

Traders Permit – Commercial Activities Guidelines

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Introduction

The purpose of these Guidelines is to provide prospective applicants with information as to the requirements of obtaining a permit for conducting commercial activities on a public place, and to provide a procedure for the management of these Permits.

The Local Law

A Permit is required to operate a commercial business on a public place. The permit is issued under the City of Rockingham's *Public Places and Local Government Property Local Law 2018*. A copy of this Local Law can be found on the City of Rockingham website at <http://rockingham.wa.gov.au/Our-city/Local-laws>.

A public place is defined under the City's *Public Places and Local Government Property Local Law 2018* as being:

- (a) A street;
- (b) Any local government property; or
- (c) A place to which the public have access.

Who Needs A Permit?

Anyone conducting a commercial business on a public place must have a Permit to do so. It is important that the City is aware of who is operating a business from City land in order to:

- manage competing uses of public open space;
- manage the impact on the asset (e.g. wear and tear of the reserve);
- ensure there is adequate public liability insurance and risk management processes in place; and
- ensure that the activation of the space is in the best interests of the City and the community.

You do not need a Permit under the Local Law if you are conducting your business on private land, or have a current lease over Council land and the activity is in line with the core function of your lease. Please note that there may be other approval processes required in these instances.

Application Process

The Permit application will be assessed in accordance with the City's Local Law. Please allow a minimum of 21 days for the application to be assessed once all the required paper work has been received. Please read the following information carefully to ensure you complete your application and submit with all the requirements.

1. Assessment of Permit Applications for activities on reserves

In determining an application, the following considerations are deemed to be essential:

- (a) the preservation of the amenity of the locality;
- (b) the preservation of public safety;
- (c) where the local government property is Crown land:
 - (i) the purpose, if any, for which the land is reserved under the *Land Administration Act 1997*; and
 - (ii) the purpose for which the land is designed, developed and used;
- (d) the protection, management and control of the local government property and assets on the local government property;

- (e) the conservation, protection and proper management of flora and fauna on the local government property;
- (f) the impact of the proposed activity on the use of the local government property by existing users (permits holders and bookings), and by the public; and
- (g) the experience and qualifications of the applicant in relation to the activity and the applicant's past performance in undertaking or managing the proposed activity or similar activities.

Once the application has been received with all the required information, the application will be assessed by City Officers to determine an outcome.

Applications that are considered controversial or significant may be deferred to Council for determination.

2. Application Requirements - what must be included in your application?

All applications must provide the following information to the City before the assessment process can take place.

- Submission of the completed permit application form;
- Site map of the requested locations;
- Copy of Public Liability Insurance cover for no less than \$10 million;
- Submission of a completed Risk Assessment for the activity; and
- Industry Accreditation/Qualifications in relation to the activity

In addition to this information, specific activities are required to provide additional information to the City before the assessment process. If this is applicable to your application, you will be notified by the City's Permits Officer for further information or documentation.

3. Conditions of Approval

In approving an application for a Permit, the City may impose any conditions as it sees relevant to the application.

Approval to operate will be for a maximum period of twelve months from the date of issue, or less dependent on the applicant's request.

The Permit Holder is required to provide proof of public liability insurance for all permit applications (minimum \$10,000,000), and maintain this insurance for the duration of the permit period.

The Permit Holder is required to respond to any substantiated complaints received in relation to the activity (to the satisfaction of the City).

Permit holders are to ensure compliance with other laws in the City of Rockingham. These include such laws relating to signage approval, parking limitations, noise complaints and litter removal.

4. Policing Conditions Applied to the Permit Holder

Onsite routine inspections will be undertaken to determine if the Permit Holder is complying with the conditions of their Permit. The activity will be given an impact classification upon approval. The impact classification determines the frequency of the routine inspections that will be undertaken over a 12 month period.

Additionally, inspections of the permitted locations will be completed to determine if the operation has had a detrimental environmental impact on the land. Should degradation of the site be evident due to the permitted activity, the permit holder will be requested to undertake necessary repairs and consideration will be given to altering the location of the site or withdrawing permission for the continued use of the reserve by the Permit Holder

Any substantiated complaints received will be forwarded to the Permit Holder for their attention. Should the Permit Holder be unable or unwilling to satisfactorily address such complaints, then the City will give consideration to either varying the conditions of use, altering the location of the site or withdrawing permission for the continued use of the site.

