Commercial Use of Roads Application Form – Footpath Dining

Privacy Notice: Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of processing your application. Council is authorised to do this under the *Rockhampton Regional Council Local Law No. 1 (Administration) 2011,* specifically *Subordinate Local Law No.1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

This form is to be completed when applying for approval for footpath dining. Approval for this activity allows a business to use the footpath for the placement of tables and chairs on the footpath for use by patrons of the business.

P: 07 4932 9000 | **E:** enquiries@rrc.qld.gov.au | **W:** www.rrc.qld.gov.au | PO Box 1860 Rockhampton QLD 4700 | **ABN:** 59 923 523 766

Applicant Details *(applicant name must be the same as on the public liability insurance)*

Applicant name: *(if partnership or company)*	ABN:
Applicant name: *(if individual)* First Middle Last	
Trading name:	
Postal address:	
Person responsible for the activity:	
Contact number/s:	Email:

Company Details

Registered office address: *(if partnership or company)*	
Company director/s name:	
Manager/s name:	
Manager/s contact number:	Email:
Preferred delivery method: ☐ Email ☐ Post ☐ Collect – (Rockhampton, Gracemere, Mt Morgan) *Email is the standard form of delivery. If this is method is unsuitable please select an alternative.*	

Site Details

Site address:	
Lot number:	Plan number:

Operational Details

Days and times of operation:	
Number of proposed tables: Materials:	Number of proposed chairs: Materials:
Number of proposed portable screens/barriers: Materials: Dimensions *(height, length etc)*:	Number of portable shade structures: Materials: Dimensions *(height, length etc)*:
Method of waste disposal:	

OFFICE USE ONLY			
	Date:	CSO:	Information checked: Y / N
	Amount:	Receipt number:	Application number:

Occupier's Consent *(refer to Additional Information, if more than one please attach consent)*

Occupier's name:

First | Middle | Last

Trading name:

Trading address:

Preferred contact number: | Email:

I declare that I support the operation of the described activity on the land abutting/adjacent to this property.

Name: Signature: Date:

Declaration

I submit this Commercial Use of Roads Approval Application Form – Footpath Dining with the relevant fee and supporting documentation as required.

Applicant name: Applicant signature: Date:

Signatory name: *(if partnership or company)* Signatory position: *(if partnership or company)*

Supporting Documentation

Please remember to provide the following supporting documentation when submitting this form:

☐ Site plan to scale (1:100) of the affected footpath area showing the following information and measurements:

a) The length of the business frontage,
b) The width of the footpath (shop front to kerb),
c) The length of the dining area and width (breadth) of the dining area across the footpath,
d) The approximate location of any Council property (eg litter bins, public seats) in front of the business,
e) The distance between the outer border of the dining area and kerb (minimum of 1.5m required for pedestrian traffic),
f) The positioning of all furniture including tables, chairs, barriers, plants etc.

Note: if the above measurements are not provided the plan will be returned causing a delay.

☐ Certificate of Cover for Public Liability Insurance to the minimum value of $20 million dollars and noting Rockhampton Regional Council as an interested party – ensure the name on the insurance policy is the same name as the applicant name on this application and must be either a person or a company name.

☐ Colour photographs/brochures of furniture/materials *(eg barriers, seating, tables)* proposed to be used.

Fees and Charges

For a full list of fees and charges please refer to Council's Fees and Charges Schedule.

Payment Information

In person | You can pay at Council's Customer Service Centres: 232 Bolsover Street, Rockhampton; 32 Hall Street, Mount Morgan; 1 Ranger Street, Gracemere.

By phone | Customer Service staff will contact you regarding payment via credit card or debit once this form is received.

By post | Make your cheques/money order payable to 'Rockhampton Regional Council' and send to PO Box 1860, Rockhampton, Queensland, 4700.

