

Application/Renewal Form for Footway Dining

Date:

INTRODUCTION

Application is hereby made under Section 125 of the Roads Act 1993 and Section 68 of the NSW Local Government Act 1993 to use the portion of the footpath shown on the attached plan as a dining area:

Application Number (office use only):

APPLICANT DETAILS

Applicant Name(s): Application / Renewal

Business/Organisation Name:

Business/Organisation Postal Address:

Suburb: State: Postcode:

Business/Organisation Telephone: Mobile:

Business/Organisation Email:

Type of Business & Products Sold:

INSURANCE DETAILS

Public Liability Insurer:

Policy Number:

Liability Limit (Value): \$..... (min. requirement \$10 million)

Policy Validity Dates: From...../...../..... To...../...../.....

OPERATIONAL DETAILS

Location Address:

Lot: Section: DP:

PROPOSED DAYS AND HOURS OF OPERATION

Day	Time (i.e. 12pm-2pm, 5pm-8pm)	Day	Time (i.e. 12pm-2pm, 5pm-8pm)
Monday	Friday:
Tuesday	Saturday:
Wednesday	Sunday:
Thursday		

DIMENSIONS OF PART OF FOOTPATH PROPOSED - (In accordance with Council's Footpath Occupation Policy)

Measurements requested to be used for the outdoor dining area:

Area A: Length(m)..... Width(m)..... Height(m)..... Total Area(m²).....

Area B: Length(m)..... Width(m)..... Height(m)..... Total Area(m²).....

Total (m²).....

Total Width of Current Footpath:

Current Condition of Footpath:

Are there any existing street signs within the proposed location:

OTHER TEMPORARY STRUCTURES IN THE FOOTPATH DINING AREA

Are you intending or already using another type of temporary structure on the footpath?

No Yes – What type of structure is it?:

Is the temporary structure to be used **within** the above specified dining area?

No Yes

CONSUMPTION OF ALCOHOL IN THE FOOTPATH DINING AREA

Are your premises licensed?

No Yes Existing License Number: _____

Are you seeking approval to allow the consumption of alcohol with a meal in the specified footpath dining area?

No Yes

(Note: The Gunnedah CBD is a declared Alcohol Free Zone. The consumption of alcohol is prohibited in a footpath dining area unless an exemption has been granted by Council and written approval obtained. Exemptions are conditional on the completion of a Community Impact Statement by the licensed premises and a Safer by Design Assessment by the NSW Police and Council)

PROPERTY/BUSINESS OWNER'S CONSENT

I/We being the owner/trader at the below property/business address hereby give consent for the activity described above to take place.

Property/Business:

Signature: Date:

APPLICANT(S) SIGNATURE

Name (print):

Signature: Date:

ATTACHMENTS

1. Applications must be accompanied by a certificate of currency for public liability, min \$10 million cover required.
2. Site plan of existing conditions to be at a scale of 1:100 — accurately showing a North arrow, the width of the building frontage and the footpath from kerb to building line, location of building lines and the type of abutting properties, existing infrastructure and other features (including Council infrastructure, such as bins or parking metres, and disabled parking or loading zone bays) All dimensions associated with the footpath area should be shown.
3. Site plan of proposed conditions to be at a scale of 1:100 — accurately showing the area and layout of the proposed footpath activity, including the proposed location of all items and North arrow.
4. Photographs of the site (if able) — clearly showing the proposed footpath activity zone relative to buildings and existing features of the footpath area.
5. Details of furniture — including colour drawing (architectural/design) or colour photo graph (e.g. tables, chairs, screens, planter boxes, heaters, umbrellas, etc).
6. Details of advertising — a colour photograph or detailed design drawing of proposed advertising logo, and clear indication of its size and location within the trading zone.
7. Details and proof of liquor licence (including plan of licensed area), if applicable.
8. Letter/s of consent — in writing from the tenant and landlord if the applicant wishes to operate from in front of the adjacent property. This permission must be submitted to Council each year.
9. Upon lodgement of your application with Council and, providing all details have been filled out correctly, an Officer will visit your premises to determine the correct metreage or inspect the area you require.

Note:

1. All Footpath Dining permits expire on 30 June each year
2. It is the responsibility of the permit holder to ensure all required information is provided to Council before the expiry date. Failure to fulfil this requirement may result in cancellation of permit and the need to re-apply.
3. Every applicant for a permit to trade on the footpath/Council land, shall have and maintain for the term of any permit issued public liability insurance cover of at least ten million (\$10,000,000) dollars. This cover must be demonstrated when the application is lodged. It is the responsibility of the permit holder to ensure that the insurance remains up to date for the duration of the permit issued.
4. Failure to maintain public liability insurance is considered a serious breach and will result in the cancellation of the approval.
5. If gas heaters are to be used and form part of the permit, the insurance cover must include cover for the gas heater installation.
6. Upon applying for a Footpath Dining Application, all applicants agree to familiarise themselves and comply with the Footpath Occupation Policy, available at www.gunnedah.nsw.gov.au.

FEES AND CHARGES

To view the Fees and Charges applicable to this application please refer to council's Fees and Charges at www.gunnedah.nsw.gov.au or contact council on the details provided.

INDEMNITY CLAUSES

I / We agree to comply with all the relevant conditions and procedures as detailed in this approval.

I / We hereby indemnify Gunnedah Shire Council against all claims that may arise whether from negligence or otherwise as a result of my/our dining activities within the road reserve at the location specified in this approval.

All applications shall be executed as indicated below by the applicant or in the case of joint applications, by each application.

In the case of a Corporation:

1. With the common seal including the Australian Company Number affixed in the manner provided in its Memorandum of Articles of Associations; or
2. By signature of two persons authorised by the corporation to bind it in contract. Such circumstances a copy of the authorisation duly executed under the seal of the corporation must be submitted with the application.

In the case of a Firm:

(Including a firm trading under a business or trade name and partnership):

1. By signature of each proprietor of the firm; or
2. In the case of firms having more than five properties, by signature of proprietors authorised to bind the firm in contract. In the latter case, evidence of the authority of those proprietors to bind the firm may be required by the Principal.
3. Any proprietor which is a coronation must sign the application in the manner indicated in under the section titled "in the case of a Corporation".

SIGNATURES

Applicant Signature

Name (print):

Signature: Date:

Witness Signature

Name (print):

Signature: Date:

WHAT DO YOU NEED TO RETURN TO COUNCIL?

- The completed and signed application/ renewal form
- Current Certificate of Insurance for Public Liability (Minimum value \$10,000,000) with the co-insurance clause.
- Your payment of fees.
- Any plans, photographs, drawings and supporting documents required.

OFFICE USE ONLY (Type 124)

Application Fee: \$..... Receipt Number: Date:

Attention: