres or clubs
  - (iii) Reserves and gardens
  - (iv) Plazas
  - (v) Other areas as approved



# Part 4 - Protection of the Amenity of the Municipal District

## Division 1: General

### 41. Display of property numbers

This section is intentionally blank.

### 42. Camping on Council Land

This section is intentionally blank.

### 43. Furniture and other items on Council Land and Footpaths

This section is intentionally blank.

### 44. Audible Intruder Alarms

Any form of audible intruder alarm which emits a noise audible beyond the boundary of the Property on which it is installed is in breach of this local law unless the alarm is so constructed or regulated to ensure that:

- (a) Whenever a detection device is activated the Audible Intruder Alarm is automatically rendered inaudible beyond the boundary of the Urban Premises within five (5) minutes of being activated; and
- (b) The Audible Intruder Alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset.

Despite above, an Audible Intruder Alarm may operate for a further period of five (5) minutes following the cessation of the Alarm in accordance with Guideline (a), provided the alarm is activated by a different detection device.

### 45. Advertising Signs

Criteria for the grant of a permit

In considering whether to grant a permit for an advertising sign, the Council must have regard to:

- (a) the appropriateness of the proposed location to the community event advertised;
- (b) the impact of the proposed sign on visual amenity;
- (c) any traffic and safety issue associated with the location and design of the sign; and
- (d) any other relevant matter to the circumstances of the application.

#### Community Signage Board Guidelines and Conditions

Eligibility:

The following groups will be eligible to apply to erect a temporary advertising sign:

- City of Port Phillip Non-profit Aged and Disability Groups, Youth Groups, Arts and Cultural Groups and Non- profit community groups which meet Council's strategic directions.
- City of Port Phillip schools and preschools.
- City of Port Phillip Service Clubs.

All signs are to promote an event or activity.

The following groups/organisations/activities will be ineligible to apply to erect a temporary advertising sign:

- For-profit and commercial organisations are not eligible to apply to erect temporary signage.
- Tobacco, gambling or alcohol promotion or advertising.
- Activities that do not meet goals or objectives of the Council Plan.

Erection of Signs without Permission:

- Groups, organisations or individuals who erect advertising signage without permission, will be directed to remove the signage within 24 hours. If this request is not complied with, Council will impound the signage.

Display Duration:

- The display period for a temporary sign will be a maximum of fourteen (14) days.

Limits on Size and Number of Signs:

- Temporary community advertising signs must not exceed five (5) square meters and would preferably be three (3) square meters or less.
- A maximum of two signage boards only per application will be permitted.

Content of Signs:

- The content of the sign must be submitted for approval with the application.
- Council reserves the right to disallow an application which it deems is not consistent with Council directions.

Sponsorship:

- Sponsorship identification on community signs is not to exceed 20% of the sign display area or 0.6 square meters, whichever is the lesser.

- Temporary advertising signage which displays sponsorship or advertising relating to tobacco or gambling associated activities, events or organisations, will not be granted approval to be erected in parks and reserves.

#### Placement and Removal of Signs:

- It is the responsibility of the applicant to erect, dismantle, and remove signs.
- Signs must be securely fixed into position, structurally adequate and demonstrate consideration for all loads that may be applied.
- When the sign(s) is (are) dismantled, all brackets, pegs and fasteners are to be removed. Signs must be taken down within 24 hours of the permit expiry date.
- Signs that are not removed by the due date, or on request thereafter, will be removed by Council and the costs of removal and storage recovered from the applicant.
- Signs are only to be placed at the designated site(s).

#### Conditions:

- A copy of this permit shall be retained by the signage supervisor as stated above and shall be produced for inspection upon request by any member of the Victoria Police or authorised Port Phillip Council Officer.
- No sign shall be placed on a building, premises and/or land without the prior consent of the occupier/landlord.
- All approved signage is safely and securely fixed.
- All approved signage must be removed by the date provided on the permit.
- All signage is restricted to that which has been submitted and approved by formal application to Port Phillip Council.
- Bookings for signage will only be received for dates less than six (6) months out at the time of application.

#### Standard Conditions for a Real Estate Advertising Sign

- The permit-holder is hereby permitted to place real estate pointer boards within the City of Port Phillip.
- Advertising signs promoting auctions, sales or an open house viewing must only be placed on footpaths and nature strips or Council land on the day of the event.

- The size of any advertising sign must not be greater than 1 metre in height or 70cm wide.
- The advertising sign must be removed within two hours of the conclusion of the auction/inspection.
- The advertising sign must not be placed on median strips, roundabouts or similar structures or works forming part of a road.

#### Standard Conditions for Mobile Billboards

- A mobile billboard must not be located in a parking area for more than 2 hours regardless of whether the appropriate fee has been paid; and
- there must be at least a minimum separation of 200 metres between mobile billboards at any one time.

