

Outdoor dining application



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Fees listed are applicable 1 July 2011 – 30 June 2012

ABN: 92 967 232 136

Applicant details:

Name:

Postal address:

Daytime contact number:

Subject property information:

Street address:

Business/trading name:

Supporting information required to be submitted with this application:

- Application fee of \$310.00 (*proposed site greater than 10m2*) Application fee of \$55.00 (*proposed site 10m2 or less*)
- Site analysis plan prepared by a RPEQ (Registered Professional Engineer Queensland) demonstrating an appreciation of the site, its context, and opportunities and constraints for the layout design of the site; and the site opportunities and constraints should set the basis from which the outdoor dining design and layout is derived. This plan should be drawn to scale. The site analysis plan shall indicate:
- Site dimensions – including footpath width from outside face of kerb to the building line; location of building lines; width of the building frontage to which the outdoor dining area is associated; and entry points to the building.
 - Site features – including existing trees and street furniture including bench seating, street lighting, bins, drinking fountains, bicycle racks, or planter boxes; existing awnings, overhangs and signage; topography and services footpath levels and cross falls; easements and existing services, including poles, service pits, stormwater catchment pits in kerb, fire hydrants, post boxes, public telephones, connection points; and existing vehicle access points.
 - Adjoining features and constraints – including types of businesses on abutting properties and their building lines; type (such as parallel, diagonal, or rear in) and dimensions of any car parking provided on the road shoulder adjoining the footpath on which any outdoor dining area is to be located; and existing pedestrian movement corridors through the site;
 - Any uses which may be sensitive to outdoor dining located in close proximity, such as automatic teller machines.
 - Any logo signage to be used should be clearly detailed to scale.
 - The type of safety bollards and location are to be identified.
- Photograph/s of the site showing the site of the proposed outdoor dining area, its footpath features and its proximity relative to adjoining buildings and streetscape elements
- Site plan of the proposed outdoor dining area – a site plan at scale 1:100 should accurately show the area of the proposed outdoor dining area as well as the location and orientation of all proposed screens, overhangs, bollards, signage, tables, chairs, umbrellas and other street furniture. All elements shown on the plan are to be reflective of actual dimensional size.
- Photographs and details of furniture – photographs and/or detailed architectural drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the outdoor dining area, including cooking devices, heating and cooking devices and lighting.
- Proof of public liability insurance in the name/s of the approval holder for the amount of \$20,000,000 in respect of any single occurrence, together with the attached indemnity in council's favour executed by the applicant. A "Certificate of Insurance" from a licensed insurer or broker must be provided on an annual basis at the time of application or renewal.
- If food is to be offered for sale from the temporary business site - a copy of the licence required under the *Food Act 2006* for the storing, handling, serving or supplying of the food for sale from the site.
- Copies of additional approvals (if applicable)

Customer summary:

I acknowledge the information provided in this application is, to my knowledge not false or misleading.

Signature: Date:

Office use only

CSO: _____ Licence number: _____
Receipt number: _____ Amount: _____ Date: _____

Privacy statement

Moreton Bay Regional Council is collecting your personal information for the purpose of assessing your application or amendment for an outdoor dining permit. The collection of this information is authorised under the Local Government Act 2009. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Indemnity – for approvals granted under a Moreton Bay Regional Council Local Law:

This form must be completed and submitted with your application.

In consideration of Moreton Bay Regional Council ("council"), giving approval for:

(Name of activity to which the approval relates) ("the Activity")

At;

(Address/area where the activity is to be undertaken)

I/We;

(Applicant)

1. Agree to indemnify council and keep it indemnified against any claim, demand, action, suit or proceeding that may be made or brought against council, its employees, contractors and elected members for personal injury to or death of any person or loss of or damage to any property caused by, arising out of or as a consequence of the Activity;

2. Acknowledge that council has not made any claim, statement or inference with regard to the suitability of the facility or land for the Activity and I/we have satisfied my/ourselves in this regard.

Name of applicant:

Signature: Date:

Name of applicant:

Signature: Date:

Privacy statement

Moreton Bay Regional Council is collecting the personal information contained within this indemnity for the purpose of indemnifying council for approvals granted under a Moreton Bay Regional Council Local Law. The collection of this information is authorised under the Local Government Act 2009. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

All approvals will be subject to the following conditions:

- The approval holder must acquire and maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in the council's favour executed by the applicant
- The public liability insurance policy, or a certificate of its currency, referred to in the above-mentioned paragraph must be submitted to the local government prior to carrying out of the activity
- The approval holder must indemnify and keep indemnified the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the an approval
- The approval holder, their employee or their agent damages the road, or any public infrastructure within the road, they must –
 - take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected
 - report all damage to the local government; and
 - provide payment to the local government to have the damage to the road rectified.
- The outdoor dining area must be kept clean and tidy at all times
- The approval holder or their employee must immediately clean the area following the spillage of any food or drink
- Tables must be cleared of used eating and drinking utensils, food and rubbish immediately after the departure of the consumer so as not to attract birds or pests or to be blown from the table
- Appropriate refuse receptacles are to be provided for use by patrons, which are cleaned and emptied by the approval holder
- All removable outdoor dining furniture, shade structures and other associated items should be removed from the footpath and stored in the premises outside trading hours; and removed in times of high winds or as directed by an authorised person
- No alcohol is to be sold in the outdoor dining area unless the area is covered by the necessary licence or approval issued under the *Liquor Act 1992*
- The approval holder must ensure that, at all times, the primary purpose of the outdoor dining area is for dining purposes only, and not used primarily for the consumption of alcohol
- The approval holder must comply with the approved hours of operation in which the outdoor dining area may be used; and
- The approval holder must ensure that at all times, no food, goods or materials are stored, prepared or displayed for sale within the outdoor dining area without prior written approval from the local government; and
- All furniture and other ancillary equipment associated with the use of the outdoor dining area must be placed as not to inhibit:
 - the effectiveness of any traffic sign or other traffic control device
 - access to public utilities such as fire hydrants, access chambers, inspection chambers, kerb ramps, pedestrian crossings and bus stops
 - the paths of travel to kerb ramps, pedestrian crossings, bus stops and adjacent parked vehicles.
- A copy of this approval must be held on the premises during the prescribed hours of operation under this licence and must be produced for viewing upon request by an authorised person under the local law; and
- The approval holder must acknowledge that;
 - the use of the outdoor dining area is subject to any additional requirements that the local government may impose from time to time in the event of construction or other improvement works on the footpath or on adjacent or nearby roads; and
 - this may require commercial operations to cease for specified times; and
 - in the event that there is a requirement for trading to cease for those purposes, then no right of compensation arises and the operator hereby waives any right to compensation.
- The local government may allow the approval holder to carry out rectification works at their expense for damage caused to the road or any public infrastructure if this is appropriate in the circumstances.