



LOCAL LAWS

APPLICATION FOR STREET FURNITURE PERMIT

LOCAL LAW PART 9 DIVISION 9.2

Street furniture includes - Tables, Chairs, Portable Wind Barriers / Umbrellas, Advertising Signs / Flags and Goods for sale on Footpaths or Nature Strips

What you must do:

- Complete this application form and return to info@hindmarsh.vic.gov.au, post to **PO Box 250, Nhill, Victoria, 3418** or bring in person to any Council Customer Service Centre.
- In addition to this application form, you must provide Council with a copy of the following:
 - A **site plan** indicating dimensions of overall footpath width and detailing trading, kerb and pedestrian zones (where applicable), indicating proposed placement of street furniture.
 - A Certificate of Currency of a **Public Liability Insurance Policy** with a minimum cover of \$20 million. The Certificate can be obtained by contacting your insurance provider and must be renewed annually and cover all proposed footpath activity. *Please note that a tax invoice, a schedule of insurance, or any other similar document is not a Certificate of Currency.*
 - A copy of a current liquor license that extends to the footpath area (this is only required when you intend to serve alcohol at an outdoor dining facility).

If your application is approved, an application fee of **\$73.90** will be due and payable on collection of your permit.

Permits are valid for a period of 12 months. Should you wish to continue erecting street furniture after the expiry date, you will be required to pay an annual fee and advise Council of any proposed changes to your street furniture layout.

Areas marked with a red asterisk (*) must be filled out.

Business/Organisation Details*:

Property Address:

Trading Name:

Trading Hours (days and times):

Contact Name:

Phone Number*:

Email:

Street Furniture Details*:

Tables	
Chairs	
Portable Wind Barriers	
Umbrellas	



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Signage	
Goods (types for sale)	

General Permit Guidelines

In deciding whether to grant a permit for placement of outdoor furniture under Hindmarsh Shire Council Municipal Local Law 2021, Division 9.2, Section 58 to 59 inclusive, the Council may consider-

- where the furniture/goods/signs and flags will be displayed outside the applicant's premises;
- whether the furniture/goods/signs and flags may be of such material, layout or construction, or in such a position which could be hazardous to pedestrians;
- whether persons who may be liable for injury caused by the placing of the eating facilities are insured against that risk;
- whether the applicant has provided a written indemnification of Council against liability arising from activities authorized by the permit or the Council has undertaken to provide this indemnity itself; and
- any other relevant matter.

Permit Conditions

- The tables, chairs, portable wind barriers, umbrellas, flags, signs or goods shall be placed in the position designated in the approval;
- Approval will be reviewed at regular intervals, and any breach of conditions will result in the immediate withdrawal of approval;
- A 2.0 meter trafficable width for pedestrians shall be available at all times.
- The number of tables, chairs, portable wind barriers, umbrellas, flags, signs or goods permitted will be determined by the Council and will only be permitted outside the commercial premises of the applicant;
- Tables, chairs, goods, flags and signs shall not be permitted within 2.0metres of the front building line;
- Tables, Chairs, portable wind barriers, umbrellas, flags, goods or signs must be suitably constructed and weighted to withstand windy conditions;
- All tables, chairs, portable wind barriers, umbrellas, flags, goods or signs must be made unserviceable in a location approved by Council or alternatively completely removed from the area by 10.30pm;
- All items which are not, by the direction of the Council, required to be secured must be removed at the close of the day's business;
- The tables, chairs, portable wind barriers, umbrellas, flags, goods or signs on the footpath must not be placed so as to restrict pedestrian travel, particularly from car parking/disabled parking bays and general parking;
- The size of any sign shall not exceed 1.1 metres high and 0.9 metres wide;
- Under the *Tobacco Act 1987*, smoking is banned in outdoor dining areas as of 1 August 2017. It is the responsibility of the permit holder to ensure their business complies with these regulations, altering their outdoor dining and trading environment as required.
- The permit holder shall be responsible for keeping the permitted paved footpath surface area clean from stains, grime, etc. at all times to the satisfaction of Council.
- The permitted area for the placement of tables, chairs, goods, flags and signs shall be clearly delineated on the footpath at all times;



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- n. The permit holder shall ensure at all time that the tables, chairs, goods, flags and signs are kept within the permitted area;
- o. Street furniture items other than those approved under this policy must be removed or they may be confiscated by Council.
- p. A permit is not transferable on sale of a business; and
- q. Permit holders must be in possession of the Permit at all times whilst the permitted activity is being conducted.

Privacy Statement

We will handle any personal information you have provided in this form in accordance with the *Privacy and Data Protection Act 2014*. Your information will be stored in Council's Records Management System and used to identify you when communicating with Council and for the delivery of services and information. Our privacy policy contains information about how you may access your personal information and seek correction of such information; as well as how to complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint. For more information, please see our [Privacy Policy](#) or contact our team on (03) 5391 4444. Your personal information will not be disclosed to any other party unless Council is required to do so by law, has gained your consent to do so or an information privacy principle exemption applies.

Statement of Indemnity

The owner or authorised representative, in signing this application form, agrees to comply with permit conditions & guidelines and to indemnify Hindmarsh Shire Council (the Council) from and against any loss, damage or expense (including legal costs) arising from any claim, demand, action, suit or proceeding that may be brought by any person against the Council in respect of the death or injury of any person or the loss or damage to any property, where such death, injury, loss or damage arises out of or in connection with the owner's actions on any land owned or managed by the Council and is caused by the negligent act or omission of the owner or the owner's employee, agent, contractor or client. Provided that the owner shall not be liable for any liability or loss to the extent that such loss or damage is caused by the error, omissions or actions of the Council. Where negligence is found to have been contributory, each party shall bear full responsibility in accordance with the party's fault.

Statement by applicant*

By signing this form, I confirm that I have read and understood the conditions pertaining to this application and if the permit is granted, I agree to abide by those conditions.

Signature*:

Name printed*:

Date*:

Attachment Checklist

Site Plan

Copy of Certificate of Currency for Public Liability Insurance

Liquor Licence (if applicable)