

# Outdoor Dining

Commercial use of Council Controlled Areas or Roads

## New Application

Local Law No.1 – Administration, Subordinate Local Law No. 1 (Administration) 2016 – Schedule 8

Please call us if you have any questions about fees or how to complete this form. Type or print in **BLOCK LETTERS** and select boxes where applicable. Enter 'N/A' if the question does not apply.

### APPLICANT

Title  Mr  Mrs  Ms  Company  Other

Full name

Company

Director's name  ABN

Trading /Stall name

Contact person (if not above)  Phone/Mobile

### BUSINESS

Postal address

Locality/Suburb  State  Postcode

Phone  Mobile

Email

### OUTDOOR DINING AREA

Name of premises

Street address

Locality  State  Postcode

Lot number  Plan number

Phone  Mobile

Email

How many square metres is your outdoor dining area?

Length (m)  Width (m)  Area (l x w)

### OPERATION

What is your current Food Business Licence number (Food Act 2006)?

*\*To apply for a new Food Business Licence, please contact the Council.*

Will you be serving or selling liquor?  Yes  No

Liquor licence number  Liquor licence type

*\*If you intend to serve alcohol within the Outdoor Dining Area, an application must be made to the Office of Liquor and Gaming Regulation and a copy of the permit forwarded to Council.*

## HOURS OF OPERATION

Operation start and end date: from  to

Operating days and hours:

## FURNITURE AND STRUCTURES

Furniture	Number	Material	Width	Height
Chairs	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tables	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Shade structures	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Screens	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bollards	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Planter boxes etc	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

How will you **above** items be stored when not in use?

## OTHER INFORMATION

Will your outdoor dining area have decking?

Length (m)  Width (m)  Area (l x w)

Will your outdoor dining area have fixed structures (including decking)?  Yes  No

\*If yes, you need approval before commencing any work. Please attach copies of proposed works, structures and implementation.

Are you intending to use any promotional or advertising material in connection with the outdoor dining activity?

Yes, provide details

No

Are toilets available on site for your customers?  Yes  No

Will your business activity generate loud or amplified noise?

Yes, provide details

No

## PUBLIC LIABILITY INSURANCE

Insurance company

Name of insured

Policy number  Policy Expiry Date

## TERMS AND CONDITIONS

### Your approval is subject to the following

The approval holder must:

1. have a public liability insurance policy to the value of **TWENTY MILLION DOLLARS** with the Cook Shire Council being endorsed as an interested party;
2. enter into a binding agreement with the local government against claims (including claims made against the holder of the license by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the license;
3. ensure all approved outdoor dining furniture and their environs are to be kept clean, tidy, suitable refuse containers provided and to clean the area thoroughly at the end of each business day;
4. ensure all tables and associated furniture are secured by removal and storage inside the premises or as proposed, at all times outside the business hours of operation;
5. ensure any amendments to the approved plan, including any additional furniture shall be submitted for the approval of an authorised person;
6. ensure the approved area is not used for any other purpose, including a designated outdoor smoking area. Contravention of this condition may result in the cancellation of the approval;
7. be aware that Council reserves the right to amend any conditions of this approval, subject to notification to the approval holder, at any such time it is deemed necessary;
8. be aware this approval is at Council's discretion and may be revoked at any time either partially or fully;
9. ensure all permitted Outdoor Dining activities are consistent with the Regulations and Standards of the *Work, Health & Safety Act*;
10. ensure the footpath and road reserves used for Outdoor Dining purposes remain public spaces, even after an Outdoor Dining approval has been granted within the designated footpath space;
11. make an application to the Office of Liquor and Gaming Regulation, where the consumption of alcohol occurs within the permitted Outdoor Dining area. A copy of the approval for the consumption of alcohol must be forwarded to Council prior to the commencement of service of alcohol within the outdoor dining area. While there is no objection to the premises to which this approval applies being licensed for the consumption of alcohol at this time, the right to reconsider this position and withdraw support is retained;
12. comply with the provisions of the *Public Health Act 2005*, the *Food Act 2006 and Local Law 1, Schedule 8*;
13. repair any damage caused to the road by the activity to the satisfaction of the local government, or pay to the local government the cost of the local government carrying out the repairs to the road;
14. ensure that the activity does not cause a nuisance to neighbouring residents, adversely affect surrounding amenities or interfere with the existing services located in, or on or over a road;
15. ensure any advertising signs intended to be erected must be in accordance with any local law or planning scheme requirements relating to the regulation of advertising and advertising devices or any development permit given under the *Planning Act 2016*;
16. ensure all required fees for the approval area are paid by the due date.

## DECLARATION

I understand that approval is subject to the conditions above. I understand Cook Shire Council cannot be held liable in any way, including for personal injury, death, damage to property, or economic loss, as the result of the approval of this proposal. To the best of my knowledge, the information provided in this application is correct.

Applicant's Signature

Date

You are providing personal information which will only be used for Council business activity specific to your enquiry, request, or application. Your personal information is managed in accordance with the *Information Privacy Act 2009*, will only be handled by persons authorised to do so and will not be disseminated unless you have given Council permission to do so or the disclosure is required by law.

## SUPPORTING DOCUMENTS (Indicate below the supporting information you have attached to this application)

- A site plan drawn to scale not smaller than one to one hundred (1:100):
  - from the kerb's edge, the full width of the footpath, to the frontage of the property building
  - from within 2 metres of one adjoining premises, the full length of the property frontage, to within 2 metres beyond the other adjoining premises
  - the boundaries of the site, the outline of buildings, and the use of adjoining buildings
  - the area (including dimensions) intended to be used for outdoor dining (shown in red) and the location of all proposed outdoor dining facilities
  - 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
- A copy of your public liability insurance policy to **20 million dollars**. The public liability must indemnify the Council, in the prescribed form and manner, against all public liability claims arising from the operation of this business.
- A copy of your **Food Business Licence number** (*Food Act 2006*).
- A copy of the **Liquor Licensing approval** (*if applicable*).
- A fully engineered plan for proposed fixed structures (*if applicable*). A design assessment approval will be required for approval before any work is started.
- Details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage.
- Photographs including:
  - a colour photograph of the site frontage and proposed area to be used for outdoor dining
  - a photograph detailing furniture, accessories and fittings intended to be placed on the foot path.

## LODGEMENT OPTIONS

When you have signed and dated this form, please lodge it with the fees and any supporting documents required at the council office, in person, via email or via post. If your application is successful, you will receive an approval certificate.

Cook Shire Council  
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10 Furneaux Street  
Cooktown Qld 4895  
Phone: 07 4082 0500  
Email: mail@cook.qld.gov.au

OFFICE USE ONLY

G/L: 2040.105.121

Application fee

Approval issued  Yes  No

Date paid

Receipt number

Received by

Received by

Name

Signature