



ABN 997 8830 5360

CHIEF EXECUTIVE OFFICER
TOOWOOMBA REGIONAL COUNCIL
P O BOX 3021
TOOWOOMBA VILLAGE FAIR QLD 4350

Application for Prescribed Activity Approval - Commercial Use of Local Government Controlled Areas and Roads. (Vending)

Name of applicant: _____

Contact name details _____

(if not the same as applicant or if applicant is a company)

ADDRESS

Street _____

Suburb _____ Postcode _____

Contact Phone Number _____ Mobile Number _____

Subordinate Local Law No.1.2 (Commercial Use of Local Government Areas and Roads) 2011 prescribes, documents and materials that must accompany an application for an approval under Section 3 of Schedule 1. Please provide separately responses, documents and materials addressing the following criteria:

3. Documents and materials that must accompany an application for an approval

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
 - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
 - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and

- (c) if goods or services are to be supplied—the method of sale of the goods or services; and
 - (d) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
 - (e) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (7) Subsection (8) applies if—
- (a) the prescribed activity is to be operated at a place on a local government controlled area or 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.
- (8) The application must be accompanied by—
- (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
 - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place; and
 - (c) a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000.00.
- (10) An event management plan which details proposed arrangements for each of the following—
- (a) consultation with key stakeholders; and
 - (b) cleaning and sanitation; and
 - (c) noise; and
 - (d) waste and recycling; and
 - (e) catering services with food safety plan for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and

- (k) risk management strategy; and
- (l) fire response plans; and
- (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
- (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and
 - (ii) a certified electrical safety report of a qualified electrician; and
 - (iii) a certified structural safety report for all temporary construction work; and
 - (iv) a fireworks licence issued by the Department of Environment and Resource Management; and
 - (v) a fire and emergency evacuation plan certified and approved by the Queensland Fire and Rescue Authority; and
 - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary road closure approval.

Not every requirement above may be applicable to the activity for which the approval is being sought. However, please briefly provide reasoning to indicate why such criteria are not applicable. (eg vehicles registration certificates are not provided as no commercial activity will occur from a vehicle)

Conditions ordinarily imposed on an approval may include:

- (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 road or local government controlled area 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 not 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 —
 - (i) create a road safety risk; or
 - (ii) injure, deface, misuse, mark or otherwise damage any building or structure on the local government controlled area or road on which the prescribed activity is undertaken; 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 road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government; and
 - (r) remove all plant, equipment, fixtures, fittings and furniture used in the operation of the prescribed activity within a specified period of time or at specified times; and
 - (s) deliver a bond or security to the local government to secure compliance with the requirements of each of the approval and the provisions of the authorising local law.
- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—
 - (a) limit the operation of the activity to—
 - (i) a specified vehicle; or
 - (ii) a number of specified vehicles; and
 - (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
 - (c) not—
 - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or

- (ii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
 - (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
 - (e) produce the vehicle for inspection by an authorised person—
 - (i) prior to commencement of the prescribed activity; and
 - (ii) when required by the authorised person; and
 - (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
 - (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
 - (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
 - (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
 - (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
 - (k) for waste generated by the operation of the activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste.
- (3) 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) 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 not less than 2m; 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) not place or display any sign or device advertising the activity 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.
- (4) If the prescribed activity is the display of goods for sale on a footpath, 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, retail premises which are operated by the approval holder (also ***principal premises***); and
 - (b) 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) 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.

Term of an approval The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

Show Cause The approval may be amended, suspended or cancelled by issue of a show cause notice outlining proposed action.

The application and supporting documents are required to be returned to TRC within 28 days or all previously issued permits will be voided and enforcement action may occur.

AGREEMENT

I have read and agree to abide by the conditions on this application.
All details are true and correct.

_____ Date: ____/____/____
Signature of Owner or Authorised Officer of Company

Note:

- 1. The application must be signed by the owner or in the case of a partnership by one of the partners thereof, or in the cases of a company or an unincorporated association by an authorised officer.**

Return application to: Customer Service Branch
4 Little Street
Toowoomba City
Ph. 131trc or 131782