

## APPLICATION FOR OUTDOOR DINING & TRADING PERMIT Expires 31<sup>st</sup> July 2023

### Information for Applicants:

Council adopted the 'Outdoor Dining & Trading Policy 2017' on 27<sup>th</sup> September 2017.

The Policy provides guidance in relation to the design of outdoor dining furniture and associated items that will satisfy Council's vision for the Central Business District and enhance the city streetscape.

All permit holders must comply with the adopted Policy.

A copy of the Policy, Application Form and associated documents can be found on the City of Ballarat website at <https://www.ballarat.vic.gov.au/business/outdoor-dining-and-footpath-trading>

This application form should also be used for amendments to permits.

### What You Must Do:

- 1) Read the Outdoor Dining & Trading Policy 2017.
- 2) Complete the attached application form and return to [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au), post to PO Box 655, Ballarat, 3353 or bring into The Phoenix, 25 Armstrong Street South, Ballarat; OR
- 3) If applying for Outdoor Dining only, you may apply on-line – head to the City of Ballarat website: <https://forms.ballarat.vic.gov.au/OutdoorDiningApplication> rather than complete this form.

In addition to this application form, you are required to provide Council with a copy of the following:

- a) A site plan indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (where applicable).
- b) Photograph/s of the proposed footpath area.
- c) A Certificate of Currency of a public liability risk insurance policy with a minimum cover of \$20 million. The Certificate can be obtained by contacting your insurance provider and must be renewed annually and cover all proposed footpath activity. **Please note that a tax invoice, a schedule of insurance or any other similar document is not a Certificate of Currency;**
  - 1) Any applicants not currently insured for this activity will temporarily be covered for this activity by City of Ballarat.
- d) A signed and dated Form of Indemnity – a statement that indemnifies Council against all claims of any kind arising from any negligent act either by the permit holder, the permit holder's agent or their clientele (attached - to be completed);

An indemnity is not required for applicants to which c) 1) above applies
- e) Photographs or brochures of the proposed furniture and outdoor dining elements (incl. chairs, umbrellas, planter boxes, gas heaters, etc) including any proposed advertising or business logos (if applicable); and

Continued over.....

- f) A copy of a current liquor licence which extends to the footpath area (this is only required when you intend on serving alcohol at an outdoor dining facility).

### **What Council Will Do:**

On receipt of your application a Council Officer will review the proposed details and e-mail a Schedule of Fees (where applicable). *Note: Fees for an outdoor dining permit have been waived until the end of January 2022.*

Upon payment of the fee (if applicable) the application will be processed. If approved, a permit will be issued and will be subject to conditions contained thereon and compliance with Council's Outdoor Dining & Trading Policy 2017.

### **Note:**

- The fee is an administration fee and no refunds will be given.
- The provision of an e-mail address is deemed acceptance to receive all correspondence by e-mail.
- The permit will expire on 31<sup>st</sup> July 2023. A renewal application form will be emailed out prior to this date.
- You must ensure that the footpath area is adequate to contain the items requested or reduce the number/type of items.
- The Form of Indemnity and Certificate of Currency are two separate things and both must be provided if not applying on-line.
- The Permit is not transferable.
- Change of Licensee will require the submission of a new application along with payment of the associated fee and all required documentation attached.
- The name of the Insured on the Certificate of Currency for Public Liability insurance must reflect the Applicant/Licensee Name on the application form.
- Public Liability insurance must remain current for the duration of the permit.

## APPLICATION FOR OUTDOOR DINING & TRADING PERMIT

Expires 31<sup>st</sup> July 2023

**Applicant/Licensee Name:** .....

**Trading As:** .....

**Business Address:** .....

**Postal Address:** .....

**Name of Contact:** .....

**Contact Phone Number:** ..... **Mobile Phone Number:** .....

**Email Address:** .....

Please indicate your preferred option/s:	Application Fee	Tick
<p><b>Outdoor Dining</b> (this includes tables, chairs, stand-alone heaters; pot plants/planter boxes, umbrellas, barrier screens).</p> <p>Are all items temporary and removable from the footpath?: <span style="background-color: yellow;">Yes / No</span></p> <p>Inground sockets/sleeves:                      Existing <input type="checkbox"/>                      Required <input type="checkbox"/>  <i>(if required, will be subject to a separate Council Asset permit, fee and installation/materials at your cost)</i></p>	No fee	<input type="checkbox"/>
<p><b>A-Frame Advertising Signage</b> (maximum of 2 only permitted where adequate area allows).                      Number of signs requested: _____</p>	\$100.00	<input type="checkbox"/>
<p><b>Display of Goods for Sale or Hire</b> (the area used must not exceed 2m<sup>2</sup>)</p>	\$100.00	<input type="checkbox"/>
<p><b>Amendment to an issued Permit increasing number of items</b> (this can only be applied for if the Licensee is unchanged as per the issued permit). Please insert the Permit No: FT/ <span style="background-color: yellow;">      </span> /FPT.</p>	\$100.00	<input type="checkbox"/>

Have you attached? – please tick:

- A signed and dated Form of Indemnity (see over).
- A site plan indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones.
- A Certificate of Currency of a public liability risk insurance policy (minimum cover of \$20 million).
- Photograph of the proposed footpath area.
- Photos or brochures of the proposed furniture and outdoor dining elements (if applicable).
- Copy of a current Liquor Licence which extends to footpath area (if applicable)

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

*Your personal information is being collected by City of Ballarat for the purpose of processing your application. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, refer to Council's Privacy Policy at [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au)*

## **Form of Indemnity**

This indemnity is given the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
(Date) (Month) (Year)

By the \_\_\_\_\_  
(Applicant / Licensee Name)

Trading as \_\_\_\_\_ (hereinafter called "the indemnifier")  
(Trading Name)

At \_\_\_\_\_  
(Location of the Premises)

To the CITY OF BALLARAT (hereinafter called "the Council")

Whereas the indemnifier has applied to the Council for authority to use a portion of the road or other public area within the municipal district under the Council's Outdoor Dining & Trading Policy 2017.

NOW THIS INDENTURE WITNESSES that in consideration of the Council granting such authority the indemnifier INDEMNIFIES and will KEEP the Council INDEMNIFIED against all actions, liabilities, proceedings, demands, losses, damages, fees, claims, costs and expenses whatsoever incurred or arising out of, or in connection with or in consequence of the use of the road or other public area for purposes associated with the use of the premises at ("location of the premises")

\_\_\_\_\_  
**Signature of Applicant / Licensee**