

1. Applicant details			
Applicant name		ABN	
Postal address			
Email address		Phone	
2. Business details			
Business name		Trading name	
Business premises address		ABN	
Postal address			
Business phone		Mobile	Email address
Preferred contact person		Position	Phone
3. Licence type			
<input type="checkbox"/> <b>New Footpath Dining Application</b> *Paid quarterly or annually depending on annual charge		<input type="checkbox"/> <b>Transfer existing Footpath Dining Permit or amendment to current permit's <u>trading area only</u></b>	
<input type="checkbox"/> <b>New Goods on Footpath Application</b> *All Goods on Footpath Permits are to be paid annually		<input type="checkbox"/> <b>Transfer existing Goods on Footpath Permit or amendment to current permit's <u>trading area only</u></b>	
4. Permit type			
<input type="checkbox"/> <b>Standard permit</b> - covers immediate area in front of your premises (Proceed to <i>Section 5 – Footpath trading details</i> )			
<input type="checkbox"/> <b>Extended area permit</b> - covers immediate area in front of your premises and includes area in front of businesses adjacent to your premises, <b>Requires the adjoining business's written consent.</b>			
<b>Extended area permit use</b> *only required if you are using the adjoining business's footpath area			
This section must be completed by the adjoining business where the applicant is applying to conduct footpath trading activity within the footpath area adjacent to the adjoining business. If Council approve the extended area, no other use of the area will be permitted. <b>In the event the business changes ownership, this consent is void and the activity in the extended area must cease immediately. This consent may be withdrawn in writing at any time by the adjoining business.</b>			
Adjoining business name			
Adjoining business address			
Adjoining business owner name			Phone
Email address			
I acknowledge this consent is given in good faith by the business listed above, with full understanding that if approved; I may withdraw this consent in writing at any time and no other use of the area will be permitted while the permit is valid.			
Adjoining business owner signature		Position (Business owner, Director)	Date
5. Footpath trading details			
Commencement date			
Square metres of footpath space requested (as per site plan)			m <sup>2</sup>
Number of chairs	Please specify any other furniture or equipment within outdoor area - <i>Please note umbrellas, café barriers and heaters are not permitted unless agreed to by Council. Please contact Council for additional information</i>		
Number of tables			
Hours of operation			
<b>Privacy</b> Council will use any personal information provided for the purposes of processing your event application and for remaining in contact with you. Please note your information may be shared with other government agencies with an interest in events management. Council is authorised to collect this information in accordance with the Local Government Act 2009 and other Local Government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with council's privacy policy.			

## 6. Application checklist

Additional requirements to be submitted with your application form:

☐ Copy of current Certificate of Currency (Public Liability Insurance) – Note, no application will be processed unless this is attached

1. Name and address of the Insurer
2. Name and address of the Insured
3. Policy Number
4. Period of Insurance
5. Sum Insured – \$20,000,000
6. Location of Insured Business
7. Noosa Council noted as an interested party
8. Footpath Trading Listed as covered under the policy

☐ Detailed site plan to scale (see below grid plan)

☐ Photographs of site

☐ Photographs of each individual furniture item proposed to be used in the trading area

☐ Agree to the non-refundable application fees as per below charges.

### Please note:

- Permits are valid from the date of issue to 31 July with renewal fees paid either annually or quarterly depending on the permit. Refer to *Section 7 – Payment terms*.
- Failure to provide all relevant documents at application lodgement will delay application assessment until all relevant information has been received.

Permits are issued under *Subordinate Local Law 1 (Administration) 2015, Schedule 21 Undertaking a regulated activity on local government controlled areas and roads*

## 7. Payment terms

**Footpath Dining** - Footpath dining renewals with an **annual fee of \$3,000 or less are due by 31 August of each year**.

Footpath Dining renewals with an annual fee that exceeds \$3,000 per year are payable on a quarterly basis.

Pro rata fees apply for new Footpath Trading Applications for Footpath Dining only (does not include annual renewals).

### Payment types for Footpath Dining per m<sup>2</sup>

☐ **Quarterly permit fee payments** - Final quarterly payment must be paid by 31 May each year.

☐ **Annual permit fee payment** - must be paid by the 31 August each year for a permit period 1 August to 31 July.

**Goods on Footpath annual renewal fee** - Goods on Footpath renewals are payable on 31 August each year for a permit period 1 August to 31 July. Pro rata fees do not apply.

## 8. Fees and charges (GST is not applicable)

Application fee for new Footpath Dining Permit (non-refundable) + permit fees	\$561.50
Application fee for new Goods on Footpath Permit (non-refundable) includes the first year's annual permit fee	\$375.00
Application fee for transfer or amendment of existing Footpath Dining Permit (non-refundable) + permit fees	\$170.50
Application fee for transfer or amendment of existing Goods on Footpath Permit (non-refundable) valid to 31 July	\$64.50
<b>Footpath Dining permit fees</b>	
Hastings Street - Foreshore	\$1129.00 per m <sup>2</sup>
Hastings Street - Café, Terraces and Other	\$816.00 per m <sup>2</sup>
Noosa Junction, Noosaville, Peregian Beach, Sunshine Beach and Tewantin	\$342.00 per m <sup>2</sup>
Cooran, Cooroy and Pomona	\$213.00 per m <sup>2</sup>
Goods on Footpath annual permit fee	\$295.00
Footpath Dining and Goods on Footpath administration fee (non-compliance)	\$177.50

## 9. Declaration of applicant

I/We, the applicant, declare that the above information is correct in all respects, at the time of lodgement of this application with the Noosa Council. Should any of the details given in relation to this application be changed in the future, the Applicant shall advise the Council in writing prior to any such change being implemented.

Signature	Date
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Council's Property Branch will forward the application number and payment link on assessment to the email address provided in Section 2.

- Width of the shop front
- Width of the footpath
- Pedestrian, trading and kerb zones
- All existing public infrastructure

[illegible]

## **FOOTPATH TRADING CONDITIONS**

### **The permit holder must:**

1. Keep current, throughout the duration of this Footpath Trading Permit (permit), a public liability insurance policy Certificate of Currency, applying directly to the stipulated Footpath Trading Area (FTA), including the approved associated use, with limits of not less than \$20,000,000 per occurrence, noting Noosa Council (Council), as an interested party.
2. Keep a copy of your approved permit and a copy of your \$20,000,000 Certificate of Currency on the premises, to be made available to Council officers on demand.
3. Note, in accordance with the approved permit, a minimum 2 metre clearance is required to be maintained for the pedestrian thoroughfare, unless otherwise agreed to by Council. Kerbside areas abutting the FTA, must be maintained at all times to a standard as approved by Council. A minimum pedestrian thoroughfare area applies and all pedestrians must be given right of way.
4. Note, neither Council, nor the Minister Administering the *Land Act 1994*, shall be liable for any disruption to business conducted within a FTA, that may arise as a consequence of works being undertaken within the FTA (including the pedestrian thoroughfare), from time to time.
5. Accept, that from time to time, the FTA may be unavailable or inaccessible, due to acts of force majeure, Council approved temporary events or Council maintenance activities (programmed or un-programmed). The permit holder will not be compensated by Council in any way under such circumstances.
6. Maintain the cleanliness of the FTA and surrounding pedestrian thoroughfare and access way.
7. Not interfere with any vegetation, including acts of affixing, fastening or screwing anything to any vegetation or Council property.

### **Approved goods**

8. Any approved goods must:
  - a. be located wholly within the FTA at all times; and
  - b. only be placed within the FTA during standard operating hours of the business and not before 5:00am or after 12:00am midnight (Noting for footpath Dining please adhere to your Liquor Licensing or Planning Approvals); and
  - c. be removed from the FTA at close of business each day; and
  - d. be adequately secured/stable and must be maintained in a good and substantial state of repair at all times; and
  - e. Not exceed more than 50% of the subject properties frontage.
9. Unless otherwise specified in this permit, the layout of the approved goods within the FTA is at the discretion of the permit holder. It is the responsibility of the permit holder to provide safe open access in line with *Disability Discrimination Act 1992*.
10. Under Council local laws, a business can display an A-frame/sandwich board sign. Conditions for signage include:
  - a. a maximum of 1 advertising device per tenancy may be displayed; and
  - b. the sign is placed on the property to which it refers, or where this is not practically possible (ie: building boundary), immediately abutting the property on public land; and
  - c. if located on public land, the sign must be located in a position that does not affect pedestrian access and must not be located within a garden bed, on a beach, dunal area or recreation parkland, unless within a designated permit area; and
  - d. clear pedestrian, wheelchair and pram access must be maintained at all times; and
  - e. it is only displayed when the tenancy is open for business; and
  - f. the sign face area does not exceed 900mm x 600mm or 0.54m<sup>2</sup> on each side of the advertising device; and
  - g. the advertising device must be structurally sound, stable and not pose a hazard or safety risk to the public.

11. Council will not be held responsible for any loss or damage to the permit holder's goods or equipment. All equipment, chattels and the like, remain the sole responsibility of the permit holder at all times.
12. The activity (approved use of the FTA) must be designed, sited, constructed and maintained to ensure the health and safety of the public by:
  - a. complying with structural standards, specified safety requirements and applicable codes under relevant legislation; and
  - b. exhibiting specified warning notices where required; and
  - c. storing and using hazardous materials in a safe manner (i.e. table cleaning materials & cutlery storage); and
  - d. certifying equipment or things involved in the prescribed activity; and
  - e. adhering to the defined FTA or locations specified in the approval; and
  - f. prohibiting an animal type or species from the prescribed activity where specified in the approval; and
  - g. appropriately training persons engaged in the operation of the business with the associated requirements of an approved FTA permit.

