

APPLICATION FORM AND CONDITIONS



PERMIT FOR AN OUTDOOR DINING OR GOODS DISPLAY AREA IN A PUBLIC PLACE

North Sydney Council is responsible for managing footpaths within the North Sydney local government area. To ensure pedestrian access and safety is maintained, a permit is required for an outdoor dining or goods display area on the footpath.

This form includes five sections:

- applicant's details and licence agreement
- indemnity
- insurance details
- application checklist
- permit conditions

Development Consent is required for all new areas which do not satisfy the provisions of Schedule 6 (Exempt Development) of the North Sydney Local Environmental Plan 2001 (gazetted 1 June 2001). This allows Council to consider environmental issues that may arise from the use of the space. If you are not sure whether development approval exists for your area, contact Council's Projects Coordinator on (02) 9936 8100 for advice about the application process.

Permits are issued on an annual basis, renewable at the start of each financial year and are subject to compliance with the NSLEP 2001, North Sydney Council Outdoor Dining and Goods Display Policy and the Conditions attached herewith. **Please ensure you read the Conditions before applying for a permit.**

To apply for a permit, please complete all sections of this application form and return it with the application fee to Council's Customer Service Centre, 200 Miller Street, North Sydney. A permit will be issued only after the necessary documentation and rental payment arrangements are in place.

FEES FOR 2011/2012

APPLICATION FEE	\$185 (GST exempt) payable to North Sydney Council
RENTAL (GST inclusive)	Payable to Council's appointed Property Manager, Preston Rowe Paterson
\$556/m ² per annum – High	- for specific locations as defined on the North Sydney Council Area Map (NSCAM)
\$413/m ² per annum – Medium	- for specific locations as defined on the NSCAM
\$288/m ² per annum – Low	- for areas not specifically defined on the NSCAM

Please note:

- Rental fees are payable to Council's appointed Property Manager (Preston Rowe Paterson, phone 9292 7400)
- Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis
- Fees and charges are reviewed each financial year

A bond of \$1,000 or 3 months rent (whichever is higher) is payable upon approval for all new applications.

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SECTION 1 - APPLICANT'S DETAILS AND LICENCE AGREEMENT

I _____ wish to apply for a permit to:
(name)

- undertake outdoor dining
- display goods on the footpath
- other (please specify)

Applicant's Name: _____

Name of business: _____ ABN: _____

Phone number (during business hours): _____

Email: _____

I have read and understood the application and operation conditions for this permit and agree to comply with these for the duration of the permit.

Signature: _____ Date: _____

ADDRESS OF ADJACENT PROPERTY WHERE PERMIT WILL APPLY

Number and Street: _____

Suburb and Postcode: _____

BUSINESS ADDRESS (if different to above address)

Number and Street: _____

Suburb and Postcode: _____

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DETAILS OF PERMIT REQUEST

(please give details of type of outdoor dining or goods display proposed)

Type of area (outdoor dining, goods display, other). Please specify: _____

Size of area: Length (in metres): _____ Width (in metres): _____ Total (square metres): _____

Proposed number of seats: Inside: _____ Outside: _____ Total: _____

Accurate location sketch and photos (must be attached): _____

Details of any prior consent to occupy the footpath/premises: _____

DURATION OF PERMIT (NB: All permits expire 30 June each year)

Start date: _____

PRIVACY STATEMENT

Personal details requested on this form will only be used for the purpose of processing your application. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council may not be able to process your application. Access to the information is restricted to Council officers and other authorised people. You may make application for access or amendment to information held by Council. Applications by members of the public to view Council's records are subject to the provisions of Council's Privacy Management Plan, *Section 18 Government Information (Public Access) Act 2009 & Schedule 1 - Government Information (Public Access) Regulation 2009.*

I have read and understand the Privacy Statement

Signed: Date:

FOR COUNCIL USE

Fees do not apply if DA approved

Permit No: _____ DA _____

Application Fee: _____ Payment Method: _____ Cashier code: 167

Receipt No: _____ Date: _____ Total Paid: \$

Customer Service Officer _____ Date: _____

Comments: _____

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SECTION 2 - INDEMNITY

This indemnity form must be completed and signed before a permit can be issued.

