Temporary Footway/Road Trading Approval Agreement

Applicants Name: ……………………………………………..

Name of Business: ……………………………………………..

Business Address: ……………………………………………..

Submit this form by emailing a scanned copy to business@bayside.nsw.gov.au

BAYSIDE COUNCIL of 444-448 Princes Highway, Rockdale (Council) hereby **GRANTS** Temporary Approval to the Applicant nominated in the Schedule for use of a public footway/road for Trading purposes based on the following conditions:

CONDITIONS OF APPROVAL

1. This Temporary Approval is granted by Council under the *Roads Act 1993* only between the following dates and times:
   - Friday, 26 May 2023 6:00pm to Sunday, 28 May 2023 8:00pm (excluding Saturday 27 May 2023, due to Greek Festival)
   - Friday, 02 June 2023 6:00pm to Sunday, 04 June 2023 8:00pm
   - Friday, 09 June 2023 6:00pm to Monday, 12 June 2023 8:00pm

2. The Applicant will always comply with and observe the provisions of all statutes, ordinances, regulations and by-laws and the requirements of any competent authority relating to the Applicant's existing approvals, licences, and requirements.

3. The Applicant is required to comply with any direction from the Council or TfNSW relating to the use of the approved Temporary Footway/Road Trading Zone.

4. If the Applicant is in breach of any condition of this Temporary Approval Agreement the approval may be terminated.

5.   This Temporary Approval Agreement must be kept at the premises and be easily accessed by Council Officers when requested.

6.   This Temporary Approval is granted in conjunction with the Applicant's business premises and will terminate if those premises cease to be operated by the Applicant.

7.   The applicant shall have and maintain public liability insurance. Cover of $20 million is required for TfNSW classified roads.

8.   The temporary approved Footway/Road Trading Zones are identified by the installation of markers on the footway/road.

9.   The applicant must adhere to Bayside Council's Footway Trading Policy. A copy of Bayside Council Footway Trading Policy and Footway Trading Guidelines can be obtained by emailing a request to business@bayside.nsw.gov.au

10. All items placed within the approved temporary Footway/Road Trading Zone (including tables and chairs, screens and windbreaks, awnings and blinds, planter boxes, umbrellas, and heaters) must not be affixed to the footway or road and must not interfere with other business operators.

11. All items of furniture must **not** be installed on Fridays until Council has declared the formally closed and safe (approx. 7pm) All items of furniture MUST be removed from the temporary trading zones at 8pm on the Sunday evening in preparation to reopen the road at 10pm.

12. The Applicant is responsible for obtaining the appropriate approval or permit, particularly those associated with the preparation, sale and consumption of food and liquor. No serving of alcohol is permitted within the temporary road trading zones.

13. The Applicant must ensure that litter or other rubbish is always cleared from the temporary Footway/Road Trading Zone. The Applicant must clean all spills from footways as soon as practicable. No glassware is permitted on the road reserve.

14. Applicants must ensure that no noise or other disturbance emanates from the temporary footway/road trading activity to cause nuisance or detriment to the amenity of the neighbourhood.

15. Smoke free outdoor areas:
    a) Smoking is not permitted in all outdoor footway/road area under the [Smoke-free Environment Act 2000.](#)
       This ban covers all forms of smoking including:
       - cigarettes
       - e-cigarettes
       - vaping
       - shisha.
    b) The business operator must ensure that smoking is not permitted by any person, at the time in and around the approved Footway Trading area
    c) Fines of up to $5,500 may apply to the business operator.

ANNEXURE 1
SCHEDULE - DISCLOSURE STATEMENT

Applicants Name: …………………………….

Name of Business: …………………………….

Business Address: …………………………….

Term of Approval: Temporary

Permitted Use: Footway & Road Trading/Outdoor Dining

Dated: …………………………….

SIGNED on behalf of **BAYSIDE COUNCIL** ………………………………………..

………………………………………. *(please print name)*

SIGNED by Proprietor or Business Manager ………………………………………...

……………………………………. *(please print name)*