Additional Information

Where the prescribed activity is to be operated at a place on a local government controlled road; and the place abuts, or is adjacent to, land other than a local government controlled area or road; and the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land, the application must be accompanied by the written consent of the occupier of the land to the operation of the activity at the place, or a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

Submit

It's the law

Footpath Dining

In a Region that enjoys 300 days of sunshine a year, Rockhampton Regional Council is committed to helping our community take advantage of outdoor dining to create vibrant and active street frontages. Footpath dining provides business operators the ability to expand floor space at a minimal cost, potentially improving the commercial capacity of their business.

Until 31 December 2018 footpath dining application fees are free.

What is Footpath Dining?

Footpath dining is where a business selling food and drink wishes to place tables and chairs on the footpath for use by patrons to the business.

Trading on Local Government Controlled Areas and Roads

Food businesses wanting to provide footpath dining on local government controlled areas and roads require approval in accordance with Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

Trading on Private Land

Footpath dining approval is not required when trading on private land, however you should check with Council's Development Assessment unit to see if planning approval is required.

Trading on a Main Road

Footpath dining approval is not required from Council when trading on a main (State Government-controlled) road; however you should check with the Department of Transport and Main Roads to see if an approval is required.

Liquor Licensing

Liquor consumption on footpaths is regulated under the *Liquor Act 1992*. Approval is required by the Office of Liquor and Gaming Regulation.

Smoke Free Areas

Legislation requires outdoor eating places to be smoke-free in accordance with the *Tobacco and Other Smoking Products Act 1998.*

General Requirements

Persons wanting to undertake footpath dining should take the following conditions/requirements into consideration prior to making an application with Council:

- Take measures to protect the safety of persons who may be involved in, or affected by, the activity;
- Take out and maintain insurance for a minimum of $20 million for Council controlled roads indemnifying Rockhampton Regional Council against any or all claims of damages resulting from the activity;

Contact us
Rockhampton Regional Council
Planning and Regulatory Services

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- Allow for the operation of the activity to be inspected by an authorised person;
- The activity must not:
  a. Cause a nuisance;
  b. Create a traffic nuisance;
  c. Increase an existing traffic nuisance,
  d. Detrimentally affect the efficiency of the road network;
  e. Detrimentally affect the amenity of the neighbourhood;
  f. Create a road safety risk.
- Footpath dining equipment, including tables and chairs, must be removed from the footpath when the business is not operating/open for business;
- Footpath dining equipment is to be kept in a good state of repair, of safe construction and visually aesthetic;
- Footpath dining area/s are to be maintained in a clean condition at all times;
- Provision of a clear unobstructed passageway of at least 1m wide to allow access to the shop;
- Provision of a clear unobstructed passageway of at least 1.5m wide for pedestrian traffic.

Are you Selling Food?

You may also require a Food Business Licence. Check with Council's Environment and Public Health unit to see if a licence is required.

How to Apply for an Approval

To apply for footpath dining approval, you will simply need to submit a completed Commercial Use of Roads Application Form – Footpath Dining with supporting documentation. Application fees are exempt until 31 December 2018.

Supporting information includes:

- Site plan to scale (1:100, refer attached template);
- Colour photographs/brochures of materials eg tables, seating, barriers, umbrellas etc;
- Certificate of Cover for Public Liability Insurance with a minimum of $20 million and noting Rockhampton Regional Council as an interested party;
- Written consent of the occupier of the land to the operation of footpath dining at the place or a written statement from the occupier of the land in support of footpath dining.

Council endeavours to process all applications as quickly as possible, but please be aware this can sometimes take up to 30 days.

To avoid delays in the approval process, please ensure you include all required information with your submission. The necessary documentation is available from Council via the below contact details.

Renewal Fees

Once an application for footpath dining is approved, only the annual renewal fee will need to be paid. The annual renewal fee is currently $75 per annum for the 2016/2017 financial year.