#### Designated areas for advertising signs

Community Advertising Signs are permitted in the following locations within the municipality:

- Sol Green Reserve, City Road South Melbourne
- Williamstown Road, Port Melbourne
- Bay Street, Port Melbourne (opposite 317 – 334)
- Bay Street, Port Melbourne (opposite 173)
- O'Donnell Gardens, St Kilda
- Jacka Boulevard Overpass, St Kilda
- Alma Park, St Kilda
- St Kilda Town Hall
- Beach Car Park Entry off Ormond Esplanade, Elwood
- Other Sites as designated by Council

Community advertising signs are prohibited in the following locations within the municipality:

- St Kilda Junction;
- Canterbury Road/Fitzroy Street/Grey Street;
- Beaconsfield Parade/Fitzroy Street/ Jacka Boulevard;

- Beaconsfield Parade/Kerferd Road;
- Ferrars Street/Kerferd Road/Canterbury Road/Albert Road.

Mobile Billboards are prohibited in the following locations within the municipality:

- Ormond Esplanade, Marine Parade, Jacka Boulevard, Beaconsfield Parade, Beach Street, Beacon Road, The Boulevard and abutting car parks, including foreshore car parks
- St Kilda Road
- Fitzroy Street
- Acland Street Commercial Zone
- Clarendon Street Commercial Zone
- Bay Street Commercial Zone
- Carlisle Street Commercial Zone

Note: In all other locations, relevant parking restrictions must be complied with at all times.

Mobile billboards are not permitted within the designated local access only zone for the period of the Australian Grand Prix from midnight on the Monday preceding the Grand Prix to midnight on the Monday following the Grand Prix.

#### Delegations for advertising signs

Please refer to sub-section 72 for the relevant delegations.

#### Enforcement guidelines for breaches of Clause 12 of the Local Law.

Council will generally follow the guidelines set out in the table below following detection of a breach of clause 12 of the Local Law regarding advertising signs:-

	Community Group	'Small' Commercial Operator	'Major' Corporate Operator
First offence	Issue Notice to Comply - for removal within 7 days	Issue Notice to Comply - for removal within 7 days	Issue Infringement Notice and Issue Notice to Comply - for removal within 7 days
Non compliance after first offence and Notice to Comply	Issue Infringement Notice	Issue Infringement Notice to those identified within the local law.	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).

	Community Group	'Small' Commercial Operator	'Major' Corporate Operator
Second or subsequent Offence	Issue Notice to Comply - for removal within 3 days.	Issue Infringement Notice to those identified within the local law and Notice to Comply within 24 hours.	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).
Non compliance after second offence and Notice to Comply	Issue Infringement Notice	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).

#### 46. No Smoking in Smoke Free Areas

Please refer to sub clause 72 with respect to delegations in this sub clause.

Council may designate smoke free areas

Council may designate any area within the municipality to be a smoke free area.

Council will not designate any footpath trading zone as a smoke free area, unless a request to consider designating a footpath trading zone as being smoke free is made by the trader permitted to use the footpath trading zone.

Criteria to be considered in designating smoke free areas.

When determining whether to designate a smoke free area, Council must have regard to the following factors:

- (a) the size of the proposed smoke free area;
- (b) the opinions of any person who is the owner or occupier of any part of the proposed smoke free area;
- (c) the proximity of the proposed smoke free area to a public place;
- (d) the extent and outcome of any public consultation on the proposed smoke free area;
- (e) any benefits to the community which would be achieved by Council designating the proposed smoke free area;
- (f) any detriment to the community which would be caused by Council designating the proposed smoke free area; and
- (g) any other matter Council considers relevant.

Power to erect signs

Council or an authorized officer must erect, or cause to be erected, a no smoking sign in every designated smoke free area.

#### **47. Incinerators, fires and open air burning**

This section is intentionally blank.

#### **48. Fireworks**

This section is intentionally blank.

#### **49. Heavy Vehicles**

This section is intentionally blank.

#### **50. Political Signs**

This section is intentionally blank.

## **Division 2: Premises – Unsightly or dangerous**

#### **51. Dangerous or unsightly land**

This section is intentionally blank.

## **Division 3: Building Activity**

#### **52. Managing Amenity on Building Sites**

Criteria for grant of permit to conduct building work out of hours.

In determining whether to grant a permit, Council must have regard to:

- (a) the nature of the proposed works;
- (b) the time and circumstances in which the works will be carried out;
- (c) the likely volume, intensity, and duration of the noise levels that will be emitted by the proposed works;
- (d) any previous applications made or permits granted to that person, including any complaints made in respect of such permits;
- (e) any potential precautions or conditions which could be taken to prevent the emission of noise that is clearly audible and detrimental to the amenity of any surrounding;
- (f) residential premises outside the permitted hours and in particular before 9.00am Saturday and 10.00am Sunday; and / or



- (g) non-residential premises outside the permitted hours and in particular at business critical times to any business operating from those premises;
- (h) any issues of community safety and amenity;
- (i) the need for the provision of reasonable notice to residents and occupiers of non-residential premises.
- (j) Council must not grant a permit for a builder to carry out building works on a day that is an appointed public holiday under the Public Holidays Act 1993.

