



Blackall-Tambo
Regional Council

Footpath Policy

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Policy Number: Stra11

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Chief Executive Officer
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Contents

1 RESOLUTION4

2 VALUE STATEMENT4

3 PRINCIPLES5

4 SCOPE5

5 FEES AND CHARGES.....6

6 DEFINITIONS6

7 FOOTPATH TRADING6

8 REPAIRS & MAINTENANCE7

- Identification.....8
- Evaluation.....8
- RECTIFICATION8

9 RISK MANAGEMENT9

10 MONITORING AND ENFORCEMENT9

11 GENERAL CONDITIONS11

- 11.1.2 Obstruction of Footpath.....11

12 GUIDELINES FOR RETAIL DISPLAYS.....13

13 LICENCE CONDITIONS SPECIFIC TO SANDWICH BOARDS15

14 GUIDELINES FOR OUTDOOR SEATING17

- 14.5.1 Umbrellas18
- 14.5.2 Menu display boards and potted plants18
- 14.5.3 Permanent structural barriers19
- 14.5.4 Temporary structural barriers19

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 2 of 34
--------------------------	---	---	--------------



14.5.5 Heating Devices..... 19

**15 GUIDELINES FOR STREET APPEALS AND CHARITY FUNDRAISERS
21**

16 GUIDELINES FOR STREET PERFORMANCE AND BUSKING24

16.6.1 Acceptable locations and times26

16.6.2 Maintaining access27

16.6.3 Sound performances.....27

16.6.4 Squatting or holding a pitch.....27

16.6.5 Seeking audience donations28

16.6.6 Liability28

16.6.7 Complaints.....28

17 ADDITIONAL REFERENCES29

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 3 of 34</p>
---	--	--	----------------------------



FOOTPATH POLICY

1 RESOLUTION

06/05A/16

2 VALUE STATEMENT

Footpaths are an integral part of the town environment and the types of uses allowed on the footpath have a direct impact on the vitality, amenity and safety of the town.

The primary use for footpaths is for pedestrian movement. Footpaths are also used for a variety of other activities such as outdoor café seating and street performances. These activities contribute to the character and vibrancy of our public spaces, but they can sometimes interfere with safe and efficient pedestrian movement.

The Footpath Policy provides guidelines for activities which may be licensed on the BTRC footpaths.

The Footpath Policy provides a balanced framework to ensure safe and efficient pedestrian movement on footpaths whilst also providing opportunity for non-pedestrian activities. The Policy guides:

- the prioritization of footpath space for pedestrian activity
- conditions for the licensing of non-pedestrian activities on footpaths
- the use of temporary footpath obstructions such as sandwich boards and seating.

It is essential to provide uncluttered walkways which facilitate safe movement and enhance the legibility and clarity of the street environment. This means preserving footpath space for public rather than private or commercial uses and ensuring that a legible path is kept free in accordance with these guidelines that take into account the needs of the public, particularly those who are visual and mobility impaired.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 4 of 34
---------------------------------	---	---	---------------------



3 PRINCIPLES

The following principles shall apply when considering activities on footpaths:

- The Councils decisions on licensing activities on footpaths should be reflective of its strategic vision for the town.
- Pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in the Blackall-Tambo Region and to encourage more people to walk as their primary transport mode where possible.
- BTRC streetscapes should be vibrant, safe and attractive, and when setting any rebate Council will consider how a proposed activity might positively contribute to achieving this principle.
- BTRC streetscapes should provide opportunities for pedestrians to participate in the public environment through leisure, retail, recreation and entertainment activities.
- Businesses, groups and individuals should be encouraged to use BTRC footpaths for non-pedestrian movement. They are responsible for managing these activities in accordance with Council guidelines, relevant legislation and standards, including for health and safety, and advertising.
- Council will consider how a proposed activity might negatively impact on the amenity of the proposed area, with special regards to noise levels. The proposed activity must comply with any conditions set by Council, and, if required, land use consent must be obtained. A land use consent is likely to be required for any commercial activity in a residential area.
- Private initiatives that introduce changes to paving or permanent street features (e.g. barriers) for amenity purposes will generally not be approved.
- Council should have a balanced parking provision that takes into account the Councils long-term strategic goals for transport in the town.
- Fees shall be reviewed annually and generally set on a full cost-recovery basis.

4 SCOPE

The Footpath Policy guidelines provide conditions for approval for the following licensed activities involving temporary obstructions on public footpaths:

- Retail stands
- Sandwich boards, and other temporary obstructions such as welcome mats and menu boards
- Outdoor seating and street furniture
- Street appeals and charity fundraising stalls
- Street performances and busking
- Works on roads (other than Councils)

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 5 of 34
---------------------------------	---	---	---------------------



5 FEES AND CHARGES

Fees will be set in alignment with the Councils revenue and financing policy which requires that the costs of this policy, including enforcement, will be fully recovered from Licence fees. Licence fees are expected to include the costs of:

- Licensing
- Monitoring and enforcement
- Administration.

The Council reserves the right to provide a rebate against fees in special circumstances in recognition of particular contribution to streetscape vibrancy made through investment by a business in a public space. Such investment would always be undertaken in strict co-ordination with the Council.

The Council reserves the right to set at zero, the fees for some licensed activities, including:

- Street performance and busking
- Street appeals and charity fundraising.

The Licence applicant must pay in full any Licence fee and have all the required approvals before the Licence will be issued.

6 DEFINITIONS

Public footpaths are defined as ALL footpaths, shared paths, separated paths and shared zones necessary for public access, operating full-time or part time, within the care and control of the Blackall-Tambo Regional Council.

7 FOOTPATH TRADING

Footpath trading is a privilege, not an entitlement. The Blackall-Tambo Regional Council aims to achieve a balance between public and commercial uses through the provision of effective guidelines.

The predominant commercial footpath object is the A-Frame sign, used by retailers to advertise their goods and services. From a commercial perspective, the primary purpose of these signs is to attract business for the retailer. Uncontrolled commercial use of public footpaths can lead to footpath congestion, compromising public accessibility and safety, particularly for those with impaired vision or mobility.

