



APPLICATION FOR THE COMMERCIAL USE OF A PUBLIC FOOTPATH

Pursuant to Section 222 of the Local Government Act 1999

Applicant Details			
I, First Name:		Surname:	
Business Name: <small>(if applicable)</small>		ABN:	
Business Address: <small>(if applicable)</small>			Postcode:
Postal Address: <small>(if different from above)</small>			Postcode:
Phone Number:		Mobile:	
Email Address:			

Request Permission to use the public footpath for the purpose of:

Displaying of Goods, Products or Items on the Footpath		
Description of Products:		
Method of display <small>(ie Racks, tables, free standing)</small>		
Permit Duration	<input type="checkbox"/> 1 Year	<input type="checkbox"/> 2 Years

Or

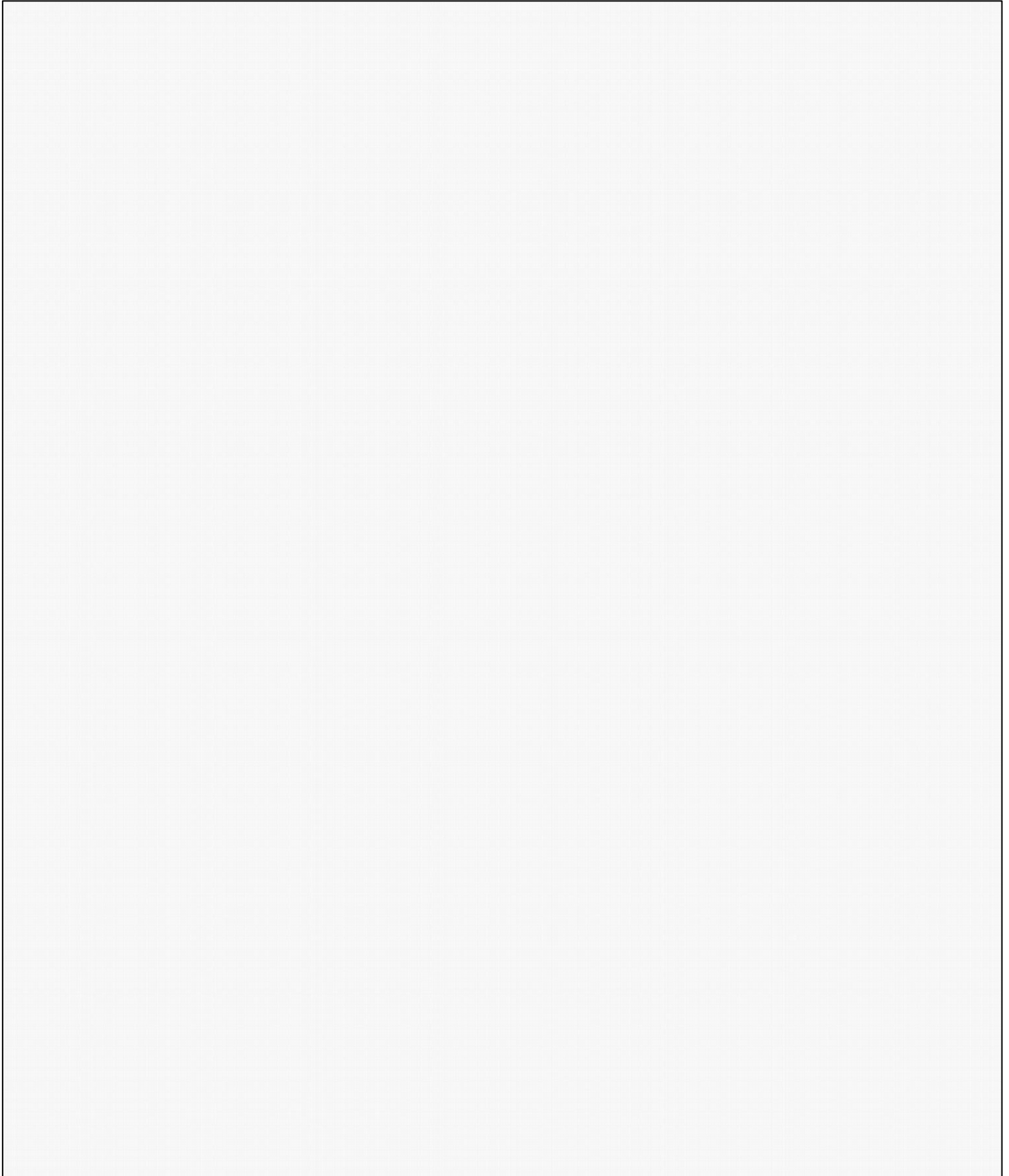
Outdoor dining area on the Footpath		
	Number	Dimensions
Outdoor Chairs		
Outdoor Tables		
Partitions or Screens		
Will alcohol be served?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Are toilets available on the premises for customers?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Total seating capacity inside?		
Permit Duration	<input type="checkbox"/> 1 Year	<input type="checkbox"/> 2 Years
<input type="checkbox"/> This is my first application. <input type="checkbox"/> I have held a permit previously, please renew my existing permit. <input type="checkbox"/> Thanks, but I no longer require a permit <i>(please sign at bottom of form and return to Council)</i>		