#### Application for out of hours permit

An application for a permit to conduct building works out of hours must be:

- (a) Made at least five (5) days prior to the commencement of the proposed out of hours building works; and
- (b) In the approved form.

#### Management measures to be complied with

The builder must comply with the following measures in managing a building site:

- (a) Stormwater Management
  - (i) retention of stormwater on the site (wherever possible) for connection to the stormwater system; and
  - (ii) prevention of sediment from polluting stormwater discharges and entering the sewerage system.
- (b) Protection of the environment and vegetation
  - (i) preservation of grass and vegetation, especially on the perimeters of the building site;
  - (ii) minimisation of work of slopes, along streams and environmentally sensitive areas;
  - (iii) minimisation soil exposure and revegetating as soon as practicable; and
  - (iv) removal of excess soil from the building site as soon as practicable.
- (c) Site access and access roads
  - (i) minimisation of dust or mud from road surfaces; and
  - (ii) cleaning from falling onto the roads.

- (d) Excavations
  - (i) reinstatement of trenches as soon as pipes or cables are laid;
  - (ii) cleaning of roads during excavation works; and
  - (iii) protection of stormwater entry pits close to roadworks.
- (e) Stockpiles and batters
  - (i) positioning of stockpiles away from drainage flows; and
  - (ii) no placement of stockpiles on roads (unless a permit under the Local Law No.1 (Community Amenity) has been obtained).
- (f) Noise Control
  - (i) compliance with the operating hours prescribed in the Local Law No.1 (Community Amenity);
  - (ii) permitting deliveries to the site only during operating hours prescribed in the Local Law No.1 (Community Amenity);
  - (iii) use of equipment with the lowest possible noise rating and best practice silencing technology wherever possible;
  - (iv) use of noiseless pile drivers wherever possible or boring of holes before inseting piles; and
  - (v) regular servicing of vehicles and generators, and no idling of trucks in area close to residences.
- (g) Waste Management
  - (i) containment of litter from the building site is a container kept on the building site;
  - (ii) immediate cleaning of spills and prevention of paint residues or other liquid wastes from entering the stormwater system or soaking into the ground;
  - (iii) provision of a dedicated chemical storage area;
  - (iv) containment or filtration of run off pressure cleaning and brick, tile or pavement cutting;
  - (v) recycling wherever possible and sending waste which is not recyclable to landfills; and
  - (vi) containment of waste from concrete deliveries on the site or on the truck.

- (h) Contaminated Soil
  - (i) testing of soil for contamination and evidence of old fill material or previous industrial use prior to any works commencing; and
  - (ii) compliance with EPA Guidelines on the management and containment of soils.
- (i) Outside the Site
  - (i) no hosing of litter into drains;
  - (ii) daily inspection and cleaning of roads and gutters around the site;
  - (iii) minimisation of dust from the site; and
  - (iv) keeping of all equipment and material used in association with the building work on the building site unless a permit under the Local Law has been obtained.
  - (v) If the building site is a corner allotment and the street tree is located along the boundary of the site allotment and the building works to be carried out on the building site will not involve the parking of vehicles on that boundary of the site allotment, the placing or storing of building materials or other items, or access to or from the building site, there is no requirement to erect a tree protection barrier around that street tree.

#### Standard conditions for permit to conduct out of hours building works

- (a) The permit-holder must provide a minimum of 2 business days written notification to the occupants of all adjacent and affected premises within a 25m radius of the location of works. If a notification list has been provided all addresses must also be included. The notification must include the following information and a copy forwarded to the Coordinator City Permits:-
  - (i) The date and hours of works occurring under this permit
  - (ii) The nature of works to be performed
  - (iii) The licence reference
  - (iv) Contact name and phone number for the permit-holder and/or site manager
- (b) This permit does not authorise any other construction works to occur other than those described above.
- (c) This permit does not override the requirements of the Environment Protection Act Regulations.

**53. Requirement for Fencing**

This section is intentionally blank.

**54. Building Works on a Dwelling**

This section is intentionally blank.

## Division 4: Protection of Trees

**55. Significant Trees**

This section is intentionally blank.

# Part 5 - Keeping of Animals

## 56. Keeping excess numbers of animals

### Excess Animals

The following animals are allowed to be housed without a permit. Housing of more animals than stated would require a multiple animal permit, available for download from the City of Port Phillip web site.