Existing items for public use including public signage, street trees, seats, rubbish bins, drinking fountains and light poles take precedence over commercial uses of footpaths. These items are carefully located for the benefit of the public and will not normally be removed or relocated to accommodate privately owned objects on footpaths. Commercial uses must not limit the public use of the footpath or

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 6 of 34</p>
---	--	---	----------------------------



impede access to public seating, drinking fountains, bicycle parking, or major pedestrian crossing points.

Objects placed on footpaths for commercial purposes should:-

- Be located in a way to ensure a safe passage, consistency, and legibility, for all pedestrians;
- Not obstruct pedestrian flow or compromise access to pedestrian ramps (kerb ramps);
- Not compromise the safety of users of adjoining buildings by restricting access or adding unreasonably to fire potential;
- Be located directly between the business frontage and the nearest kerb;
- Not obstruct access to infrastructure or permitted activities, such as parking, public transport stops, loading zones, outdoor dining or building entrances;
- Not obstruct access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, telephone booths and post boxes; and
- Not obstruct visibility for footpath users;
- Be designed, constructed and maintained in a manner that minimises hazard for those using the footpath;
- Only be displayed on the footpath during the hours that the relevant business premises are lawfully open to the public, and must be removed outside trading hours to allow for industrial cleaning of the footpath (with the exception of planter boxes); and
- Only depict material that advertises or promotes the relevant business or the goods or services available within the relevant business.

8 REPAIRS & MAINTENANCE

Defect means any form of failure in the footpath surface, including raised pavement, cracking and other irregularities.

Damage to community paths mainly arises from aging infrastructure, vehicle overrun or environmental factors such as tree roots.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 7 of 34
--------------------------	---	---	--------------



If a complaint from the public relating to trip hazards or falls is received by telephone, letter or email to a Customer Service Officer, they will direct the complaint to the attention of the Chief Executive Officer or directly to the Manager of Works.

The stages of implementation are summarised as follows:

1. Identification
2. Evaluation
3. Rectification

- IDENTIFICATION

The frequency of programmed inspections of a section of pathway is related to its category of risk and classification. Inspections will be carried out not less than:

- Classification Zone 1 – Every Six (6) Months
- Classification Zone 2 – Every year

Natural Disaster events such as a floods, earthquakes, 100 year storms, major fires, or construction activities, may warrant an unscheduled inspection at the discretion of Council.

If Council has not already identified potential footpath hazards, members of the public need to report their concerns or injuries to Council, upon which an unscheduled inspection is to be carried out.

- EVALUATION

The severity of the footpath hazard is based on the height of the trip hazard between consecutive footpath slabs and the frequency of pedestrian use. Evaluating associated risks is measured using the Risk Rating Table (outlined below in Section 9).

- RECTIFICATION

Sites with considerable displacement heights would require either removal and replacement or grinding. Where the displacement between footpath slabs is small and the slabs are in good condition with no visible signs of cracking, it may be possible to grind the higher slab using a concrete grinder until it matches the adjoining slab.

NOTE: High Priority repair areas are to be barricaded or made safe whilst rectification works are being arranged. The Risk Assessment Table (outlined below in Section 9) indicates the appropriate level of ‘Service Response Time’ in respective to risk ratings.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 8 of 34
--------------------------	---	---	--------------



9 RISK MANAGEMENT

Council may require clearances or movements of footpath objects in order to allow for safe access, servicing and maintenance of items, and to provide access along the footpath for pedestrians.

The Council reserves the right to require an object to be relocated or removed, if in the opinion of an authorised Council Officer:-

- There is any hazard or obstruction or there is likely to be a hazard or obstruction arising from the location of the object(s); or
- Removal is considered necessary to facilitate occasional events such as road or footpath works and maintenance, festivals etc.

The hazard/ risk score of identified defects will enter the works maintenance planning phase and required appropriate actions to the required levels of service. Response times are outlined in the following table:

Risk Assessment Score Range	Risk Rating	Action	Level of Service Response Time
1.0	Low	Consideration of action and planning efficient response	Include in following years program if needed.
2.0	Low-Medium	Program into maintenance works	As resources permit within six (6) months
3.0	Medium	Initial make safe Program into maintenance works	Within four (4) weeks
4.0	High	Make safe immediately – repair or replace	Isolate from public within four (4) hours and/or repair within 24 hours.

10 MONITORING AND ENFORCEMENT

10.1 Monitoring

Businesses, individuals and groups are responsible for managing activities on the footpaths in accordance with the relevant policy guidelines for their activity.

The Council will monitor non-pedestrian footpath activities regularly to ensure that the activities are being operated in compliance with the licence conditions;

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 9 of 34
--------------------------	---	---	--------------



including those for street performance and busking, and that no unauthorised activity is occurring in public places.

10.2 Non-compliance with licence conditions

The Council reserves the right to revoke a footpath licence or lease for non-compliance issues. The standard protocol for non-compliance is as follows for businesses, individuals or groups that have permission to conduct activities outlined in this policy:

1. If a licence holder does not comply with the conditions of this policy, the Council will, on the first occasion:
 - Provide information to ensure all parties know what is required
 - Verbally notify the business, individual or group of the issue and provide a warning of the consequences of future infringement.
2. For a second infringement, the Council will provide a written second warning of the business, individual or group identifying the issue(s), required remedy and timeframe, and consequences of future infringement.
3. For a third infringement, the Council will take appropriate action, selecting from such options as revocation of the footpath licence and confiscation of items located on public space.

Safety considerations remain paramount, and officers retain the option of requiring immediate action in the event of an operator creating a risk to safety.

10.3 Non-licensed activities

Businesses, individuals or groups that conduct private, non-pedestrian activities on footpaths or other public spaces without a footpath licence will be asked to stop and be requested to remove any items located on the footpath. They will receive a written warning from the Council and be invited to apply for a licence.

10.4 Confiscations

If the party continues to infringe without a footpath licence, the Council reserves the right to confiscate any items placed on public places. Any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this policy.

