

FOOTPATH SEATING/DINING PERMIT APPLICATION
Section 125 Roads Act 1993

- Council will not accept incomplete applications or illegible information.
- Application fee to be paid at time of lodgment.
- By signing this application the applicant acknowledges that he/she is authorised to act on behalf of the business/company named below.

Section 1 Applicant details

Name:

Company name:

ABN:

Postal address:

Suburb State P/Code

Contact Nos: Mobile: Work Home

Section 2 Trading business details

Business name:

Street Address:

Suburb:

Section 3 Public liability insurance – A COPY OF YOUR CURRENT INSURANCE MUST BE ATTACHED

Council requires a copy of your CURRENT Certificate of Currency confirming your public liability insurance to accompany this application. Use the following checklist to ensure the following details are clearly shown on the policy provided:

- the name of the insured;
- the address of the insured property;
- the policy number;
- the insurance period (ie expiry date) of the policy;
- the sum insured for NOT LESS THAN \$20 million; and
- Bathurst Regional Council as an interested party** in respect to footpath obstructions.

If the any of the above information is not provided it may result in the application being delayed or returned.

Section 4 Indemnity – THIS SECTION MUST BE SIGNED AND DATED

Name of applicant:

(referred to hereafter as the permit Holder) holds Bathurst Regional Council (referred to hereafter as the Council) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which Council, its servants, agents or employees may be held liable in respect of any loss damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of Council, its servants, agents or employees either solely or in contribution thereto

Signature: Date:

Section 5 Type of service

- Full table service Self service tables service

Only those restaurants/cafes, which intend to clear tables after patronage, will be approved. Traditional "Take Aways" generally will not be approved however will be assessed if table service is provided and adequate rubbish removal/disposal plans are demonstrated.

Section 6 Hours of service

- Day only** Hours of Trade From am to pm
 Day and evening Hours of Trade From am to pm
 Weekdays only Hours of Trade From am to pm
 Weekend only Hours of Trade From am to pm
 Seven days Hours of Trade From am to pm

Section 7 Proposed items to be served

- Food and Beverage Beverage only BYO service Alcoholic/ intoxicating liquor to be sold

If alcoholic or intoxicating liquor is to be served, a copy of appropriate liquor licence needs to be provided and intended hours of service must comply. Council, at its discretion, may refuse the right to sell or consume such beverages in specific areas of a commercial centre; if this is the case applicant is to comply with liquor licence.

Section 8 Proposed furniture

Please provide photo, illustration or description of the following:

Tables: Number Size Material
Chairs: Number Size Material

- If more than 12 chairs are proposed, consideration of parking, toilet and operational issues may be required.
- Plastic furniture or furniture which manufacturers specifically states is not for commercial use will not be accepted.
- All furniture and proposed embellishments (see below) are to be stored off the footpath when not in use. Please illustrate storage area on the attached plan.
- Applicant must maintain furniture and replace if required.
- Applicant must comply with conditions of current development consent.
- Applicant must comply with requirements under the Building Code of Australia.

Sanitary Requirements under the Building Code of Australia states that:

- Sanitary facilities must be provided for more than 20 persons (this includes employees, owners, managers and patrons unless staff toilet is provided).
- For up to 50 people - 1male, 1 urinal and 1 female toilet are to be provided.
- For up to 100 people - 1male, 1 urinal and 2 female toilets are to be provided.
- The number of seats = number of partons (this includes seating inside and outside).
- Considerations regarding toilet facilities
- Access to toilet facilities must not be through any food preparation area.
- An accessible facility for disabled persons to be considered if over 20 persons
- Hot water to hand washbasins are to be provided in toilets that staff use.

Section 9 Proposed crockery

- China, glass, cutlery Disposable plates, paper bags etc

If disposable equipment is proposed illustrate adequate provision for garbage storage at the rear of the property and arrangement for rubbish removal. Traditional "Takeaways" generally will not be approved, however will be assessed if table service is provided and disposal of rubbish is adequate and available on or at the rear of the premises. Please indicate on the plan area for rubbish disposal.

Section 10 Proposed embellishments

- Lighting Heating Music Screens/bollards
 Umbrellas, awnings (illustrate anchorage) Planter boxes Pot plants (removable)
 Other

Section 11 Plan of proposed permit area - A PLAN MUST BE SUBMITTED

Please check that the following are on the plan to be attached to this application.