### Permitted Animals and Birds on Properties

Type of Animal	Houses Maximum Allowed	Units/Townhouses/ Flats Maximum Allowed
Birds	5	2
Dogs	3	2
Cats	2	2
Poultry	5	0
Rabbits	5	2
Guinea pigs	5	2
Ferrets	5	2
Reptiles	5	2
Livestock including horses, and pet cows, sheep or goats	0	0

### Standard conditions for a multiple animal permit

- (a) Poultry or animal housing or a similar structure must be located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing.
- (b) An owner or occupier must not construct or use any poultry or animal housing on any property unless it has adequate roofing, drainage, is rat proof and has a floor paved with impervious material.
- (c) All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

Council must inspect animal housing to ensure that it complies with the requirements of the Local Law and Procedure and Protocol Manual. If the animal housing does not comply,

Council may direct the animal housing to be amended, re-located or otherwise maintained to ensure compliance with the Local Law and Procedure and Protocol Manual.

**57. Animal litter**

This section is intentionally blank.

# Part 6 - Waste and Sanitation



## 58. General Requirements Applying to Industrial, Trade and Commercial Waste

### Guidelines for assessment of detrimental amenity impacts

In considering whether a commercial premises is causing a nuisance or detrimentally affecting the amenity of an area, an authorized officer must consider the following guidelines:

- (a) Recyclable materials such as bottles, cardboard and cooking oils must be adequately stored so that:
  - (i) they cannot be interfered with by unauthorised persons;
  - (ii) cannot escape beyond the premises on which they are stored;
  - (iii) Cardboard or boxes must be placed for collection secured or tied in a bundle so that they cannot escape from the collection site.
- (b) Crates and other returnable delivery containers must be kept on the premises and stored until they are returned to the owner.
- (c) Waste must not be:
  - (i) discharged, emptied or disposed of in any way onto any road or into a drain;
  - (ii) burned or incinerated; and
  - (iii) left for collection on the roadside where it comprises hazardous waste as defined in the Environment Protection Act.
- (d) Noise and emissions

The owner or occupier of commercial premises must ensure that:

- (i) any motors used in equipment in the commercial premises are properly baffled, insulated or located so as to control noise; and
  - (ii) mechanical ventilation systems are regularly inspected and maintained and that a record of inspection can be provided to an authorised officer on request; and
  - (iii) deliveries and pickups of goods and equipment does not affect the amenity of the area because of the time and manner in which the activities occur.
- (e) The owner or occupier of commercial premises should ensure that any equipment used in the commercial premises from which gas emissions may occur is regularly serviced and maintained in accordance with the relevant Australian Standard and that a record of inspection can be provided to an authorised officer on request.

- (f) Any stormwater drainage connection from the commercial premises must be regularly maintained and kept free from blockages.

#### Commercial waste collection designated areas

Collection of waste materials is prohibited under clause 35 of the Local Law No.1 (Community Amenity), between the hours of 8pm and 7am Monday to Friday and 8pm to 9am on Saturday and Sunday:

- (a) Alfred Street, Balaclava
- (b) Queens Lane, Melbourne
- (c) Fawkner Street, St Kilda

#### Delegations

Please refer to sub-section 72 for list of delegations with respect to this clause.

### **59. Additional Requirements Applying Commercial Premises**

In considering whether to take enforcement action in response to a complaint about commercial premises being used for short-term or other accommodation for commercial gain, an authorised officer must consider the following guidelines:

- a) The severity of the impact of the conduct complained of on the amenity of the surrounding properties, including history of complaints, number of complainants and the extent of the alleged impacts.
- b) The prospects of any enforcement action succeeding, including the: (i) Nature and reliability of the evidence available; and (ii) Level of engagement of the complainant in any enforcement action.
- c) The resources required to investigate and/or pursue enforcement action in respect of the conduct complained of.
- d) Any mitigating circumstances, including factors such as the steps taken by the owner/occupier of the property to minimise the amenity impacts.
- e) Whether there are other more suitable avenues to address the amenity impacts, including: (i) Whether action has been taken by an Owners Corporation under the Owners Corporations Act 2006 (OCA) in respect of the conduct complained of, or any similar conduct; and whether it was successful; and (ii) Other relevant legislation.
- f) Any other matter with the authorised officer considers to be relevant to the particular complaint.

## **60. Domestic waste and recyclable materials**

This section is intentionally blank.

# Part 7 - Protection of Amenity and Safety of Foreshore Areas

## 61. Use of boats and other watercraft

### Delegations

Please refer to section 72 with respect to delegations.

### Areas designated for launching water craft.

(a) Personal Watercraft:

St. Kilda Marina launching ramp or any other area that is signposted for the purpose.

(b) Sailboards or Kite Surfing:

any area signposted for the purpose

## 62. Glass and Sharp Object on Beach

This section is intentionally blank.

## 63. Glass Free Areas

### Delegations

Please refer to sub clause 72 for delegations.

