

## COMMERCIAL ACTIVITIES REQUIRING PERMITS ON CITY AND PUBLIC LAND

### Information and Application Form

#### INTRODUCTION

The purpose of these guidelines is to provide prospective applicants information as to the requirements of obtaining a permit for conducting commercial activities on local government property or public land, and to provide a procedure for the management of these permits.

#### THE LOCAL LAW

A permit is required to operate a commercial business on reserves vested in the City of Rockingham or on Public Land. 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>.

#### WHO NEEDS A PERMIT?

Anyone conducting a commercial business on land that is vested in the City or on public land 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);
- to ensure there is adequate public liability insurance and risk management processes in place, and
- to 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 these local laws 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.

#### 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.

Any controversial or major applications may be deferred to Council and a report will be developed and submitted for elected members to determine the outcome of the application.

## **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 required locations;
- Copy of Public Liability Insurance cover for no less than 10 million. Upon expiry, a new certificate is required to be forwarded to the City;
- Submission of a completed Risk Assessment for 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, you will notified by the City's Permits Officer for further information or documentation.

## **3. Conditions of Approval**

- Standard conditions relating to the conduct of permit holders are set out in Clause 8.5 of the City of Rockingham's Public Places and Local Government Property Local Law 2018. In addition to these standard conditions, in approving an application for a permit, the City may impose such 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.
- The permit holder is required to respond to any substantiated complaints received in relation to the activity (to the satisfaction of the City).
- In addition to this, the City requires the permit holders to be aware of, and comply with other local laws in the City of Rockingham. These include such laws relating to signage approval, parking limitations, noise complaints and litter and rubbish removal.

## POLICING CONDITIONS APPLIED TO THE PERMIT HOLDER

1. Permit holders will then be reminded formally of their obligations and requested to comply with the conditions of approval, or approval to operate may be withdrawn or conditions of use varied.
2. Operating without a permit may incur penalty as described in the City's Local Law. Penalties of up to \$300 per offence may apply.
3. 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 amount of routine inspections the permit holder will have over a 12 month period.
4. 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 operator.
5. Any substantiated complaints received will be forwarded to the permit holder for his/her 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.
6. 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. Upon expiry of the permit, it is the permit holder's responsibility to renew the application within 30 days or expiration.

## FEES AND CHARGES

Fees and charges apply to those operating with a permit. The 2023/2024 Council adopted budget sets the annual fees and charges. The following fees were adopted on 27 June 2023.

### 2023/2024 Permit Fees and Charges:

Annual Permit Fee (not applicable for event permit holders)	\$ 66.00*
Operating Fees (including GST)	
Daily Fee	\$ 11.50
Monthly Fee	\$ 115.00
Annual Fee	\$1150.00

\* GST is not applicable to the annual permit fee.

## DELEGATED AUTHORITY

According to the City's Delegated Authority Register, Manager Health and Building Services has delegated authority to approve Permits and Licences.

## APPLICATION FOR COMMERCIAL ACTIVITIES TRADERS PERMIT

This form is for application of a permit under the City of Rockingham's Public Places and Local Government Property Local Law 2018. All sections of this form must be completed and submitted with the required attachments before this application will be assessed. Please allow a minimum of 21 days from receipt for the application to be assessed.

**1. What category best describes your activity in this permit?**

- A Non-Food Stall
- Personal Trainer/Yoga Instructor/Fitness Classes
- Water Based Activity (kite surfing, kayak hire, paddle boarding)
- Dog Obedience Classes
- Other activity (please detail) \_\_\_\_\_

**2. Which of the following best describes your application for a permit?**

- Renewal
- New Application

**3. Applicant Details**

Name of Applicant:

Registered Business Name:

ABN Number:

Residential Address:

Postal Address:

Telephone:

Email Address:

Details of assistants to be included on this permit:

Will these activities include taking money (making a financial transaction, signing members up to a class etc.)?

Yes  No

#### 4. Details of Proposed Activity

Name and location of reserve for the Proposed Activity (list all that apply) :

Details of type of activity for this permit (detail what services you will deliver/products you will sell on the reserve)

What equipment will you use on the reserve? (Include marquees, tables, chairs, list of personal training equipment, and any other equipment for the activity).

Proposed days/dates and hours of operation:

#### For Fitness Classes/Personal Trainers/Water Based Classes Only

On average how many participants are expected to attend each class?

### 5. Site Plan of Proposed Location

Please prepare a detailed site plan of the location where the proposed activity will take place, please attach a separate document.

### 6. Fees and Charges

Please select your preferred payment method. You will be invoiced for this fee once the application is approved.

Not for profit group/organisation (exempt from fees and charges)

Commercial Operator (select payment charges below)

Application Fee	66.00
Operating Fees: Option 1: \$11.50 per day Option 2: \$115.00 per month Option 3: \$1150.00 per year	
<b>Total</b>	

### 7. Checklist for Submission

- All sections of this application form completed
- Copy of current public liability insurance of a sum not less than \$10 million
- Site plan included for location of activity
- Risk Assessment for activity
- Additional Attachments i.e. Qualifications, Work Safe Plant Registrations, Annual Inspection Certificates of Plant/Equipment and Maintenance Log Books for Plant/Equipment.
- Selected fees and charges for payment

### 8. Declaration

I, \_\_\_\_\_ (name of applicant) declare that the information contained in this application is true and correct in every particular.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Do you consent to giving your business contact details out to the public for advertising? Yes  No