The Council may dispose of confiscated property in accordance with legislation.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 10 of 34
---------------------------------	---	---	----------------------



11 GENERAL CONDITIONS

This section contains conditions which apply to all footpath license applications. The following sections set out additional conditions for particular types of activity.

11.1 Pedestrian priority

The primary purpose and priority use for footpaths is safe and efficient pedestrian movement, including ‘eddies’ where pedestrians can stop or stay, for a chat or a rest. Activities and obstructions that interfere with pedestrian flows can create pedestrian congestion and safety hazards. The Council requires that minimum continuous unobstructed footpath widths are maintained to ensure that pedestrian priority and safe and efficient pedestrian movement is upheld.

The Council will grant licences against the guidelines herein for non-pedestrian activities that will bring life and atmosphere to locations in the city. Factors that could be considered when determining locations for non-pedestrian footpath activities include:

- Preservation of the designated continuous, uninterrupted footpath widths, and safe and efficient pedestrian movement
- Pedestrian priority. Other than for retail displays, pedestrians will generally have priority along building frontages and under verandas spaces, with design elements, such as seating, sited on the kerb-side if space allows
- Maintenance of safe and efficient pedestrian flows
- Secondary functions of the location, such as bus queuing.

The Council reserves the right, at its sole discretion, to vary the unobstructed footpath widths set for a particular area.

11.1.2 Obstruction of Footpath

Obstruction of footpath impacting on free flow of pedestrian traffic or of weight or size impacting on services, utilities, Council reserves the right to request removal within a 7 day period and if the obstruction is not removed within this time frame, Council will remove the obstruction and impound with costs being charged to the property owner.

10.1.2.1 Commercial Business

Commercial businesses are responsible to maintain the footpath in a clean and tidy state at all times including sweeping and hosing to maintain hygiene and visual standards. Council will provide general cleaning as scheduled maintenance, however this is not on a daily basis. Hence the business house

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 11 of 34
--------------------------	---	---	---------------



fronting the footpath has the daily responsibility. Major capital or hazards will be the responsibility of Council unless otherwise stated.

11.2 Licence Period

Licences for retail stands, sandwich boards and outdoor seating are valid for one year, unless stated otherwise on the licence.

Street appeals and charity fundraising stalls are valid for the approved appeal week.

Street Performance Licences are valid for 6 months.

11.3 Noise Level

Council will consider how the proposed activity might adversely impact on the amenity of the area, with special regards to noise levels. As a guide only, noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres, horizontally or vertically, from where the performance is taking place.

11.4 Marking of areas

It is the licensee's responsibility to reasonably ensure that any items placed on the footpath remain in their designated locations, including if shifted by wind or patrons.

Areas for approved temporary obstructions, such as seating or retail displays, may be required to be marked, as stipulated by the Council. This will help to ensure that furniture remains in the approved area, and assist licence holders and Council officers with monitoring.

The Council will be responsible for determining the level of delineation required, and will also manage the design, installation and removal of all markers. The markers must remain in place throughout the duration of the footpath licence. All furniture, including umbrellas and plants, must be kept strictly within the boundaries of the approved seating area. The cost of installing, maintaining and removing outdoor seating markers will be met by the licensee.

To assist in the detection of approved areas and of temporary obstructions by people with visual impairments, tactile markers or solid barriers may be required as part of the design.

11.5 Storage

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 12 of 34
--------------------------	---	---	---------------



All temporary obstructions, including sandwich boards seating, heaters, umbrellas and planters, must be removed from the footpath outside of the businesses trading hours and stored away from the public area.

11.6 Evidence of holding a licence

For retail displays and outdoor seating, the footpath licence and approved site plan must be displayed in the licensed area, or in the business’s window, so that it is visible at all times.

For sandwich boards, the licence sticker must be displayed on the board at all times, and the licence produced on request by an authorised person.

Street appeal collectors, and charity stalls, must be clearly identifiable and display the name of their organisation and the appeal. This is often done with a badge, tag or a pull-over bib. For collections, the organisation must have a licence and, in their application, provide a contact person who is readily available throughout the collection period. Stall holders must carry their licence and have it ready to show on request.

At all times whilst performing, street performers and buskers must have their Street Performance Licence, and Special Street Performance Permit for each performer where appropriate, on display or ready to show if asked by any Council officer or member of the public.

11.7 Variation of conditions

The Council reserves the right, at its sole discretion, to decline an application for over-riding factors relating to the principles of this policy, including pedestrian safety, density and flow requirements. Where an application may otherwise meet the necessary conditions but is still to be declined, officers will endeavor to work with applicants to explore suitable alternatives, if available.

The applicant must comply with the conditions of the footpath licence as detailed in these guidelines. The Council may revoke the footpath licence at any time if the conditions of the approval are not being sufficiently met.

The Council also reserves the right to vary the footpath licence at any time if it is in the public interest to do so, including in response to factors such as changes in pedestrian patterns. Reasonable notice will be provided to the licensee in such a situation.

12 GUIDELINES FOR RETAIL DISPLAYS

12.1 Introduction

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 13 of 34
--------------------------	---	---	---------------



Retail displays are used by businesses to help increase sales and attract customers into shops. They are deemed to be an extension of the retail display inside the shop.

High quality retail displays can enhance the variety and vitality of building frontages, depending on their appearance and location. The quality of the appearance of building frontages facing the footpath is an extremely important factor for the quality of an urban area.

If retail displays are not properly managed they can create obstacles for pedestrians and impede pedestrian flows. Licensed display areas must consider the space required for the display stand and the space required for access to the stand.

12.2 Purpose and Scope

These guidelines outline the conditions for approval of retail displays. They apply to all businesses that want to put retail displays on the footpath. They should be read in conjunction with the rest of the Footpath Management Policy Guidelines.

12.3 Licences

- Businesses without a ‘Business Use On Footpath’ Licence will not be permitted to display goods on the footpath
- Retail displays will only be licensed on footpaths or other pedestrian spaces and are not permitted on the road including parking spaces, loading zones, bus stops and taxi stands. Additional restrictions may be applied adjacent to bus stops, taxi stands or disability parking spaces.
- No goods for sale may be left directly on the footpath. All goods must be completely constrained within the display cabinet, rack or frame, such that they can be easily removed from the footpath if required, without causing any damage to the footpath.
- Retail display licences do not supersede other regulations or policy, such as this policy, and requirements for health and hygiene.

