



**TATIARA DISTRICT COUNCIL**

# **OUTDOOR DINING ON COUNCIL ROAD RESERVES**

**Outdoor Dining on Council Road Reserve**

- (1) All requests for the use of a public road reserve for business purposes shall be assessed individually and matters in relation to safety, pedestrian and wheelchair access shall be taken into consideration in any decision.
- (2) Council adopt the "Application to use a Public Road for Business Purposes" with the general conditions of the permit.
- (3) Public consultation for outdoor dining will be in accordance with Councils Public Consultation policy with costs being the responsibility of the applicant.
- (4) The applicant shall be responsible for the following fees associated with outdoor dining:
  - Lodgement fee \$62.50
  - Public Consultation Amount charged by the Border Chronicle (approx. \$100)

Tatiara District Council

**APPLICATION TO USE A PUBLIC ROAD FOR BUSINESS PURPOSES  
PURSUANT TO SECTION 222 OF THE LOCAL GOVERNMENT ACT 1999**

Please complete this form in **BLOCK LETTERS** and return to:-

Tatiara District Council  
43 Woolshed Street  
Bordertown SA 5268

or

PO Box 346  
Bordertown SA 5268

Phone: (08) 8752 1044  
Fax: (08) 8752 1442

New Application       Renewal Application       Transfer Application

**PERSON UNDERTAKING BUSINESS USE (“the Permit Holder”)**

**CONTACT PERSON**

Business Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
\_\_\_\_\_ Fax: \_\_\_\_\_

**Location of Proposed Activity:**

Permit to use the road at: \_\_\_\_\_

Operating Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Opening Time							
Closing Time							

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

**Note 2:** *Pursuant to the Act, it is an offence to make an alteration to a public road without an Authorisation to do so from the Council. The following are considered road altering activities pursuant to the Act. (Tick whichever is/are applicable to this Application)*

- Alter the construction or arrangement of the road to facilitate access to/from property;
- Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Change or interfere with the construction, arrangement or materials of the road;
- Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- Plant, interfere with or remove a tree or vegetation from the road.

**NOTE:** *Where this Application requires an Alteration to a Public Road (as indicated above), the issuing of this Permit also includes an Authorisation pursuant to Section 221 of the Local Government Act 1999.*

**Please attach Details, Plans and Specifications for the Proposed Business.**

***The issuing of this Permit is subject to:***

- A. The Applicant agreeing to the General Conditions of Permit as contained herein;
- B. The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;
- C. The Applicant paying the prescribed fee of \$62.50 plus an advertising fee which will be on-charged to the applicant once Council has been notified of the amount.
- D. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

***General Conditions of Permit:***

The Applicant further agrees:

- 1. For the term of the Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice.
- 2. To ensure that all works carried out are undertaken to the highest standard and are carried out promptly and with all due care, skill and diligence.
- 3. To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property of any other person.
- 4. To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this Permit.
- 5. That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the Applicant pursuant to Section 209 of the Local Government Act, 1999.
- 6. For the term of the Permit, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.
- 7. To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of or in relation to the alteration to the road, the granting of this Permit and the General Conditions and Special Conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.
- 8. For the term of the Permit, to take out and keep current a public liability policy of insurance to a minimum of ten million dollars (\$10,000,000) level of cover per claim in respect of the Business, any alteration to the road or any activity arising out of or from the granting of this Permit by the Council.
- 9. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
- 10. In the event that the Applicant has failed to comply with any of the conditions of Permit or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the Permit.
- 11. At the expiration or earlier termination of this Authorisation to remove, if so directed by the Council, any structure or object erected or installed on the road and to reinstate the road to the satisfaction of the Council.

12. This Permit is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
13. This Permit does not confer on the Applicant any exclusive right, entitlement or interest in the road and does not derogate from the Council's powers arising under the Local Government Act, 1999.
14. This Permit will not come into operation until proof of all insurances has been provided to the Council and a copy of this document, signed by the Council has been returned to you.
15. No tables, chairs, umbrellas, and plant pots etc to be located outside the defined area.
16. 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 any alteration to the Permit is required then a new application for a Permit must occur.
17. Where the Outdoor Café is conducted in conjunction with premises licensed under the *Licensing Act*, and the Permit holder desires to serve alcoholic beverages in the Outdoor Café, a separate application must be made to the Licensing Court for a Permit to serve the same, and all conditions set by the Licensing Court are to be complied with.
18. All persons, equipment and activities associated with the operation of the Outdoor Café shall remain wholly within the defined area, except for the conveying of food, drink, tableware and furniture across the footpath.
19. The Permit holder shall not prepare, or permit to be prepared on the footpath, any food or liquid refreshment for the purpose of serving same at the Outdoor Café. Such food or liquid refreshment shall be prepared in an adjoining approved premise.

For the purpose of conveying meals and liquid refreshments from the place of preparation to the table, tray-mobiles 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.

20. All meals and liquid refreshments served at the Outdoor Café shall be conveyed thereto in covered containers approved by the Environmental Health Officer of the Council.
21. Cutlery, crockery and glassware shall not be left on the tables, and shall be laid out only when a meal is ordered.
22. The operation of the Outdoor Café is to be to the satisfaction of the South Australian Health Commission, in all health related matters.
23. 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.
24. 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.
25. 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.
26. 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 have been caused by the activities of the Outdoor Café. This shall include, but not be limited to, the replacement

- of jointing material removed from brickwork paving in sweeping and washing dawn of the pavement.
27. All Outdoor Café furniture shall be maintained to the satisfaction of the Council. This includes the selection and maintenance of any plants and plant containers
  28. 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 footway during hours of darkness, illumination of the obstructions shall be provided as approved by the Council.
  29. The Council 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 or delegate, cancel the Permit forthwith.
  30. This Permit shall be produced to any Health Officer of the Council on demand.
  31. The hours of operation are to be as set out in the Council Authorisation notice at the end of this Permit.
  32. A clear access path of at least 1200mm shall be maintained at all times for pedestrians and wheelchair access.

This distance shall be measured from the wall of the shop or any fixture to the defined outdoor dining area.

Enclosed with my application is a copy of my current Public Risk Insurance Policy

#### **PUBLIC CONSULTATION PROCESS**

The issuing of this permit is subject to Council's Public Consultation Process. The following actions have been taken in accordance with Council's Public Consultation Process:

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***In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of Permit and declare that the particulars provided by me/us with regard to the Business and the Proposed Alteration to the road are true and accurate.***

Signed by Applicant/s

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**OFFICE USE ONLY**

Application No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

Permit - Approved / Denied Issued to - \_\_\_\_\_

Approved Hours of Operation - \_\_\_\_\_

Insurance - YES / NO Public Risk Insurance Valid to - \_\_\_\_\_

Name of Authorised Officer of Council: \_\_\_\_\_

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

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

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fee: \$62.50

**RECORD OF AMENDMENTS**

DATE	REVISION	REASON FOR AMENDMENT
12 <sup>th</sup> September 2017	Rev: 00	Policy removed from the General "TDC Policy Manual" and made a stand alone policy. Adopted at Council Meeting 12//17 Res #327.