

CUL:

Local Law No. 1 (Administration) 2015

Fees and Charges

Commercial Low Use Assessment fee (non-refundable)	\$219.00
Commercial Low Use Permit fee	\$570.00
Commercial Low Use Permit fee (1-4 days only for one-off event at approved location – Itinerant Food Vendors only)	\$227.00
Not for Profit Permit Administration fee	\$53.00
Application fee for Amendment of Permit	\$64.50

Note: Permits are valid from the date of issue to 31 July each year and incur an annual permit fee
1. Applicant details
Permit holder

Corporation, business, incorporated association, or person	ABN
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Applicant name

Surname	Given names
Postal address	
Email	Phone

2. Business details

Business trading name	
Postal address	
Preferred contact person	Business phone
Email	

3. Permit type

- ☐ **Commercial Fitness Permit** - land based physical fitness or wellbeing activities (i.e. one-on-one personal training, group classes) not including personal therapies or services (i.e. massage).
Please note – relevant fitness industry qualifications must be provided.
- ☐ **Itinerant Food Vendor Permit** - a vehicle selling food or drink from the roadway that travels from place to place to engage in trade, with no fixed operating location (restrictions apply to locations). *Please note – a food licence may be required-please contact Council's Health Department for further information.*
- ☐ **Not for Profit Permit** - Not-for-profit organisation activities that operate on an ongoing, regular, or irregular basis.
Please note – a copy of the not-for-profit registration must be provided.
- ☐ **Other Commercial Activities Permit** - commercial activities held occasionally in low use locations.
Please note – site plan must be provided.

Privacy

Council will use any personal information provided for the purposes of processing your event application and for remaining in contact with you. Please note your information may be shared with other government agencies with an interest in events management. Council is authorised to collect this information in accordance with the Local Government Act 2009 and other Local Government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with council's privacy policy.

4. Permit details

Description of activities to be undertaken

Detail equipment to be used

Preferred location of activity (include beach access number if applicable) – ***attach a site plan***

Land size required: **sqm**

Hours of Operation:
(Fitness sessions restricted
to 1 – 2-hour sessions twice
daily)

Days:

Times:

Attendance Numbers:

Vehicle Details (if applicable):

Registration:

Expiry:

Make:

Model:

Colour:

5. Commercial Fitness Permit details

Is application for Commercial
Fitness Permit?

☐ Yes – complete Item below in full

☐ No – proceed to Item 6.

List relevant fitness industry qualification/s

*** A copy of relevant fitness industry qualifications issued in the name of the applicant must be provided.**

6. Itinerant Food Vendor Permit details			
Is application for Itinerant Food Vendor Permit?	☐ Yes – complete Item below in full Annual – Yes / No One-off - Yes / No		
	☐ No – proceed to Item 7.		
Vehicle details:	Registration:	Make:	Model:
	Rego Expiry:	Colour:	
Select Mobile Food Business type:	☐ Existing: Food Licence No: Attach copy of current Food Licence		
	☐ New : Application to be made for a mobile food business licence with Council's Health Department – see Council's website for details.		

7. Not-for-Profit Permit details	
Is application for Not-for-Profit Permit?	☐ Yes – complete Item below in full
	☐ No – proceed to Item 8.
A copy of the Not-for-Profit Registration must be provided in order to be eligible for the Not-for-Profit classification.	

8. Other Commercial Activities Permit details	
Is application for Other Commercial Activities Permit?	Yes – complete Item below in full
	No – proceed to Item 9
For requested location provide a detailed site plan. Hours of operation limited to 7.00am – 5.00pm only	

9. Application Checklist	
Additional requirements to be submitted with your application form:	
☐ Certificate of Currency (Public Liability Insurance) for minimum \$20,000,000 in the business name, listing Noosa Council as an interested party and list the type of activity covered.	
☐ Provide the non-refundable assessment fees as per below charges	
☐ Copy of relevant fitness industry qualifications (<i>for Commercial Fitness Permit</i>)	
☐ Copy of either current Food Licence or completed Food Licence application (<i>for Itinerant Food Vender Permit</i>)	
☐ Copy of not-for-profit registration (<i>for Not-for-Profit Permit</i>)	
☐ Site plan of locations where activity will be undertaken	
Please ensure you thoroughly read the conditions that may be imposed on a Permit (page 3-4). The conditions contain approved areas of operation or restricted areas.	