12.4 Size, location and design of retail stands

- Retail displays shall be placed on the footpath in the designated location immediately in front of the retail outlet.
- All display goods must be elevated from the ground, on a plinth, podium, frame, table or rack, for example.
- Retail displays shall be of high quality, tidy, stable and wholly contained within the display area, to the satisfaction of the Council.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 14 of 34
--------------------------	---	---	---------------



- Retail displays must comply with legislation with respect to:
 - Stability and safety
 - Having no sharp ends or protrusions that may create an obstacle or a safety hazard for pedestrians
 - Having a solid feature within 150mm of the ground
 - Access to goods. For access from a wheelchair, the maximum distance from any display end must be not more that 500mm.
- If the display must be accessed from the footpath side, at least 500mm must be allowed for this, outside the designated unobstructed footpath width.
- Retail display stand may extend up to 800mm from the building façade, where the combined required unobstructed footpath width and customer access room still allows sufficient space for this.
- In line with fire regulations, neither the retail display nor requirements for access to the displayed items, such as from a wheelchair, may obstruct access to or egress from the premises, or access to panels for fire alarms, fire hydrants or sprinkler systems.

12.4 Business responsibilities

- Blackall-Tambo Regional Council accepts no responsibility for the security of items on display.
- Retail displays containing food must comply with all aspects of the Food Act 2006, or any subsequent legislation that may replace these regulations.
- Retail displays must comply with relevant Advertising Standards Authority requirements.
- Businesses are responsible for cleaning the retail display area and its immediate surroundings, including by regular sweeping.
- Retail displays must be removed from the footpath outside of the businesses trading hours.

13 LICENCE CONDITIONS SPECIFIC TO SANDWICH BOARDS

13.1 Business responsibilities

Sandwich boards may be licensed on public footpaths in locations in the region where the pedestrian priority principle has been applied and sufficient footpath width remains available. Sandwich boards are used by businesses to help increase sales and attract customers into shops, but if they are not properly

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 15 of 34</p>
----------------------------------	---	---	----------------------



managed they can create obstacles for pedestrians and impede pedestrian flows. Depending on their appearance and location, sandwich boards can affect the quality, vitality and variety of building frontages.

13.2 Purpose

These guidelines outline the conditions for approval of sandwich boards. They should be read in conjunction with the rest of the Footpath Management Policy Guidelines.

13.3 Scope

These guidelines apply to all businesses that want to put a sandwich board on the footpath or other pedestrian area. Flat magazine advertisements and other displays that sit flush against the building façade do not require a licence.

Potted plants, welcome mats, and menu display boards of non-flat design for use out of an approved seating area will be considered as for sandwich boards and be licensed by the Council. The Council may require marking of the approved locations for such items.

The Council may work with collections of businesses that lack visibility from the street to find suitable alternatives for on-street signage, or consider requests for alternative locations and types of signage, where it considers, as its sole discretion, that this will contribute to the achievement of the Councils goals. This may include the installation of a single, permanent, collective display sign that lists the names of businesses located in off-street locations.

13.4 Location of sandwich boards

- Sandwich boards displayed on the footpath shall be limited to one per retail premise.
- All sandwich boards shall be placed on the kerb edge of the footpath adjacent to the relevant premises, unless otherwise approved by Council. Sandwich boards should be positioned in line with other obstructions, such as other sandwich boards. Generally, to reduce any risk of impact for visually impaired pedestrians, the flat face of the board should be parallel to the road. In line with fire regulations, the sandwich board must not obstruct access to or egress from the premises.
- No sandwich boards shall be approved adjacent to bus stops, disability parks, taxi stands or street furniture without prior written approval from the Council.
- The licence holder is responsible for ensuring the sandwich board remains located in the designated position, including if moved by pedestrians or

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 16 of 34</p>
----------------------------------	---	---	----------------------



wind. Sandwich boards must be removed from the footpath outside of the businesses trading hours.

14 GUIDELINES FOR OUTDOOR SEATING

14.1 Introduction

High quality temporary outdoor seating can add to the vibrancy of streets and other public spaces if well designed and located. Outdoor seating contributes to BTRC’s sense of place and provides the public with an enjoyable leisure option. It can also add significant value to cafes, bars and restaurants through increased customer capacity and increased customer demand.

In general, the Council wants to encourage outdoor seating because it adds to the quality of public spaces. However, if outdoor seating is not managed well it can clutter the footpath and create obstacles for pedestrians.

14.2 Purpose and Scope

These guidelines outline the conditions for approval of outdoor seating areas on footpaths and other public spaces where food and/or beverages are served in the Blackall-Tambo region. They form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

14.3 Licensed areas for outdoor seating

These areas may include streets, malls, parks and other public spaces. Some areas, such as areas with steep footpath slopes, street corners, pedestrian crossing entrance points, elevated areas without proper safety rails, or civic or cultural areas, may not be ideal for outdoor seating. Outdoor seating may be approved on footpaths and some other public spaces where:

- It will not interfere with safe and efficient pedestrian movement and the minimum unobstructed footpath widths can be maintained.
- Local conditions are favorable to their operation.

The Council may require marking of the approved locations for outdoor seating areas.

14.4 Layout of outdoor seating areas

The licence holder is responsible for ensuring that patrons keep the outdoor seating within the approved boundaries of the outdoor seating area.

All outdoor seating should be located adjacent to the licence holder’s premises, within the width of their building frontage. Outdoor seating may be under veranda

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 17 of 34
--------------------------	---	---	---------------



cover where pedestrian priority has been provided for and sufficient room remains available. Alternatively, the Council may request a modification to the proposed outdoor seating area to achieve the right balance of unobstructed pedestrian walkway and outdoor seating covered by veranda space.