Hours of operation							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Opening Time							
Closing Time							

Plan of the Permit Area

A plan showing the area requested to be occupied and the proposed position of tables, chairs, and other outdoor furniture, must be provided.

NOTE: a minimum **1.8 metre** pedestrian clear access is required, measured from the front boundary of the property.



General Conditions

The issuing of this Permit is subject to:-

- (a) the Permit holder agreeing to the general conditions of the Permit as contained herein.
- (b) the Permit holder agreeing to all special conditions that the Council may determine.
- (c) the Permit holder pays the prescribed one-off setup fee **\$100.00** where applicable.
- (d) the Permit holder providing a copy of all appropriate insurances as required by either the General Conditions, or Special Conditions of Permit.

Permit Fees

Annual permit fees			
Outdoor Dining			
Per Table	Per Chair	Application & set-up	Minimum Annual Fee
\$10.00	\$30.00	\$100.00	\$150.00

Displaying of Goods, Items for sale	
Application & set-up	Minimum Annual Fee
\$100.00	\$150.00

Biennial permit fees			
Outdoor Dining			
Per Table	Per Chair	Application & set-up	Minimum Annual Fee
\$10.00	\$55.00	\$100.00	\$250.00

Displaying of Goods, Items for sale	
Application & set-up	Minimum Biennial Fee
\$100.00	\$250.00

1. the Permit holder providing a copy of all appropriate insurances as required by either the General Conditions, or Special Conditions of Permit.
2. The Permit holder agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges, and expenses whatsoever which may be brought, made or claimed against them, arising out of, or in relation to, the issuing of this Permit.
3. The Permit Holder shall take out and keep current, a Public Risk Insurance policy in the name of the Permit Holder, insuring the Permit holder for the minimum sum of **ten million dollars (\$10,000,000)** against all actions, costs, claims, damages, charges, and expenses whatsoever, which may be brought, made, or claimed against the Permit Holder in relation to the activity.
4. The Permit holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the insurer indicating the Insurer accepts the indemnity given by the Permit holder for the activity undertaken under this permit.
5. The Permit holder, where appropriate, shall ensure that it is licensed, or registered, to carry out the activity authorised by the issuing of this Permit.
6. This Permit may be transferred to another person due to the sale or transfer of ownership of the associated business. Applications to transfer this permit to another person must be made in writing to The Barossa Council and only takes affect once Council has approved the transfer in writing.

7. The Permit holder shall comply with, and give all notices required by any Act of Parliament, Ordinance, Regulation, or By-law relating to the activity.
8. This Permit is liable to be revoked by Council if the Permit holder fails to comply with any condition, of this permit, or may be revoked in any other justifiable circumstance.
9. This Permit will not come into operation until proof of the appropriate insurance has been provided to the Council, the relevant fees paid, and a copy of this document, signed by Council has been returned to you.
10. **No tables, chairs, umbrellas, movable signs, free-standing screens or plant pots etc are to be located outside the defined permit area.**
11. Once the Permit is granted no alteration to the defined area, number or tables, chairs, umbrellas or pot plants etc, or the hours of operation will be allowed. **If alterations to the Permit are required, the request must be put in writing, addressed to The Barossa Council.**
12. Where alcohol is served in the outdoor dining area, it is the responsibility of the permit holder to ensure that it is appropriately licensed under the *Liquor Licensing Act 1997*, and all conditions set by the Commissioner which relate directly to the outdoor dining area are in addition to the conditions of this approval, and shall be complied with.