Please refer to Condition 2, Indemnity and Public Liability Insurance.

Name of business: _____

Address of business: _____

(referred to hereafter as the Permit Holder) holds North Sydney Council (referred to hereafter as the Council) and the Roads & Traffic Authority NSW (referred to hereafter as the RTA) (strike out RTA if not applicable) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which Council, the RTA (strike RTA out if not applicable) its servants, agents or employees may be held liable in respect of any loss, damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and the use of adjacent public areas used in conjunction with the licensed area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of Council, the RTA (strike out RTA if not applicable) its servants, agents or employees.

Name (please print): _____

Signed: _____

Date _____

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SECTION 3 - INSURANCE DETAILS

Permits will not be issued unless you have adequate public liability insurance for the area you intend to use. Please complete this form, giving details of your public liability insurance. Please note that **you are required to arrange for North Sydney Council and, within State Road areas, the Roads & Traffic Authority NSW (RTA) to be named on your insurance** as joint insured for the respective rights and interests of yourself, Council and if necessary, the RTA, in respect of your outdoor dining or goods display area on the footpath.

This insurance must include a 'cross-liability' clause.

Interested Parties: North Sydney Council and ...

A Certificate of Currency must be provided to Council by the insurance company before a permit is issued.

INSURANCE INFORMATION

I hereby declare that I (name of applicant) _____ as permit holder and North Sydney Council and the RTA (strike out RTA if not applicable) am insured for legal liability to the public in respect of personal injury and property damage for a limit of indemnity of not less than \$10 million, **(or \$20 million within State Road areas)**.

Name of Insured (include interested parties): _____

Address of Premises: _____

Name of Insurance Company: _____

Public Liability Policy No: _____

Period of Insurance from: _____ to: _____

Limit of Indemnity: \$ _____

I understand that this insurance shall not be cancelled or lapse without the agreement of North Sydney Council and the RTA (strike RTA out if not applicable) and the policy document shall be endorsed to this effect. This insurance includes the cross-liability clause.

Signed: _____

Dated: _____

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SECTION 4 - APPLICATION CHECKLIST

To be used in conjunction with the *North Sydney Council Outdoor Dining and Goods Display Policy* (Policy)

Applicant	Checklist	Council
✓ / ✘ / N/A		✓ / ✘ / N/A
<input type="checkbox"/>	<p>1. APPLICATION FORM FOR A PERMIT</p> <p>Have all relevant sections of the Application Form been completed?</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>2. DEVELOPMENT CONSENT</p> <p>Has development consent been granted for the use of an outdoor dining or goods display area?</p> <p>Yes <input type="checkbox"/> If yes:</p> <p style="margin-left: 40px;">(a) What is the DA Number? _____</p> <p style="margin-left: 40px;">(b) Has a copy of a current development consent been provided for the primary use as a shop, restaurant, café, take away food or drink premises or tavern/pub.</p> <p>No <input type="checkbox"/> If no:</p> <p style="margin-left: 40px;">(a) Has a written statement been provided that the proposal will comply with Schedule 6 (Exempt Development) of the North Sydney Local Environmental Plan 2001 as amended.</p> <p><i>(Note: A development application may be concurrently processed if required A Permit Application cannot be accepted by Council if not compliant with above requirements.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>3. EXISTING CONDITIONS PLAN</p> <p>Has an Existing Conditions Plan at scale 1:100 or 1:50 and photographs of the existing conditions been provided in accordance with Schedule 2 of the Policy?</p> <p>Any such plan(s) should be identified by reference to the development consent and the current approved seating or patron capacity of any existing premise that is related to the proposal.</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>4. CONCURRENCE</p> <p>Is concurrence from the Roads & Traffic Authority necessary in respect of an <u>outdoor dining area</u> within a State Road reservation?</p> <p><i>(Note: Not necessary for the display of goods. Applies to State Road reserves including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street north of Falcon Street)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>5. PERMIT APPLICATION PLAN</p> <p>(a) Has a Permit Application Plan been provided in accordance with the requirements set out in Schedule 7 of the Policy?</p> <p>(b) Is the proposed area located in accordance with the Setbacks and Sightlines information contained within Schedule 3 of the Policy?</p> <p>(c) Are the proposed areas designed in accordance with the Layout Diagrams in Schedule 4 of the Policy?</p> <p>(d) Are any associated advertising or signs in accordance with the requirements set out in Schedule 6 of the Policy?</p> <p><i>(Note: Consider the advice in Section 4 of the Policy for additional information and guidance)</i></p>	<input type="checkbox"/>