The layout and orientation of furniture in the proposed seating area must allow for:

- Unobstructed access to and from the premises in accordance with the fire evacuation requirements
- Sufficient space for easy movement throughout the seating area and for chair use
- At least 0.8m to the adjacent kerb line to ensure safety of patrons.

Outdoor seating will not be permitted on street corners with pedestrian crossings or near entry points of designated pedestrian crossings.

14.5 Design elements

Each outdoor seating furniture element to be located within an approved area is deemed to constitute a temporary obstruction. This may include, but is not limited to, tables, chairs, menu boards, umbrellas, heaters, potted plants, and barriers or “fences”.

Such design elements should be high quality, durable, waterproof and weather resistant, designed for outdoor use and well-maintained. Outdoor furniture should integrate well with the surrounding environment and must be safe and comfortable. The design of all elements must be approved by the Council.

14.5.1 Umbrellas

Umbrellas must not penetrate or damage the surface of Council footpaths and must not interfere with pedestrian movements.

They must be securely fixed to withstand the effects of wind, and removed in high winds or when the outdoor seating is not in use.

14.5.2 Menu display boards and potted plants

Where menu display boards or potted plants are included in an approved seating area plan, they can be used only in the approved area. Sandwich boards used for advertising are not permitted in outdoor seating areas.

For menu boards outside of a seating area, those that sit flush against the building façade require no permit. Potted plants and menu display boards of non-flat design for use out of an approved seating area will be considered as for

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 18 of 34
--------------------------	---	---	---------------



sandwich boards and must be licensed by the Council. The Council may require marking of the approved locations for such items.

14.5.3 Permanent structural barriers

Outdoor seating areas should be open, accessible and inviting to the public. Therefore, permanent glass barriers, screen barriers, planter boxes or other permanent barriers are generally not permitted on Council footpaths or public spaces. However, the Council will consider the necessity of installing permanent barriers along the kerb line for safety reasons on a case-by-case basis. Such barriers must comply with Council design requirements and will be deemed to be part of the approved outdoor seating area. If the safety barrier is deemed necessary, the costs of installation and maintenance will be borne by the business. In addition, a bond fee may be required to cover the costs of barrier removal and footpath reinstatement at the termination of the licence.

14.5.4 Temporary structural barriers

All temporary barriers in outdoor seating areas must be approved by the Council. The Council may consider proposals for the use of temporary barriers to separate adjoining outdoor seating areas and pedestrian thoroughfares. This may include temporary planter boxes, temporary screens or ropes. Temporary screens must be located within the approved outdoor seating area and must be removed from the public area when the outdoor seating area is not in use. The Council will not approve temporary barriers that negatively affect the quality of public spaces either through aesthetic values or safety, to the satisfaction of the Council.

Temporary planted boxes must be well maintained by licence holders and the Council reserves the right to order the removal of planter boxes that are not properly maintained.

14.5.5 Heating Devices

The Council does not consider outdoor heating to be an efficient use of energy and does not encourage its use.

The type and proposed location of any heating devices must be included in footpath licence applications. Permanent heating devices that are fixed into the footpath will not be permitted.

Temporary heating devices must:

- Turn off automatically if overturned
- Be securely fixed and stable to withstand the effects of wind
- Not penetrate or damage the surface of Council footpaths

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 19 of 34
--------------------------	---	---	---------------



- Not interfere with pedestrian movement
- Be removed when outdoor seating is not in use, and in extreme wind conditions
- Have sufficient clearance from umbrellas and verandahs
- Be of a design approved by the Council and be well maintained.

14.6 Monitoring and maintaining outdoor seating areas

Licence holders are required to continually monitor and maintain the outdoor seating area, to the Council's satisfaction. This includes:

- Ensuring that outdoor furniture and patrons stay within the approved outdoor seating area
- Maintaining outdoor furniture to a high aesthetic standard
- Providing ashtrays for tables if smoking is allowed in the area
- Cleaning the approved seating area throughout the opening hours including:-
 - Tables, chairs and immediate footpath surrounds
 - Cigarette butts from ashtrays and footpath.
- Meeting their responsibilities under the Sale of Liquor Act 1989 and the Council's Liquor Licencing Policy.

When cleaning, licence holders must dispose of rubbish in their own bins. Licence holders are not permitted to dispose of rubbish in council litter bins or sweep cigarette butts and litter from outdoor seating on to the footpath, kerb channel or street.

14.7 Toilet facilities

Applicants must have adequate toilet facilities to cover both indoor and outdoor seating numbers. Inclusion of outdoor seating increases the total number of seats on the premises and an increase in toilet facilities may subsequently be required. Alternatively, applicants can remove indoor seating in preference for outdoor seating if increasing toilet facilities is not a viable option.

14.8 Lighting

All approved outdoor seating areas must provide adequate lighting, to the Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 20 of 34
--------------------------	---	---	---------------



14.9 Footpath widening requests

The Council occasionally receives requests to widen the footpath in areas where there is insufficient room to accommodate outdoor seating. Businesses that are interested in footpath extensions to accommodate outdoor seating need specific approval from the Council.

Any consideration of footpath widening project will be informed by relevant strategy and policy developments including transport and urban design initiatives.

14.10 Special licences for footpath usage

The Council allocates special licences for footpath usage, under the Footpath Management Policy, for major events such as sporting events, holidays and other special occasions. Licences may cover seating, tents and other related temporary obstructions. Any business or organisation that is interested in using the footpath for a special occasion must receive permission from the Council. Licences are not permanent and businesses and organisations must reapply for permission for each event. Businesses must provide detailed plans for each application for a special licence.

The Council requires that at least 1.2 metres of footpath space is maintained for pedestrian thoroughfare for these licences, but generally greater width is needed to provide for sufficient safe pedestrian flow. A traffic management plan may also be required to demonstrate how pedestrian and vehicle flow is to be managed. The Council may place additional conditions on a licence such as safety barriers, signage, or ramps for pedestrian passage across kerbing.

15 GUIDELINES FOR STREET APPEALS AND CHARITY FUNDRAISERS

15.1 Introduction

Street appeals and charity fundraisers are coordinated and organized events by organizations that ask for, or seek, any subscription, collection or donation from members of the public. Street appeals will usually involve more than one collection person and location operating at the same time.