### Designated glass free areas

The following areas are designated glass free areas:

- (a) For the period from 9.00 am on Friday 5 January 2018 to 11:59 pm on Tuesday 3 April 2018 in the following areas within the City of Port Phillip:
- (i) St Kilda Foreshore precinct from West Beach to Marina Reserve as defined by the line along:
  - (ii) Beaconsfield Parade between Langridge Street and Fitzroy Street;
  - (iii) Jacka Boulevard between Fitzroy Street and Shakespeare Grove;
  - (iv) Marine Parade between Shakespeare Grove and Wordsworth Street;
  - (v) West in a line on the southern boundary of Marina Reserve to the low water mark;
  - (vi) North in a line on the low water mark between Marina Reserve to parallel with Langridge Street;

- (b) From 1 July 2018 at 12.01am in the following areas within the City of Port Phillip:
- (c) St Kilda Foreshore including beaches, reserves and parkland from Elwood to Port Melbourne and between the water and State Route 33 (comprising Ormond Esplanade, Marine Parade, Jacka Boulevard, Beaconsfield Parade and Beach Street).

#### **64. Inflatable Displays on Foreshore or Beaches**

Please refer to sub-section 72 for delegations with respect to this clause. Any inflatable sign, display or like object permitted must be anchored.

Failure to anchor an inflatable sign, display or like object will result in Council suspending or cancelling any permit.

For the purpose of this clause, “anchor” means to secure or fix in a static position, without an ability to be moved.

# Part 8 - Administration and Enforcement

## Division 1: Permits, Fees and Delegations

### 65. Applying for a permit

Please refer to Section 72 for delegations with respect to this clause.

Application for a permit

An application for a permit under the Local Law must contain the following information:

- (a) Name of applicant
- (b) Address of applicant
- (c) Contact phone number for applicant during business hours
- (d) Type of permit sought
- (e) Description of use or activity
- (f) Where required, evidence of owner's consent, if applicant is not the owner
- (g) Where required, evidence of other necessary permits or consents required by the Local Law
- (h) Where required evidence of current liability insurance cover
- (i) Any other information required by the Local Law
- (j) Any other information required by the Council.

In addition, an application for a permit must be accompanied by the relevant fee.

Sample permit content

PORT PHILLIP CITY COUNCIL LOCAL LAW NO.1 (COMMUNITY AMENITY)  
PERMIT (number) CLAUSE 65

Name of person granted permit

Address

Use of activity authorised by Permit :

Address where activity or use will be carried out:

In addition to complying with any relevant requirements in the Local Law No.1, Community Amenity the following conditions apply to the activity or use:

Expiry date of permit:



Name of authorised officer:

Signature:

Date:

**66. Fees and Charges**

Please refer to sub-section 72 with respect to delegations for this clause.

**67. Cancellation of permit**

Please refer to sub-section 72 with respect to delegations for this clause.

**68. Correction of permits**

Please refer to sub-section 72 with respect to delegations for this clause.

**69. Registers**

Please refer to sub-section 72 with respect to delegations for this clause.

**70. Exemptions**

Please refer to sub-section 72 with respect to delegations for this clause.

**71. Offences**

This section is intentionally blank.

**72. Delegations**

In accordance with Clause 72 of the Local Law the following delegations apply to the following members of Council staff who hold (or are acting) in the following positions:

Clause	Power delegated	Delegate	Conditions and limitations
9(1)– Connecting to Council drains	Power to grant a permit	Coordinator City Permits	Subject to the Requirements of Clause 65
12(1)(2)- Vehicle Crossings	Power to grant a permit	- Coordinator City Permits	Subject to the requirements of Clause 65
12(3)-Vehicle Crossings	Power to require construction or repair of vehicle crossing	- Local Laws Authorised Officer  - Asset Protection Officer  - Asset Inspection Officer	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
12(5)-Vehicle Crossings	Power to direct removal, reinstatement or repair of vehicle crossing	- Local Laws Authorised Officer - Asset Protection Officer - Asset Inspection Officer	Subject to the requirements of Clause 65
12(5)- Vehicle Crossings	Power to inspect work related to vehicle crossing	- Local Laws Authorised Officer - Asset Protection Officer - Asset Inspection Officer	Subject to the requirements of Clause 65
15- Asset Protection	Power to grant a permit for Asset Protection	- Team Leader Development Permits  City Permits Authorised Officer	Subject to the requirements of Clause 65
15 -Asset Protection	Power to set security bond	- Asset Protection Officer -Team Leader Asset Protection & Inspection - Coordinator City Permits	Subject to the requirements of Clause 65
15 -Asset Protection	Power to retain security bond to carry out repairs to public assets	- Asset Protection Officer	Subject to the requirements of Clause 65
15 - Asset Protection	Power to determine damage caused or repaired to council satisfaction	- Asset Protection Officer  - Team Leader Asset Protection & Inspection  - Senior Asset Inspection Officer	Subject to the requirements of Clause 65  Only after consultation with Asset Management
15- Asset Protection	Power to accept alternative form of security bond	Team Leader Development Permits - City Permits Authorised Officer	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
19(1) – Outdoor commercial recreational activities	Power to grant a permit	- Coordinator Sports & Recreation  - Sport and Recreation Participation Officer  Was Events Adviser	Subject to the requirements of Clause 65
21 – Horse riding on Council land	Power to issue a permit	- Coordinator Events, Partnership and Industry Development  -Senior Event Manager  - -Event Manager	Subject to the requirements of Clause 65
22(1)(2) – Hot air balloons and skydiving	Power to grant a permit	- Sport & Recreation Liaison Officer	Subject to the requirements of Clause 65
23 - Shopping Trolleys	Power to agree on process for the handling and collection of shopping trolleys	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65
24(1) Footpath Activities Permit	Power to grant permit	Coordinator City Permits  - Team Leader Footpath Trading  - City Permits Authorised Officer  - Operations Coordinator South Melbourne Market  - - Head of Retail & Business Development South Melbourne Market	Subject to the requirements of Clause 65  Operations Coordinator South

