



Mareeba

SHIRE COUNCIL

GUIDELINES

COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS APPROVAL

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This document sets out Council's guidelines for the use of Local Government Controlled Areas and Roads within the Mareeba Shire Council. This should be read in conjunction with Council's Local Law 1– Administration and Subordinate Local Law 1 – Administration.

1. AIM

The aim of this guideline is to;

- Control and regulate the use of Local Government Controlled Areas and Roads within Mareeba Shire Council through the implementation of Council's Local Law 1– Administration and Subordinate Local Law 1 – Administration.
- Ensure pedestrian movement is not impeded.
- Avoid clutter and visual pollution created by excessive use.
- Provide liability protection to Council.

2. APPLICATION PROCEDURE

- All applications shall be made in writing on the approved form.
- An application for approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.
- Application for a Commercial Use of Local Government Controlled Areas and Roads Approval may be refused if received without sufficient documentary evidence of public liability insurance.
- Goods and other furniture are to be positioned only outside the front of the business concerned and are not to be displayed outside an adjacent business without approval. An application to use the footpath in front of an unrelated business will only be considered where the applicant has sought approval or consent from that business.
- Council's delegated officer is authorised to approve applications and issue an approval or refuse the application. The applicant is to be notified in writing of the outcome of the application and where the application is not approved, the reasons why must be stated.

3. APPROVAL

- The term of the approval shall be the term stated in the approval.
- The approval will expire on 30 June each year. Applications for renewal of the approval shall be made prior to the expiry of the approval.
- As a condition of the approval and in compliance with the Local Law it is the responsibility of the applicant to maintain adequate public liability insurance at all times.
- Approvals may be issued with conditions, including the need to comply with relevant guidelines.

4. ADDITIONAL CRITERIA FOR THE GRANTING OF APPROVALS

For all approvals, the additional criteria include;

- The physical suitability of the area or road for the proposed use.

- The likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians.
- The likely effect on the amenity of the surrounding area.
- The likely effect on the local environment and any risk of pollution or other environmental damage.
- The appropriateness, quality and condition of equipment to be used in the activity
- The likely impact on the ability of the general public to use the site concurrently with the proposed activity.
- Whether the applicant’s proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.
- Whether the application provides documented evidence that the applicant holds a public liability insurance policy that complies with the Local Government’s published standard requirements for public liability insurance for approval holders.
- See attachments for further criteria regarding individual activities

5. PUBLIC LIABILITY INSURANCE

The application must be accompanied by documentary evidence that the applicant has obtained public liability insurance for an amount not less than stated in the table below for the relevant activity.

Council is to be a named insured party or listed as an interested party in the insurance policy. The application for the approval of Commercial Use of Local Government Controlled Areas and Roads will not be accepted without a certificate of currency or a copy of the current insurance policy.

The renewal date for the public liability insurance must be kept in force for the whole of the period that the approval covers. The cover must be current to 30 June. This information will be recorded in Councils' register and proof of renewal of the insurance policy is to be provided to Council each year. Failure to provide Council with proof of renewal of the insurance policy may result in cancellation of the approval.

Activity	Required Level of Cover
Goods on Footpath	\$5,000,000
Outdoor Dining/Approved Furniture on Byrnes Street Mareeba	\$10,000,000
Busking	\$1,000,000
Roadside Vending	\$10,000,000
Tradesman utilising footpath - pedestrians on footpath	\$10,000,000
Tradesman utilising footpath - pedestrian on road	\$20,000,000
Depositing Goods/Materials - Hoarding, Scaffolding or Gantry	\$20,000,000

6. ENFORCEMENT PROCEDURES

The following procedure will be followed in dealing with breaches of the Local Law relating to the Commercial Use of Local Government Controlled Areas and Roads activity.

- A compliance notice will be issued advising of Council’s requirements and the action that Council will take upon further non-compliance with the approval conditions or breaches of the Local Law. Where the breach is that no approval has been issued, advice will also be given on how to make an application for approval.
- **If a person fails to comply with a compliance notice, a penalty infringement notice may be issued and any furniture or items relevant to the activity removed by an authorised person.**

7. FEES - See Schedule of Fees and Charges - Environmental Health & Local Laws

8. Further Information

8.1 BUSKING

Where approval is for busking further guidelines and conditions are applicable;

1. ASSESSMENT GUIDELINES

In assessing an application for busking on the footpath, the following shall be considered:

- The application for a busking approval will not be considered without a certificate of currency indicating that the applicant has adequate public liability insurance. The policy must be for at least \$1,000,000 and Council is to be a named insured party or listed as an interested party in the insurance policy. Where performers do not hold current public liability insurance, the cover may be purchased from Council for a fee. Public liability cover will be required for each busker, regardless of age.
- The applicant must nominate an area in which they wish to perform. If in Kuranda the applicant must nominate one of the following designated areas:
 - In front of 38 Coondoo Street (property owned by Telstra) (Lot 715 NR7409)
 - In front of the Heritage Market, Rob Veivers Drive, Kuranda (Lot2 RP736332)
 - 7 Coondoo Street - Outside St Saviours Church (Lot 406 NR7409)
 - 9 Coondoo Street - Outside Djurri Dadagal (Lot 405 NR7409)
 - Therwine Street - outside the information Centre (Lot 13 K4019)
- The applicant must nominate the times when they wish to perform.
- Where the proposed site is not a designated area, written consent of the adjacent business operators must be supplied with the application.

2. APPROVALS & CONDITIONS

- Applications for renewal of the approval may be made prior to expiry of the approval.
- As a condition of the approval, and in compliance with the local law, it is the responsibility of the applicant to maintain adequate public liability insurance at all times.
- Approvals may be revoked at any time.
- The use of abusive, profane, offensive or harassing behavior will result in the cancellation of the approvals.
- No amplification is permitted.
- No flammable liquids or lit torches are to be used.
- No knives, whips or sharp objects are to be used.
- The approval may be limited to specific times depending on the intrusiveness of the performance.
- A three month or an annual busking approval can be obtained

3. SITING REQUIREMENTS

- Buskers can only perform in the location detailed on their approval. The areas designated for busking and listed in section one of this guideline are to be determined by Council.
- The applicant must seek approval or consent from the adjacent business operator

4. See Schedule of Fees and Charges - Environmental Health & Local Laws