



Application for Permit Provision of Goods, Advertising, Signs and Outdoor Dining Facilities on Street and Roads

Community Local Law No.2

Road Management Act & Road Safety Act

I,

Hereby apply for permission to place the following items:

On the road reservation/footway in front of premises known as:

Business Name			
Situated at			
Postal Address			
Business Number		Mobile	
Email Address			

IF GRANTED, I UNDERSTAND AND AGREE THAT PERMISSION WILL BE SUBJECT TO COMPLIANCE WITH THE FOLLOWING CONDITIONS AND THE PROVISIONS OF COMMUNITY LOCAL LAW / ROAD MANAGEMENT ACT / ROAD SAFETY ACT

Signed: Date

Submit Application

ELECTRONIC LODGEMENT: Email completed form to mrcc@mildura.vic.gov.au.

IN PERSON: Visit a Council Service Centre
BY MAIL: Post completed form to:
Mildura Rural City Council
PO Box 105 MILDURA VIC 3502

Privacy Collection Statement:

Mildura Rural City Council collects Personal and or Health Information for municipal purposes as specified in the Privacy and Data Protection Act 2014. The information collected in this form is used only for the purposes specified (primary purpose) and is not passed on to third parties. Council may disclose this information but only if authorised or required by law. Council may not be able to process your request unless sufficient information is given. Should you need to change or access your personal details, or you require further information regarding Council's Privacy Policy please contact Council's Privacy Officer.

Office Use Only

File Number	
Permit Number	

CONDITIONS:

1. INSURANCE:

The permit holder shall take all reasonable precautions to prevent risk to the public, and take out and keep current for the period of the permit a Public Liability Policy of Insurance for a minimum Indemnity sum of \$10 million which states the following:

“THIS POLICY IS EXTENDED TO COVER MILDURA RURAL CITY COUNCIL AS PRINCIPAL IN RESPECT TO ADVERTISING / SIGNS / GOODS / OUTDOOR DINING FACILITIES’

2. INDEMNITY:

The permit holder agrees to Indemnify and keep indemnified the Principal (Council), its servants and agents, and each of them from and against all actions, costs, claims, charges, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, arising out of or in any way related to the granting of this permit and be directly related to the negligent ads, errors or omissions of the permit holder.

- 3.** All equipment used shall be of a professional standard and of substantial and safe construction and it is the permit holder’s responsibility to remove the equipment if weather conditions create a possible risk.
- 4.** Permits shall be granted annually and shall expire on 31 August of each year.
- 5.** All outdoor furniture must be removed from adjacent footpath by 1.00am.

COMMUNITY LOCAL LAWS No 2

8.5 OUTDOOR EATING FACILITIES

- (a) A person must not, without a permit, establish an outdoor eating facility on any Footpath or other part of a Road.

- (b) In deciding whether or not to grant a permit the Council may take into account:-
 - (i) whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food premises;
 - (ii) whether the food premises are registered in accordance with the **Food Act 1984**;
 - (iii) whether the facility would be located where it would obstruct visibility at an intersection;
 - (iv) whether appropriate and safe pedestrian access can be maintained;
 - (v) whether the tables, chairs and other equipment to be used will be hazard;
and
 - (vi) any other matter relevant to the application.

- (c) The permit holder must ensure that the outdoor eating facility is maintained in a clean and tidy condition at all times.

- (d) Where, in the opinion of an Authorised Officer, the provisions of clause 8.5 or the conditions of any permit are not being complied with the Authorised Officer may serve a Notice to Comply on the owner or occupier of the relevant food premises or the permit holder.

- (e) Any tables, chairs, umbrellas or other equipment in an outdoor eating facility used in contravention of clause 8.5 or 8.6 or of any conditions of a permit may be removed by an Authorised Officer and impounded.

- (f) The Council may, by resolution from time to time, determine a fee, which must be paid by the owner of any outdoor eating facility equipment, before the Council is required to release that equipment.

- (g) Equipment that has been impounded by the Council for more than one month may be disposed of by the Council by tender or public auction or may be transferred to the municipal landfill or given away.
- (h) A person must not:-
 - (i) occupy a chair or otherwise use the equipment in an outdoor eating facility unless he or she intends to use them for the purpose of eating food or drinking drinks to be provided by the permit holder;
 - (ii) cause a nuisance or use offensive behaviour towards another person at an outdoor eating facility or a person passing by; or
 - (iii) remain at an outdoor eating facility after being requested to leave by the permit holder or by an Authorised Officer.
- (j) The holder of a permit must move or remove the outdoor eating facility when requested by an Authorised Officer or a member of an emergency service.
- (k) The holder of a permit must remove the outdoor eating facility from the Footpath by 1.00am

8.6 OUTDOOR EATING FACILITIES (Hotels & Licensed Restaurants)

- (a) The following provisions, in addition to clause 8.5, apply to outdoor eating facilities provided by the owners, occupiers and proprietors of premises licensed under the *Liquor Control Reform Act 1998*.
- (b) The Council may revoke a permit at any time if the behaviour of persons using an outdoor eating facility becomes rowdy, offensive or otherwise disruptive of the quiet use and enjoyment of the Footpath or Road by other persons or

If the owner, occupier or proprietor of the hotel or licensed restaurant breaches any provisions of the *Liquor Control Reform Act 1998*.

