

Commercial Use of Local Government Controlled Areas and Roads

Application Form - Other

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



This form is to be completed when applying for approval for a commercial use of community land excluding mobile/stationery roadside vending, display of goods for sale on a footpath and temporary entertainment events. Examples include but are not limited to group fitness training, dog training, ongoing commercial photography or photography classes, park/footpath itinerant tours, e-mobility travel devices, temporary site offices.

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

If applicant is an **Individual – Complete Section A**

If applicant is a **Company or Incorporated Association – Complete Section B**

Section A – Individual Application

Applicant name:

First

Middle

Last

Postal address:

ABN (if applicable):

Contact number/s:

Email:

Section B – Company or Incorporated Association Application

Legal name:

ABN:

ACN:

Contact person's name:

Contact person's number:

Email:

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

Name of insurer:

Expiry date:

Is the policy limit for a minimum of \$20 million dollars:

☐ Yes

☐ No – please arrange for policy limit to be increased before submitting to Council.

Is Rockhampton Regional Council noted as an interested party:

☐ Yes

☐ No – please arrange for Council to be noted as an interested party before submitting to Council.

Site Details *(please ensure site plan is attached)*

Site address:

Street number and name

City

State

Postcode

Location description:

Lot number:

Plan number:

Commercial Activity Details

Trading name:

Type/s of activity proposed:

Number of persons (e.g. participants/customers) expected:

If applicable, details of site/stall/vehicle/s proposed to be used:

If applicable, details of signage and how it will be secured whilst displayed:

Will PA systems and/or amplified sound be a part of your activity? If yes, please provide details:

Please provide details of how waste will be managed for your activity:

Other relevant information:

Activity Date/s, Time/s, Equipment: *(including set up/clean up)*

Day/s	Start Time	Finish Time	Type	Equipment
<i>Example - Mon & Thurs during school term</i>	<i>9:00am</i>	<i>11:00am</i>	<i>Group Fitness</i>	<i>Hand weights, Yoga mats</i>

Occupier's Consent *(attach additional consent where more than one consent is required)*

Where the prescribed activity is to be operated at a place on a local government controlled area or 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, and 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 (below) 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 (if applicable):			
Address:			
Street number and name	City	State	Postcode
Preferred contact number:	Email:		

Standard Conditions of Approval

The conditions of an approval may require that the approval holder:

- a) Limit the activities authorised by the approval to one 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.

Checklist and Supporting Documentation *(failure to attach supporting documentation will cause delays)*

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

- ☐ A site plan to scale (1:100 for each location) showing the proposed location including the layout of the activity including the boundaries of the site and the locations of any buildings, roads or structures including fire hydrants, power poles, telephone boxes etc.
- ☐ 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 applicants.
- ☐ Where applicable, 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.
- ☐ Completed Declaration and Indemnity.
- ☐ Copy of Not-for-Profit registration (where applicable).
- ☐ Relevant Licences/Qualifications/Permits.

Declaration and Indemnity

I declare that the contents of this form are true and correct to the best of my knowledge.

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

1. shall, 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;
 - b) any breach, non-observance or non-fulfilment of any condition of the approval;
 - 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.
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. acknowledge that Council has not made any claim, statement or interference with regard to the suitability of the facility or land for the activity and I have satisfied myself in this regard.

The Applicant submits this form with the relevant supporting documentation as required and agrees to be responsible for ensuring that any requirements in respect of COVID-19 as required by law or under any Public Health Direction issued by the Chief Health Officer for Queensland or at the request of Council are complied with at all times.

Name of Applicant:

Signature:

Date:

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.

COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS & ROADS – OTHER



Are you considering conducting a commercial (for-profit) activity or business on Local Government controlled land and roads? You may need to apply for approval. Council ensures that activities are carried out in a safe manner for clients and residents while preventing nuisances to the surrounding environment.



WHAT IS A COMMERCIAL USE OF A LOCAL GOVERNMENT CONTROLLED AREA OR ROAD

The commercial use of local government controlled areas and roads means using public areas or roads that are controlled by Council for the purpose of conducting business such as soliciting or carrying on the supply of goods and services for profit.



EXAMPLES OF COMMERCIAL ACTIVITIES THAT REQUIRE APPROVAL

- Fitness activities
- Walking tours
- Dog obedience training
- Operating a site office within a reserve
- Photography class or photo sessions every Saturday in the same location (excludes photography as part of a private function)
- E-scooter and bike hire

TRADING ON LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

People wanting to use Council controlled areas or roads to carry out a business (for profit) require approval in accordance with *Subordinate Local Law No.1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*.



GENERAL REQUIREMENTS

Persons wanting to conduct a commercial activity on local government controlled land or roads should adhere to the following conditions / requirements:



- Ensure the activity does not unduly interfere with the proper use of the area
- The location should be suitable for the proposed commercial activity
- There is a public demand for the commercial activity, or goods or services being provided
- 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
- Ensure all facilities and equipment is in good and clean working order
- 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; and
 - f. Create a road safety risk.

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.

TRADING ON A MAIN ROAD

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

HOW TO APPLY FOR AN APPROVAL

To apply for commercial use of local government controlled areas and roads approval, you will need to submit a completed Commercial Use of Local Government Controlled Areas and Roads Application Form - Other with supporting documentation and pay the relevant application fee. Supporting information includes:

- Certificate of Cover for Public Liability Insurance with a minimum of \$20 million and noting Rockhampton Regional Council as an interested party
- If the activity is to be operated from a site, stall or vehicle, a site plan is required to scale (1:100) showing the following information and measurements:
 - a. The proposed location;
 - b. Layout of the activity;
 - c. Boundaries of the site; and
 - d. Location of any buildings, roads or structures including fire hydrants, power poles, telephone boxes etc.
- Letter of consent or statement of support from occupiers of abutting, adjacent or encroached properties
- Copies of relevant licences, qualifications and/or permits
- Copy of Not for Profit registration where applicable

Note: if the site measurements are not provided, the plan will be returned and cause a delay in the application process. The application process can take up to 30 days from the date of submission to the final approval, should there be no further information required. If further information is required, this will extend the application process by at least 7 to 14 days. Contact Council for an application form.