

POL	RECREATION AND LEISURE TRADERS LICENCE – FORESHORE RESERVES	SC52
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POLICY CODE:	SC52
DIRECTORATE:	Administration & Community Services
BUSINESS UNIT:	Community Services
SERVICE UNIT:	Recreation Services
RESPONSIBLE OFFICER:	Manager, Community Services
FILE NO.:	026/005; 086/001
DATE FIRST ADOPTED:	13 June 2013
DATE LAST REVIEWED:	14 September 2017
ATTACHMENTS:	Yes
DELEGATED AUTHORITY REF.:	N/A
VERSION NO.	2

Dates of Amendments / Reviews:	
DAPPS Meeting:	23 May 2013 28 November 2013 24 August 2017
OCM:	12 December 2013

BACKGROUND:

The City of Cockburn is responsible for managing the activities of reserves and foreshores throughout the municipality which includes 32 active reserves, over 150 passive parks and approximately 17km of the West Australian Coast. There has been a growing trend for commercial operators to run commercial activities on Council managed reserves and foreshores and without any formal approval. The key objective of the Recreation and Leisure Traders Licences is to provide a formal process to assess requests and provide appropriate approvals under a delegated authority. The types of operators that would require a Recreation and Leisure Traders Licence include but not limited to:

- Water sports Schools
- Hire of Beach Equipment

Casual and private users of reserves and foreshores are not required to adhere to this policy.

PURPOSE:

The purpose of this Policy is to:

- (1) Provide a formal process for the approval and authorisation for commercial activities on Council managed foreshore reserves;

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- (2) To establish a standard set of guidelines and conditions for commercial operators to run activities on Council managed foreshore reserves.

POLICY:

To approve formal applications received by Commercial operators to carry out commercial activities on City of Cockburn managed foreshore reserves in accordance with City of Cockburn Local Laws.

Application Process

- (1) *Assessment to undertake Commercial Activities on Council foreshore reserves*

1. Applications for a Traders Licence on Council foreshore reserves must include a site plan showing the area of proposed operation or development, nature of operation, any requirements associated with fixed plant or buildings, times of operation and necessary equipment.
2. Applications will be checked for consistency with any existing development plans, beach and reserve classification, gazetted or priority uses, other existing uses, potential conflict and any perceived beneficial or adverse impacts. If the proposal is in direct conflict with any identified use or beach classification, then the application must be automatically rejected.
3. Minimum \$10,000,000 Public Liability cover to be provided and remain current for the period of licence.
4. Provide up-to-date State and/or National Police Clearance Certificate and/or Working with Children (WWC) check according to the Traders Licence they are seeking, such as:
 - i. State: required if Licensee will be transporting people
 - ii. National: required for all new applicants and renewals
 - iii. WWC: a current check is required for all traders and assistants working in contact with children, (valid for 3yrs)
5. Where required, obtain written approval from the Department of Transport – Marine Division, Fremantle Port Authority, Department of Conservation and Land Management, Work Safe and/or any other relevant statutory authority.
6. Where appropriate provide up to date Accreditation Certification prior to the commencement of operations and such policy to remain during the approval period.

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7. Provide a Risk Management Plan.
8. New licence applications may not be approved if a similar business is operating within at least 500m of the location on the same day/s. The City reserves the right to not provide permits under these circumstances or if there is deemed to be any other conflict to operators within the proximity.

(2) *Conditions of Approval*

Applications received by the City will be assessed by the Chief Executive Officer or nominated officers under delegated authority. The following conditions will be set for all Recreation and Leisure Traders Licences:

1. In general, any commercial operations should be located within the vicinity of existing parking, toilet facilities and take into account reserve access constraints. Proposals requiring extra parking or access are to be assessed in conjunction with a Reserve Management Plan, provided by the applicant, identifying any financial or other support required from Council for establishment and maintenance costs to enable the commercial operation to proceed.
2. Approval to operate will be for a maximum period of twelve (12) months from date of issue.
3. The Licensee is required to ensure that the site is left in a clean and tidy condition during and after use.
4. The Licensee is required to ensure that the natural ground coverage or dune stabilisation growth is not disturbed.
5. The Licensee must forward a Certificate of Currency or copy of the Insurance Policy for a minimum of \$10 million Public Liability Insurance to Council prior to the commencement of operations and such Policy to remain current during the approval period.
6. Compliance with Council's Local Law relating to signs and its statement of planning policy (Part 12 Enforcement of Local Laws, Division 5 Section 12.29) with all signs being removed after each day's trading or as agreed by Council at the completion of the event period in which the operation is included.
7. The Licensee is responsible for ensuring that payment of all Licence and Charge Fees, together with the written approval from other Statutory Authorities, relevant Accreditation Certification and a Certificate of Currency or copy of the Insurance Policy have been submitted to Council's Recreation Services Department prior to the commencement of operations.