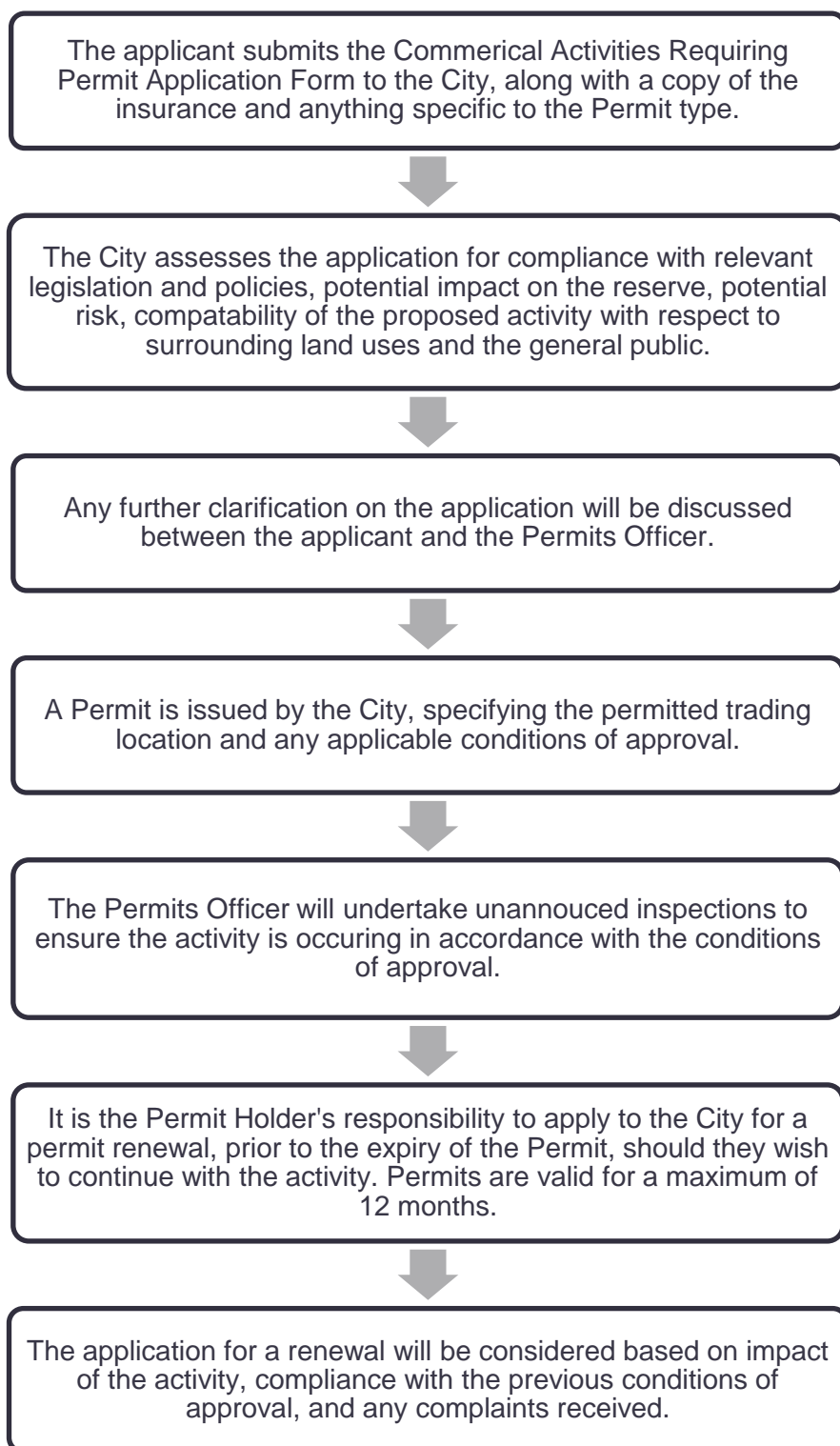
Permit Holders seeking renewal of their Permit, who have not satisfactorily addressed concerns by the City or complaints received, will not have their Permit renewed. It is the Permit Holder's responsibility to renew the application prior to expiration.

If there are serious or ongoing non-compliances with the Permit, the City may issue an infringement or cancel the permit.

