

# Footpath Dining Licence

This application is made under *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*. A copy of these laws may be found on website: <http://www.dip.qld.gov.au/local-government/local-laws-database.html> and select 'Whitsunday Regional Council' to search.

If you have any questions about how to complete this form, please contact Council's Health & Environment Department on 07 4945 0259.

Please complete this application in BLOCK LETTERS and tick or fill in boxes where applicable. If a question does not apply, please indicate 'n/a'.

## APPLICATION TYPE

- |  |          |  |          |
|--|----------|--|----------|
| <input type="checkbox"/> New Licence Application<br>(Once only fee – not refundable)   | \$383.00 | <input type="checkbox"/> Annual renewal + footpath rental per m <sup>2</sup> | \$128.00 |
| <input type="checkbox"/> Transfer<br>(see 'Transfer Authority' on bottom of this page) | \$128.00 | <input type="checkbox"/> Proserpine/Bowen per m <sup>2</sup>                 | \$ 82.00 |
|  |          | <input type="checkbox"/> Cannonvale per m <sup>2</sup>                       | \$128.00 |
|  |          | <input type="checkbox"/> Airlie Beach per m <sup>2</sup>                     | \$204.00 |

**Note: All fees current until 30 June 2016**

## APPLICANT DETAILS

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

Business Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

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

## TRANSFER AUTHORITY (If transferring a current licence)

Licencee Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Dining Area: \_\_\_\_\_

Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_

Agreement of Current Licence holder – I hereby authorise the applicant to transfer this Footpath Dining licence into their name as detailed in the 'Applicant Details'.

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

**SITE LOCATION OF BUSINESS**

Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Lot No: \_\_\_\_\_ Registered Plan No. (RP): \_\_\_\_\_ Parish: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

**PROPERTY OWNERS CONSENT**

Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_

I/We being the owner/s of the property described in this application, hereby consent the abovementioned applicant making an application for Footpath Dining in front of my premises.

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

Are these premises registered as a takeaway/café/restaurant under provisions of the Food Hygiene Regulations Act 1989?

Yes  No

**DESCRIPTION OF OUTDOOR DINING FACILITIES**

Proposed shade structures (if any) No. \_\_\_\_\_ Materials: \_\_\_\_\_  
Proposed screens/bollards (if any) No. \_\_\_\_\_ Materials: \_\_\_\_\_  
Proposed landscape/planter boxes (if any) No. \_\_\_\_\_ Materials: \_\_\_\_\_  
Method of storage/security of tables, chairs etc: \_\_\_\_\_  
Number of tables: \_\_\_\_\_ Number of chairs: \_\_\_\_\_  
Total area of footpath to be used for dining (m<sup>2</sup>): \_\_\_\_\_

## APPLICANT AGREEMENT WITH LOCAL GOVERNMENT

Surname: \_\_\_\_\_

Given Names: \_\_\_\_\_

I acknowledge that any licence issued pursuant to this application shall be in accordance with the following conditions:

- a) The licence holder shall, at all times, keep indemnified the Council, its members, officers, employees and agents from all actions, suits, proceedings, claims, demands, losses, costs, charges and expenses which may be taken against, made on, or suffered by it or any of them directly or indirectly on account of or in respect of or arising out of any act, matter or thing done or omitted to be done by the licence holder or its agents or employees or any of them in connection with any activity carried out or supporting to be carried out under the permit or in observance, fulfilment, non-observance, or non-fulfilment or any condition of the licence;
- b) The holder of the licence must take out a public liability insurance policy to the value of TWENTY MILLION DOLLARS (\$20,000,000.00) with the Local Government being endorsed as an interested party;

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

### **PROOF OF PUBLIC LIABILITY A copy of your Public Liability must be attached to this application**

Name of Insurance Company: \_\_\_\_\_

Expiry Date: \_\_\_\_\_

### **ATTACHMENTS**

A site plan to a scale of 1:100 is required to be attached to this application. The scope which extends;

- a) From the kerb's edge, the full width of the footpath, to the frontage of the building; and
- b) From within two (2) metres of one adjoining premises, the full length of the property frontage, and within two (2) metres beyond the other adjoining premises.

The site plan shall show;

- a) The boundaries of the site, the outline of the buildings and the use of the adjoining buildings;
- b) The area (including dimensions) intended to be used for outdoor dining (shown in red) and the location of all proposed outdoor dining facilities; and
- c) The square metres of Council land to be utilised for Dining on Footpath; and
- d) Any trees, fire hydrants, transformers, telephone booths, mail boxes, bus seats and shelters, traffic signal boxes, fixed rubbish bins, pillars and posts (supporting signs or other objects) and other obstructions.

## **LODGEMENT**

On completion of this application, please forward the original application together with the required supporting documentation and application fee to Whitsunday Regional Council.

Whitsunday Regional Council Local Law No. 1 (Administration) 2014; requires that this application must include or be accompanied by:

- a) Details of other approvals, licences or permits required under another law.
- b) Details of any promotional or advertising material intended to be used in connection with the activity.
- c) Details about any procedures which will be taken to ensure that the amenity of the surrounding area will not be adversely affected.
- d) Details about any procedures which will be taken to ensure that the activity will not cause a nuisance to neighbouring residents.
- e) Plans of any temporary structures that will be placed on the road, and
- f) If relevant, details about procedures which will be taken to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare.

**AGREEMENT WITH LOCAL GOVERNMENT, INDEMNIFYING THE LOCAL GOVERNMENT AGAINST CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PROPERTY IN CONNECTION WITH THE LICENCE**

**APPLICANT / INDEMNIFIER DETAILS**

Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Locality/Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**AGREEMENT**

***I \_\_\_\_\_, the proposed holder of a licence under Whitsunday Regional Council Local Law No. 1 (Administration) 2014, agree to enter into this binding agreement with Whitsunday Regional Council, indemnifying Whitsunday Regional Council against claims against the holder of the licence for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the licence.***

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

**WITNESS OF APPLICANT / INDEMNIFIER'S SIGNATURE**

Witness Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date \_\_\_\_\_