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8. Any substantiated complaints received will be forwarded to the operator for his/her attention. Should the operator be unable or unwilling to satisfactorily address such complaints, then consideration will be given to either varying the conditions of use, altering the location of the site or withdrawing permission for the continued use of the site.
9. Operations seeking renewal of their Traders Licence who have not satisfactorily addressed concerns by Council or complaints received will not have their Traders Licence renewed.
10. On-site inspections to be undertaken by Council Staff to determine if the operation has had a detrimental environmental impact on the foreshore area. Should degradation of the site be evident, the operator 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 foreshore or reserve area by the operator.
11. The Council may require an Acoustic Consultants Report from a Member of the Association of Australian Acoustics Consultants, indicating that noise levels will comply with prescribed standards.
12. Fees charged are in accordance with the fees and charges schedule set by Council with the inclusion of a bond at the discretion of the City.
13. Prior to final approval to being issued, Council's staff will ensure that: all fees have been paid, written approval from relevant statutory authorities has been obtained, a copy of the relevant Accreditation Certification, a copy of Public Liability Insurance Policy has been provided and the operator has satisfactorily addressed any previous concerns or complaints received in respect to their previous licence.
14. Council reserves the right to withdraw permission for the use of the site, to alter the location of the site and/or vary conditions of use in relation to any Recreational Traders Licence issued.

(3) Policing and Compliance

1. Council Rangers and CoSafe staff will be advised of all approved Recreational Traders Operators and provided with copies of the letter of approval detailing all conditions applied to the Traders Licence.
2. Duty Ranger and Security to advise Council's Recreation Services staff of any non-compliance of conditions by operators.
3. Operators found to be in breach of licence conditions are to be first formally advised of their obligations and requested to comply with the conditions of approval. Further breaches may result in the licence being withdrawn or conditions of use varied.

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Application for Recreation & Leisure Traders Licence

Please complete this form to apply for a Licence to trade on the City's reserves and foreshores. If you require any clarification about details on the form, please contact Recreation Services on 9411 3444 or email recreation@cockburn.wa.gov.au

Reserve/ Location Required: _____

Business Contact Details

Name: _____

Phone: _____ Mobile: _____

Fax: _____ Email: _____

Business Trading Name: _____

Postal Address: _____

PO Box Address: _____

Telephone Number: _____

Details of Proposed Trading

1. Location of proposed site for which the licence is sought (Attach map)
2. Description of any structures proposed to be used by the applicant and its location
3. Kind of goods or services intended to be sold, hired or conducted
4. Names and addresses and contact numbers of assistants

Details of use

Day	Date	Time (From – To)

Period for which the licence is sort (Maximum period of 24 months)

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Applicant must provide the following:

- 1 An accurate plan and description of any proposed stand, table, structure or vehicle which may be used for the proposed trading; and
- 2 Evidence of Public liability insurance to a minimum of \$10,000,000 cover
- 3 A detailed Risk Management Plan that includes safety equipment, entry/exit points, emergency contacts, dangers and site plan.
- 4 Where required any certified Accreditation and qualifications in chosen field

Fees and Charges Guide

Type of Application	Cost
Yearly License Fee	\$1,500.00
6 month Fee	\$650.00
Monthly	\$216,000
Application Fee (non-refundable)	\$50.00

Thank you for completing this application form for a Recreation & Leisure Traders Licence. Once returned, your application will be processed and if approved a licence will be provided that will provide confirmation of trading and payment information.

Please sign and return completed application along with all supporting documentation to recreation@cockburn.wa.gov.au.

I/We hereby acknowledge having read the Conditions and Applications Process Guidelines and agree to ensure compliance therein.