5. Traders Permit Application Assistance

The City's Permits Officer is available to assist applicants in completing and submitting their application, and successfully gaining the relevant approvals from the City. The Permits Officer can be contacted directly on 9527 0730.

APPROVAL PROCESS



APPLICATION CONSIDERATIONS

Fees

Commercial Traders Permit (Regular Amusement Operators, Aquatic, Dog Obedience Classes, Bootcamps etc.)

Application Fee \$70.00

Operating Fees (including GST)

Daily Fee \$11.50

Monthly Fee \$115.00

Annual Fee \$1150.00

fees are not applicable for charitable / not for profit organisations, upon evidence of not for profit status.

Insurance

Public Liability Insurance provides the Permit Holder with insurance cover for their legal liability to third parties for injury and/or property damage arising from conducting their permitted activity. Permit Holders must hold a current public liability policy with an APRA (Australian Prudential Regulation Authority) approved insurer.

A copy of the applicant's Public Liability Insurance (Certificate of Currency) with a cover of not less than \$10,000,000 (ten million dollars) must be provided upon application. The insurance must be maintained for the duration of the permit.

Risk Assessment

All applications for Permits are required to include a Risk Assessment. A Risk Assessment must cover the whole operations of your activity and take into account:

- (a) The identification of all potential hazards posed by your activity;
- (b) The likelihood of consequences/outcomes of these hazards; and
- (c) What is the potential risk of the hazard and appropriate control of identified hazards, i.e. what needs to be done to eliminate or control the risk e.g. first aid, emergency response and evacuation plan.

Keys

If you require access to a reserve, a key will need to be organised through the City's Bookings Officer. It is important that you contact the City's Permits Officer one week prior to commencement to arrange for the collection of the key/s to ensure that they are available.

A key bond will be payable for each key upon collection.

Lighting

The City suggests nominating a location that has adequate lighting, especially during early mornings or into the evenings. The lighting around the reserve is set via a timer dependant on the season and will turn on as required. The lighting times will not be changed to suit the Permit Holder.

Floodlighting can be considered upon assessment of the application, however the Permit Holder will be charged accordingly.

Noise

Noise must be kept to a reasonable level to not cause a noise nuisance to surrounding residents during the permitted activity.

The Permit Holder must not use any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound on or from the permitted location.

Protection of Reserves

Each application will assess the potential impact on that reserve. Some reserves may not be able to take activities that are likely to cause damage, where there is heavy equipment proposed to be taken onto the reserve. If the City determines that the proposed location is not suitable for the activity, the City's Permits Officer will endeavour to work with the applicant to find a suitable alternative location.

Upon approval, prior to the commencement of the activity each day, the Permit Holder must:

- (a) carry out a site safety inspection of the permitted location;
- (b) report in writing to the City any unsafe condition with respect to the permitted location or any concern of the Permit Holder; and
- (c) ensure that the Permit Holder's clients are given notice of the unsafe conditions.

If the City determines that substantial damage has been caused by the permitted activity, it is the responsibility of the Permit Holder to rectify the damage. Alternatively, if the City is to repair any damage caused by the Permit Holder or clients, then the cost of repair will be responsibility of the Permit Holder.

Vehicles on Reserves

No vehicle shall drive or park upon or over any portion of a reserve. If vehicle access is required due to heavy equipment, during set up and pack up, the request needs to be noted on the initial Permit application for assessment.

Signage

As part of the approved Permit the City allows for not more than one advertising sign having maximum dimensions of one metre by one metre can only be displayed within the permitted location while the permitted activity is being conducted.

The City is committed to investigating traders operating without a current Permit. In order to identify and monitor these traders, the City provides all Permit Holders with one free a-frame corflute sign that shows you are an approved by the City of Rockingham to conduct your activity. If signs are lost/stolen/damaged and a new sign is required, a \$75 replacement fee will be charged.

Signs remain property of the City and must be returned within 10 working days of cancellation or non-renewal of a Permit. If signs are not returned to the City within the time frame, a \$75 trader's sign fee will be charged to the Permit Holder.

Structures (Stages, Tents, Marquees and the like)

All temporary structures (stages, marquees, tents, spectator stands, outdoor movie screens, fencing etc) which are larger than 3m x 3m require City approval. The information required for temporary structures to be approved includes:

- The purpose for which it will be used.
- The design integrity and ground conditions.
- Erector's competence.
- Manufacture Details:
 - Code/Standards it complies with
 - Structural adequacy
 - Design Parameters.

