

APPLICATION FOR FOOTPATH SEATING

Made under Section 125 of the *Roads Act 1993*



WAVERLEY
COUNCIL

OFFICE USE

Application No.: FPS

Date Received:

This application relates to the use (and renewal) of the public footway for the purposes of outdoor dining adjacent to a DA-approved restaurant or cafe. Refer to [Part D2 – Outdoor Dining of the Waverley DCP 2012](#) for full submission requirements and matters to be addressed in this application. Should you require assistance, please contact Council's Customer Service Centre on 9083 8000.

APPLICANT DETAILS *(It is important that we are able to contact you if more information is needed)*

Mr Ms Mrs Dr. Other _____

Family Name (or Company): _____

Given Names (or ACN/ABN): _____

Contact Person (If a Company): _____

Postal Address: _____

Postcode: _____

Phone No. (Daytime): _____ Mobile No.: _____

E-mail: _____

PROPERTY DESCRIPTION *(This will help us to correctly identify the subject property)*

Unit/Street No.: _____ Street Name: _____

Suburb: _____ Lot and DP/SP No.: _____

CURRENT CONSENT *(an application must be accompanied by a copy of a valid consent - DA or CDC)*

DA/CDC reference number to which the premises has consent to operate: _____

DESCRIPTION OF PROPOSED DEVELOPMENT

Restaurant/Cafe name/Tenant name: _____

Tenant Contact Number _____ Tenant Email: _____

Hours of operation of existing restaurant: _____

Proposed hours of operation for the outdoor dining: _____

Does the premise have or intend to have a liquor licence? If yes, what type of licence: _____

Does this application seek new outdoor dining or to renew existing outdoor dining *(please circle)*:

NEW OUTDOOR DINING / RENEW OUTDOOR DINING

Number of tables *(number the tables on plan consecutively starting from "1")*: Internal: _____ External: _____

Numbers of seats, or places for outdoor dining *(number the seats on plan consecutively starting from "1")*:

Internal: _____ External: _____

Square metres to be occupied for outdoor dining *(show dimensions on the plan)*: _____

PLANS TO BE SUBMITTED

1. SITE LOCATION AND OUTDOOR DINING LAYOUT (for public display and notification)

BONDI JUNCTION, BONDI BEACH AND BRONTE BEACH: Designated outdoor dining areas
Refer to [Part D2, Section 2.4 of WDCP 2012](#). If the restaurant is located in the designated outdoor dining areas shown in any of the maps in the WDCP 2012, then show the location of the restaurant and proposed outdoor dining area using the street plans.

OTHER AREAS: Affecting all other areas that are not contained in a designated area.
Submit a detailed and dimensioned plan to scale (1:50 or 1:100). Show, at least:

- proposed outdoor dining layout (number the tables and chairs)
- proposed area to be used in outdoor dining (include dimensions from edge of area to kerb line, shop front, doorway openings, other fixtures e.g. bus stop, pedestrian crossing, street furniture – bench, litter bin, etc.)
- total area in square metres to be occupied.

2. SITE DETAILS (for Council records and processing)

ALL AREAS:
Submit a detailed and dimensioned plan to scale (1:50 or 1:100). See plans in [Part D2, Annexure D2-1 of WDCP 2012](#), showing the same level of information. Show, at least:

- proposed outdoor dining layout (number the tables and chairs on plan)
- proposed area to be used in outdoor dining (include dimensions from edge of area to kerb line, shop front, doorway openings, other fixtures e.g. bus stop, pedestrian crossing, street furniture – bench, litter bin, etc.)
- total area to be occupied, in square metres
- existing number of tables and chairs in the restaurant
- washing up facilities, location and number of toilets, including any shared facilities in a strata-titled property.