The Council wants to support organizations with their annual street appeals, and with charity fundraisers, in a managed way to minimise conflict with other activities on public spaces such as pedestrian movement and retail activity. The conditions for conducting street appeals and charity fundraisers in the Blackall-Tambo area are set out below.

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 21 of 34</p>
----------------------------------	---	---	----------------------



15.2 Purpose and scope

These guidelines outline the conditions for approval of street appeals and charity fundraiser on footpaths and other public spaces in the Blackall-Tambo area. They form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

15.3 Conditions for street appeals

The Council wants to provide the opportunity for all eligible organisations to conduct an annual street appeal. To be eligible to hold a street appeal in Blackall or Tambo, organisations must be a legally constituted, non-profit making society, association or organisation.

The Council will send out application forms to organisations on the Council’s street appeal register in May each year so organisations can request specific dates. Once all applications are received, the street appeal dates will be confirmed by the end of August. The Council will set the annual appeal dates at its discretion, endeavoring to spread street appeals evenly across the year, and will try to accommodate the needs of all organisations. Special consideration may be given to organisations that have designated national street appeal dates. Organisations should be aware that they may not be guaranteed their first choice of street appeal date as some dates are in high demand.

Organisations that are interested in being placed on the Council’s street appeal register or that want to set up a street appeal outside of the standard application process should contact the Council.

As a courtesy to the Council, organisations that intend to cancel an annual street appeal should notify the Council at least two months prior to the date so that the date can be re-allocated if possible. Organisations that cancel more than two annual appeals consecutively may be deleted from the Council’s street appeal register.

The following conditions apply to organizations conducting street appeals:

- Organisations will not be licensed for more than one appeal date per year;
- Street appeals must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas. The Council may set additional specific safety requirement conditions. If the street appeal impacts on traffic flows or parking spaces, other permissions may be required from the Council;
- Collectors must not block the entrances to businesses, residences or public building;
- Collectors must be clearly identifiable and display the name of their organization and the appeal. This is often done with a tag or a pull-over

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 22 of 34
--------------------------	---	---	---------------



bib. The organization is responsible for the promotion and identification of its collectors;

- Organizations wishing to employ a promoter to conduct a lottery on their behalf must apply for a licence form the Department of Internal Affairs to conduct this activity;
- All collection areas must be left clean and tidy.

15.4 Conditions for charity fundraiser stalls

Charity stalls selling raffles, handcrafts and confectionary items are approved by the Council on a case by case basis. The Council is generally supportive of charity fundraisers.

The following conditions apply to charity stall fundraisers:

- The stall must be for a registered non-profit organization;
- Charity stalls must not obstruct safe and efficient pedestrian flows on footpaths and other pedestrian areas;
- Charity stalls must not block the entrances to businesses, residences or public buildings;
- If the charity fundraiser impacts on traffic flows or parking spaces, other permission may be required from the Council;
- Charity stalls should clearly display the name of the collecting organisation and the charity, and carry their licence ready to show on request;
- Fundraising areas must be left clean and tidy;
- Stalls are generally only approved for the following areas:
 - **Shamrock Street, business area**
- Organisations that run a lottery or raffle as part of their fundraising, or employ a promotional company to do so, may require a licence issued by the appropriate authority. If a licence is needed, a copy must be included with the application.
- The Council may place additional special conditions on charity fundraiser stalls.

15.5 Applying for a street appeal or charity fundraiser stall licence

All organizations or groups wanting to hold a street appeal or to set up a charity stall in a public space must first complete an application form and receive Council approval.

There is no fee for this licence.

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 23 of 34</p>
----------------------------------	---	---	----------------------



The application must include:

- Evidence of the organisation’s legal structure and non-profit status (for the first application only)
- The proposed date of the street appeal or fundraiser stall, and that for any relevant national appeal of their organisation. Street appeals can be conducted on any day of an allocated week
- An estimate of the number of collectors and a summary of proposed collection location(s)
- A copy of any other licence required, such as from the Department of Internal Affairs.

16 GUIDELINES FOR STREET PERFORMANCE AND BUSKING

16.1 Introduction

Buskers and street performers help to enhance the area’s reputation as energetic and interactive, cultural and entertainment inviting. The Council welcomes the opportunity to support high-quality street performances. It will take into account the needs of inner city residents, pedestrian and street performers. These guidelines have been developed to help performers, residents, pedestrians, retailers, workers and visitors understand the rules around performing on Blackall or Tambo’s streets, while still supporting a vibrant street performance culture.

16.2 Purpose and scope

These guidelines outline the conditions for approval of street performances and busking on footpaths and other public spaces in the Blackall-Tambo district. They form part of the Footpath Management Policy Guidelines, and must be read in conjunction with those guidelines.

16.3 Definitions

Busking is street performance where performers accept money from the public.

Circle acts are performances lasting 20-40 minutes that encourage the audience to stop and watch or participate in the performance.

Dangerous materials or objects are materials and objects that could be a risk, or hazard to the public and performers. Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off heat or toxicity that could harm or damage the public or the environment. Dangerous objects include whips, knives, spears, swords, spikes, chainsaws and sharp object of any kind that could harm the public or performer.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 24 of 34
--------------------------	---	---	---------------



Pitch is a site where busking or street performance takes place. The size of the pitch is set by the boundaries of equipment, props, participants or movements that are part of the performance.

Public places are places in the towns managed by Council where busking is permitted. This includes streets, footpaths, pedestrian malls, squares and parks.

Quiet performances are performances with no noise associated with the performance such as amplification, musical instruments, singing, noise-making objects or speaking in a loud voice. They can involve up to four voices at a time, if the tone is conversational.

Reasonable background noise is an assessment made by Council noise control officers when measuring the sound volume of a street performance. The assessment takes into account the location, time, day of the week, weather and traffic conditions and other activities happening in the area.

Sound performances are performances involving amplification, musical instruments, singing, other noise-making objects (such as tools, chainsaws, stick or motors), loud voices or more than four voices.

Squatting or holding a pitch occurs when a person occupies a performance site so they can perform there later. Including performance time, a pitch may be held for up to 2.5 hours in a day.

Street performance or busking is a performance in a public place, which usually involves requests for money. Performances include musical, theatrical, juggling, circus performance, pavement art, speeches, poetry or doing other acts of a similar nature in public places.

Roaming acts are performances that do not take place in a single pitch/site but involve the performer(s) moving around and mingling with the public.

Walk-by acts are spontaneous and can last much longer than a circle act and do not require the public to stop and watch.

16.4 Street performance licences

Anyone performing or busking in any public place (unless employed for an approved event) must hold a current Blackall-Tambo Regional Council Street Performance Licence. Street performances may be licensed in public places where performances do not affect public safety and do not interfere with pedestrian or traffic flow, business activity, or residential living.

Provided they are not using dangerous materials or objects, performers employed for a scheduled street event approved, or organized, by the Council (including protests, community festivals and commercial promotions) do not need a street performance licence for that event. However, organisers of street events must ensure that the street performance standards are complied with, or obtain approval for exemption from the conditions.

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 25 of 34</p>
----------------------------------	---	---	----------------------



Licences can be issued to individuals or groups. They cannot be transferred to other performers.

Street performers under twelve years of age need permission from a parent or guardian to apply for a street performance licence. Blackall-Tambo Regional Council recommends that street performers under twelve be supervised by an adult at all times when performing.

The street performance licence is designed to protect both the performers and the public. Access to a street performance licence is unrestricted unless a performer does not comply with the conditions of the licence. The Council can cancel or refuse to issue a licence for any street performer they believe is not complying with the licence conditions.

Street performance involving dangerous materials or objects requires a special street performance permit. For information on how to obtain a special street performance permit, street performers should see the Code of Practice for Using Hazardous Materials in a Street Performance, below.

16.5 Applying for a licence

Street performers can get a licence by going to the main Council Office, filling out an application form and showing proof of identity to staff. A licence will be issued straight away as long as the street performance activity complies with the relevant conditions.

Licences are free and valid for twelve months. After twelve months, street performers can apply for a new licence.

Special street performance permits are valid for three months from the date of issue.

16.6 Street performance conditions

Street performers must display, or make available to council officers or any member of the public on request, their street performance licence wherever they perform.

16.6.1 Acceptable locations and times

If a street performer is performing immediately outside retail premises, and is asked by the retailer to move on, they must do so.

Performance in the following locations can only take place with permission from the appropriate authority:

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<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 26 of 34</p>
----------------------------------	---	---	----------------------

Quiet walk-by acts and quiet roaming acts may be performed at any time and in any public place in Blackall or Tambo, so long as all street performance conditions are met.

16.6.2 Maintaining access

Street performers or their audiences must not at any time block footpaths, shop doorways (during business hours), residential doorways, bus stops, corner crossing and pedestrian crossings, or fire escapes.

Performers must ensure that wheelchair access and the following minimum unobstructed footpath widths are maintained around the site in which they are performing:-

- 1.5m

16.6.3 Sound performances

Sound performances should not reach an unreasonable level of volume and should be considerate of pedestrian and the general public. Council will consider how the proposed activity might adversely impact on the amenity of the area, with special regards to noise levels. As a guide only, noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres, horizontally or vertically, from where the performance is taking place. For detailed requirements, applicants should refer to the District Plan standards.

The following special conditions apply to sound performances:-

- Sound performances that meet all performance conditions are allowed in any public place between 7am and 9pm.
- Sound performances should be separated by a minimum distance of 50 metres.
- The Council reserves the right to place special conditions on sound condition permits such as maximum amplification for amplifiers and restrictions on drums and bag pipes.
- After 9pm, sound performances should avoid setting up within 30 metres from residences, apartments, motels, hotels, hostels or any other form of accommodation. Sound performances that receive complaints from residences or accommodation facilities may be requested to setup in different locations through a special condition on the licence.

16.6.4 Squatting or holding a pitch

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 27 of 34</p>
----------------------------------	---	---	----------------------



Access to favorable street performance pitches is to be fairly shared among buskers, to give residents, retailers and workers a variety of performance.

The maximum performance time is 90 minutes. Each performer or group of performers can occupy a site for a maximum time of 150 minutes, including no more than 90 minutes of performance, per day at any one site. Neither performance time nor site occupation needs to be continuous. The remaining 60 minutes of non-performance time is available for non-performance activities including setting up, breaks and packing down.

16.6.5 Seeking audience donations

Street performances are a valid way for people to make money but members of the public should not feel coerced to give money. Street performers can receive voluntary donations by holding a container or by placing a container on the ground. Street performers can have a written sign asking for donations and can ask the audience for donations by they cannot approach individuals for money.

Members of the public, including those with disabilities, have the right to have sufficient space to pause and enjoy a performance, or to safely pass it by. They also have the right to not give money to a street performer.

16.6.6 Liability

Street performers will be responsible for claims made against them for personal injury or property damage. Blackall-Tambo Regional Council is protected by its insurance against legal liability arising from busking and street performance activities. Buskers and street performers are not protected by the Council's public liability insurance and are encouraged to hold their own public liability insurance.

16.6.7 Complaints

If it is believed that a street performance does not comply with the Council's street performance licence conditions, a complainant can:

- Talk to the performer(s) and explain what they want them to do differently (for example, perform somewhere else or perform more quietly). Street performers have a responsibility to co-operate if complaints are received from the public.
- Ask to see the street performance licence and note the licence number so they can be contacted by the Council.
- Lay a complaint with the Council. Council operators are available during business hours.

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 28 of 34
--------------------------	---	---	---------------



- Lay a complaint with Police (if the performer is drunk, violent, indecent, disorderly or behaving offensively).

When laying a complaint about a street performance or performer it is helpful if the following information is provided:

- The complainant’s name and contact details;
- The performer’s name and licence number;
- The time the performance started;
- The type of performance;
- The objections to the performance, or an explanation of how it is believed the performance is not complying with the Council’s Street Performance and Busking Policy.

Once a complaint is received, a Council officer will investigate and take action as appropriate.