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Applicant	Checklist	Council
✓ / ✗ / N/A		✓ / ✗ / N/A
<input type="checkbox"/>	<p>6. OUTDOOR FURNITURE</p> <p>Have details been provided of any outdoor dining or display furniture which is proposed to be used?</p> <p><i>(Note: Specifications or advice from the manufacturer must be provided that confirms the items are "commercial grade" and are suitable for their intended purpose. Outdoor Furniture must be consistent with the examples illustrated within Schedule 5 of the Policy and or existing furniture presently being use in the locality.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>7. STATEMENT OF CONSISTENCY</p> <p>Has a statement been provided which illustrates how the proposal is consistent with the relevant Character Statement contained within the policy?</p> <p><i>(Note: Refer to Schedule 1 of the Policy. The statement should consider how your area can contribute to the existing and planned context and help to achieve the objectives of the Character Statement.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>8. HERITAGE STATEMENT</p> <p>Is the proposal located in the vicinity of a heritage item or within a heritage conservation area as identified in North Sydney LEP 2001?</p> <p>If yes, has a Heritage Statement been provided which briefly describes how the proposal addresses any potential heritage issues?</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>9. OPERATIONS PLAN</p> <p>Has an Operations Plan been provided in accordance with the requirements set out in Schedule 8 of the Policy?</p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>10. INDEMNITY AND PUBLIC LIABILITY INSURANCE.</p> <p>Has a Certificate of Currency of Public Liability Insurance been provided?</p> <p><i>(Note: Refer to Schedule 9 of the Policy for required insurance and an example Certificate and Section 2 of this Form for the Indemnity Statement.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>11. OWNER'S CONSENT</p> <p>Has landowner's consent been provided where part or all of the land is not owned by Council?</p> <p><i>(Note: Owner's consent may be in the form of a letter from the landowner or completion of the form in Schedule 10 of the Policy with the landowner's signature or company seal.)</i></p>	<input type="checkbox"/>
<input type="checkbox"/>	<p>12. FEES</p> <p>Is the application accompanied by the required Permit fee?</p> <p><i>(Note: Not required if development consent has been paid)</i></p>	<input type="checkbox"/>

Note:

Should the permit application be supported by Council, an invoice for rental will be issued by Council's appointed managing agent and must be paid prior to the issuing of a permit.

If you have any enquiries regarding the application, please ring Council on telephone 9936 8100.

Enquiries regarding rental payments/invoicing should be directed to Preston Rowe Paterson, Managing Agents on telephone 9292 7400.

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SECTION 5 - PERMIT CONDITIONS

1 FEES

The annual rental payment for the allocated area must be made in advance by the applicant before a permit is issued. Alternatively, you may make periodic payments via direct debit by agreement with Council's appointed Property Manager, Preston Rowe Paterson. Interest of 15% per annum will be charged on those amounts that remain unpaid after they become due and payable. Interest accrues on a daily basis.