If this permit is to be used in conjunction with a Liquor Licence issued by the Liquor and Gambling Commissioner, consumption of alcohol must only occur whilst patrons are seated within the outdoor dining area.

If a liquor license is granted by the Commissioner, it is the responsibility of the Permit Holder to ensure that the consumption of alcoholic beverages is confined to the permit area only.
13. **All persons, equipment and activities associated with the operation of an Outdoor Café shall remain wholly within the defined permit area**, except for the conveying of food, drink, tableware and furniture across the footpath.
14. The Permit Holder shall not prepare, or permit to be prepared on the footpath, any food or drinks within the permit area. Food or drinks shall be prepared in an adjoining premises which complies with the provisions of the Food Act 2001 and the Food Standards Code.
15. All meals and liquid refreshments served at the Outdoor Café shall be stored, prepared and served in accordance with the provisions of The Food Act 2001.
16. Cutlery, crockery and glassware shall not be left on the tables, and shall be laid out only when a meal is ordered.
17. The Food handling operations of the Outdoor Café are to be to the satisfaction of the Council and are subject to inspection by Authorised Officers under the Food Act 2001.
18. If deemed necessary by the Council, the Permit holder shall supply and install litter bins of a design approved by the Council. The number of litter bins to be supplied and installed shall be determined by the Council.
19. The Permit holder shall cleanse and keep clean, the pavement of the Outdoor Café, the tables, chairs and other furniture, and shall also keep the footpath and roadway in the vicinity of the Outdoor Café clear of litter and waste materials, and remove all sweeping and wash-down wastes from the street. No waste or sweepings shall be swept or placed into the water table. Blowers or similar devices must not be used.
20. The defined area shall be cleared of obstructions as required by the Council for pavement maintenance and repair work. Except for emergencies, at least twenty-four hours' notice will be given of this requirement.
21. The Permit holder shall bear the cost of all pavement repairs carried out by the Council within the defined area of the Café, which in the opinion of the Council has been caused by the activities of the Outdoor Café. For example, this shall include, but not be limited to, the replacement of jointing material removed from brickwork paving in sweeping and washing down of the pavement. Water damage caused by planter boxes, or damage caused due to the fixing of items to the Council footpath.
22. All Outdoor Café furniture shall be maintained to the satisfaction of the Council. This includes the selection and maintenance or any plants and plant containers.
23. All Outdoor Café furniture shall be removed from the footpath at the close of business on each day. If furniture forming part of the Outdoor Café is intended to remain on the footpath during hours of darkness, illumination of the obstructions shall be provided as approved by the Council.
24. An Authorised Officer of Council may give notice requiring certain work to be done by the Permit holder within 14 days from the giving of such Notice. If the work specified in the notice has not been completed within the said 14 days, an Authorised Officer may by notice cancel the Permit forthwith.
25. This Permit shall be produced to any Health Officer of the Council on demand.

26. This Permit may be transferred to another person due to the sale or transfer of ownership of the associated business. Applications to transfer this permit to another person must be made in writing to The Barossa Council at least 28 days before the transfer of ownership occurs. The transfer only takes affect once Council has received confirmation of Public liability Insurance and approves the transfer in writing.
27. The hours of operation are to be as set out in the Council Authorisation notice at the end of this Permit.
28. **The minimum 1.8 metre pedestrian access zone is unobstructed at all times; this zone shall only be used for the conveying of food, drink, tableware and furniture across the footpath; and for the movement of pedestrians to the designated permit area.**
29. Umbrellas shall not protrude and must have a minimum clearance of 2100mm above the footpath level.
30. Umbrellas are not to be used under verandahs.
31. Clear vision of oncoming traffic is not to be impaired for other users of the road.
32. No equipment associated with an Outdoor Café is to be located within 1200mm of any Council provided bin.
33. A minimum **1.8 metre** pedestrian clear access is required, measured from the front boundary of the property.
34. A 400mm safety zone, measured from the kerb, is to be kept clear and unobstructed at all times.
35. Safety glass and Perspex screens should be in accordance with AS1288 glazing standard.
35. The permit holder shall ensure that any activity in association with the use of the footpath under this permit shall be undertaken in accordance with Schedule 1, Part 2 of the Local Nuisance and Litter Control Act 2016.
36. The permit holder is responsible for keeping abreast and ensuring compliance with any relevant Emergency Management (COVID-19) directions made or in place under the Emergency Management Act 2004.
37. Customers associated with the business or permit must not wait or congregate within the pedestrian access zone to an extent that it unreasonable restricts the use of the footpath, or otherwise obstructs the use of the footpath by other pedestrians.
38. In the case of displaying items or products for sale within the permit area; the permit shall only be used to provide a sample of the products available for purchase from the associated businesses. The area and items shall be presented in a manner that does not detract from the general amenity of the locality, and shall be to the satisfaction of Council.

