



# Application for Footpath Dining / Sale of Goods on a Footpath or Road / Stationary Vending

Application is to be submitted a **minimum of 20 business days** prior to the commencement of the activity to be considered. Please note that some events / activities may require additional licences and may require additional time to process.

*Privacy note: Tablelands Regional Council is collecting your personal information in accordance with the Local Government Act 2009 to process this application. The information will be only accessed by authorised council employees. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.*

## 1. Applicant Details

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other:_____			
Family Name (person or company)				
Given Names				
Business/Club/Organisation Trading Name		ABN		
Address				
		State	Postcode	
Telephone	(H)	(W)	(M)	
Email				

## 2. Commercial Activity

- Application for Footpath Dining
- Application for Sale of Goods on a Footpath or Road
- Stationary Vending
- Commercial Activity on Local Government Controlled Area
- Other

### A. Description of Commercial Activity

### B. Location information (Where activity is to be carried out)

Property address			
Description of location			
Days and times of operation			

### C. Public Liability insurance

Name of insurance company			
Policy number	Date policy expires	/	/
Sum insured			

*Note the sum insured for must be a minimum of twenty million dollars (\$20,000,000.00)*

### D. Supporting information required to be submitted with this application

- Plan of site layout – including location of existing structures.
- Copy of current public liability insurance policy with the required amount of cover per activity as per condition requirements/guidelines

### 3. Indemnity

I acknowledge that any approval issued pursuant to this application shall be subject to the following conditions:

- (a) The approval holder shall, at all times, hold harmless and keep indemnified the Council, it's members, officers, employees and agents from all actions, suits, proceedings, claims, demands, losses, costs, charges and expenses which may be taken against, made on or suffered by it or nay of them directly or indirectly on account of or in respect of or arising out of any act, matter or thing done or omitted to be done by the approval holder or his/her agents or employees or any of the in connection with any activity carried out or supporting to be carried out under the approval or in observance, fulfillment, non-observance or non-fulfillment of any condition of the approval;
- (b) The approval holder shall ensure a Public Liability Insurance Policy is kept in force for the **whole of the period that the approval covers**, and includes the Council as an interested party;
- (c) The commercial activity requests will be in accordance with Council's Guidelines and all other relevant Local Laws.

Contact Signature		Date	
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#### Conditions that will ordinarily be imposed on a permit where applicable

- (a) Indemnify the local government against all liability directly or indirectly associated with the activity;
- (b) Take out public liability insurance policy in the amount of twenty million dollars (\$20,000,000.00 in the name of the permit holder and noting Council as an interested party;
- (c) Be responsible for any costs or expenses incurred by Council for rectifying any damage caused by the activity;
- (d) Make smoking receptacles available to collect cigarette butts, lighted matches, smoking products or any other lit materials;
- (e) Ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (f) Not interfere with, paint permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by Council;
- (g) Not erect any permanent or temporary buildings, signs or structures upon the permitted activity area unless specifically permitted under the permit;
- (h) Ensure that all areas used are left in a clean and tidy condition and litter is collected and lawfully disposed at a waste transfer station;
- (i) Ensure that portable toilets are supplied, as directed by Council; and serviced for the use of the people attending the activity should be sufficient facilities be available onsite;
- (j) Ensure that waste form portable toilets is collected by a regulated waste transported and disposed of lawfully at a facility licenced to accept such waste;
- (k) Ensure that serving or selling any food, refreshments, souvenirs or other retail items is prohibited unless specifically permitted under the permit;
- (l) Ensure that cleaning, maintaining or repairing any vehicle, vessel, aircraft or other equipment except for emergency repairs is prohibited;
- (m) Advise the means by which impacts on the environment are to be minimised;
- (n) Advise the means by which impacts on the amenity of neighbouring areas are to be minimised;
- (o) Obtain any necessary permits or approvals by any Government Department and provide copies to Council;
- (p) Ensure activities on roads are carried out so as not to compromise road safety or unduly disrupt traffic. In all instances, the necessary approvals are to be obtained from bodies such as Department of Transport and Main Roads, Queensland Police; and
- (q) Ensure the Council is kept fully informed in writing of any proposed alterations to the activity or its timing.

#### Guidelines for Footpath Dining

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for footpath dining where applicable requiring the permit holder, its contractors or agents to:

- (a) Ensure all tables and associated furniture used for the purpose of footpath dining are placed and shall remain at all times in the position as indicated on the approved plan;
- (b) Ensure that only the approved footpath dining area shall be utilised at any one time, and that an unobstructed clear width of at least 2 metres is maintained for pedestrian access at all times including any signage and ancillary items;
- (c) Ensure all approved footpath dining furniture and their environs are to be kept clean and tidy and that suitable refuse containers are provided and the area is thoroughly cleaned at the end of each business day;
- (d) Ensure all tables and associated furniture remain within the permitted area during the hours of operation;
- (e) Ensure all tables and associated furniture are secured by removal and storage inside the premises or as proposed, at all times outside the business hours of operation;

