

DISPLAY ON COUNCIL LAND PERMIT APPLICATION OUTDOOR DINING AREA

Name of proprietor:.....
 Private address of proprietor:.....
 ACN / ABN number:
 Name of business:
 Address of business:.....
 I apply for a permit to have an outdoor dining area on Council land outside the business at:

 for the year ending 30 June 2022.

Postal address of business:
 Contact numbers: Private..... Business.....
 Mobile..... Fax.....
 Email.....

Are you the owner of the premises? YES NO
 If you are not the owner, provide details of the owner:
 • Owner's Name.....
 • Owner's Address
 • Has the owner consented to this proposal? YES NO

Do you propose to have alcohol consumed in the Outdoor Dining Area? YES NO
 If Yes, please attach a copy of your Liquor license to this application.

**A COPY OF YOUR CERTIFICATE OF CURRENCY FOR \$20 MILLION PUBLIC LIABILITY INSURANCE MUST BE
SUBMITTED WITH THIS APPLICATION.**

Please note a **CERTIFICATE OF CURRENCY** will be the only document accepted as proof of insurance- tax invoices, policies, and schedules of insurance will not be accepted.

Please see the reverse for details required to be submitted as part of the application.

PAYMENT OPTIONS	
ANNUAL FEE	\$350.00 Unlicensed Premises \$680.00 Licensed Premises
<input checked="" type="checkbox"/> By Mail Please attach a cheque or money order made payable to the Greater Shepparton City Council to this application form and mail to the Greater Shepparton City Council, Locked Bag 1000, SHEPPARTON VIC 3632.	<input type="checkbox"/> In Person Cash, cheque, eftpos or credit card (Visa or Mastercard) payments can be made at 90 Welsford Street, Shepparton between 8:15am and 5:00pm Monday to Friday.
Office Use Date Paid:	Receipt Number:
Amount Paid: \$	Ledger No – Local Laws Prepayments

M18/50438

Greater Shepparton City Council
 Building, Planning and Compliance
 Locked Bag 1000, Shepparton 3632
 90 Welsford Street, Shepparton 3630
 Ph: (03) 5832 9730 Email: council@shepparton.vic.gov.au
www.greatershepparton.com.au
 ABN 59 835 329 843

APPLYING FOR AN OUTDOOR DINING PERMIT

Along with the completed application form, the permit applicant must:

- a. Submit a site plan that shows the dimensions of the proposed outdoor dining area which indicates:
 - Setbacks from shop frontage, kerb and site boundaries
 - Setbacks from any existing elements such as street trees, light poles veranda posts, rubbish bins, parking meters, street furniture, etc.
 - Location of parking and loading bays
 - Proposed positioning of umbrellas, patio heaters etc.
 - Details of all furniture to be included [i.e. description and number of tables/chairs]
 - Provisions for disability access, eg: ramp, height of step
 - Details of the dimensions, materials and fixing methods of the screens or structure
 - Details of any sign writing to be included on screens or structure
- b. Provide a copy of Public Liability insurance and Certificate of Currency in relation to a public liability policy of insurance, insuring against liability for the death of or injury to any person or damage to any property for which cover can be extended to include the use authorised by the Outdoor Dining Permit
- c. If alcohol is to be served in the outdoor dining area, provide a copy of the relevant liquor licence and planning permission regarding the service of alcohol at the food premises.

I have read and understood Council's *Outdoor Dining Policy* and agree that at all times I will ensure that the designated area is operated in accordance with this policy

I understand that if the outdoor dining area has not complied with Council's *Outdoor Dining Policy* then the permit may be revoked and no compensation will be payable.

I understand that fees are subject to review annually and I am required to provide satisfactory evidence of public liability insurance cover to the Council whenever the insurance policy is renewed or on request by the Council.

I agree that upon termination of this permit the permit holder shall remove the kerbside screens and make good the footpath area which has formed the designated area to the satisfaction of the Council.

I understand that this permit is for an outdoor dining area and under the Tobacco Act 1987, all outdoor dining areas in Victoria are to be smoke-free.

Signature of proprietor: Date:

The personal information requested on this form will be collected, held, used and disclosed in accordance with Council's Privacy Policy and the *Privacy and Data Protection Act 2014 (Vic) ('PDPA')*. By providing your personal information, you consent to Council using and disclosing such information for the purposes of maintaining and updating your permit and/or any secondary purposes permitted by the *PDPA*. Failing to provide personal information to Council may mean that Council cannot provide its services to you. You may apply to Council for access to and/or amendment of the information by contacting Council on 03 5832 9730.