- Legible, drawn in ink to a metric scale not less than 1:100 (freehand drawings will not be accepted)
- Show existing shop frontage (doorways, windows, service entries etc) adjoining properties, location of kerb or other definition of public area, existing street furniture (trees, bins, bollards, planter box, walls, service pit lids and sign posts).
- Dimensions of the proposed permit area and unobstructed access.
- Illustrate layout of furniture, proposed embellishments and storage areas.

Section 12 Acknowledgement of service pit access rights

The applicant accepts that they will provide unlimited access to service pit lids to relevant authorities.

Signature: Date:

Section 13 Development consent

Has a Development Application been lodged? Yes No

Has Development Consent been granted? Yes No Consent Number

A copy of the current development consent for restaurant/café/takeaway is required for all applications for seating. A copy of Development Consent can be obtained from Council’s Customer Service Centre. A fee may apply.

Section 14 Applicable fees

Fees for footpath seating are payable annually – The rental period is 1 July to 30 June each year.

Calculation

Annual application fee: \$251.50

PLUS area per m2:m2 x \$117.50 per m2 (of footpath area utilised)

TOTAL: \$.....

The information on this form is being collected to allow council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

| Fees OFFICE USE ONLY | | | |
|-------------------------|--------------|-----------------------|-----------------|
| FEE | Receipt type | | Amount |
| Base permit | 043 |m2 @ \$117.50/m2 | |
| Application | 041 | \$251.50 | \$ 251.50 |
| TOTAL PAYABLE | | | \$ |
| Receipt No | | Date: | |

CONDITIONS

Section 125 of the Roads Act 1993 provides that Council may approve the use of part of the footpath for restaurant purposes.

Applications for the use of footpaths for café/ restaurant seating should be lodged with Council on the prescribed form together with the application fee and a charge per square metre per annum. Renewal applications together with payment are due by 31 July of each year.

Assessment of permit applications will consider the Guidelines for footpath use as shown below:

1. An application fee, as determined from time to time by Council, is to be paid on lodging this application.
2. Notification of proposed use is to be publicly displayed for a period of 14 days.
3. Council will give consideration to applications for footway restaurants, cafes and outdoor eating areas where an unobstructed footway for pedestrians is maintained.
4. Any proposed permit is subject to the following:
 - i) The permit will be based on and in accordance with Council's Policy for footpath occupation.
 - ii) Adequate public liability insurance cover being maintained (\$20 million).
 - iii) Indemnity details
 - iv) Written consent of neighbouring owner(s) and tenant(s) where application is for in front of an adjoining property.
 - v) Footpath to be cleaned and maintained to Council's satisfaction.
 - vi) No cooking on footpath.
 - vii) This application form and the Use of public areas information package provide the basis of the permit Agreement.
 - viii) Council has the right to terminate the permit at any time, with 14 days notice.
 - ix) The provisions of Local DCP's/LAP's must be considered in designing restaurant seating areas. (These documents are available from Bathurst Regional Council.)

As standard conditions, a permit will require:

1. Agreement to and payment of the annual permit fee prior to approval being given.
2. Compliance with the service provision and the definition of the permit area as outlined in the application form.
3. Compliance with other standardised conditions addressing obligations in terms of maintenance of equipment, off footpath storage, keeping area clean, no cooking on footpath.
4. Acknowledgment that the permit does not confer exclusive rights to or possession of the permit area and the permit area shall be used as a pedestrian access way by members of the public.
5. Compliance with all statutes, regulations by laws or ordinances affecting the use of the permit area in particular, the Food (General) Regulations Act (1992), the Companion Animals Act 1998, the Work Health & Safety Act (2011) and indemnification of Council against any failure to comply.
6. Compliance with any notice or orders given from time to time by any authorised Council officer in respect of the use and maintenance of the permit area.
7. Agreement to indemnify Council against all claims in respect of the use of the permit area and keep effected a **public liability insurance cover (minimum \$20 million)** with an approved insurance company against any demand claim or action in respect of injury, loss or damage to any person or property however sustained arising from the use of the permit area at any time during the term of the permit. Such a policy must be produced at any time on demand.
8. The permit details being displayed in such a way as to be clearly visible to the public.

A new application is to be lodged for change of ownership/lessee or where an increase or decrease of permit area occurs. Fees paid in advance for footpath rental are transferable to new owner/lessee. Permit is not transferable.