Clause	Power delegated	Delegate	Conditions and limitations
			Melbourne Market for the footpaths of York Street, Cecil Street and Coventry Street to the extent that they adjoin the South Melbourne Market
27(3)– Consumption of liquor	Power to designate ‘alcohol designated areas’	<ul style="list-style-type: none"> <li>- Chief Executive Officer</li> <li>- General Manager City Growth &amp; Development.</li> </ul>	<p>Subject to the requirements of Clause 65</p> <p>Implement a communication campaign to advise the community of the changes.</p> <p>Changes to areas advertised in government gazette.</p>
27(5) Consumption of liquor	Power to direct person to seal any container or dispose of the contents of container		
28(1)- Occupation of roads	Power to grant a permit	<ul style="list-style-type: none"> <li>- Coordinator City Permits</li> <li>- Team Leader City Permits</li> <li>- City Permits Authorised Officer</li> </ul>	Subject to the requirements of Clause 65
29(1)-Bulk Rubbish Containers	Power to grant permit for bulk rubbish containers skip bins	<ul style="list-style-type: none"> <li>- City Permits Authorised Officer</li> </ul>	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
30(1)- Clothing Recycle Bins	Power to grant permit	- Coordinator City Permits - Team Leader City Permits	Subject to the requirements of Clause 65
33(1) Itinerant Trading	Power to grant permit	Annual Mobile Food Vehicle Permits  - Coordinator City Permits  - Footpath Trading Administrator  Other:  - Coordinator Recreation	Subject to the requirements of Clause 65  Implement a communication campaign to advise the community of the changes.
34(1) Itinerant trading from house to house	Power to grant a permit	- Footpath Trading Administrator  - Coordinator Economic Development	Subject to the requirements of Clause 65  Implement a communication campaign to advise the community of the changes.
35(1) (2)– Special events	Power to grant a permit	- Coordinator Events, Partnership and Industry Development   -Senior Event Manager  - -Event Manager	Subject to the requirements of Clause 65
36(1) – St Kilda Festival Activities	Power to grant permit for activities in the St Kilda precinct during the St Kilda Festival	- - Head of Arts, Festivals and Events  - St Kilda Festival Production Manager  -Coordinator Programming & Curatorial	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
		-St Kilda Festival Lead	
37(2) Itinerant Trading	Power to designate trading sites	- Coordinator Major Events & Activations for markets (excluding South Melbourne Market) or Acland Street Plaza  - Footpath Trading Administrator	Subject to the requirements of Clause 65  Implement a communication campaign to advise the community of the changes.
38 – Filming on Council controlled land	Power to grant a permit	-Coordinator Events, Partnership and Industry Development  -Senior Event Manager  -Event Manager  - Film and Development Officer	Subject to the requirements of Clause 65  Film Friendly Principles
39(1) – Busking, Fundraising and Promotional Activities	Power to grant a permit	- Coordinator Events, Partnership and Industry Development  -Senior Event Manager  -Event Manager	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
39(3) – Busking, Fundraising and Promotional Activities	Power to designate area for busking, fund raising activity or promotional activity	<ul style="list-style-type: none"> <li>- Coordinator Events, Partnership and Industry Development</li> <li>-Senior Event Manager</li> <li>-Event Manager</li> </ul>	<p>Subject to the requirements of Clause 65</p> <p>Designated areas must be signed and changes to areas advertised in government gazette.</p>
40(1)-Market Sites	Power to allocate market sites	<ul style="list-style-type: none"> <li>- St Kilda Esplanade Market Manager</li> <li>- Head of Arts, Festivals and Events</li> <li>- Coordinator Events, Partnership and Industry Development</li> <li>- Senior Event Manager</li> <li>- Event Manager</li> </ul>	Subject to the requirements of Clause 65
45(1) Advertising Sign Permit	Power to grant a permit	<ul style="list-style-type: none"> <li>Real Estate Pointer Boards:</li> <li>- Team Leader</li> <li>Development Permits</li> <li>- City Permits Authorised Officer</li> <li>Other:</li> </ul>	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
		- Coordinator Events, Partnership and Industry Development  -Senior Event Manager  - Event Manager	
45(1) Community Advertising	Power to grant approval for advertising signage	- Coordinator Events - Event Adviser - Event Support Officer  Was Coordinator Recreation	Subject to the requirements of Clause 65
45(4) Advertising & Community Advertising Signage	Power to designate exemptions for certain advertising signs or areas where advertising signs are permitted or limited	- Coordinator Events, Partnership and Industry Development -Senior Event Manager -Event Manager	Subject to the requirements of Clause 65  Designated areas to be advertised in government gazette.
46(4)-Smoke Free Areas	Power to designate smoke free area	- Chief Executive Officer - General Manager City Growth & Development  By Council Resolution	Subject to the requirements of Clause 65  Implement a communication campaign to advise the community of the changes.  Changes to areas advertised in government gazette.



