

Approval for Commercial Use of Local Government Controlled Areas and Roads Application



Address all communications to
The Chief Executive Officer

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Local Law 1 (Administration) 2012 and
Subordinate Local Law 1.2 (Commercial Use
of Local Government Areas and Roads) 2012

NOTE: SUBMISSION OF THIS APPLICATION DOES NOT GUARANTEE APPROVAL. COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS IS NOT PERMITTED UNLESS WRITTEN APPROVAL IS GRANTED.

This application is for approval for the following activity: (Please ✓ or ×)

- | | |
|---|--|
| <input type="checkbox"/> Display of good for sale on footpath | <input type="checkbox"/> Roadside vending |
| <input type="checkbox"/> Footpath dining | <input type="checkbox"/> Mobile food vending |
| <input type="checkbox"/> Other (please specify): _____ | |

Please contact Council if you require assistance to complete this form. Please print clearly and ensure all relevant sections are completed. Enter 'n/a' if the question does not apply.

Section 1: Applicant Details (Please print)

Full Name:			
Company Name (if applicable):			
ACN:			
Postal Address			
Telephone:		Mobile	
Email:			

Section 2: Business Details (Please print)

Trading Name of Business:			
Business Address:			
Contact Person (if different to above):			
Telephone:		Mobile	
Business Email:			
Postal Address:			
ABN/ARBN:			

Section 3: Location of proposed activity

Where do you propose to operate the activity identified above?

For **footpath dining** or **display of goods on footpath** – will the activity be undertaken on the footpath adjacent to the business identified in Section 2 above? Yes No

If you answered No to the above question, or for all other activities:

Name of premises/area:			
Street address of activity:			
Type of vehicle/stand/stall:		Model:	
Vehicle registration number:		Colour:	
Vehicle make:		Year:	
Proposed storage location of vehicle/stall:			
Food licence number (if applicable):			

Section 4: Details of Proposed Activity

Items and products to be displayed/sold/placed on the footpath: _____

What is the total area used by the activity? _____ m2

How will you manage waste generated from this activity? _____

Do you intend to have any advertising signs in relation to this application? Yes No

If yes, please advise how the signage will be provided and how it will be secured (please indicate on the map or plan where signs will be located). Note: an application may be required under Subordinate Local Law No. 1.4 Installation of Advertising signs.

Is the proposed activity likely to generate nuisance (dust, noise, light, odour), inconvenience or annoyance to adjacent properties/activities? Yes No



If yes, please provide a written statement from the owner or the occupier of the adjoining properties consenting to the application. Please also provide details of how you will manage these nuisances.

Please refer to Conditions of Approval Information Sheet at the end of this application and the activity specific information.

If there is insufficient room please attach further information.

Please note: If the proposed activity is located on a state-controlled road Council will forward details of your application to Department of Transport and Main Roads as required.

Section 5: Duration of proposed activity			
Duration for which approval is required: from / / to / / or financial year			
Days of operation:			
<input type="checkbox"/> 7 days a week	<input type="checkbox"/> Monday to Saturday	<input type="checkbox"/> Monday to Friday	
<input type="checkbox"/> Other (please specify)			
Time of day: from		am/pm to	am/pm

Section 6: Site plan/drawing and area	
On the diagram below, or on a separate sheet, clearly identify the following items (where applicable):	
<ul style="list-style-type: none"> A diagram/sketch of the proposed activity, including the area of use (designate all lengths/widths in metres) The preferred location of each item for which a permit is sought A measurement of the width of the footpath outside of your business Any types of obstructions presently on the footpath outside your business (power pole, street bin, seats, planter, etc) The clearance distance to the kerb and shop frontage etc when items are placed in your preferred locations. If the activity is held on multiple street frontages (e.g. corner blocks) you must specify each location 	
Please note: Scale plans 1:100 of the proposal may also be required.	
ROAD	
KERB	
Footpath 	Footpath 
FRONT OF YOUR BUSINESS PREMISES	

Section 7: Standard public liability insurance

The applicant/s must:

- a) For the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy:
 - i. In the joint names of the approval holder and the local government; and
 - ii. Covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - iii. For an amount of no less than \$10 million for any single event; and
- b) Prior to the commencement of the activity, provide the local government with a certificate of currency for the standard public liability insurance policy; and
- c) Indemnify the local government and the state government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the activity.

Insurance company:		Policy no:	
Amount:	\$	Expiry date:	

Section 9: Application Checklist

Yes I have: (please tick all that apply)

- completed all relevant sections of this application;
- provided additional information as required;
- attached a site plan/sketch to a suitable scale (inc. location of advertising signs & area calculation);
- provided evidence of my current \$10,000,000.00 public liability insurance; and
- paid the fee on submission of application.