FURNITURE DETAILS (Tables and chairs)

Furniture must be consistent with [Part D2, Annexure D2-2 of WDCP 2012](#). Provide the following:

- Visual presentation (brochure or photos)
- Brand name and style _____
- Supplier and/or distributor _____

DECLARATION

- I apply for consent to provide outdoor dining as described in the application.
- I declare that the information given is true and correct.
- I understand that if the information is incomplete that the application may be delayed, rejected or further information requested.
- **I acknowledge that my Outdoor Dining Rent Calculation, based on the area occupied is:**
_____ (area) x _____ (rate per m2 pa) = _____ (rent per annum)
- **I acknowledge that my Outdoor Dining (FPSBOND) required is equivalent to three (3) months rent)**
- By signing this application I agree to the above terms and conditions.

Signature of applicant/tenant: _____ Date: _____

PRIVACY POLICY:

The information requested in this form is required under the *Roads Act 1993* and will be used in connection with the requirements of the legislation. The information will be available to Councillors, Council Officers and members of the public as required by the Act. Please advise Council if any information you have provided changes, is incorrect or if you require your address or the plans to be withheld for personal or family safety. The documentation submitted with this application including the application form may be publicly available for inspection on the Council’s website and in other ways that the Council considers appropriate.

CHECKLIST OF DOCUMENTATION TO BE SUBMITTED WITH APPLICATION (the application will not be accepted unless all relevant information is submitted)

- Three hard copies of all plans showing:
1. Site location plan;
2. Site details plan for outdoor dining areas and layout.
- Three copies of the *Supporting Statement for Outdoor Dining Application* describing the proposal and any other supporting information (photos, furniture details, etc.)
- Fees for application and notification (\$668.00 for Financial Year 2018/19).
- USB or CD with ALL forms, plans and documents in soft copy, each *individually* labelled to identify the property address and subject of file, each in pdf form, limited to 2MB per file.

Footpath Seating Fees & Charges FY-18/19



Footway Restaurants (Approval under Section 125 Roads Act 1993)

Category	Designated seating area	Unit	2018/19 Fees & Charges	GST
Application Fee		per application	\$400.00	Exempt
Notification and Advertising Fee		per application	\$268.00	Exempt
Total			\$668.00	
Footpath Seating Bond				
Bond Fee for footpath seating permit (refundable)		per FPS approval	Equivalent to three (3) month's footpath fees	Exempt
Footpath Seating Site Location				
Location A: Oxford Street Mall, Bondi Junction	OMBJ	per m2 annually	\$680.00	Exempt
Location B: Waverley Street Mall, Bondi Junction	WMBJ	per m2 annually	\$580.00	Exempt
Location C: Campbell Parade (between Lamrock Ave & Beach Rd including Roscoe St Mall (DCP))	CRBB	per m2 annually	\$890.00	Exempt
Location D: Bronte Road, Bronte Beach per m2	BRBB	per m2 annually	\$655.00	Exempt
Location E: Hall Street and Campbell Parade (outside areas) per m2	HSCP	per m2 annually	\$580.00	Exempt
Location F: Other areas	OTHA	per m2 annually	\$470.00	Exempt

Direct Debit Request (DDR)

Footpath Seating

55 Spring Street, Bondi Junction 2022
PO Box 9 Bondi Junction 1355
Phone : (02) 9083 8000 Fax: (02) 9387 1820
Email: direct.debit@waverley.nsw.gov.au
Web : waverley.nsw.gov.au



Request and Authority to debit the account named below to pay

Waverley Council APCA ID 300-937 ABN 12 502 583 608

Your Surname or company name

Your Given names or ABN/ARBN

"you"

request and authorise **Waverley Council (APCA ID 300937)** to arrange, through its own financial institution, a debit to your nominated account any amount **Waverley Council** has deemed payable by *you*.

This debit or charge will be made monthly through the Bulk Electronic Clearing System (BECS) from your account held at the financial institution you have nominated below and will be subject to the terms and conditions of the Direct Debit Request Service Agreement.

Financial institution name

Address

Name/s on account

BSB number (Must be 6 digits)

 -

Account number

By signing and/or providing us with a valid instruction in respect to your Direct Debit Request, you have understood and agreed to the terms and conditions governing debit arrangements between you and **Waverley Council** as set out in this Request and in your Direct Debit Request Service Agreement.