Permit Conditions:

- (a) A person must not:-
 - (i) Occupy a chair or otherwise use the equipment in an outdoor eating facility unless he or she intends to use them for the purpose of eating food or drinking drinks to be provided by the permit holder.
 - (ii) Cause a nuisance or use offensive behaviour towards another person at an outdoor eating facility or a person passing by; or
 - (iii) Remain at an outdoor eating facility after being requested to leave by the permit holder or by an Authorised Officer.
- (b) The holder of a permit must move or remove the outdoor eating facility when requested by an Authorised Officer or a member of an emergency service.
- (c) The holder of a permit must remove the outdoor eating facility from the Footpath by 1.00am

Outdoor Eating Facility – Hotels and Licensed Restaurants

You require a liquor licence to serve alcohol on the street or road

- (d) The following provisions, in addition to clause 8.5, apply to outdoor eating facilities provided by the owners, occupiers and proprietors of premises licensed under the *Liquor Control Reform Act 1998*.
- (e) The Council may revoke a permit at any time if the behaviour of patrons using an outdoor facility becomes rowdy, offensive or otherwise disruptive of the quiet use and enjoyment of the Footpath or Road by other persons or

If the owner, occupier or proprietor of the hotel or licensed restaurant breaches any provisions of the *Liquor Control Reform Act 1998*.

8.2 ADVERTISING SIGNS / DISPLAY OF GOODS

- (a) A person must not, without a permit, place or cause or authorise another person to place:
- (i) an advertising sign on any Council Land;
 - (ii) any goods for display or sale on any Road.
- (b) Council may by resolution exempt any person or class of person or any particular type of advertising activity from the requirement to obtain a permit under the provisions of this clause.
- (c) In deciding whether or not to grant a permit the Council may take into account:
- (i) whether the advertising sign or goods will create a hazard to pedestrians or will otherwise cause an obstruction;
 - (ii) the amenity of the area;
 - (iii) any other sign associated with the applicant's premises;
 - (iv) any other matter relevant to the circumstances of the application.
- (d) When any advertising signs or goods are placed or displayed contrary to this Local Law or in contravention of any permit conditions the advertising sign or the goods may be removed by an Authorised Officer and impounded.
- (e) The Council may, by resolution from time to time, determine a fee which must be paid by the owner of any impounded sign or goods before the Council is required to release the sign or goods.
- (f) Signs or goods that have been impounded by the Council for more than one month may be disposed of by the Council by tender or public auction, or may be transferred to the municipal land fill or given away. Where perishable goods have been impounded, the Council may dispose of the goods as soon as reasonably appropriate.

PLEASE NOTE:

- (a) A copy of a plan of layout, to scale and dimension which shows the location of the equipment, in relation to the building line, entrance to the property, kerb line and any other fixture or fitting, must be lodged with this application.
- (b) Proof of Insurance Cover in accordance with Sections 1 and 2 of this permit application from must be lodged with this application.
- (c) This permit is not transferable, therefore if a change of ownership occurs, the permit becomes void.
- (d) The permit and proof of insurance is to be available for inspection at the request of an Officer of Council.
- (e) Failure by the holder of the permit to comply with the conditions set out shall result in Council exercising its rights to revoke this permit and to impound the facilities.
- (f) A person who places equipment on the footpath or road without a permit may be issued with an infringement notice and the equipment may be impounded. A fee must be paid to Council before any article is released.
- (g) Any person who is aggrieved by any matter under this Local Law may apply to the Council to be heard and may make a written submission for consideration by the Council, but this right will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the Local Law.

Further information can be obtained by contacting Council's Civic Compliance department at the Madden Avenue office on ☎5018 8100.

PLAN SHOWING LOCATION OF PROPOSED EQUIPMENT IN ACCORDANCE WITH PAGE 3 CLAUSE (a)

Office Use Only

Application Review date: ____/____/ ____

Approved by: CCC / SCCO Signed: _____ Date: ____/____/____

Instructions:
