

Commercial Use of Local Government Controlled Areas and Roads Permit Application

Local Law No. 1 (Administration) 2011 & Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

Please use blue or black pen and complete all details in full

* indicates a mandatory field / section

Applicant Details

Note: The Applicant must be a Company or Proprietor. A Business Name cannot hold a Permit.

Company Name ABN

Company Director Name(s)

* Registered Address

Suburb State Postcode

Contact Name for company

OR (Not both)

* Title	* Surname	* Given Names	
Title	Surname	Given Names	
Home Phone	Work Phone	* Mobile	
Fax	* Email Address		

Definitions

Commercial use of Local Government Controlled Areas and Roads (LL Schedule 2) means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following:

- the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- using a road for a particular purpose if the use constitutes development under the *Planning Act*;
- operation of a temporary entertainment event;
- undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

Local Government controlled area (LL Schedule 1) means:

- A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by a local government, other than a road.
- A *local government controlled area* includes part of a local government controlled area.
- A *local government controlled area* does not include a residential lot on DOGIT land.

DOGIT land (LL Schedule 1) means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13 or the *Torres Strait Islander Land Act 1991*, section 12.

Commercial Use of Local Government Controlled Areas and Roads

Note: Property description can be found on the Rates notice for the property.

* Business Trading Name	ABN
* Address where vehicle is housed	
* Suburb	State Postcode
Property description (Lot & RP)	
* Location of Activity	
* Postal Address	
* Suburb	State Postcode
Home Phone	Work Phone * Mobile
Fax	* Email Address
Preferred Method of Contact	Phone Email Post

* Type of Activity

Please tick where applicable.

- | | | |
|------------------------|--------------------------|--|
| Footpath Dining | <input type="checkbox"/> | Stationery Roadside Vending/Standing Vehicle |
| Markets | <input type="checkbox"/> | Mobile Roadside Vending/Itinerant Vending |
| Street Stall | <input type="checkbox"/> | Non-profit fundraising |
| Other (please specify) | | |

Details of Commercial Use of Local Government Controlled Areas and Roads

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011
Schedule 1, s3 requires documents and material that must accompany an application for approval for Commercial Use of Local Government Controlled Areas and Roads, such as:

Information to be provided with the Application - LL1.s8(2) states the application must be accompanied by:

- Documents and materials required under subordinate local law for this paragraph;
- Proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
- The prescribed fee.

LL1.s9 Local Government's discretion in granting approvals - Council can only grant an approval if section 9 is satisfied, including, but not limited to:

- s9(1)(a) If the prescribed activity requires an approval under an Act, a law of the Commonwealth, or the local government's planning scheme – the separate approval has been granted;
- s9(1)(b) The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
- s9(1)(d) The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under the subordinate local law for this paragraph.

Information to be provided

Please tick where applicable.

	Section	Applicant- Information Attached
Provide proof that the applicant holds any separate approval relating to the prescribed activity that is required under another law, including:		
A current certificate of compliance issued under the Fire and Emergency Services Act 1990 (if applicable).	LL1s8(2)	<input type="checkbox"/>
Liquor Licensing – if you intend to serve alcohol on the premises, it requires approval from Queensland Government Liquor Licensing Division.	LL1s8(2)	<input type="checkbox"/>
Food Licence pursuant to the Food Act 2006 (if a food licence is required).	LL1s8(2)	<input type="checkbox"/>
Other – please specify:	LL1s8(2)	<input type="checkbox"/>
Provide details of the nature, time and place of the prescribed activity:	SLL1.2 Sch1 s3(1)	<input type="checkbox"/>
Proposed location to operate prescribed activity on local government controlled area or road.	SLL1.2 Sch1 s3(2)	<input type="checkbox"/>
A plan of the proposed site, stall or vehicle of the prescribed activity drawn to scale (recommended scale 1:100) showing the following details:		
<ul style="list-style-type: none"> • A site plan; • A floor plan; and • The location and area of each access way. 	SLL1.2 Sch1 s3(3)	<input type="checkbox"/>
A copy of the current registration of each vehicle proposed to be used in the operation of the prescribed activity.	SLL1.2 Sch1 s3(5)	<input type="checkbox"/>
Details of prescribed activity:		
<ul style="list-style-type: none"> • Nature of the goods and services to be supplied (arts & crafts, food stall etc); • Trading times and dates/days; • Methods of sale (sale from behind counter, flyers on cars, free gift, donation for food etc); • Copy of each insurance policy for applicable insurances relating to the prescribed activity; • Method of disposal for waste (materials and waste water); and • Description and location of signage for prescribed activity. 	SLL1.2 Sch1 s3(6)	<input type="checkbox"/>
Written support from adjoining owners & occupiers of the land of the prescribed activity on local government controlled areas and roads.	SLL1.2 Sch1 s3(8)	<input type="checkbox"/>