16.7 Guidelines for organising street events

The following guidelines apply to organisers of street events:

- People organising street events including parades, festivals, marches, protests and the distribution of flyers or free samples and asked to inform the Council of their intentions. This is to enable the Council to share information about traffic management, potential risks to pedestrians or clashes with other activities;
- If the event includes performance, the performers are not required to hold street performance licences as the organizers are responsible for ensuring the performance complies with the conditions in this guide. Organizers should ensure performers get a copy of the Council guidelines and make sure all performers understand the street performance conditions;
- If the organiser wants a performance that will not comply with the street performance conditions, they must obtain written permission from the Council for exemption.

17 ADDITIONAL REFERENCES

- BTRC Road Use, Classification and Design Criteria Policy
- BTRC Regulatory Fees and Commercial Charges Index
- Food Act 2006
- Business Use of Footpath Application Form
- Temporary Use of Footpath Application Form

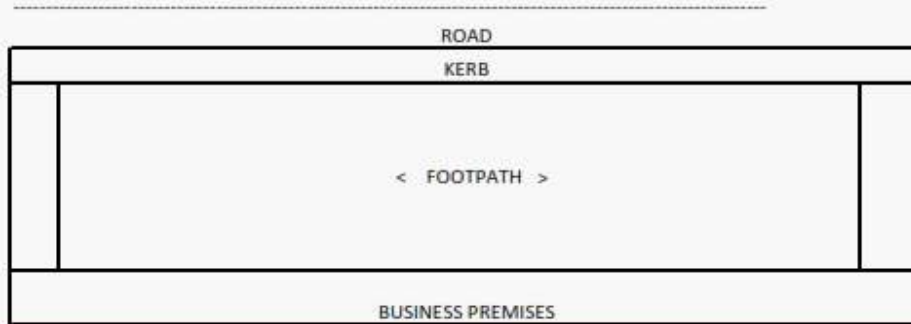
Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 29 of 34
--------------------------	---	---	---------------



Plan

On the diagram below, clearly identify:

- ~ what is the width of the footpath outside the business?
- ~ what type of obstructions are presently on the footpath outside the business? (power pole, street bin etc)
- ~ the preferred location of each item for which a permit is sought.
- ~ the clearance distance to the kerb and shop frontage etc when items are placed in your preferred locations.



Declaration

I hereby make application for a permit to display or place the above mentioned item(s) on Council land outside the above premises. I have read and understood the conditions under which a permit may be granted by the Council, and agree to abide by all of those conditions for the duration of any permit so granted. I hereby indemnify the Council against all claims made in relation to actions in using the footpath, and I have a policy of public liability for which details are provided. I declare that all the above details are true and correct.

Applicant Name:

Signature of Applicant:

Date:

OFFICE USE ONLY

Application Fee: Reg No:

Receipt Code: ID No:

Authorised Officer: Inspection Date:

Recommendation:

Date: Account Property Number:

Policy Number: Stra11	Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18	Adopted by Blackall-Tambo Regional Council	Page 30 of 34
--------------------------	---	---	---------------



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Footpath Inspection Sheet

Date	No	Street	Description of Defect	Material Type	Photo No.	Rating	Risk	Repair Details (Date/ Repairer)



Footpath Rectification Form

Location

Road Name: Side: North South East West

Between Roads: and

Nearest Address:

Work Description

Type: New

Maintenance

Length:

Width:

Material:

Description of Rectification Works (replaced section, grinding, patching etc):

Sketch:

--



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Temporary Use of Footpath Application Form

Applicants are advised to read and familiarise themselves with the BTRC Footpath Policy and respective trading guidelines prior to any formal application being made to Council. Failure to submit all required information may result in delays in processing the application or a refusal of permit.

Applicants details

Surname:	<input type="text"/>	First Name:	<input type="text"/>
Mailing Address:	<input type="text"/>		
Suburb:	<input type="text"/>	Postcode:	<input type="text"/>
Phone:	<input type="text"/>	Mobile:	<input type="text"/>
Email:	<input type="text"/>		
Registered Company Name:	<input type="text"/>		
Business Name (Trading As):	<input type="text"/>		
Business Address:	<input type="text"/>		
Suburb:	<input type="text"/>	Postcode:	<input type="text"/>
ABN:	<input type="text"/>	ACN:	<input type="text"/>
Business Type (Business/ Organisation/ Sole Trader/ Club/ Corporation/ etc):			
*Please note if the business operates as 'Not For Profit'			
<input type="text"/>			

Public Liability Insurance:

Name of Insurance Company:	
Policy Number:	Date Policy Expires:
Insured:	Amount:

Proposal Details

*Please attach additional plans to this application if required.

Description of proposed footpath activity (Street Performance/ Busking/ Fundraiser/ Stalls/ Works of Roads etc)

<input type="text"/>
<input type="text"/>
<input type="text"/>

Location:	<input type="text"/>	
Permit Start Date:	<input type="text"/>	Permit Finish Date: <input type="text"/>



Property Owners Consent

Name:

Business Name:

Address:

Contact Phone No: Mobile:

I being the owners of the property described in this application hereby consent to the above mentioned applicant making application for a Temporary Use of Footpath Licence.

Signature: Date:

Declaration

I hereby make application for a permit to temporarily use the footpath on Council land outside the above premises. I have read and understood the conditions under which a permit may be granted by the Council, and agree to abide by all of those conditions for the duration of any permit so granted. I hereby indemnify the Council against all claims made in relation to actions in using the footpath, and I have a policy of public liability for which details are provided. I declare that all the above details are true and correct.

Applicant Name:

Signature of Applicant:

Date:

OFFICE USE ONLY

Application Fee: Reg No.:

Receipt Code: ID No:

Authorised Officer: Date:

Recommendation:

<p>Policy Number: Stra11</p>	<p>Version Number: One Initial Date of Adoption: 10.05.16 Current Version Review: 10.05.16 Next Review Date: 10.05.18</p>	<p>Adopted by Blackall-Tambo Regional Council</p>	<p>Page 34 of 34</p>
----------------------------------	---	---	----------------------