Section 10: Declaration and Signature

Declaration: I hereby apply for permission to operate a commercial activity as described above. I understand that should approval be granted that the activity will not be changed unless prior approval in writing is obtained from Council. I, the abovenamed applicant, do sincerely declare that the information shown above is true and correct.

I also enclose the non-refundable application fee. I understand that this fee does not guarantee permit approval.

Signature of Applicant:		Date:	
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Information Privacy Act 2009. Burdekin Shire Council is collecting the personal information you provide on this form in accordance with Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2012 for the purpose of assessing your application and monitoring footpath usage. Your information will not be disclosed to a third party without your consent unless required or authorised by law.

Office Use Only

						Prop ID No	
Receipt No		Fee Paid	\$	Action	LIC	Land ID No	
Date Paid	/ /	CSO Initials		Applic. No		Function ID No	649

Information Sheet Conditions of Approval

Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2012

The conditions of an approval may require the approval holder –

1. Limit the activities authorised by the approval to one (1) or more of –
 - a. a single specified location;
 - b. a number of specified locations;
 - c. a specified area;
 - d. a number of specified areas; and
2. limit the activities to specified days and times; and
3. limit the activities to –
 - a. a specified period of time; or
 - b. specified periods of time; and
4. display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
5. take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval, for example, the installation and maintenance of specified safety barriers; and
6. give specified indemnities and take out and maintain insurance against person injury and property damage resulting from the activities authorised by the approval;
7. take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
8. if the approval authorises the approval holder to use a specified part of the road for the operation of the activity – a pay a specified rental to the local government at specified intervals; and
9. submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person.

In addition to the above, the following may also apply:

Mobile Roadside Vending

If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder –

1. limit the operation of the activity to –
 - a. a specified vehicle; or
 - b. a number of specified vehicles; and
2. if the approval holder is selling or offering for sale, goods, for example, food, or services – not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale the same similar goods or services.
3. Not –
 - a. Unless authorised by an authorised person – park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or

- b. Amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
- c. Place a sign or device advertising the activity of the approval holder on any local government controlled area or road, and
4. Keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
5. Produce the vehicle for inspection by an authorised person –
 - a. Prior to commencement of the prescribed activity; and
 - b. When required by the authorised person; and
6. Limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
7. Only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
8. Not operate the activity in a manner which is, or may be a risk to road safety; and
9. Unless authorised by an authorised person – not permit or allow an animal in or about any vehicle used in the operation of the activity; and
10. Not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*, and
11. For waste generated by the operation of the activity –
 - a. Only dispose of the waste –
 - i. In a safe and sanitary manner; and
 - ii. In a manner in which maintains the vehicle and its surround in a clean, tidy, sanitary and hygienic condition; and
 - b. Not dispose of the waste –
 - i. So as to attract pests; or
 - ii. Into a water course; or
 - iii. At another location other than a location properly intended for receipt of the waste

Footpath dining

If the prescribed activity is footpath dining the condition of the approval may also require that the approval holder –

1. Limit the operation of the activity to a specified area which is contiguous to or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (principal premises); and
2. Limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
3. Keep and maintain a clean unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
4. Limit the operation of the activity to the normal business hours of the principal premises; and
5. Remove all table and chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
6. Keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and
7. Keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and

8. Not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose; and
9. Not use an umbrella within the area identified in the approval unless the umbrella has not less than 2cm clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and
10. Only use furniture in the area identified in the approval which is –
 - a. Aesthetically acceptable to the local government; and
 - b. Kept in a proper state of repair; and
11. Provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
12. Regularly clean the area identified in the approval –
 - a. During business hours for the principal premises; and
 - b. Daily; after the close of business of the principal premises.

Goods for sale on a footpath

If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder –

1. Limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, certain premises which are operated by the approval holder (also principal premises); and
2. Limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
3. Keep and maintain a clear and unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
4. Limit the operation of the activity to the normal business hours of the principal premises; and
5. Only use, for the purposes of display of the goods for sale, a structure which is –
 - a. Of safe construction; and
 - b. In good condition and repair; and
 - c. Securely fixed to the footpath; and
6. Only display goods for sale if the goods are in an orderly and sightly condition; and
7. Only display goods for sale if the goods are the property of, or offered for sale by the approval holder; and
8. Remove all goods, and any structure designed for the display of the goods for sale when the principal premises are not open for business.