10. Declaration of Applicant	
☐ I/We, the applicant, declare that the above information is correct in all respects, at the time of lodgement of this application with the Noosa Council. Should any of the details given in relation to this application be changed in the future, the Applicant shall advise the Council in writing prior to any such change being implemented.	
☐ I/We, the applicant, have read the conditions outlined on pages 3-4 of the application form and agree to abide by these conditions, any other conditions considered appropriate in relation to the permitted activity	
Signature	Date
Signature	Date

Permit conditions

Issued under - Subordinate Local Law 1 (Administration) 2015, Schedule 21 Undertaking regulated activities on local government-controlled areas and roads.

The permit may be granted subject to the following conditions and any other conditions considered appropriate:

Special Permit Conditions

The Permit Holder:

1. **Must only conduct the permitted activity during the permitted hours of operation only using the approved equipment and in a manner that does not cause a nuisance. The use of council-controlled land outside of the permitted operating times is prohibited.**
2. Must hold any necessary qualifications and/or equivalent accreditation to conduct the permitted activity, and ensure these remain current for the duration of the permit period.
3. Must ensure that the permitted activity is conducted in accordance with all relevant industry standards and meets all necessary safety requirements.
4. Must ensure the annual fee associated with this permitted activity is paid in full to council by the required due date.
5. Must display this Permit when conducting the permitted activity on council-controlled land.
6. **Must not conduct the permitted activity using council assets including any playgrounds, picnic facilities, BBQ facilities, memorials, cemeteries, botanic gardens, public car parks, stairways, bollards, barriers, and environmentally sensitive areas (including bushland, sand dunes, creek or river banks, areas undergoing revegetation or rehabilitation) without prior written consent from council.**
7. Must only use the permitted vehicle (if applicable) for the permitted activity.

Permit Conditions

The Permit Holder:

8. Must not seek to represent to any party that this Permit creates a right of tenure.
9. Must not seek to assign, transfer, sublet or mortgage.
10. Must not operate in the area set aside for any other council approved operations or activities such as to cause interference with those operations or activities.
11. Must not interfere with others using the council-controlled land or request others to move from the council-controlled land
12. Must ensure that this Permit is used so that the community purpose of the land can be continued without undue interruption or obstruction.
13. Must ensure that the operation of the permitted activity does not detrimentally affect the amenity of neighbouring premises.
14. Must keep current throughout the duration of this Permit a Public Liability Insurance policy applying to the council-controlled land and the approved activity, with limits of not less than \$20,000,000 (\$20 million) per occurrence and listing Noosa Council as an interested party.
15. Must only display one piece of advertising material for the permitted business and activity that is consistent with the Local Law Signage requirements. One A Frame double sided sign is permitted to be placed within the permitted activity area. All advertising devices must be removed from council-controlled land at the completion of each activity conducted.
16. Must ensure that the operation of the permitted activity does not constitute a risk to road or pedestrian safety.
17. Must ensure that the operation of the permitted activity, including all vehicles and equipment, is maintained at all times, including being:
18. In good working order
19. In a good state of repair
20. In a clean and sanitary condition
21. Must not use amplified noise as part of the operation of the permitted activity.
22. Must not release contaminants into the environment as part of the operation of the permitted activity where the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
23. Must provide waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the permitted activity and removed daily, and ensure no waste is disposed of in any council provided rubbish collection bins on council-controlled land.
24. **Must not interfere with any vegetation including affix, fasten or screw anything to any vegetation or council property.**
25. Must not use lighting to illuminate any part of the permitted location.
26. Must ensure that no animal is within the permitted location unless approved by council.
27. Must ensure operations are in accordance with the *Workplace Health and Safety Act 1995*, and in particular:
28. Must act in a manner that does not endanger the health or safety of any other person using council-controlled land
29. Must carry out a safety direction that is given to the Permit Holder by council or another authorised officer
30. Must not wilfully or recklessly interfere with anything provided in the interest of health and safety at the permitted location
31. Must not carry out any building works in relation to the permitted activity.
32. Must notify council in writing within 3 days of a relevant approval for the permitted activity under another Act being suspended or cancelled.
33. Must not use motor vehicles and/or trailers on council-controlled land, without prior written consent from council.
34. Accepts that from time to time the permitted location may be unavailable to the Permit Holder due to acts of God, maintenance, or temporary events. The Permit Holder will not be compensated by council in any way.
35. Accepts that any loss or damage to any of the Permit Holder's equipment is the Permit Holder's responsibility and council will not be held responsible. All equipment, chattels and the like remain the sole risk of the Permit Holder at all times.

