



## Permit to place an outdoor café on a road\*

Pursuant to Section 222 of the Local Government Act 1999

Business Trading Name .....

Address of Business .....

Telephone ..... Mobile: ..... Facsimile:.....

Name of applicant.....  
(the "applicant")

If the premises is owned by someone else, please provide the name of the property owner

Name .....

Address of property owner .....

I/We hereby apply to The Corporation of the Town of Walkerville (the "Council") for a permit under Section 222 of the Local Government Act 1999 permitting the applicant to use the portion of the road (the "Permit Area") as described herein for the purpose of supplying food and drink including liquor as defined by the Liquor Licensing Act 1985 (if so authorised under that Act) and to place on the Permit Area the specified tables, chairs and other furniture for the convenience of persons consuming the food and drink supplied by the applicant.

Period of the Permit: from..... to .....  
(maximum period of 3 years or as otherwise stated by Council)

**\*Note 1: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.**

**Note 2: Where this permit requires an alteration to a public road, the issuing of this permit also includes an authorisation pursuant to Section 221 of the Local Government Act 1999.**

**Details of the Permit Area:**

Address of premises to which the permit applies .....

.....

**Location Plan:** Please attach drawings (scale 1:50 minimum) to show plan view of the street boundaries concerned; the shop front location, north indicator, boundaries of the outdoor dining area to be located on the footpath; number and position of tables and chairs, any street furniture and any other structures or objects and provide details, including materials proposed and any other relevant information.

Furniture:                      Number of tables .....      Number of chairs .....

Description of tables and chairs (style, construction, colour) : .....

.....

Details of any other structures or objects within the outdoor dining area:.....

.....

Proposed number of persons to dine in the Permit Area .....

Number of m2 required for tables/chairs (based on formula below): .....m2

Dimensions of Dining area:.....width x .....length = .....area m2

Please note:    The following minimum dimensions must be provided in the dining area for **tables and chairs:**

- 2-person table with 2 chairs – 1m x 2m
- 3-person table with 3 chairs - 1.5m x 2m
- 4-person table with 4 chairs - 2m x 2m

**The issuing of this Permit is subject to:**

- A. The applicant agreeing to the General Conditions of permit as contained herein;
- B. The applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;
- C. The applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions of the Permit. (refer item 7)
- D. The applicant adhering to Councils outdoor Dining Policy (as attached)

