

Commercial Use of LG Controlled Areas and Roads Application Form –
Display of Goods for Sale on a Footpath

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 when a business is applying for approval to display goods for sale on a footpath outside of their shopfront. Goods may include books, furniture, clothes, shoes, animals etc. This application is not to be used where the applicant wants to undertake a fundraising activity such as the selling of raffle tickets or holding of a cake stall.

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 <i>(applicant name must be the same as shown on the public liability insurance)</i>			
Applicant name: <i>(if partnership or company)</i>		ABN:	
Applicant name: <i>(if individual)</i>			
First	Middle	Last	
Trading name:			
Postal address:			
Person responsible for the activity:			
Contact number/s:		Email:	
Company Details			
Company director/s name:			
Manager/s name:			
Manager/s contact number:		Email:	
Registered Office Address <i>(if partnership or company)</i>			
Street number and name:			
Suburb:		State:	Postcode:
Site Details			
Location description:			
Street number and name:			
Suburb:		St at	Postcode:
Lot number:		Plan number:	
Public Liability Insurance <i>(please note a copy of your public liability insurance and indemnity statement must be provided)</i>			
Name of insurer:		Policy number:	
Policy limit:		Expiry date:	
Is Rockhampton Regional Council noted as an interested party? <input type="checkbox"/> Yes <input type="checkbox"/> No			

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

Operational Details

Nature of goods to be displayed for sale (e.g. books, furniture, clothes, shoes, animals etc):

Days and times of operation:

Method of sale of goods:

Are the goods to be displayed on a stand (includes rack, table or support structure)?

☐ Yes

☐ No

If no, please provide details on how goods will be displayed?

How does the applicant propose to dispose of waste generated by the activity?

Will signage be displayed?

☐ Yes

☐ No

If yes, please provide details of how signage will be displayed?

Occupier's Consent

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.

Occupier's name:

First

Middle

Last

Trading name:

Preferred contact number:

Email:

Trading Address

Street number and name:

Suburb:

State:

Postcode:

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) 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, retail premises which are operated by the approval holder (also **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 contiguous 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) only use, for the purposes of display of the goods for sale, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the footpath; and
 - (f) only display goods for sale if the goods are in an orderly and sightly condition; and
 - (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
 - (h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

Supporting Documentation

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

- ☐ A site plan to scale (1:100) showing the following information and measurements:
 - (i) The length of the business frontage;
 - (j) The width of the footpath (shop front to kerb);
 - (k) The length of the display and width (breadth) of the display/s across the footpath;
 - (l) The approximate location of any Council property (e.g. litter bins, public seats) in front of the business; and
 - (m) The distance between the outer border of the display(s) and kerb (minimum distance of 1.5m required for pedestrian traffic).

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.
- ☐ Written statement/s of occupier's consent declaring that they support the operation of the described activity on the land abutting/adjacent to the property.

Declaration and Indemnity

In consideration of Council granting the approval of this Application, the Applicant:

- (1) Agrees, except to the extent caused or contributed to by the negligent act or omission of Council, to, at all times, hold harmless and keep indemnified the Rockhampton Regional Council and its officers, employees, members, agents and contractors ("Indemnified parties") from and against all actions, suits, proceedings, claims, demands, losses, costs, charges and expenses ("Claim") arising out of or in any way connected to or resulting from Rockhampton Regional Council granting the approval of this Application and any activity carried out or purported to be carried out under any approval of this Application (in all circumstances whether directly or indirectly), including:
 - (a) Any personal injury, illness, death to any person or damage to any property; and
 - (b) Any breach, non-observance or non-fulfilment of any condition of the approval; and
 - (c) Any act, matter, negligence or thing done or omitted to be done by the Applicant or its employees, agents or contractors.
- (2) Accepts that by proceeding with the activity, they will be taken to have agreed to the Standard Conditions of Approval outlined on this form.
- (3) Accepts that Council may impose additional non-standard conditions of approval after the application has been assessed which will be noted on the information notice issued at the time approval of the Application is granted.
- (4) Acknowledges that Council has not made any claim, statement or interference with regard to the suitability of the facility or land for the activity and had satisfied themselves in this regard.

I submit this Commercial Use of Roads Application Form – Display of Goods for Sale on a Footpath with the relevant fee and supporting documentation as required.

Applicant name:

Applicant signature:

Date:

Signatory name:

Signatory position:

(if partnership or company)

(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.

DISPLAY OF GOODS ON A FOOTPATH



Council has a role in regulating footpaths to ensure any commercial (for-profit) activities on a footpath are carried out in a safe manner for customers and pedestrians whilst preventing nuisances to the surrounding environment.



What is 'display of goods for sale on a footpath'?

The display of goods for sale on a footpath is where a business intends to display items such as books, furniture, clothes, shoes etc. for sale either on tables or stands at their shopfront.

Goods for sale on a footpath does not include not-for-profit activities e.g. raffle ticket or cake stall.



Trading on Local Government Controlled Areas and Roads

Businesses (for-profit) wanting to display goods for sale on Council controlled footpaths 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

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.



General Requirements

Persons wanting to display goods for sale on a footpath should adhere to the following conditions/requirements:

- Take measures to protect the safety of persons who may be involved in, or affected by, the activity;
- Take out and maintain public liability insurance for a minimum of \$20 million for Council controlled areas and roads indemnifying Rockhampton Regional Council against any or all claims of damages resulting from the activity;
- 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.
- Displays must be on the shopfront side of the footpath;
 - Goods must be displayed on a stable stand unless the display can be made safe;
 - Displays must not encroach across neighbouring boundaries, unless written consent is obtained;
 - Displays must be anchored to avoid customers easily moving the display e.g. locked wheels or solid stand;
 - 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;
 - Goods displayed for sale are only to be displayed if the goods are the property of, or offered for sale by, the approval holder;
 - All goods and any structure designed for the display of the goods for sale are to be removed when the premise is not open for business.

How to Apply for an Approval

To apply for a display of goods for sale on the footpath approval, you will need to submit a completed Commercial Use of LG Controlled Areas and Roads Application Form – Display of Goods for Sale on a Footpath with supporting documentation and pay the relevant application fee. Supporting information includes:

- Certificate of Cover for Public Liability Insurance for a minimum value of \$20 million, noting Rockhampton Regional Council as an interested party.;
- A site plan to scale (1:100) 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 display and width (breadth) of the display across the footpath;
 - d. the approximate location of any Council property (e.g. litter bins, public seats) in front of the business;
 - e. the distance between the outer border of the display's and kerb;
 - f. where applicable, written statements of occupier's consent declaring support of the proposed activity on the land abutting/adjacent to their property.

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

The application process can take up to 30 days from the date of submission to final approval, should no further information be required. If further information is required, this will extend the application process by at least seven to 14 days. Application forms are available on Council website www.rrc.qld.gov.au.