Commercial Fitness Special Permit Conditions

The Permit Holder:

36. Must not conduct the permitted activity at Noosa Main Beach or Noosa Main Beach West.
37. Must not cause unreasonable interference to other users of the council-controlled land or adjacent residents from any intrusive noise due to its frequency, duration, level, tonal characteristics, impulsiveness or vibration. Classes where noise levels exceed this are Boot Camps.
38. Must **only** conduct boot camp style activities at sports grounds as negotiated with the lessee of the sports ground and at beaches not listed in condition 30 where the activity will be a minimum of 200 metres from any flagged area and have a maximum number of participants restricted to 10-15 attendees.
39. Must not exceed 8 participants per session at permitted locations of Noosaville Lions Park and Apex Park on Noosa River foreshore.
40. Must conduct fitness sessions only between 5.00am and 7.00pm daily.
41. Must only conduct a single commercial fitness session at one location at one time.
42. Must not obstruct public walkways, beach access paths or car parks.
43. Must be the operator of the business and be present during all activities conducted on council-controlled land.
44. Must not operate within 100 metres of any residence.
45. Must restrict operating area to maximum of 25-50 sq metres dependant on type of class or location.
46. Must not place any equipment, including markers, at a location more than 15 minutes prior to a class commencing.
47. Must only use equipment such as tyres, cable ropes, sleds etc at sportsgrounds and subject to permission from the sportsground lessee.
48. Must personally assess the area intended to be used prior to each class to ensure that:
 - a. It is safe and suitable for the activities to be conducted
 - b. It is safe and suitable given the weather conditions
 - c. It is suitable should first aid need to be given or an ambulance be required to attend

Itinerant Food Vendor Special Permit Conditions

The Permit Holder:

49. **Must not conduct the permitted activity in any shopping precinct, central business district or high impact area including Hastings Street and Noosa Main Beach precinct and Gympie Terrace Noosaville.**
50. Must not operate the permitted activity within 200 metres of any other business that sells a similar product.
51. Must not park the permitted vehicle for a period longer than necessary to serve a customer who has hailed down the vehicle.
52. Must obtain permission of the owner or occupier of any private land where the permit holder would like to operate from and only remain on site long enough to conclude the sale to persons present at that time. The Permit holder accepts responsibility for obtaining a Material Change of Use where the permitted activity is to operate from private land for any length of time.
53. Must comply with the Food Act 2006 and the Australian New Zealand Food Standards Code (Australia Only) Standards 3.2.2 and Standards 3.2.3

Not for Profit Special Permit Conditions

The Permit Holder:

54. Must ensure any money collection undertaken for charitable purposes is in full compliance with the requirements of the Office of Fair Trading and all associated legislation.

Other Commercial Activities Permit Conditions

The Permit Holder:

55. Must operate within the hours of 7.00am – 5.00pm only.

Other Legal Obligations

The Permit Holder is reminded of the following legal obligations:

56. The Permit holder must comply with all provisions of council's local laws or subordinate local laws relevant to the permitted location and permitted activity under this permit.
57. The Permit holder should be aware that pursuant to the Land Act 1994, council or the Minister must provide twenty-eight (28) days of notice of its intention to cancel this Permit.
58. The Permit holder should acknowledge that pursuant to the Land Act 1994, this Permit does not give or imply any right of renewal.
59. The Permit holder is responsible for ensuring that the operation of the permitted activity complies with all relevant legislation and any development approval, planning scheme or planning scheme policy including but not limited to the *Food Act 2006*.