Signature

Date

Name

Position

(if signing for a company, sign and print full name and capacity for signing e.g. Director)

Postal Address

.....
.....

Signature

Date

Name

Position

(if signing for a company, sign and print full name and capacity for signing e.g. Director)

Postal Address

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This is your Direct Debit Service Agreement with **Waverley Council, APCA ID 300937 & ABN 12 502 583 608**. It explains what your obligations are when undertaking a Direct Debit arrangement with us. It also details what our obligations are to you as your Direct Debit provider. Please keep this agreement for future reference. It forms part of the terms and conditions of your Direct Debit Request (DDR) and should be read in conjunction with your DDR authorisation.

<p>Definitions</p>	<p>account means the account held at <i>your financial institution</i> from which <i>we</i> are authorised to arrange for funds to be debited.</p> <p>agreement means this Direct Debit Request Service Agreement between <i>you</i> and <i>us</i>.</p> <p>banking day means a day other than a Saturday or a Sunday or a public holiday listed throughout Australia.</p> <p>debit day means the day that payment by <i>you</i> to <i>us</i> is due.</p> <p>debit payment means a particular transaction where a debit is made.</p> <p>direct debit request means the Direct Debit Request between <i>us</i> and <i>you</i>.</p> <p>us or we means Waverley Council , (the Debit User) <i>you</i> have authorised by requesting a <i>Direct Debit Request</i>.</p> <p>you means the customer who has signed or authorised by other means the <i>Direct Debit Request</i>.</p> <p>your financial institution means the financial institution nominated by <i>you</i> on the DDR at which the <i>account</i> is maintained.</p>
<p>1. Debiting your account</p>	<p>1.1 By signing a <i>Direct Debit Request</i> or by providing <i>us</i> with a valid instruction, <i>you</i> have authorised <i>us</i> to arrange for funds to be debited from <i>your account</i>. <i>You</i> should refer to the <i>Direct Debit Request</i> and this <i>agreement</i> for the terms of the arrangement between <i>us</i> and <i>you</i>.</p> <p>1.2 <i>We</i> will only arrange for funds to be debited from <i>your account</i> as authorised in the <i>Direct Debit Request</i>.</p> <p>or</p> <p><i>We</i> will only arrange for funds to be debited from <i>your account</i> if <i>we</i> have sent to the address nominated by <i>you</i> in the <i>Direct Debit Request</i>, a billing advice which specifies the amount payable by <i>you</i> to <i>us</i> and when it is due.</p> <p>1.3 If the <i>debit day</i> falls on a day that is not a <i>banking day</i>, <i>we</i> may direct <i>your financial institution</i> to debit <i>your account</i> on the following <i>banking day</i>. If <i>you</i> are unsure about which day <i>your account</i> has or will be debited <i>you</i> should ask <i>your financial institution</i>.</p>
<p>2. Amendments by us</p>	<p>2.1 <i>We</i> may vary any details of this <i>agreement</i> or a <i>Direct Debit Request</i> at any time by giving <i>you</i> at least fourteen (14) days written notice.</p>
<p>3. Amendments by you</p>	<p>3.1 <i>You</i> may change*, stop or defer a debit payment, or terminate (cancel) this agreement at any time by providing <i>us</i> with at least 10 business days notification by writing to:</p> <p>Waverley Council – email: Direct.debit@waverley.nsw.gov.au</p> <p>or</p> <p>by telephoning <i>us</i> on 02 9083 8147 during business hours;</p> <p>or</p> <p>arranging it through <i>your own financial institution</i>, which is required to act promptly on <i>your instructions</i>.</p> <p>*Note: in relation to the above reference to ‘change’, <i>your financial institution</i> may change <i>your debit payment</i> only to the extent of advising <i>us</i> Waverley Council of <i>your new account details</i>.</p>