Name:

_____ Date: _____

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Signature: _____

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Recreation & Leisure Traders Licence Conditions and Application Process Guidelines

Licences are approved in accordance with Part VI, Division 2, and Licences of the Local Laws

Application Process

1. Assessment to undertake Commercial Activities on Council reserves and foreshores

- a) Applications for a Traders Licence on Council reserves must include a site plan showing the area of proposed operation or development, nature of operation, any requirements associated with fixed plant or buildings, times of operation and necessary equipment.
- b) Applications will be checked for consistency with any existing development plans, beach and reserve classification, gazetted or priority uses, other existing uses, potential conflict and any perceived beneficial or adverse impacts. If the proposal is in direct conflict with any identified use or beach classification, then the application must be automatically rejected
- c) Minimum \$10,000,000 Public Liability cover to be provided and remain current for the period of licence.
- d) Provide up-to-date State and/or National Police Clearance Certificate and/or Working with Children check according to the Traders Licence they are seeking, such as:
 - i. State: required if Licensee will be transporting people
 - ii. National: required for all new applicants and renewals
 - iii. WWC: a current check is required for all traders and assistants working in contact with children, (valid for 3yrs)
- e) Where required, obtain written approval from the Department of Transport – Marine Division, Fremantle Port Authority, Department of Conservation and Land Management, Work Safe and/or any other relevant statutory authority
- f) Where appropriate provide up to date Accreditation Certification prior to the commencement of operations and such policy to remain during the approval period
- g) Provide a Risk Management Plan
- h) New licence applications may not be approved if a similar business is operating within at least 500m of the location on the same day/s. The City

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reserves the right not provide permits under these circumstances or if there deemed to be any other conflict to operators within the proximity.

2. Conditions of Approval

Applications received by the City will be assessed by the Chief Executive Officer or nominated officers under delegated authority. The following conditions will be set for all Recreation and Leisure Traders Licence:

- a) In general, any commercial operations should be located within the vicinity of existing parking, toilet facilities and take into account reserve access constraints. Proposals requiring extra parking or access are to be assessed in conjunction with a Reserve Management Plan, provided by the applicant, identifying any financial or other support required from Council for establishment and maintenance costs to enable the commercial operation to proceed;
- b) Approval to operate will be for a maximum period of twelve (12) months from date of issue;
- c) The Licensee is required to ensure that the site is left in a clean and tidy condition during and after use;
- d) The Licensee is required to ensure that the natural ground coverage or dune stabilisation growth is not distributed;
- e) The Licensee must forward a Certificate of Currency or copy of the Insurance Policy for a minimum of \$10 million Public Liability Insurance to Council prior to the commencement of operations and such Policy to remain current during the approval period;
- f) Compliance with Council's Local Law relating to signs and its statement of planning policy (Part 12 Enforcement of Local Laws, Division 5 Section 12.29) with all signs being removed after each day's trading or as agreed by Council at the completion of the event period in which the operation included;
- g) The Licensee is responsible for ensuring that payment of all Licence and Charge Fees, together with the written approval from other Statutory Authorities, relevant Accreditation Certification and a Certificate of Currency or copy of the Insurance Policy have been submitted to Council's Recreation Services Department prior to the commencement of operations;
- h) Any substantiated complaints received will be forwarded to the operator for his/her attention. Should the operator be unable or unwilling to satisfactorily address such complaints, then consideration will be given to either varying the conditions of use, altering the location of the site or withdrawing permission for the continued use of the site;

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- i) Operations seeking renewal of their Traders Licence who have not satisfactorily addressed concerns by Council or complaints received will not have their Traders Licence renewed;
- j) On-site inspections to be undertaken by Council Staff to determine if the operation has had a detrimental environmental impact on the foreshore area. Should degradation of the site be evident, the operator 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 foreshore or reserve area by the operator;
- k) The Council may require an Acoustic Consultants Report from a Member of the Association of Australian Acoustics Consultants, indicating that noise levels will comply with prescribed standards;
- l) Fees charged are in accordance with the fees and charges schedule set by Council with the inclusion of a bond at the discretion of the City;
- m) Prior to final approval to being issued, Council's staff will ensure that: all fees have been paid, written approval from relevant statutory authorities has been obtained, a copy of the relevant Accreditation Certification, a copy of Public Liability Insurance Policy has been provided and the operator has satisfactorily addressed any previous concerns or complaints received in respect to their previous licence;
- n) Council reserves the right to withdraw permission for the use of the site, to alter the location of the site and/or vary conditions of use in relation to any Recreational Traders Licence issued;