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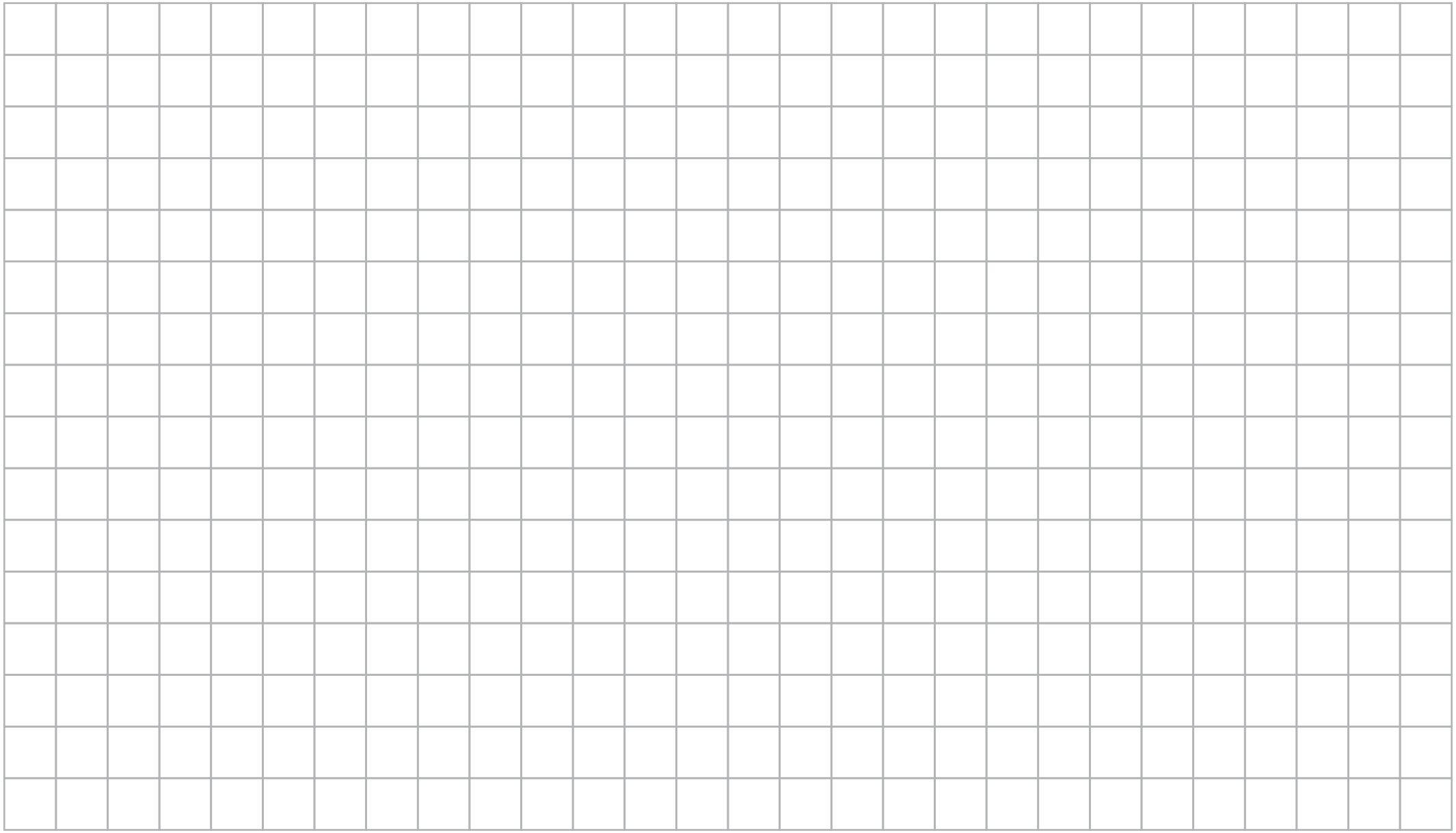
Site Plan Drawing | Existing and Proposed

Drawings should follow the following measurements:

> Length of business frontage > Width of the footpath (Shop front to kerb) > Length of the dining area and width (breadth) of the dining area across the footpath > Location of any Council property (litter bins, public seats) in front of the business > Distance between the outer border of the dining area and the kerb (min 1.5m required) > Position of all furniture including tables, chairs, barriers, plants etc.



Scale: 1:100 Example: 1cm = 1m (each square is 1cm x 1cm when printed to actual size)