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4. Your obligations	<p>4.1 It is <i>your</i> responsibility to ensure that there are sufficient clear funds available in <i>your</i> account to allow a <i>debit payment</i> to be made in accordance with the <i>Direct Debit Request</i>.</p> <p>4.2 If there are insufficient clear funds in <i>your account</i> to meet a <i>debit payment</i>:</p> <ul style="list-style-type: none">a) <i>you</i> may be charged a fee and/or interest by <i>your financial institution</i>;b) <i>you</i> may also incur fees or charges imposed or incurred by <i>us</i>; andc) <i>you</i> must arrange for the <i>debit payment</i> to be made by another method or arrange for sufficient clear funds to be in <i>your account</i> by an agreed time so that <i>we</i> can process the <i>debit payment</i>. <p>4.3 <i>You</i> should check <i>your account</i> statement to verify that the amounts debited from <i>your account</i> are correct.</p>
5. Disputes	<p>5.1 If you believe there has been an error in debiting <i>your account</i>, <i>you</i> should notify us directly on 02 9083 8147 and confirm that notice in writing with us as soon as possible so that we can resolve your query more quickly. Alternatively you can take it up directly with your financial institution.</p> <p>5.2 If <i>we</i> conclude as a result of our investigations that <i>your account</i> has been incorrectly debited <i>we</i> will respond to <i>your</i> query by arranging for <i>your financial institution</i> to adjust <i>your</i> account (including interest and charges) accordingly. <i>We</i> will also notify you in writing of the amount by which <i>your account</i> has been adjusted.</p> <p>5.3 If <i>we</i> conclude as a result of our investigations that <i>your account</i> has not been incorrectly debited <i>we</i> will respond to <i>your</i> query by providing <i>you</i> with reasons and any evidence for this finding in writing.</p>
6. Accounts	<p><i>You</i> should check:</p> <ul style="list-style-type: none">a) with <i>your financial institution</i> whether direct debiting is available from <i>your account</i> as direct debiting is not available through BECS on all accounts offered by financial institutions.b) <i>your</i> account details which <i>you</i> have provided to <i>us</i> are correct by checking them against a recent <i>account</i> statement; andc) with <i>your financial institution</i> before completing the <i>Direct Debit Request</i> if <i>you</i> have any queries about how to complete the <i>Direct Debit Request</i>.
7. Confidentiality	<p>7.1 <i>We</i> will keep any information (including <i>your account</i> details) in <i>your Direct Debit Request</i> confidential. <i>We</i> will make reasonable efforts to keep any such information that <i>we</i> have about <i>you</i> secure and to ensure that any of <i>our</i> employees or agents who have access to information about <i>you</i> do not make any unauthorised use, modification, reproduction or disclosure of that information.</p> <p>7.2 <i>We</i> will only disclose information that <i>we</i> have about <i>you</i>:</p> <ul style="list-style-type: none">a) to the extent specifically required by law; orb) for the purposes of this <i>agreement</i> (including disclosing information in connection with any query or claim)
8. Notice	<p>8.1 If <i>you</i> wish to notify <i>us</i> in writing about anything relating to this <i>agreement</i>, <i>you</i> should write to:</p> <p>Waverley Council – Email : Direct.debit@waverley.nsw.gov.au</p> <p>8.2 <i>We</i> may send notices either electronically to your email address or by ordinary post to the address <i>you</i> have given us.</p> <p>8.3 If sent by mail, communications are taken to be received on the day they would be received in the ordinary course of post.</p>
9. How to Lodge this application	<p>9.1 Email : Direct.debit@waverley.nsw.gov.au OR By Mail OR Over the Counter at our Customer Service Centre 55 Spring Street Bondi Junction NSW 2022 Opening Hours: Monday to Friday from 8.30am–5pm, Thursday extended hours from 8.30am– 7pm</p> <p>Address the Application to: Attn: Revenue Section Post: PO Box 9, Bondi Junction 1355 Financial Waverley DX: 12006 Bondi Junction Fax: (02) 9083 8000</p>