Please Note: Pursuant to Section 222 of the Local Government Act, 1999. If any other portion of the road or footpath is used other than stipulated in this permit you will be liable to a **maximum penalty of \$2,500** or can be given an **Expiation Notice with a fee of \$210.**

Risk Assessment Example:-

RISK REGISTER									
Out Door Dining Risk Assessment Template <i>Example</i>									
Date of Risk Review _____ Date									
Compiled By _____ Date									
In conjunction with _____ Date									
Activity	The Risk: What Can Happen and how it can happen?	Level of Consequence should it happen	Level of Likelihood it will happen	Level of Risk	Treatment Option(s) How Can the Risk Be Reduced?	Level of Consequence should it happen after Treatment	Level of Likelihood it will happen after Treatment	Has the Level of Risk Changed Now? (After Applying Treatment Option?)	Accept Avoid Reduce Transfer or Retain?
1	<u>Trips/Slips/Falls</u> Customers or pedestrians tripping or running into outdoor café	2	C	M	Council staff to undertake an inspection of the area prior to permit being issued. Permit condition require permit holder to ensure footpath kept clear and tidy.	2	C	M	A
2	<u>Manual Handling Hazards</u> Lifting and moving Furniture or equipment	2	C	M	Minimal manual handling will be undertaken. Staff briefed on manual handling. Two staff members to lift heavy items.	2	C	M	A
3	<u>Alcohol Related Hazards</u> - alcohol consumed in unlicensed area	3	D	M	Alcohol is not permitted to be consumed in the outdoor café. Manager to ensure compliance	3	D	M	A
4	<u>Use of unauthorised area</u> - impeding pedestrian use of footpath	2	C	M	Staff responsible of ensuring that all tables, chairs and furniture remain within the permit zone. Council inspectors to monitor	2	C	M	A
5	<u>Patrons entering roadway from outdoor dining area.</u>	3	D	M	Compliant screens can be placed to delineate the outdoor café zone and provide visual barrier. Patrons will be supervised and monitored.	3	D	M	A
6	<u>Extremes of Temperature and UV.</u>	1	C	L	Dining area under verandah. Alternative indoor area available during inclement weather	1	C	L	A
7	<u>Food Poisoning.</u>	3	E	M	All food and beverages prepared indoors and conveyed to the outdoor café. No cutlery or crockery to remain on the tables when not in use.	3	E	M	A
8	<u>Pests/animals that may pose a risk to health</u>	2	D	L	No animals are permitted within the permit zone. Staff to monitor and regulate.	2	D	L	A

Permit Authorisation

I acknowledge that I have read and understand the Commercial Use of Footpath Guidelines and Permit conditions, and agree to abide by the said conditions.

I hereby make application to The Barossa Council for a Permit for the Commercial Use of the Footpath, pursuant to Section 221 and 222 of the Local Government Act 1999, and in accordance with the information provided.

What you need to return:

- Completed Application Form
- Certificate of Currency for a Public Liability Insurance Policy for the amount of \$10,000,000
Please Note: The certificate must specify that the policy includes the footpath area detailed in this application.
- Completed Risk Assessment

Signed for and on behalf of the Permit holder:

Name: _____ Position: _____

Signature: _____ Date: ____/____/____

OFFICE USE ONLY

SITE INSPECTION

Site inspected by: _____

Inspection Date: ____/____/____

Permit Zone Measurements:

Width: _____

Length: _____

Pedestrian Access Zone Width: _____

Risk Assessment Completed: YES / NO

Comments: _____

PERMIT AUTHORISATION

APPROVED

DENIED

Name: _____

Position: _____

Signature: _____

Date: ____/____/____

Copy of Public Risk Insurance provided: YES / NO

Public Risk Insurance valid to ____/____/____

Fee Payable: \$_____

Receipt No: _____