**Special Conditions:**

1. The applicant shall make a separate application to the Commissioner of Liquor and Gaming in the event that alcohol is to be served in the designated outdoor dining area and the specified area is not licensed.
2. The applicant shall at all times ensure that public access is not less than TWO (2) metres for unobstructed pedestrian use adjacent the Permit area. A lesser distance may be permitted in accordance with the Policy, based on the merits of the application. At all times a distance of 600mm must be maintained from the kerbside.
3. The applicant shall at all times ensure that no more than the number of persons specified on the Permit shall consume food or drink within the Permit Area and shall not place tables and/or chairs in the Permit Area in excess to the number approved by Council.
4. The applicant shall at all times ensure that:-
  - all food and drinks supplied in the Permit Area is served by waiters and/or waitresses to only such persons as are seated at tables in the Permit Area;
  - all customers purchasing take-away food and/or liquor are requested to inform the applicant as to whether or not they wish to consume the food and liquor in the Permit Area;
  - all customers who consume food and/or liquor at the tables in the Permit Area without crockery and cutlery are to be asked to leave immediately;
  - if customers purchasing take-away food and / or liquor wish to consume the same within the Permit Area they must do so at the tables provided therein using crockery and cutlery supplied by the applicant; and
  - crockery, cutlery and glassware is laid out at all tables for customers who wish to consume food and/or liquor in the Permit Area only after a meal has been ordered by those customers and that such cutlery, crockery and glassware is removed immediately upon the departure of those customers;
  - tables not be preset with cutlery, glasses or unprotected food, this will prevent the risk of contamination prior to use or consumption.
5. The applicant shall at all times keep the Permit Area and all furniture and equipment thereon clean and free from litter and waste materials and shall ensure that no waste material is swept or placed into the stormwater system.
6. The applicant shall remove all obstructions from the Permit Area upon twenty four (24) hours notice (or less in times of emergency) being given to the applicant by an authorised officer of the Council that the Permit Area is required for pavement maintenance or repair work.
7. The applicant shall bear the cost of cleaning the Permit Area and of all pavement repairs (inclusive) of replacement of jointing material removed from brickwork paving in sweeping and washing down of the pavement) carried out by the Council within the Permit Area which in the opinion of an authorised officer of the Council are necessary by reason of activities authorised under the Permit.
8. The applicant shall remove all furniture at the close of business on each day and if any such furniture and equipment remains in the Permit Area during the hours of darkness illuminate same and all other obstructions in such manner as shall be approved by an authorised officer of the Council. Should Council be of the opinion that the lighting is inadequate, the applicant will install additional lighting as directed by Council.
9. Other structures on the street (e.g. trees, power pole, signs and services etc) may not be moved, altered or interfered with in any way except with the express, written approval of the relevant authority or owner and Council.
10. The expression "the applicant" wheresoever mentioned herein shall mean and include all persons named in the application attached hereto who and all of whom shall be bound by these conditions jointly and severally and all references to a persons include a corporation.
11. If authorised under the Liquor Licensing Act 1985 to supply liquor as therein defined the applicant shall produce to an authorised officer of the Council on demand, the licence issued thereunder and at all times shall keep the Council fully informed of every variation made in the terms and particulars of such licence.
12. Should Council be of the opinion that the applicant requires to provide protection to the outdoor dining patrons from intrusion of impacting vehicles, the applicant must reimburse Council all costs associated with the purchase and installation of approved crash tested protection barriers (eg. crash tested bollards). Please note that the positioning of bollards will be subject to the location of underground services and the availability of sufficient room for bollard footings.
13. Outdoor dining furniture cannot be permanently fixed to the ground surface without the approval of Council. Should Council approve the securing of furniture either temporary or permanently to the ground surface full installation details must be provided in this application.

14. Temperature control devices (including fans and furnaces) shall be clearly identified in any application along with measures to ensure public safety through the provision of appropriate signage and curtilage.
15. The Council may conduct a 6 monthly site inspection, and discuss any issues of concern with the applicant. The applicant to adhere with the Councils request, or the permit will be revoked.

**General Conditions of Permit:**

The applicant further agrees:

1. For the term of the permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Code of Practice including access for the disabled and compliance with the Disability Discrimination Act 1992.
2. To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property of any other person.
3. To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this permit.
4. That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the applicant pursuant to Section 209 of the Local Government Act, 1999.
5. For the term of the permit, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.
6. To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the applicant in relation to the alteration to the road, the granting of this permit and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.
7. For the term of the permit, to take out and keep current a public liability policy of insurance to the value of ten million dollars (\$10,000,000) per claim in respect of any negligent act or omission of the applicant in relation to the alteration to the road or any activity arising out of or from the granting of this permit by the Council.
8. This permit is subject to the applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment where relevant.
9. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
10. In the event that the applicant has failed to comply with any of the conditions of the permit or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the permit.
11. At the expiration or earlier termination of this permit to remove, if so directed by the Council, any structure or object erected or installed on the road and to reinstate the road to the satisfaction of the Council.
12. This permit does not confer on the applicant any exclusive right, entitlement or interest in the road and does not derogate from the Council's powers arising under the Local Government Act, 1999.
13. The Council shall not accept responsibility for any damages or claims resulting from this permit.

In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of the permit and declare that the particulars provided by me/us with regard to the Outdoor Dining Café are true and accurate.

Signed by Applicant/s .....

Name .....

Date .....

<u>OFFICE USE ONLY</u>	<b>Permit No.:</b> .....
Permit - Approved / Denied	Application Fee: ..... Total Fee: .....
Name of Authorised Officer of Council: .....	

Signature: .....
Position: ..... Date: ..... / ..... / .....
½ yearly inspection due: ...../...../.....
½ yearly inspection carried out: ...../...../..... Inspecting Officer: .....
Comments: .....
.....
.....