Clause	Power delegated	Delegate	Conditions and limitations
46(6)-Smoke Free Areas	Power to erect no smoking signage in designated smoke free area	- Manager Safety & Amenity  - Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65
48 - Fireworks	Power to grant a permit	-Coordinator Events, Partnership and Industry Development  -Senior Event Manager  - Event Manager	Subject to the requirements of Clause 65
49-Heavy Vehicles	Power to grant a permit	- Coordinator Parking Services  - Team Leader People and Process	Subject to the requirements of Clause 65
52-Building Sites	Power to grant a permit	- Coordinator City Permits	Subject to the requirements of Clause 65
52-Council Assets	Power to inspect council assets	- Asset Protection Officer  - Local Laws Authorised Officer  - Asset Inspection Officer	Subject to the requirements of Clause 65
52-Council Assets	Power to repair damage to council assets and deduct from security bond	- Asset Protection Officer  - Asset Inspection Officer  Was Local Laws Officer	Subject to the requirements of Clause 65
52-Council Assets	Power to determine satisfactory standard of repair	- Asset Protection Officer  - Asset Inspection Officer  Was Local Laws Officer	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
52(17)-Building Sites	Power to inspect for damage	- Local Laws Authorised Officer	Subject to the requirements of Clause 65
55(1)- Significant Trees	Power to issue a permit	- Coordinator City Permits	Subject to the requirements of Clause 65
56(1) – Keeping excess animals	Power to grant a permit	- Coordinator Local Laws and Animal Management - Animal Management Officer	Subject to the requirements of Clause 65
58(5)- Industrial Trade and Commercial Waste	Power to designate areas to restrict commercial waste collection	- Manager Safety & Amenity  - Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65
			Designated areas must be signed and changes to areas advertised in government gazette.
58(6)- Industrial Trade and Commercial Waste	Power to approve placement of a commercial bin on Council land in accordance with the Procedures Manual	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65  Approval must be in writing
59(1)- Commercial Premises Requirements	Power to determine whether amenity of neighbourhood affected	- Local Laws Authorised Officer	Subject to the requirements of Clause 65
59(7)- Commercial Premises Requirements	Power to require waste management plan	- Local Laws Authorised Officer	Subject to the requirements of Clause 65
60(1)(a)- Domestic Waste	Power to determine collection days of domestic waste	- Coordinator Waste Management Services	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
60(1)(c)- Domestic Waste	Power to authorise alternative location for collection of bins	- Coordinator Waste Management Services	Subject to the requirements of Clause 65  Approval must be in writing
60(1)(e)- Domestic Waste	Power to determine method of collection of green waste or hard garbage	- Coordinator Waste Management Services	Subject to the requirements of Clause 65
61(5)- Boats & Other Watercraft	Power to designate areas for launch or transfer of personal watercraft	- Manager Open Space, Recreation and Community Resilience	S Subject to the requirements of Clause 65  Designated areas must be signed and changes to areas advertised in government gazette.
63 (3) – further designated glass free areas	Power to designate glass free area	- Chief Executive Officer  - General Manager City Growth & Development	Subject to the requirements of Clause 65  Designated areas must be signed and changes to areas advertised in government gazette.
64 – Inflatable displays on Foreshore or beaches	Power to grant a permit	- Coordinator Events, Partnership and Industry Development  -Senior Event Manager  - -Event Manager	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
65(4) –General Permits	Power to require a person making an application for a permit to give public notice	<ul style="list-style-type: none"> <li>- City Permits Authorised Officer</li> <li>- Coordinator Events</li> <li>- Events Adviser</li> <li>- Events Support Officer</li> </ul> <p>Was General Manager, Place, Strategy and Development;</p> <p>Manager City Development;</p> <p>General Manager Infrastructure and Amenity</p>	Subject to the requirements of Clause 65
65(2)- General Permits	Power to issue a permit	<ul style="list-style-type: none"> <li>- City Permits Authorised Officer</li> </ul>	Subject to the requirements of Clause 65
65(2)- General Permits	Power to refuse to issue a permit	<ul style="list-style-type: none"> <li>- City Permits Authorised Officer</li> </ul>	Subject to the requirements of Clause 65
66(3)- General Permits	Power to waive, reduce or alter a fee or charge with or without conditions	<ul style="list-style-type: none"> <li>- General Manager Place Strategy and Development</li> <li>- Manager City Development</li> <li>- General Manager Infrastructure and Amenity</li> <li>- Coordinator Events</li> <li>- Events Adviser</li> <li>- Events Support Officer</li> </ul>	Subject to the requirements of Clause 65
67(6)- General Permits	Power to receive and determine submissions	<ul style="list-style-type: none"> <li>- City Permits Authorised Officer</li> </ul>	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
68(1) - General Permits	Power to alter the conditions of a permit during the currency of a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 65
68(1)- General Permits	Power to correct a permit	- City Permits Authorised Officer	Subject to the requirements of Clause 65
69(1)(2) - Local Law Permit Register	Duty to maintain record of permits, register of determinations made and registers to be made available for public inspection	Manager City Growth & Culture - St Kilda Esplanade Market Manager - Manager Safety & Amenity - Manager Partnerships & Transport - Manager Open Space, Recreation and Community Resilience - Manager City Development	Subject to the requirements of Clause 65
70(1)- Exemptions	Power to exempt any person or class of persons from the requirement to have a permit	- General Manager Development, Transport, Safety & Amenity - Manager Safety & Amenity	Subject to the requirements of Clause 65
78 -Impounded Goods	Power to refuse to release impounded goods until appropriate fee paid	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65
78(4) - Impounded Goods	Power to dispose of goods impounded when owner does not intend to retrieve	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65
78(6)- Impounded Goods	Power to pay proceeds of sale of impounded goods to owner	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65

Clause	Power delegated	Delegate	Conditions and limitations
78(7)- Impounded Goods	Duty to comply with requirements of Unclaimed Monies Act 2008 if unable to identify owner of goods.	- Coordinator Local Laws & Animal Management	Subject to the requirements of Clause 65

## Division 2: Enforcement

### 73. Compliance with directions

This section is intentionally blank.

### 74. Power of authorised officer

Please refer to Section 72 for Delegations to this clause.

### 75. Notices to comply

To (Name and Address)

The following constituted a breach under clause [insert clause] of the Local Law No1 (Community Amenity) of 2013. To remedy this breach you must carry out the following work within [insert days] days from the date of this Notice.

Breach [specify breach]

Work to be carried out: [specify works to be carried out]

You should contact [insert name] (contact officer) at the Council offices between the hours of.....and.....for further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for the payment of a penalty of \$.....for the offence. If you do not remedy the breach the authorised officer may carry out the work and you will be liable for the cost of the work in addition to the above penalty.

Date:..... Name of authorised officer:

Phone number of authorised officer

Note: If this Notice relates to a contravention of a permit or a condition of the permit and there is failure to comply with this Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with this Notice or write to the Council about why the permit should not be cancelled.

**76. Failure to comply with a notice to comply**

Please refer to Section 72 for Delegations to this clause.

**77. Power of authorised officer to act in urgent circumstances**

Please refer to Section 72 for Delegations to this clause.

**78. Power of authorised officer to impound**

Notice of impoundment content example To: (name/address)

The following items have been impounded under clause 79 of the Local Law No.1. (Community Amenity): [description of impounded items]

You can make arrangements to collect the items from: [insert details]

between the hours of            by contacting [insert name of Authorised Officer]

and paying the following fees: [Details of fees and charges \$]

If you do not collect the items and pay the fees and charges, the items may be disposed of in accordance with clause 78 of the Local Law.

Name and Signature of Authorised Officer, Date, Contact Details

**79. Infringement Notices**

Infringement notices are issued in accordance with the requirements of the Infringements Act 2006.

**80. Offences generally and failure to comply with permit conditions**

This section is intentionally blank.

**81. Penalties**

This section is intentionally blank.



## City of Port Phillip

99a Carlisle Street  
St Kilda VIC 3182

Phone: ASSIST 03 9209 6777

Email: [portphillip.vic.gov.au/contact-us](mailto:portphillip.vic.gov.au/contact-us)

Website: [portphillip.vic.gov.au](http://portphillip.vic.gov.au)

**National  
Relay  
Service**

### National Relay Service

If you are deaf or have a hearing or speech impairment, you can phone us through the National Relay Service (NRS):

TTY users, dial 133677, ask for 03 9209 6777

Voice Relay users, phone 1300 555 727,

then ask for 03 9209 6777.

[relayservice.gov.au](http://relayservice.gov.au)