



**PERMIT 4**

**OUTDOOR DINING on a ROAD RESERVE**

I : \_\_\_\_\_,

for and on of behalf of :

(Name of Business) \_\_\_\_\_

(Address of Business) \_\_\_\_\_

(Telephone) : \_\_\_\_\_ (Facsimile) : \_\_\_\_\_

(Mobile) : \_\_\_\_\_ (e-mail) : \_\_\_\_\_

hereinafter called the "Permit Holder"

Hereby apply to the Wakefield Regional Council (the "Council") for a Permit pursuant to Section 222 of the Local Government Act, 1999 permitting the Permit Holder to use the portion of the road reserve (the "Permit Area") as described herein for the purpose of supplying food and drink including liquor as defined by the Liquor Licensing Act 1985 (if so authorised under that Act) and to place on the Permit Area the specified tables, chairs and / or other furniture for the convenience of persons consuming the food and drink supplied by the Applicant.

Period of the Permit: from..... to .....  
(maximum period of five years or otherwise stated by Council)

Note 1: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

Note 2: Where this Application requires an alteration to a public road the issuing of this Permit also includes an Permit pursuant to Section 221 of the Local Government Act 1999.

Details of the proposed Permit Area:  
Address of premises to which the Permit will apply .....

Location: Please attach a plan (scale 1:100 minimum) including road name/s, property boundary, the proposed boundaries of the outdoor dining area, number and position of tables and chairs, proposed number of diners, any other structures or objects including details of location, materials proposed and any other details that may be relevant.

**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 paying the prescribed fee.
- D. The Permit Holder providing a copy of all appropriate insurances as required by either the General Conditions, or Special Conditions of Permit.

## **General Conditions Of Permit**

1. 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.
2. 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.
3. 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.
4. The Permit Holder, where appropriate, shall ensure that they are licensed, or registered, to carry out the activity authorised by the issuing of this Permit.
5. This Permit is not transferable.
6. 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.
7. 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.
8. No music system, or amplified sound, to be used by any Permit Holder without the prior approval of Council.
9. The maximum size of tables to be 0.750 square metres.
10. Outdoor dining furniture cannot be temporarily or permanently fixed to the ground surface without the approval of Council. Should the Permit Holder be proposing the securing of furniture either temporary or permanently to the ground surface, full installation details must be provided in this application.
11. All outdoor cafe furniture shall be removed from the Permit Area at the close of business on each day. If furniture forming part of the outdoor cafe is intended to remain within the Permit Area during hours of darkness, illumination of the obstructions shall be provided by the Permit Holder as approved by the Council.
12. All fixtures, furniture and/or equipment erected or installed in, across, under or over the road by the Permit Holder, remain the property of the Permit Holder, pursuant to Section 209 of the Local Government Act, 1999.
13. Should Council be of the opinion that the Permit Holder requires to provide protection to the outdoor dining patrons from intrusion of impacting vehicles, the Permit Holder must organise and bear all costs associated with the purchase and installation of approved crash tested protection barriers (eg. crash tested bollards).
14. Other structures on the street (e.g. trees, power pole, signs and services etc) may not be moved, altered or interfered with in any way except with the express, written approval of the relevant authority or owner and Council.
15. Once the Permit is granted no alteration to the Permit Area, number of tables, chairs, umbrellas or pot plants etc, or the hours of operation will be allowed. If any alteration to the Permit is required then a new application for a Permit must occur.
16. This Permit will not come into operation until proof of the appropriate insurance has been provided to the Council, and a copy of this document, signed by Council has been returned to you.

## **Special Conditions Of Permit**

1. The Permit Holder shall at all times ensure that a footpath width of not less than 1.8 metres is maintained for unobstructed pedestrian use adjacent and near the Permit Area.
2. No tables, chairs, umbrellas, and plant pots etc to be located outside the Permit Area.
3. The Permit Holder shall at all times ensure that no more than the number of persons specified on the Permit shall consume food or drink within the Permit Area and shall not place tables and/or chairs in the Permit Area in excess to the number approved by Council.
4. Where the outdoor cafe is conducted in conjunction with premises licensed under the Licensing Act, and the Permit Holder desires to serve alcoholic beverages in the outdoor cafe, a separate application must be made to the Licensing Court for a licence to serve the same, and all conditions set by the Licensing Court are to be complied with.
5. If authorised under the Liquor Licensing Act to supply liquor as therein defined the Permit Holder shall produce to the Chief Executive Officer of the Council on demand the licence issued there under and at all times shall keep the Council fully informed of every variation made in the terms and particulars of such licence.
6. All persons, equipment and activities associated with the operation of the outdoor cafe, shall remain wholly within the Permit Area, except for the conveying of food, drink, tableware and furniture across the footpath.
7. The Permit Holder shall not prepare, or permit to be prepared within the Permit Area, any food or liquid refreshment for the purpose of serving same at the outdoor cafe. Such food or liquid refreshment shall be prepared in an adjoining approved premises.
8. For the purpose of conveying meals and liquid refreshments from the place of preparation to the table, traymobiles or other similar conveyances may be used, provided that they do not remain on the footpath except whilst actually being used to convey the refreshments.
9. Cutlery, crockery and glassware shall not be left on the tables, and shall be laid out only when a meal is ordered.
10. The operation of the outdoor cafe is to be to the satisfaction of the South Australian Health Commission, in all health related matters.
11. The Permit Holder will be required to 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.
12. The Permit Holder shall cleanse and keep clean, the Permit Area, the tables, chairs and other furniture, and shall also keep the footpath and roadway in the vicinity of the outdoor cafe 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 watertable.
13. All outdoor cafe furniture shall be maintained to the satisfaction of the Council. This includes the selection and maintenance of any plants and plant containers
14. The Permit Holder must ensure that the Permit Area is cleared of obstructions if 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.
15. The Permit Holder shall bear the cost of all pavement repairs carried out by the Council within the Permit Area, which in the opinion of the Council have been caused by the activities of the outdoor cafe. 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.
16. The Chief Executive Officer may give notice requiring certain work to be done by the Permit Holder within 14 days from the giving of such Notice, and if the work specified in the Notice has not been completed within the said 14 days, the Council may by notice in writing signed by the Chief Executive Officer, cancel the Permit forthwith.

- 17. This Permit shall be produced to any Health Officer of the Council on demand
- 18. This Permit is to be construed as continuing for the purposes of indemnification and insurance whilst tables, chairs and other outdoor cafe furniture are in the Permit Area (whether authorised by this Permit or not), for the period from the commencement of this Permit until a Permit is obtained by the transferee of the Permit Holders business, for which this Permit as obtained, or until this Permit is renewed by the Permit Holder.
- 19. The hours of operation are to be as set out in the Council Authorisation notice at the end of this Permit.

I acknowledge that I have read and understand the Permit conditions, and agree to abide by the said conditions.

Signed for and on behalf of the Permit Holder

Name : \_\_\_\_\_ Position : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

\_\_\_\_\_

**COUNCIL AUTHORISATION**

Permit Approved / Denied

Approved hours of operation : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name : \_\_\_\_\_ Position : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

Fee Payable : \$ \_\_\_\_\_ Date Paid : \_\_\_\_\_

\_\_\_\_\_