2 LICENCE AGREEMENT

The applicant/permit holder shall sign a licence agreement for the permit area as necessary.

3 INDEMNITY AND PUBLIC LIABILITY INSURANCE

The indemnity statement and public liability sections of the application form must be completed and signed by the applicant before a permit is issued. North Sydney Council and the Roads & Traffic Authority NSW (RTA) in respect of State Roads, must be named on your insurance as joint insured for the respective rights and interests of yourself, Council and where necessary, the RTA, in respect of your outdoor dining or goods display area on the footpath.

This insurance must include a "cross-liability" clause.

(State Road areas including Military Road, Falcon Street, Pacific Highway, Berry Street, Arthur Street and Miller Street, north of Falcon Street.)

4 LICENSED PREMISES

The applicant is responsible for seeking a licence from the relevant authorities if alcohol is to be served in the permit area. Council may oppose such an application in certain circumstances.

5 PEDESTRIAN SAFETY

The permit holder must ensure that the outdoor dining or goods display area is maintained and operated safely and that pedestrians have free access to the remaining area of the footpath. A clear passage of at least one metre be maintained at all times in front of exit doorways from adjoining and adjacent premises.

If directed by Council, the permit holder will immediately remove or make safe any outdoor dining or goods display area. If the permit holder does not comply with this direction, Council may remove any outdoor dining or goods display furniture and the permit holder will be required to reimburse Council for any associated costs.

6 ADVERTISING SIGNS

No freestanding (A-frame) advertising signs are allowed within the permit area. Any advertising and or signage must be in accordance with the Outdoor Dining and Goods Display Policy and the provisions of North Sydney Local Environmental Plan 2001 and North Sydney Development Control Plan 2002.

7 ANCILLARY EQUIPMENT

The permit holder must obtain Council's consent prior to installation of ancillary equipment such as umbrellas, free-standing barriers and the like.

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8 ENVIRONMENTAL PROTECTION CONTROLS

The permit holder is responsible for any environmental pollution resulting from the outdoor dining or goods display area. Should pollution occur, the permit holder is responsible, at their own cost, for returning the affected area to its condition prior to the pollution having occurred. If the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder will be required to reimburse Council for any associated costs.

9 MAINTENANCE OF PERMIT AREA

The outdoor dining or goods display area shall not cover or impede access to public or private utility access and drainage pits. Authorities such as Telstra and Sydney Water must be given access to the site if required. The outdoor dining or goods display area shall not obstruct the view of advisory and regulatory signs and traffic controls.

The permit holder shall clean the permit area daily, remove litter, food scraps and so on, and prevent damage to any Council property. If the permit holder does not comply with this condition, Council may carry out the necessary work and the permit holder will be required to reimburse Council for any associated costs.

10 PERMIT DISPLAY

The permit, which shall include a locality sketch prepared by Council, must be displayed in the front window of the subject premises at a minimum height of 800mm and a maximum height of 1700mm above ground level. This will allow Council Officers to check the permit without disrupting your normal business.

11 VACATING AND REINSTATEMENT

Should the permit expire or the premises be vacated, the permit holder shall, at their own expense, remove all outdoor dining or goods display furniture and ensure the area is returned to its original condition. **The permit holder shall notify Council in writing, three weeks prior to vacating the premises.**

12 CANCELLATION

Council reserves the right to revoke or not renew the permit if the outdoor dining or goods display area does not conform with the description provided in the application or the outdoor dining or goods display furniture or activities extend beyond the approved permit area or if permit conditions are not complied with. Council also reserves the right to revoke the permit should there be a change of Council policy on this issue.

Permits are issued under Clause 125 of the *Roads Act 1993*, Council's Policy for Outdoor Dining or Goods Display in a Public Place and the provisions of the North Sydney Local Environmental Plan 2001 (gazetted 1 June 2001) as amended.