Additional Criteria for granting of an approval

Please tick where applicable.

	Section	Applicant- Information Attached
Steps that have been taken as not to unduly interfere with the proper use of the local government controlled area or road for:		
<ul style="list-style-type: none"> Set up of the prescribed activity; and Customer parking. 	SLL1.2 Sch1s4(1)	<input type="checkbox"/>
Outline the proof public demand for the activity being sought.	SLL1.2 Sch1s4(2)	<input type="checkbox"/>
Steps you have taken to ensure the prescribed activity is in keeping the physical characteristics of the area.	SLL1.2 Sch1s4(3)	<input type="checkbox"/>
Steps you have taken to prevent the nuisance, inconvenience or annoyance to:		
<ul style="list-style-type: none"> Occupier of adjoining land; Vehicular traffic; and Pedestrian traffic. 	SLL1.2 Sch1s4(4)	<input type="checkbox"/>
Steps you have taken to prevent the prescribed activity having a detrimental effect on the amenity of the surrounding area/road.	SLL1.2 Sch1s4(5)	<input type="checkbox"/>
If the prescribed activity is mobile roadside vending or stationary roadside vending:		
<ul style="list-style-type: none"> Is the proposed activity competitive with fixed premises in the area? Are fixed businesses sufficient enough to meet public demand? Will the approval of the application create substantial competition between the applicant and the fixed businesses? Are similar goods and services sold in fixed premises near the proposed location? 	SLL1.2 Sch1s4(6)	<input type="checkbox"/>
What steps are being taken to satisfy the above requirements?		

Additional Information

	Section	Applicant- Information Attached
Council can only grant an approval if section 9 is satisfied, including, but not limited to:		
Is the proposed operation and management of the prescribed activity adequate to protect public health, safety and amenity and prevent environmental harm? If No, attach details.	LL1s9(b)	<input type="checkbox"/>

*** Potable water (if applicable)**

Please tick where applicable.

	Section	Applicant- Information Attached
<p>What is the source of water?</p> <p><input type="checkbox"/> Reticulated water supply (ie. provided by Queensland Urban Utilities)</p> <p><input type="checkbox"/> Bore or Spring</p> <p><input type="checkbox"/> Rainwater tank (sourced from rainwater only)</p> <p><input type="checkbox"/> If other, attach further information.</p>	LL1.s8(3)	<input type="checkbox"/>
<p>Is potable water provided to all water points on site in accordance with Australian Drinking Water Guidelines?</p>	LL1.s8(3)	<input type="checkbox"/>
<p>Provide details of the water supply system including:</p> <ul style="list-style-type: none"> The source of water of each of the water outlet points; Reticulation and draining facilities, including on-site drinking water treatment; and All of the water outlet points. 	LL1.s8(3)	<input type="checkbox"/>
<p>Non-reticulated water will require evidence that the water is potable in accordance with the Australian Drinking Water Guidelines. Water testing is required to be undertaken with a Certificate of Water Analysis from a NATA accredited lab for:</p> <ul style="list-style-type: none"> Microbiological; and Standard Water Analysis (chemical parameters) for bore water if applicable. 	LL1.s8(3)	<input type="checkbox"/>
<p>The Certificate of Water Analysis from a NATA accredited laboratory will be required prior to any approval being given.</p>		
<p>If there are any water outlet points that are unsuitable for drinking, provide details of water outlets that are unsuitable for drinking and details of signage.</p>	LL1.s8(3)	<input type="checkbox"/>

Amendments

Complete only if applying for a Permit amendment. Please provide details of proposed amendments and attach extra pages if required.

