

# Application for Permit to Occupy Footpath



Chief Executive  
South Waikato District Council  
Private Bag 7  
TOKOROA 3444

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**Fee:**  
**\$Nil**

## Details of Applicant

Permit Application Number:	<input type="text"/>	Valuation Reference:	<input type="text"/>
Full Name of Occupier(s)::	<input type="text"/>		
Legal Description of Property:	Lot No: <input type="text"/>	DP(S):	<input type="text"/>
Address of Property:	<input type="text"/>		
	<input type="text"/>		

## Activity to be Undertaken

Description of Activity:	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

## Conditions to Application

The following conditions shall apply if this application is approved and it shall be the responsibility of the occupier of the property to ensure the conditions are complied with

Clearway for pedestrians:	<p>A straight clearway shall be maintained over the full width of the footpath occupation at all times and in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Width of Footpath</th> <th>Width of Clearway</th> </tr> </thead> <tbody> <tr> <td>Less than 3.5 metres</td> <td>1.5 metres</td> </tr> <tr> <td>Over 3.5 metres</td> <td>2.0 metres</td> </tr> </tbody> </table> <p>Clearways between adjacent properties with pavement occupation shall be continuous.</p> <p>There shall be no fixed street furniture, eg, refuse bins, poles, signs, etc, within the width of the clearway.</p> <p>Access from vehicles parked beside the kerb to the footpath must not be obstructed.</p>	Width of Footpath	Width of Clearway	Less than 3.5 metres	1.5 metres	Over 3.5 metres	2.0 metres
Width of Footpath	Width of Clearway						
Less than 3.5 metres	1.5 metres						
Over 3.5 metres	2.0 metres						
Length of footpath to be occupied:	The length of footpath occupied shall be confined to within the frontage between the side boundaries of the property, or part of the property, on which the business is conducted.						
Type of use:	The use of the footpath shall relate directly to the business conducted on the property.						
Physical objects to be located on the occupied footpath:	<p>Any physical objects to be used or displayed on the footpath shall be located within the area of occupation, shall not create a risk of injury to pedestrians (eg, sharp, pointed or likely to trip someone) and shall be maintained in good condition and a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.</p> <p>Tables, chairs, umbrellas, etc, shall be well secured to prevent hazards in inclement conditions. Barriers may be required to separate the occupied area from the clearway and/or access.</p>						

<p>Physical objects to be located on the occupied footpath (continued):</p>	<p>All such physical objects shall be removed from the footpath at the close of business each day, unless specifically authorised and detailed in the Special Conditions applying to this application.</p> <p>The surface of the footpath shall not be broken, marked or disfigured by the occupation. Any damage to the footpath or underground services shall be made good at the occupier's expense to the Council satisfaction, whose decision shall be final.</p>										
<p>Schedule of physical objects:</p>	<p>Physical objects to be located on the footpath shall be listed in the following schedule (<i>to be filled out by applicant</i>):</p> <table border="1" style="width: 100%; height: 100%;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>										
<p>High standard of cleanliness:</p>	<p>The occupier shall maintain the area of occupation and the clearway in a high standard of cleanliness and free of litter, stains and spillage at all times at the occupier's expenses and shall prevent the spread of litter from the occupied area to the adjacent street, properties and footpath.</p>										
<p>Access to premises:</p>	<p>A clear access not less than 1.5 metres wide shall be maintained into any premises on the property at all times and shall comply with any statutory requirements for "means of egress" for the premises, as if the occupied area of footpath was part of the premises.</p> <p>Where vehicular access is required, this shall be not less than 3.0 metres wide, with safe clearances to the occupied areas.</p>										
<p>Licensed premises:</p>	<p>Where the property has premises licensed under the Health Act 1956 and/or the Sale of Liquor Act 1989 and Regulations, the area of the footpath occupied shall be deemed to be part of the licensed premises and conditions apply to the premises shall apply equally to the area of footpath occupied.</p> <p>The occupier of the licensed premises may be required to "redefine their premises" showing the occupied footpath area as part of the licensed premises and meet other requirements to demonstrate compliance with their licence, including adequate food safety capacity for any additional patrons to be provided for.</p>										
<p>Aesthetic value:</p>	<p>Each application for pavement occupation will be considered on the basis of its aesthetic value to the area, its impact on Council's infrastructural services and the likelihood of undesirable environmental effects.</p>										
<p>Application fee:</p>	<p>The Council may, from time to time, set a fee for an application for footpath occupation.</p>										
<p>Signboards:</p>	<p>The authority to erect sandwich boards and other signs is not provided for under this application. Reference should be made to the requirements of Council's District Plan.</p>										

Occupation at the pleasure of Council:	The occupation of the footpath is at the pleasure of Council and it may withdraw this authority at any time by one week's notice in writing to the occupier. In the event of non-compliance with a notice, Council may have the occupied area cleared at the occupier's expense.
Period of occupation and lapse of approval:	The authority to occupy the footpath shall continue until it is cancelled by Council by notice in writing or until the occupier of the property changes, in which case it lapses and the new occupier will need to make a fresh application if footpath occupation is desired.
Powers of entry:	The officers of Council, its contractors and any other authorised network utility operator (eg, power, telephone, gas) may enter upon the occupied area of footpath for the purpose of monitoring compliance with these conditions or carrying out authorised work at any time and may require the occupier to remove objects on the footpath to provide adequate access and safe working conditions. If the occupier is unavailable, the officers or workmen may remove the objects to a secure locality and will not be held responsible to the occupier for any damage or loss thereby occasioned.
Insurance and default:	Council has an insurance policy to cover claims for damages that may be made on account of the footpath occupation but the policy does not cover the negligence or default of the foregoing conditions on the part of the occupier. The occupier shall indemnify Council for any legal liability arising from the activity permitted and shall provide an insurance certificate with this application that verifies that an adequate insurance policy is in place.
Production of permit:	This document shall be produced by the applicant when requested by an authorised officer of Council.
Sketch of area of footpath to be occupied:	

Agreement:	I/we have read and understood the foregoing and I/we agree to accept and comply with the conditions thereof:
Signature of Applicant(s):	
Address:	
Date:	

*Two copies of this form must be completed and signed by the Applicant(s) and forwarded to the Chief Executive, together with a sketch of the area of footpath to be occupied in the space provided above.  
Enquiries should be directed to Council's Customer Service Officers in the first instance.*

**For Office Use Only**

Special conditions: The following objects may remain on the footpath overnight:		
Other special conditions:		
Checked (Planning):	Comment:	
	Signature:	
	Date:	
Checked (Health):	Comment:	
	Signature:	
	Date:	
Checked (SouthTech):	Comment	
	Signature:	
	Date:	
Approved (Group Manager Assets):	Signature	
	Date:	