Further Information

The City's Permits Officer is your contact for the City, and will liaise with any other departments within the City to assist you in successfully obtaining your Permit.

The Permits Officer is also able to arrange for a pre-lodgement meeting to assist you in completing your Permit Application.

The Permits Officer can be contacted directly on 08 9527 0730.

Application for Traders Permit – Commercial Activities

This form is for application of a Traders Permit under the City of Rockingham's Public Places and Local Government Property Local Law 2018. Please allow a **minimum of 21 days** for the application to be assessed once all required paperwork has been received.

| 1. Applicant Details | | | |
|----------------------|---------|-----------|--|
| Applicant Name: | | | |
| Business Name: | | | |
| ABN: | | | |
| Residential Address | Suburb: | Postcode: | |
| Postal Address | Suburb: | Postcode: | |
| Contact Number: | | | |
| Email Address: | | | |

| | | |
|---|-----|----|
| Do you agree to your contact details being given out to the public? | Yes | No |
|---|-----|----|

2. Application Type

| | |
|--|--|
| Fitness Traders | |
| Activities such as personal trainers, boot camps, yoga classes, pilate classes, children's sporting classes and the like | |
| Water Based Activities | |
| Activities such as kite surfing lessons/hire, wind surfing, jet ski hire, surfing, kayak hire/lessons and the like | |
| Amusements | |
| Including inflatable amusements (bouncy castles), mechanical devices, bubble soccer and the like | |
| Non-Food Stalls | |
| All retail stalls including flower stalls and face painting | |
| Animal Based Activities | |
| Activities such as dog obedience classes, petting zoos, horse rides and the like | |
| Other (Please Detail) | |
| | |
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3. Details of Proposed Activity

Description of activity for this permit (detail what services you will deliver/products you will provide on the reserve)

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Information of any equipment, vehicles or structures to be utilised:

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4. Proposed days/times of operation

| Start Date | | Finish Date | |
|------------|--|-------------|--|
|------------|--|-------------|--|

| | Start Time |
|-----------|------------|
| Monday | |
| Tuesday | |
| Wednesday | |
| Thursday | |
| Friday | |
| Saturday | |
| Sunday | |

| Finish Time |
|-------------|
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5. Proposed Locations of activity

Please prepare a detailed site plan of the location/s where the proposed activity will take place. Please note, each permit is limited to a maximum of five locations to operate from.

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|----------------------|--|
| Reserve Name: | |
| | |

| | |
|----------------------|--|
| Reserve Name: | |
| | |

6. Fees

| | | |
|---|-----------------|-----------|
| | Application Fee | \$70.00 |
| Operating Fees | | |
| | Per Day | \$11.50 |
| | Per Month | \$115.00 |
| | Per Year | \$1150.00 |
| Once approval has been granted, a permit fee will be required to be paid prior to the commencement. If the permit is revoked or cancelled by City or applicant, the fee is forfeited. | | |

7. Checklist for Submission

The following information must be provided with this application:

| | |
|--|---|
| | Sections 1 to 6 completed in full |
| | A copy of current Public Liability Insurance Certificate with a sum no less than \$10 million |
| | A completed Risk Assessment for the proposed activity |
| | Copy of Industry Accreditation/Qualifications in relation to the activity |
| | Working with Children's Check (only applicable if you are working with children) |

In addition to this information, specific activities are required to provide additional information to the City before the assessment process. If this is applicable to your application, you will notified by the City's Permits Officer for further information or documentation.

8. Declaration

I, _____ (name of applicant) declare that the information contained in this application is true and correct in every particular. I agree to abide by the conditions set out in the permit and comply with the City of Rockingham Public Places and Local Government Property Local Law 2018 at all times, along with additional Local Laws that may be applicable.

Signature of Applicant: _____ Date: _____

This application does not grant automatic approval. A permit will be issued if approved. The City of Rockingham reserves the right to revoke a permit should the permit holder does not comply with the permit conditions and Local Laws.

Should there be any objections to the decision or any conditions contained within the permit issued; the permit holder/applicant are able to appeal to the City in writing within 28 days of the date of the permit issued or when notification is received.