### **General conditions**

13. The amenity of any adjacent residential areas must be respected and the footpath trading use must:
  - a. only be undertaken within the hours specified in the approval or the liquor licencing hours of operations; and
  - b. not cause a nuisance; and
  - c. ensure that the access ways and other areas to which the public hold rights of access to within the FTA, are maintained in a clean, tidy and sanitary condition at all times.
14. The footpath trading activities must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.
15. There must be no live and/or amplified entertainment at any time within a FTA.
16. A minimum clearance of the following is required, unless otherwise approved in writing by Council:
  - a. 1 metre from a doorway; and
  - b. 2 metres from a rubbish bin; and
  - c. 2 metres from a street corner (minimum for line of sight); and
  - d. 1 metre from public furniture;
  - e. 2 metres from a pedestrian crossing; and
  - f. 0.6 metre from a kerb.
17. Council reserves the right to amend, suspend, cancel or revoke this permit at any time.
18. The permit holder must comply with any and all mandatory conditions appearing in Council's local laws or subordinate local laws relevant to the FTA and approved use under this permit. The permit holder must comply with all legal requests made by Council, including all permit conditions and payment of all required fees and charges by the due date.
19. The permit holder must immediately stop using the permit area, if Council, at its absolute discretion, considers there is an imminent risk or danger to public safety. Council may notify the permit holder of the decision in writing or in person and issue a verbal directive to cease using the permit area.
20. A person who is aggrieved by a reviewable decision, may apply to Council for a review of the decision. The request for a review must be in writing, state the reasons why the applicant considers the decision should be reviewed and be lodged at the office of Council within 14 days after the day on which notice of the decision was given to the applicant.
21. The permit holder must obtain Council approval to use any fixed equipment/infrastructure within the FTA. The permit holder must not carry out building work, construction or structural improvements on public land.
22. In accordance with the *Work Health and Safety Act 2011*, a permit holder must:

- a. act in a manner that does not endanger the health or safety of any person using the land; and
  - b. carry out any safety direction that is given to the permit holder by Council; and
  - c. not wilfully or recklessly interfere with anything provided in the interests of health and safety at the premises.
23. Any identified or unapproved damages to Council assets (i.e. street furniture, lights, bollards, trees, vegetation, hard surfaces/pathways) will require remediation to Council's satisfaction at the permit holders expense.

#### **Additional conditions for Footpath Dining**

- 24. Dining tables are permitted for use within the FTA for dining purposes only and must be wholly contained within the FTA, including occupied chairs.
- 25. The permit holder must provide adequate toilet facilities, including a disabled toilet, which must be open and available at all times, in accordance with Council planning conditions.
- 26. Footpath trading must not adversely impact community health or create a nuisance, which will be evidenced by meeting the following requirements. The permit holder must:
  - a. keep the site free of pests and vermin and remove conditions offering harbourage for pests and vermin; and
  - b. ensure, if dogs are acceptable to the permit holder, that they are suitably located so as not to constitute a nuisance.
- 27. The permit holder must hold a current Food Business Licence with Council, unless the permit holder is otherwise exempt by the *Food Act 2006*.
- 28. Permitted items must be consistent with identified Noosa design principles, including natural colouring and fit with the amenity of the streetscape.
- 29. Written approval for the use of umbrellas must be sought from Council, noting the following applicable conditions:
  - a. Approved removable umbrellas must be a minimum height from the surface to the underside of an umbrella of 2 metres; and
  - b. Approved umbrellas must be of a suitable design to ensure they do not endanger patrons, pedestrians and cyclists, at any time; and
  - c. Umbrellas **MUST NOT** overhang the area between the FTA and the kerbside; and
  - d. Permanent umbrellas are only allowed when approved by Council in writing (see infrastructure requirements).
- 30. Branding of umbrellas, flags or cafe barriers is not allowable under a permit.
- 31. Written approval for the use of retractable awnings must be sought from Council. The following conditions are applicable:
  - a. Approved awnings must have all required development approvals in place (e.g.) planning, building); and
  - b. Approved awnings must be a minimum height from surface to underside of the awning of 2.4 metres; and
  - c. Approved awnings must be of a suitable design to ensure they do not endanger patrons, pedestrians and cyclists at any time; and
  - d. Awnings must be retracted at the close of business each day.
- 32. Where a complaint is received by Council in respect of noise generated from the FTA, Council may require the operator or site management entity to:
  - a. Have a suitably qualified acoustic consultant undertake a Noise Impact Assessment (NIA) in accordance with the *Environmental Protection (Noise) Policy 2008*. The NIA report must be submitted to Council for endorsement, which outlines the findings and recommendations of the NIA. The recommendations must be implemented and may include a reduction to the operating hours.
- 33. Council may restrict the hours of use of a permit in order to address noise associated issues or complaints.