Design Approval

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011, Sch1, s3 requires that an application for approval for Commercial Use of Local Government Controlled Areas and Roads must be accompanied by the following information:

Floor plan	1:50 scale	<input type="checkbox"/> Site plan	1:100 scale
Details required to accompany application (see above)		Proof of relevant approvals	

Plans must be approved prior to the construction, fit-out or operation of business.

Permit must be approved prior to operation of business.

It is recommended that a 'Pre-Lodgement Meeting' is arranged prior to or simultaneously with the lodgement of the application, plans and fees. Please contact an Environmental Health Officer on 1300 005 872 to arrange.

* Indemnity – for approvals granted under a Lockyer Valley Regional Council Local Law

This form must be completed and submitted with your application.

In consideration of Lockyer Valley Regional Council ("Council"), giving approval for:

(Name of activity to which the approval relates – the "activity")

At

(Address/area where the activity is to be undertaken)

I/We

(Applicant)

Agree to indemnify Council and keep it indemnified against any claim, demand, action, suit or proceeding that may be made or brought against Council, it's employees, contractors and elected members for personal injury to or death of any person or loss of or damage to any property causing by, arising out of or as a consequence of the Activity; and

Acknowledge that Council has not made any claim, statement or inference with regard to the suitability of the facility or land for the Activity and I/we have satisfied my/ourselves in this regard.

* Signature of Applicant/s

I/We

certify that the information supplied is correct to the best of my knowledge, or that I could reasonably obtain.

Signature

(Individual or Corporation)

Signature

(Individual or Corporation)

Position

Date

Position

Date

The term of the permit will be until 30 September unless otherwise specified by applicant or Council (or unless cancelled or suspended).

Should approval be given to this application, such approval will not extend to approving any other statutory or Local Government requirements relating to this premises.

Application Type

Please tick where applicable.

New permit applications require a Permit fee and Design Approval fee with submitted plans lodged prior to construction and operation. Refer to Council's website for the current Fees and Charges.

Permit Application / Renewal	<p>New/Annual for Mobile Roadside Vending (mobile ice cream van)</p> <p>New/Annual for Stationary Roadside Vending not associated with adjoining commercial/rural business (pie/seafood van)</p> <p>New/Annual for Stationary Roadside Vending associated with adjoining commercial/rural business (footpath display)</p> <p>New/Annual for Footpath Dining</p> <p>Per event for Markets</p> <p>New/Annual for Stationary Roadside Vending associated with adjoining commercial/rural business (farm fruit/vegetable stall)</p>
Design Approval - New or Alterations	Design assessment of new premises or alterations to existing premises for Commercial Use of Local Government Controlled Areas and Roads
Transfer of Licence	Transfer of Commercial use of Local Government Controlled Areas & Roads Permit
Amendment of Licence	Amendment to Commercial use of Local Government Controlled Areas & Roads Permit

Pro-rata permit fee will apply for applications made within 3 months (1 July) and 6 months (1 April) from 30 September (25% - 50% discount respectively).

Registered charitable organisations, churches, non-profit organisations may receive a 50% discount from the prescribed fees upon production of appropriate verification.

Privacy Statement

These details will only be used for the purpose for which they have been collected and will not be used for any other purpose. We will not disclose the information you provide outside of Council unless we are required by law or you have given your consent. To the fullest extent allowed by law, Council, its officers and employees will not be liable for any claims in respect of any loss arising out of, or in connection with, the use of any of the supplied information.

Office Use Only

Date Paid:

Receipt Number:

Receipt to: 10-6414-1001-41506

Return to: Environmental Health