Outdoor Dining Permit TERMS AND CONDITIONS

The permit holder agrees:

1. To pay the annual permit fee.
2. To pay any rates and charges levied by the Council under section 155 of *Local Government Act 1989*, or any taxes, charges and outgoings assessed in respect of the designated area.
3. To pay the costs of any action given or taken for any default by the permit holder.
4. To erect kerbside screens around the designated area, such screens to be in accordance with the Council's "*Outdoor Dining Areas-Policy, Permits & Development Guidelines*".
5. At all times to operate the designated area in compliance with the *Outdoor Dining Areas-Policy, Permits & Development Guidelines*.
6. That all tables and chairs are to remain within the designated area.
7. Not to place any notices, posters or forms of advertising on the screens (other than any advertising which has been approved by the Council and forms part of the permanent screen).
8. To maintain and keep in good repair and condition all improvements on and within the designated area.
9. To make good at the permit holder's own expense and to the reasonable satisfaction of the Council all damage which may be caused by any act or default of the permit holder, its servants or agents to the designated area;
10. To give to the Council notice of any material or permanent damage or serious malfunction of any service to the designated area.
11. Not to carry out any building works or alterations, other than the installation of kerbside screens, without the prior written approval of the Council and the appropriate planning or building permit.
12. Not to do anything which might cause nuisance, damage or disturbance to the Council or a tenant, occupier or owner of any adjacent property, or members of the public.
13. To use and occupy the designated area at its own risk and;
 - 13.1 release the Council from and indemnify the Council against all claims resulting from accidents occurring on the designated area except in and to the extent that the accident is caused by the Council or a person for whom the Council is responsible;
 - 13.2 take out and keep current an insurance cover in the name of the permit holder for public liability for any single event for the amount of \$20 million (or any other amount which may be determined by the Council throughout the term of this permit) with an extension which includes the indemnities given by the permit holder to the Council in this permit;
 - 13.3 maintain the public liability insurance cover with an insurer approved by the Council, but the Council must not withhold approval unreasonably;
 - 13.4 ensure that each public liability insurance policy requires the insurer to give 21 days written notice of cancellation to the Council before cancelling or refusing to renew the policy; and
 - 13.5 provide satisfactory evidence of public liability insurance cover to the Council whenever the insurance policy is renewed or on request by the Council.
14. To clear all outdoor furniture from the designated area at the end of each day's trade or no later than 10.00p.m. on any day.
15. Upon termination of this permit the permit holder shall remove the kerbside screens and make good the footpath area which has formed the designated area to the satisfaction of the Council.
16. The permit is non-transferable and cannot be reassigned. In the event that the business is sold or subleased, the permit becomes invalid and a new permit must be entered into.
17. If the Council or any other authority determines that:
 - 17.1 the designated area is required for public or other use; or
 - 17.2 the installation of any infrastructure or road works will impact upon the designated area;
or
 - 17.3 the permit holder has not complied with the terms of this permit and the Outdoor Dining Areas - Policy, Permits and Development Guidelines, then the permit may be revoked and no compensation will be payable. Any portion of unused rent will be refunded to the permit holder.
18. To ensure effective provision of smoke free outdoor dining during the licensed period in the designated area including:
 - 18.1 Display of suitable signage to inform of the smoke free licensed area;
 - 18.2 Ashtrays, matches, lighters or any other assistance to facilitate smoking must not be supplied in designated outdoor dining areas;

- 18.3 Relocate butt out bins to external perimeter of smoke free outdoor dining area, possibly fitted to the external side of any barrier providing it considers pedestrian access and does not have a detrimental impact on local amenity. *Council Officers may provide support and guidance in determining a suitable location;*
- 18.4 Permit holders must request any person/s that are smoking to leave the licensed area;
- 18.5 Co-operate with Council employees conducting ad-hoc inspections during the trial period;
19. Obtain support and advice regarding smoke free by contacting Greater Shepparton City Council, Neighbourhoods Department by telephone (03) 5832 9700 or email smokefree@shepparton.vic.gov.au The permit applicant is to ensure the footpath between the permitted outdoor dining area and café/restaurant is free from any liquids or solids that may cause slips, trips and falls.

Conditions specific to Licensed permit

1. If the permit holder's premises are licensed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), at all times ensure that the conduct of the outdoor dining area operates in accordance with the licensing requirements of the VCGLR.
2. Provide satisfactory evidence of a valid VCGLR liquor license, including an approved red line plan, to the Council prior to allowing alcohol to be consumed in the outdoor dining area, whenever the permit is renewed and on request by the Council.

Conditions specific to Unlicensed permit

1. No alcohol is permitted to be sold or consumed by any person within the designated outdoor dining area at any time.