



COMMUNITY AMENITY LOCAL LAW NO. 1

3.000239

Part 7 Clause 56 - Outdoor Eating Facilities

APPLICATION FOR PERMIT

Name _____

Business name _____

Postal address _____

Business address _____

Telephone _____ Mobile _____

Email _____

Would you prefer to receive all correspondence via email? Yes No

I _____
(Name)

wish to apply for a **CONSUMPTION AND POSSESSION OF LIQUOR** permit
in conjunction with my **Footpath Trading Permit**

The relevant details are as follows:

I wish to be able to:

at this address : _____

**Details of Public Liability Insurance to the sum of not less than \$10,000,000 must be provided.
Please attach a copy of your current Certificate of Currency.**

I acknowledge that if lodging this request electronically, Council will accept this Communication as containing my signature for the purposes of the Electronic Transactions (Victoria) Act 2000 (Vic).

Signature of Applicant _____ Date _____

Print name _____
(if lodging electronically type name and signature here)

2020/21 Fees & Charges	
Permit Fee	\$ 55.00

FEE WAIVED (COVID-19)

CHECKLIST

- Application completed & signed
- Payment included
- Insurance – copy of current Certificate of Currency (to the value of no less than \$10 million) attached

Completed application can be returned in person to 49 Victoria Street Kerang or 23 King Edward Street Cohuna,
by faxing to 5450 3023, or by mailing to Gannawarra Shire Council • PO Box 287 • Kerang Victoria, 3579
Phone 5450 9333

PUBLIC LIABILITY INSURANCE REQUIREMENTS

This page is to be signed and returned with application form and Certificate of Currency.

If you are unable to provide a certificate of currency prior to the expiry of your current permit, please submit the application and provide the Certificate of Currency at a later date.

- (a) The applicant shall at all times during the period of the permit, be the holder of a current public liability policy of insurance ('The Public Liability') in response of the activities specified in the permit in the name of the applicant providing coverage for an amount of not less than \$10,000,000.

The Public liability policy shall cover such risks and be subject only to such conditions and exclusions as are approved by the Gannawarra Shire Council. The public liability policy shall extend to cover the Gannawarra Shire Council in respect to claims for personal injury or property damage arising out of negligence of the applicant.

- (b) The minimum amount of public liability insurance required under this Agreement may be reviewed and adjusted by Council;
- (c) Each year within 14 days of the renewal of the public liability policy, the applicant shall forward to the Council a Certificate of Currency from the insurance company or an insurance broker.
- (d) If requested the applicant will supply the Council with a copy of the public liability insurance policy document within 14 days of the date requested.

I have read Council's abovementioned Public Liability Insurance requirements for Footpath Trading, and understand my obligations pertaining thereto. I understand that the issue of a permit is subject to my payment of the applicable annual fee and Council's approval of my public liability insurance policy.

PRIVACY NOTIFICATION

Council is collecting the personal information requested on this form for the purpose of carrying out its functions under the *Local Government Act 1989*. This information will be used solely by Council, for the primary provision of its Local Law services. Council may disclose this information to other government bodies or contractor or where there is a legislative requirement. The applicant understands that the personal information provided is for the efficient running of Local Law Services, and that he or she may apply to Council for access to and / or amendment of the information. Requests for access and or correction should be made to Council's Privacy Officer.

I, the undersigned understand and agree to the privacy notification outlined above.

In making this application, it is hereby acknowledged that the permit guidelines **have been examined by me/us** and I/we are aware of and accept that, if this application is approved, the conditions, indemnities and other authorities and requirements set out in that document become part of the permit agreement.

Signature of Applicant



Date

Print name

(if lodging electronically type name and signature here)

FORM OF INDEMNITY

This section to be completed by the Permit Holder or their authorised representative

I _____ (Name of person)

of _____ (Address of person)

in the State of Victoria, holding the position of _____ (Role or position in business)

in the business named _____ (Business name)

with ABN or ACN _____ (Australian Business or Company Number)

of _____ (Business address)

for which business I am duly authorised to sign this indemnity, in consideration of the Permit for
Footpath Trading - Section/s _____ (the nature of the permit)

on the Footpath or Road, being granted to _____

(Name of the person or Incorporated Business Name on the permit)

(referred to as “the Permit Holder”) HEREBY COVENANTS with GANNAWARRA SHIRE COUNCIL (hereinafter referred to as “the Council”) that unless caused by a breach of statutory duty or common law by the Gannawarra Shire Council or any of its officers, agents, employees or contractors, the Permit Holder agrees to indemnify the Council and keep the Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by any person as a result of the Permit Holder’s failure to comply with any conditions of the Permit granted by the Council, or any other failure to comply with any relevant law, lawful duty or obligation giving rise to any damage, loss, cost or liability incurred or suffered by any person as a result of or in any way associated with the exercise of this Permit.

I acknowledge that if lodging this request electronically, Council will accept this Communication as containing my signature for the purposes of the Electronic Transactions (Victoria) Act 2000 (Vic).

SIGNED SEALED AND DELIVERED by

(Print Name) _____ (Signature)

(Print Position) _____ (Date)
(if lodging electronically type name and signature above)

in Victoria in the presence of:

(Print Witness Name) _____ (Witness signature)

(Date)
(if lodging electronically type name and signature above)

Community Amenity Local Law No.1 2012

56. Use of Council Land For Commercial OUTDOOR EATING FACILITIES

- (1) A Person must not, without a Permit, use any Council Land (including a Footpath or other part of a Road) for any commercial outdoor dining or eating, whether or not the consumption of alcohol is intended.
- (2) A Person must not, without a Permit, use or allow to be used, any Council Land (including a Footpath or other part of a Road) adjoining Licensed Premises for the sale or consumption of alcohol.
Penalty: 20 Penalty Units
- (3) Notwithstanding Sub-clause (2), a Person must not, use or allow to be used, any Council Land (including a Footpath or other part of a Road) adjoining Licensed Premises for the sale or consumption of alcohol unless a variation is endorsed on the trader’s liquor licence by the Victorian Liquor Licensing authority to allow for the sale and consumption of alcohol on the Footpath or other part of a Road.

68. ALCOHOL FREE AREAS

- (1) The Council may, by resolution, declare in part or whole any Municipal Place, Road or other Council Land within the Municipal District to be an Alcohol Free Area, whether that declaration is unconditional, or limited to times of the day, days of the year, defined public holiday periods, special events and/or particular places.
- (2) The Council must erect and maintain or cause to be erected and maintained in those of the Municipal District declared alcohol-free, a sign which indicates the boundaries and times of the Alcohol Free Area.
- (3) A Person must not, without a Permit, consume Liquor, or have in his or her possession or control any Liquor other than Liquor in a container with an unbroken seal in any area of the Municipal District declared alcohol free by Council.

Penalty: 10 Penalty Units

- (4) Where a Permit to consume Liquor in any Alcohol Free Area is granted with a condition that no glass containers shall be provided, used or brought into the area for the purposes of the Permit, no person may provide or use or bring into the area any glass container.

Penalty: 10 Penalty Units

For maps of DECLARED Alcohol-free areas please refer to:

GANNAWARRA SHIRE COUNCIL
Local Law No. 1 – Community Amenity
Part 12 – Schedule 2 –Policies and other Incorporated Documents
Declared Alcohol-Free Areas

Customer Service	
SS Misc Sale	Permit Fee = <u>Local Law - Permit Fees</u>
Please date stamp and send completed form and copy of receipt to Records for registration.	