



Application Form – Footpath Trading Permit

Pursuant to Section 222 of the Local Government Act 1999

A Permit is required for all Business use activity on a Road. The Permit Holder is liable for any breach of requirements set out in the Business Use of a Road Policy, including those committed by their staff and volunteers.

Business Name							
Company Name							
Contact Person							
Address of Business					Business Phone		
Email Address					Mobile Phone		
Exact Location of proposed business activity:					The total width of the requested Footpath area:		
Application Type	NEW or RENEWAL (Please Circle)						
	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thurs</i>	<i>Friday</i>	<i>Sat</i>	<i>Sun</i>
Opening times*							
Closing times*							
<i>* Have you considered if a Development Application is required? Please consult with the Planning Department regarding Development requirements.</i>							

DETAILS OF BUSINESS (USE) ACTIVITY - Please consult (Footpath Trading) Guide for detailed information regarding Council requirements. Approval from the Department of Planning Transport and Infrastructure (DPTI) may be required at arterial road intersections. Council cannot guarantee DPTI will approve or decline the request for a permit.

<i>*Please check the following that apply</i>			Yes	No	Additional information required:	
Is it a corner site?			<input type="checkbox"/>	<input type="checkbox"/>		
Are toilets available?			<input type="checkbox"/>	<input type="checkbox"/>		
Number of Tables?		Will they be fixed?	<input type="checkbox"/>	<input type="checkbox"/>	Dimensions of full table area:	
Number of Chairs?		Will they be fixed?	<input type="checkbox"/>	<input type="checkbox"/>	Dimensions of chairs:	
Any Canvas/Glass Screens?			<input type="checkbox"/>	<input type="checkbox"/>	Dimensions:	
Any PVC Blinds?			<input type="checkbox"/>	<input type="checkbox"/>	Dimensions:	
Number of Umbrellas?			<input type="checkbox"/>	<input type="checkbox"/>	Dimensions inc height:	
Any advertising boards (a-frames)?			<input type="checkbox"/>	<input type="checkbox"/>	<i>*Please note Council permits one a-frame only (see By-law requirements on Council's website)</i>	
Other - planter beds, clothes racks, displays etc			<input type="checkbox"/>	<input type="checkbox"/>	Dimensions:	
Is liquor being served?			<input type="checkbox"/>	<input type="checkbox"/>		
Do you have a liquor licence?			<input type="checkbox"/>	<input type="checkbox"/>	<i>*Please note it is the responsibility of the trader/operator to obtain a separate Liquor License for the consumption of alcohol at an outdoor dining area from the Office of the Liquor and Gambling Commissioner.</i>	

PERMIT FEES		
Fees are collected per chair:	1 Year	\$21 per chair
Busking	1 Year	\$37 per permit
<i>Council reviews it schedule for Fees and Charges on an annual basis.</i>		

DOCUMENTATION REQUIRED (to be attached with application – please tick if attached with this document)

- ☐ Current copy of Public Liability Insurance for the amount of \$20,000,000 (20 Million)
- ☐ Site plan to the scale of 1:100 of proposed Outdoor Dining area, including siting of furniture & other structures
- ☐ Current copy of Liquor Licence (for serving & consumption of alcohol in designated Outdoor Dining area)

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 paying the prescribed fee/s;
- d. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of the Permit.

GENERAL CONDITIONS OF PERMIT

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 Codes of Practice.
2. To ensure that all works carried out are undertaken to the highest standard and are carried out promptly and with all due care, skill and diligence.
3. 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.
4. 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.
5. 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.
6. 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.
7. **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 Conditions and Special Conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.**
8. **For the term of the Permit, to take out and keep current a public liability policy of insurance to an appropriate level of cover per claim in respect of any negligent act or omission of the Applicant in relation to any alteration to the road or any activity arising out of or from any business use granted under this Permit.**
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 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 Authorisation 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 is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
13. This Permit does not confer on the Applicant any exclusive right, entitlement or interest in the road (unless specifically provided pursuant to Section 223 of the Local Government Act, 1999) and does not derogate from the Council's powers arising under the Local Government Act, 1999.
14. This Permit will not come into operation until proof of all insurances has been provided to the Council and a copy of this document, signed by the Council has been returned to you.

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

I, _____, acknowledge that I have read and understand the above information and the Business Use of a Road Policy and agree to abide by and be bound by them.

Signed: _____ Date: _____

PENALTIES

1. First breach of the conditions of the Permit will result in a verbal warning (with notation on the Permit Holder file) and compliance to be achieved within 28 days.
2. Second breach of the conditions of the Permit will result in a written notice and compliance to be achieved within 28 days (with notation on the Permit Holder file).
3. Third breach of the conditions of the Permit will result in the cancellation of the Permit with no refund and removal of any items by Council. (Fees will apply for the return of any confiscated items). A third breach will also preclude the business operator from making subsequent Application for Business Use on a Council road for 12 months.

NOTES

Note 1: A road extends from property boundary to property boundary and includes the carriageway, footpaths & verges.

Note 2: If this Application also requires road altering activities (pursuant to **Section 221** of the Local Government Act 1999), the applicant must seek authorisation from the Council.

PROPOSED ALTERATIONS

The nature of the proposed alteration is (tick whichever is/are applicable & consult with Council):

- ☐ Alter the construction or arrangement of the road to facilitate access to/from property;
- ☐ Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- ☐ Change or interfere with the construction, arrangement or materials of the road;
- ☐ Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- ☐ Plant, interfere with or remove a tree or vegetation from the road.

OFFICE USE ONLY		(Council Authorisation)
Application Fee Received \$	Date of Payment:	
Inspection Date:	Name: Signature:	
Permit Approved and Processed Date:	Name: Signature:	
Permit Number Issued: Date:	<i>Authorised Officer</i> Name: Signature:	