

# Commercial Use of Roads Transfer Form – Footpath Dining

**Privacy Notice:** 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 *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*. Council deals with your personal information in accordance with law, including the *Information Privacy Act 2009*.



This form is to be completed by both the current approval holder and the proposed transferee to seek to transfer an existing approval for footpath dining. Approval for this activity allows a business to use a specified area of the footpath for the placement of tables, chairs, fixtures and fittings relevant to the operation of the activity for use by patrons.

P: 07 4932 9000 | E: [enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au) | W: [rockhamptonregion.qld.gov.au](http://rockhamptonregion.qld.gov.au) | PO Box 1860, Rockhampton 4700 | ABN: 59 923 523 766

Current Approval Details		
Approval Holder name: <i>(if partnership or company)</i>		Approval number:
Approval Holder name: <i>(if individual)</i>		
First	Middle	Last
Trading name:		
Preferred contact number:		Email:
Preferred delivery method: <input type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Collect – Rockhampton, Gracemere, Mount Morgan <i>Email is the standard form of delivery. If this method is unsuitable, please select an alternative.</i>		
Approval Site Address		
Street number and name:		
Suburb:	State:	Postcode:
Proposed Transferee Details		
<b>Proposed Transferee Details</b> <i>(applicant name must be the same as shown on the public liability insurance)</i>		
Proposed Transferee name: <i>(if partnership or company)</i>		ABN:
Proposed Transferee name: <i>(if individual)</i>		
First	Middle	Last
Preferred contact number/s:		Email:
Proposed trading name:		
Preferred delivery method: <input type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Collect – Rockhampton, Gracemere, Mount Morgan <i>Email is the standard form of delivery. If this method is unsuitable, please select an alternative.</i>		
Residential Address <i>(if individual)</i>		
Street number and name:		
Suburb:	State:	Postcode:
Postal address: <i>(if different)</i>		

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

## Company Details

Company director/s name:

Manager/s name:

Manager/s contact number:

Email:

## Registered Office Address *(if partnership or company)*

Street number and name:

Suburb:

State:

Postcode:

## Proposed Changes to Approved Activities

Are there any proposed changes to the activities approved?  Yes  No

If yes, please provide further details below:

## Public Liability Insurance *(please note a copy of your public liability insurance and indemnity statement must be provided)*

Name of insurer:

Policy number:

Policy limit:

Expiry date:

Is Rockhampton Regional Council noted as an interested party?  Yes  No

## Occupier's Consent

Where the prescribed activity is:

- (a) To be operated at a place on a local government controlled road; and
- (b) The place abuts, or is adjacent to, land other than a local government controlled area or road; and
- (c) The operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land; and
- (d) The prescribed activity is to encroach on 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.

Occupier's name:

First

Middle

Last

Trading name:

Preferred contact number:

Email:

Occupier's signature:

Date:

## Proposed Transferee Declaration

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

Proposed Transferee name:

Proposed Transferee 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:

- Certificate of Cover for Public Liability Insurance to the minimum value of \$20 million and noting Rockhampton Regional Council as an interested party – ensure the name on the insurance policy is the same name as the Proposed Transferee's name on this application and must be either a person or a company name.
- If occupier's consent has not been provided within the 'Occupier's Consent' section of this form, written statement/s of occupier's consent declaring that they support the operation of the prescribed activity on the land abutting/adjacent to the property.

## Standard Conditions of Approval

- (1) The conditions of an approval may require that the approval holder—
  - (a) limit the activities authorised by the approval to 1 or more of—
    - (i) a single specified location;
    - (ii) a number of specified locations;
    - (iii) a specified area;
    - (iv) a number of specified areas; and
  - (b) limit the activities to specified days and times; and
  - (c) limit the activities to—
    - (i) a specified period of time; or
    - (ii) specified periods of time; and
  - (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
  - (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
  - (f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
  - (g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
  - (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the operation of the activity — pay a specified rental to the local government at specified intervals; and
  - (i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person; and
  - (j) prominently and permanently display at a specified location each of—
    - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
    - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
  - (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
  - (l) limit the activities authorised by the approval such that the activities may be operated within a specified radius of—
    - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
    - (ii) the site of operation of another prescribed activity—
      - (A) the operation of which is authorised by an approval granted by the local government; and
      - (B) at which the same or similar goods or services are sold or offered for sale; and
  - (m) limit the operation of the prescribed activity so that it does not—
    - (i) create a traffic nuisance; or
    - (ii) increase an existing traffic nuisance; or
    - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and

- (n) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
  - (o) ensure that the operation of the prescribed activity does not create a road safety risk; and
  - (p) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
    - (i) in good working order and condition; and
    - (ii) in a clean and sanitary condition; and
  - (q) if the approval authorises the operation of a roadside vending activity on a local government controlled area or a road on specified days—remove the vehicle from the local government controlled area or road after the close of business each day unless otherwise specified by the local government.
- (2) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
- (a) 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
  - (b) if the approval holder has not obtained the written consent of the occupier of the land which abuts, or is contiguous to, both the principal premises and the footpath—limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
  - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
  - (d) limit the operation of the activity to the normal business hours of the principal premises; and
  - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
  - (f) 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
  - (g) 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
  - (h) if a sign or device advertising the prescribed activity is not a permitted advertisement—not place or display the sign or device 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
  - (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and
  - (j) only use furniture in the area identified in the approval which is—
    - (i) aesthetically acceptable to the local government; and
    - (ii) kept in a proper state of repair; and
  - (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
  - (l) regularly clean the area identified in the approval—
    - (i) during business hours for the principal premises; and
    - (ii) daily, after the close of business of the principal premises.

## Current Approval Holder Declaration

I declare that I am transferring my Commercial Use of Roads – Footpath Dining Approval to the new operator named on this form as the Proposed Transferee.

Approval holder name:

Signature:

Date:

Signatory name:  
*(if partnership or company)*

Signatory position:  
*(if partnership or company)*

## 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.