- (f) Ensure any umbrellas are suitably weighted or fixed to ensure there is neither uplift nor damage to property or person;
- (g) Ensure any footpath dining furniture not approved by the local government is not placed on the footpath at any time;
- (h) Ensure all permitted footpath dining activities are consistent with the Regulations and Standards of the Work, Health & Safety Act 2011;
- (i) Ensure the footpath and road reserves used for footpath dining purposes remain public spaces, even after a footpath dining permit has been granted within the designated footpath space;
- (j) Where the consumption of liquor occurs within the permitted footpath dining area, ensure that a current approval is maintained from the Office of Liquor and Gaming Regulation. A copy of the approval for the consumption of liquor must be forwarded to the local government prior to the commencement of service of liquor within the footpath dining area;
- (k) Ensure the approved activities are only conducted on the days and times specified on the permit;
- (l) Display the permit in a clearly visible position to the public and if requested by an authorised person, produce the permit for inspection;
- (m) Comply with the provisions of the Public Health Act 2005 and the Food Act 2006;
- (n) Ensure the activity does not adversely obstruct the movement of vehicles and pedestrians along the road;
- (o) Ensure the activity does not cause a danger or nuisance to neighbouring residents or users of the road (including any disposal of waste water as part of that activity);
- (p) Ensure the activity does not interfere with the existing services located in, on or over a road; and
- (q) Ensure that any waste generated as a result of the activity is properly disposed of and provide a rubbish receptacle for customers visiting their business.

#### Guidelines for Sale of Goods on a Footpath or Road

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for goods for sale on a footpath or road, where applicable requiring the permit holder to:

- (a) Display only those goods stated on the permit;
- (b) Secure goods by removal and storage inside the premises, at all times outside of the business hours of operation;
- (c) Maintain a clear unobstructed walkway for pedestrians of a minimum width of 2.00 metres at all times;
- (d) Keep the goods positioned as per the original site plan on the application submitted to the local government;
- (e) Conduct the general activity on the days and hours specified on the approval;
- (f) Adhere to any relevant safety standards;
- (g) Comply with all reasonable directions of an authorised person in the time specified by the authorised person;
- (h) Be responsible for any costs or expenses incurred by the local government for rectifying any damage caused by the general activity;
- (i) Ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (j) Not erect any permanent buildings, signs or structures upon the approved activity area without the written consent of local government;
- (k) Ensure that litter is collected and lawfully disposed at a local government waste transfer station; and
- (l) Advise the means by which impacts on the amenity of neighbouring areas will be minimised.

#### Guidelines for Stationary Vending

In addition to subsection 12(1) the following type of conditions will ordinarily be imposed on a permit for stationary vending where applicable requiring the permit holder to:

- (a) Ensure the vehicle used in the operation of the general activity is parked and remains at all times in the position as indicated on the approved site plan, at the allowed locations for stationary vending as outlined in Schedule 4 of *Subordinate Local Law No. 8 (Local Government Controlled Areas and Roads) 2019*;
- (b) Ensure the permit is displayed at all times whilst the general activity is being conducted;
- (c) Ensure a copy of the permit conditions and approved site plan are kept on site at all times and can be produced to an authorised person upon request;
- (d) Ensure advertising material is limited to one A-frame sign (900mm high x 600mm wide) only, illuminated signage and amplified advertising devices are not permitted at the vending site;
- (e) Ensure any details of amendments to the approved plan including a change of vehicle is submitted for the approval of the local government;
- (f) Ensure the general activity does not have any adverse effect on the existing vegetation and landscaping of the area or the environment;
- (g) Ensure the general activity does not cause a nuisance to any person or a danger to any person or property;
- (h) Provide and maintain sufficient receptacles for refuse and thoroughly clean areas, including nearby footpaths, driveways, shop fronts and remove all material associated with the activity at the conclusion of business each day;
- (i) Ensure that no permanent structures are erected at the vending site;
- (j) Ensure fees are paid by the due date outlined on the invoice;

- (k) Conduct the general activity on the days and hours specified on the approval;
- (l) Adhere to the safety standards;
- (m) Provide to its customers or any other persons undertaking the general activity all necessary or appropriate safety equipment, warnings and instruction;
- (n) Comply with all reasonable directions of an authorised person in the time specified by the authorised person;
- (o) Be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the general activity;
- (p) Ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (q) Not erect any permanent buildings, signs or structures upon the general activity area without the written consent of local government;
- (r) Ensure that litter is collected and lawfully disposed at a waste transfer station;
- (s) Where the application involves any food other than whole fruit and vegetables, the applicant must submit evidence that the food was prepared in the approved premises;
- (t) If the application is for a vending activity that involves food preparation in the vehicle, the applicant must submit copies of current certificates of Registration and Licence under the *Food Act 2006*;
- (u) Display only those goods stated on the permit;
- (v) If placing goods on the footpath or road outside the premises, secure goods by removal and storage inside the premises, at all times outside of the business hours of operation; and
- (w) Maintain a clear unobstructed walkway for pedestrians of a minimum width of 2.00 metres at all times.

### OFFICE USE ONLY

Receipt Number			
TRC Officer		Date	